

**RECORD OF PROCEEDINGS  
SPECIAL MEETING OF THE BOARD OF DIRECTORS OF  
WHISPERING PINES METROPOLITAN DISTRICT NO. 1**

*Tuesday, May 7, 2024 - Zoom Videoconference*

**BOARD OF DIRECTORS IN ATTENDANCE:**

A special meeting of the Board of Directors of Whispering Pines Metropolitan District No. 1, City of Aurora, Arapahoe County, Colorado, was called and held as shown above and in accordance with Colorado state statutes as applicable, with the following Directors present and acting:

Matt Kehoe	(by videoconference)
Tim Strach	(by videoconference)
Tyler March	(by videoconference)
Joseph DiBiasio	(by videoconference)
Hector Guitron	(by videoconference)

**ADDITIONAL ATTENDEES (by videoconference):** Lisa Mayers, District Counsel, Spencer Fane LLP; Diane Rodriguez, Community Resource Services; Angela Elliott and Joe Saunders, District Managers, Marlene Pappas, Teleos Management Group; and members of the public.

**I. ADMINISTRATIVE MATTERS**

**A. Call to Order/Establish Quorum**

The Board noted that a quorum was present for the purpose of conducting a meeting of the Board of Directors of Whispering Pines Metropolitan District No. 1, and the meeting was called to order at 6:31 p.m.

**B. Disclosure of Potential Conflicts of Interest**

Director DiBiasio disclosed that he owns the company that was previously awarded the contract to paint the interior and exterior of the clubhouse. No other disclosures were provided.

**C. Approval of Agenda**

The Board reviewed the May 7, 2024, meeting agenda and approved the agenda as presented.

**D. Consider Approval of the Minutes of the March 5, 2024 meeting.**

Following discussion and upon motion made by Director Kehoe, seconded by Director DiBiasio, upon vote and unanimously carried, the Board approved the Minutes of the March 5, 2024, meeting as presented.

## **II. FINANCIAL MATTERS**

### **A. Review and Ratify the Payment of Claims**

The Board received the Payment of Claims, check #'s 51-64 and EFT's 46-58 totaling \$82,714.55 for claims paid through May 1, 2024.

Following discussion, on motion duly made by Director Strach, seconded by Director Kehoe, and upon vote unanimously carried, the Board ratified the claims paid through May 1, 2024, in the amount of \$82,714.55.

### **B. Review and Accept the March 31, 2024 Financial Statements**

District Accountant Rodriguez reviewed the March 31, 2024, Financial Statements with the Board. The General Fund ending balance as of March 31, 2024, was \$366,063. As of March 31, 2024, the Capital Fund balance was \$456,138 and the ending balance of \$760,328 remained in the Debt Service Fund.

Following discussion, upon motion duly made by Director Strach, seconded by Director Kehoe, upon vote and unanimously carried, the Board accepted the March 31, 2024, financial statements as presented.

### **C. Review and Consider Approval of Cash Flow Position**

Following discussion, upon motion duly made by Director March, seconded by Director Strach, upon vote and unanimously carried, the Board accepted the March 31, 2024, cash flow position as presented.

## **III. Director Matters**

### **A. Operations Committee Report (Director Kehoe)**

Director Kehoe reviewed the process associated with moving the mail kiosks. S. Ider Court across the street and Ider to E. Clifton Dr. K & W Solutions total cost is \$15,275.00. Director Kehoe discussed the need to add \$800 to the cost due to moving sprinkler lines.

Following discussion, upon motion duly made by Director March, seconded by Director Strach, upon vote and unanimously carried, the Board approved K & W Solutions proposal in the amount of \$15,275, to move the 2 mail kiosks, and to add \$800 for moving the sprinklers affected by the kiosk moves, both as presented.

### **B. Finance Committee Report (Director Strach)**

Director Strach advised the Board that the Finance Committee has not recently held a meeting and did not have anything to report. Committee is expected to meet in June or July to review mid-year financial statements.

