

**Harris Park Metropolitan District Regular Meeting.  
September 9, 2023 Agenda  
2154 Shelton Drive Bailey, CO 80421 @ 9am.**

*If audience members engage in video recordings of the meeting, the members must be behind the kitchen counter. If audience members engage in audio recordings of the meeting, the recorder must be placed on the table in front of them, for other audience members to see.*

*Personal conflicts and grievances between community members are to be addressed on personal time and not at Harris Park Board meetings. Sarcasm between community members at board meetings will not be tolerated. Board meetings are for community business only.*

**AGENDA**

- I. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum.
- II. Consider Approval with Changes to the September 9, 2023 Agenda.
- III. Consider Approval with Changes to the August 12, 2023 Meeting Mins.
- IV. Consider Approval with Changes to the August 25, 2023 Meeting Mins.
- V. Legal.
  - A. Update on Gold's Concrete with Anita.
- VI. Consider Approval of paying bills.
- VII. Guests.
  - A. Anita.
- VIII. Water and Sanitation.
  - A. Meter Readings.
    1. August.
      - a) Hydrant.
        - (1) CC Hydrant: 1443001.5
        - (2) Last month: 1440969.4
        - (3) Usage: 2032.1
      - b) Well.
        - (1) CC Well: 1017607.6
        - (2) Last month: 1017456.5
        - (3) Usage: 151.1
      - c) UV: 219
      - d) Lake 1: 13.8
      - e) Lake 2: 17.2
    - B. Info.
- IX. Committees.
  - A. Potential committee money for budget 2024.
- X. Financial.
  - A. Reports.
- XI. Old business.
  - A. Hydrant lock.
  - B. Credit Card.
  - C. Hiring a cleaner for the CC.
  - D. Change meeting dates for 2024 to the 3rd Saturday of the month.
  - E. Budget 2024.
  - F. USFS Prescribed Fire Public Meeting at CC.
  - G. Septic Inspection costs.
  - H. Playground sign.
  - I. USB drive for all directors (confirm that Monique and Anita are the only people missing USB).
- XII. New business.
  - A. HP Emergency Awareness Committee Leadership Meeting.

- B. Insurance.
  - C. Public notice for variance application.
  - D. Online bill payment for regular vendors.
  - E. Road committee.
- XIII. Public Comment.
- XIV. Adjournment.

NEXT REGULAR BOARD MEETING WILL BE HELD ON **10/14/23 AT 9:00 A.M.**

Harris Park Metropolitan District Community Center, 2154 Shelton Drive, Bailey, Colorado 80421

**September 9, 2023 Meeting Mins.**

- I. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum (9am).
- II. Attending
  - A. Board.

Steve M	Mercedes S	Beth B (Z) for part of the meeting.
Chris M	Monique B (Z)	

- B. Community.

Steve E	Daria E	Jean	David
Don	Rick	John	Debbie (Z)

- III. Consider Approval with Changes to the September 9, 2023 Agenda.
  - A. Changes.
    - 1. Mercedes: add road committee under new business.
  - B. Motion to approve the September 9, 2023 Agenda with changes.
    - 1. MS Motion.
    - 2. CM Seconded,
    - 3. Approved,
- IV. Consider Approval with Changes to the August 12, 2023 Meeting Mins.
  - A. Changes.
  - B. Motion to approve the August 12, 2023 Meeting Mins. with changes.
    - 1. SM Motion.
    - 2. MS Seconded.
    - 3. Approved.
- V. Consider Approval with Changes to the August 25, 2023 Meeting Mins.
  - A. Changes.
    - 1. Changes from Anita for executive session with statue cited when entering and leaving executive session.
  - B. Motion to approve the August 25, 2023 Meeting Mins with changes.
    - 1. MB Motion.
    - 2. MS Seconded.
    - 3. Approved.
- VI. Legal.
  - A. Update on Gold's Concrete with Anita.
    - 1. Had a meeting with JDS and they are willing to send plans to the safety bureau. They will not do anything outside of getting the dam safety bureau to sign off on the project. They will not review and comment on the work already done by Gold's Concrete.
    - 2. Steve wants to talk about the amendment to the contract with Golds and paying the invoice sent by Golds for the work done. He thinks it would be better to not have to enter litigation if possible. Mercedes is wondering if we pay the invoice, if we can then go back and charge them for any work that was not completed but paid for.
    - 3. Anita: the board is in a difficult position because you have to decide how much you are willing to pay. She has reached out to the golds attorney and they indicated that they are pursuing collection on the invoice. If the district has claims against golds in the future through reports or future work, the board can pursue the claims then. The issue right now is that golds is going to pursue

- enforcement with litigation for their payment at this time. We do not have all the info of how much of the work was done and the quality, but I can confirm they are pursuing collection on the invoice.
4. Monique: Did Steve talk to them about paying for what is done? Steve has not had any conversations with gold about what is going to be paid. Steve does have questions about some of the charges that have a lack of documentation for the expenses incurred. Steve does feel that it could be beneficial to pay the amount and sign the resolution now and avoid litigation and then go back and file claims where needed.
  5. Discussion about the possible ways to pay the invoice and ask for proof of work that was done. Anita recommends that we sign an amendment to the contract regardless.
  6. Discussion about what JDS is willing and unwilling to provide for the project. We should be receiving an email from them outlining what they will do. Submit plans to Dam safety.
  7. Beth is curious why JDS will not access Gold's work. She does agree that Gold's should be paid for the work done, but it should be the work correctly done. She thinks the biggest problem right now is we need to pay them, but how much is a fair amount to pay them. The amendment would ensure that Gold's has to come back and finish the job for the previous price. So the contract is for \$128,000, and that is all the district would pay.
  8. Litigation could become very expensive and take a long time. Both sides are going to hire experts to analyze the situation. Gold's did agree to do the work for a specific amount. That could change with the new plans that JDS is making, and Golds could come back and say their bid amount is different. Estimate from Anita: 20,000 to 30,000 for litigation over a contract dispute. It is just an estimate though.
  9. Chris is wondering why Golds was there at the meeting on Sept 1. The attorneys agreed that Gold could have a representative there during the JDS meeting. Golds attorney emailed Anita right before the meeting to see if they could attend the meeting and Anita asked Steve M if that was ok. Usually both sides are allowed representation during litigation and it is a typical operating procedure to allow both sides to be present.
  10. MOC
    - a) MOC believes we are in the position we are in due to Golds. The district did not do anything to cause the issues we are currently facing (issues from the dam safety representative). He believes that the district should not be held accountable for Golds mistakes, and that Golds should not receive payment.
    - b) MOC believes that Golds should be kept in the loop. They are supposed to come back in the Spring. In the Spring, if the plans show a different route then golds will have to be corrected and that will be on their dime. Pay now and they fix any mistakes.
    - c) MOC is curious why the attorney did not pursue contract breach by Golds. Why is the district bending to Golds when they did not uphold their end of the contract. They deviated from the contract and the board did not breached the contract at any time. Anita does not think there is enough information to prove who is right or wrong at this time. The plans were old, the district stopped the work and that would mean the district technically breached the contract at that time. Both sides have breached the contract. Everything that is happening is all contract changes. Gold does have a legitimate legal claim to be paid for their work (quantum meruit). Anita believes they do have a strong claim for quantum meruit; therefore, they should be paid for work that was done. As of right now, we do not know what problems we are facing because we do not have an engineer to tell us.
    - d) MOC is curious how we are in breach of contract for stopping the work. District did not give 5 days notice.
    - e) MOC thinks the bill should be paid and then have the corrections done through