### **C. Covenant Enforcement Committee Report (Directors March and Strach)**

Director March updated the Board that there are 12 open violations and 23 violations that were closed.

Director March discussed the timeline provided to homeowners to complete their

backyards. A current homeowner is asking the Design Committee to allow completion of their backyard landscaping within the next 4 to 5 months. After discussing the current requirement, the Board decided to maintain the completion date of 30 days after receipt of violation notice for this property and directed the Committee to provide the standard violation notices.

**D. Design Review Committee Report (Rita Cuthbertson)**

Ms. Cuthbertson reported that 16 applications were reviewed. The total applications did not include the automatic approvals, such as design requests for installing solar panels. Ms. Cuthbertson asked for volunteers to join the design committee and requested that a notice seeking volunteers be put in the newsletter.

**E. Planning Committee Report (Director Kehoe)**

Director Kehoe discussed that Lennar Homes is starting to build homes in their new development located south of the Whispering Pines community.

**F. Social Committee/Communication Committees (Noelle Dilts)**

Noelle Dilts discussed the Easter Egg Hunt held on March 30, 2024 and the upcoming community garage sale scheduled for May 31, and June 1, 2024. Plans are underway for the Annual Meeting to be held at the clubhouse on June 22, 2024. Food and refreshments will be provided.

Also, the Committee is planning a July 4<sup>th</sup> parade and Rib Fest BBQ on July 13, 2024 in the Nova Place neighborhood. Ms. Dilts asked for volunteers to join the Social Committee and to include a note seeking volunteers in the next newsletter.

**G. Update on New Website (Director Kehoe)**

Director DiBiasio and Director Kehoe will be scheduling a meeting with a website company to discuss the upcoming Accessibility Standards for Individuals with a Disability for Information Technology Systems Employed by the District to be implemented by July 1, 2024. The website company will provide more information to the Board at the July 2, 2024, meeting. District Counsel Mayers discussed the possible extension of the July 1, 2024 deadline through pending legislation and will provide management with standard language regarding accessibility and accessibility officer.

**H. Pool and Clubhouse Report (Director DiBiasio)**

**1. Tesla's Charging Stations**

Director DiBiasio stated that after researching the costs involved with purchasing and installing of electric vehicle charging stations at the clubhouse, the high costs of \$100,000 to \$150,000 were not budgeted in 2024 and the topic will be put on hold until 2025 budget discussions. At present, the project is not economically feasible for the District.

**2. Pool/Electrical Room remediation**

Community Manager Saunders discussed the progress of the pool/electric room repairs. The project will be completed by May 21, 2024.

District Manager Elliott updated the Board on the receipt of the insurance payment of \$7,900 for the repairs.

### **3. Update on Feasibility Study (enclosure)**

Director DiBiasio updated the Board with the results of the homeowner's survey created on April 5, 2024, on the possibility of getting a coffee business to locate a mobile coffee cart in the clubhouse for five days a week. The overall responses of homeowners were not in favor of having a coffee service company in the clubhouse. The proposal was tabled indefinitely because of the lack of community support.

### **4. Clubhouse Rental Fees**

Director DiBiasio discussed whether there were existing standards for charging the rental fees of the clubhouse. A resident homeowner was not charged the fees for renting the clubhouse for a limited community event. District Counsel Mayers stated the Board had a right to adopt policies on parameters with waiving fees. The act of waiving fees would not necessarily be endorsement of a private event held at the clubhouse, which may restrict attendees, such as by age or gender. Private events can be restrictive. All events sponsored by the District must be sensitive to any potentially discriminatory restriction of attendees.

Director DiBiasio also included in the discussion whether the waiving of rental fees should be dependent on the type of events that will be held, from card clubs to receptions. There was discussion whether the higher priority in making reservations would be provided to paying renters versus non-paying renters.

Director DiBiasio will work on a draft policy agreement regarding the waiver of fees to be reviewed by legal counsel and then by the Board at the July 2, 2024 meeting.

### **5. Additional Clubhouse Cameras**

Director DiBiasio and Marlene Papas of Teleos Management Group met with the current company, Etek, which provides the security cameras and software used at the clubhouse. Two cameras can be added to the system, providing a total of 8 cameras. The vendor suggested adding a camera at the pool and one pointing at the main entrance gate. A cost proposal will be provided by first week in June, 2024.

### **6. Umbrellas and Permanent Shade Structure(s)**

Director DiBiasio discussed how several umbrellas were purchased in 2023 and broke in a matter of weeks. Director DiBiasio will research proposals for more permanent shade structures for the pool deck area and/or grass area and update the Board at the July 2, 2024 meeting.

## **IV. Management Report**

### **A. Management Report March 6, 2024 to May 7, 2024**

Ms. Elliott referenced her report in the Board packet. There were no questions asked of Management.

Community Manager Saunders is completing an RFP for repair and staining of the District owned fencing in Filings 1, 2 and 3. Three proposals will be provided to the Board by the July 2, 2024 meeting.

**C. Discuss on Tree Replacement Update (Enclosure)**

Davey Trees will be starting tree replacement, weather permitting, during the week of May 20, 2024. Davey Tree and BrightView are in communication with each other and coordinating the watering of newly planted trees.

**D. Bids for HVAC and Plumbing Service Maintenance**

Community Manager Saunders discussed researching 3 HVAC and plumbing companies to provide proposals for preventative maintenance procedures on mechanical systems in the clubhouse. Mr. Saunders will update the Board at the July 2, 2024 meeting.

**E. Discussion on Pool Contract and Opening**

The Board discussed the swimming pool maintenance proposal for 2024. Director DiBiasio discussed the cleaning procedures and brushing the bottom and interior walls of the pool.

Following discussion, upon motion duly made by Director Strach, seconded by Director DiBiasio, upon vote and unanimously carried, the Board approved Clean Pool's proposal starting May 1, 2024 through September 2, 2024, in the amount of \$5,980, for 3 days a week service, as presented.

Marlene Pappas stated that on May 24, 2024 at 8 AM, the pool is scheduled to open to the homeowners of Whispering Pines. Since last year's pool quiet time was a success, it was decided to keep the policy of daily quiet time of 8 AM to 10 AM to remain in effect. Marlene will be at the clubhouse on May 24, 2024 to assign fobs for homeowners. New fobs are provided at no cost, second fobs will cost \$25 and lost fobs will be replaced at a cost of \$50 each.

**V. Legal Items**

Ms. Mayers did not have additional legal matters to present besides what has been already discussed in the meeting.

**VI. PUBLIC COMMENT**

Attendees are given the opportunity to address the Board regarding District and community-related matters with each comment limited to three minutes.

A homeowner discussed a couple of locations on South Jackson Gulch Way that have dead trees. He asked to meet Mr. Saunders at the community to make sure the trees were identified. Mr. Saunders provided his email address to the homeowner in order to schedule meeting at community.

**VII. OTHER BUSINESS**

None

**VIII. CONTINUATION / ADJOURNMENT**

With no further business having come before the Board, Director Kehoe adjourned the

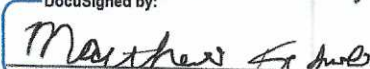
meeting at 7:51p.m.

Next Board Meeting – July 2, 2024, at 6:30 PM; Annual Meeting is being schedule for June 22, 2024

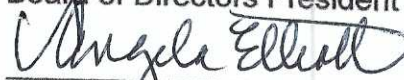
The foregoing minutes make up a true and correct copy of the record of proceedings of the regular meeting of the Board held on May 7, 2024, and was approved by the Board of Directors of the Whispering Pines Metropolitan District No. 1.

Respectfully Submitted by:

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Board of Directors President



Secretary for the Meeting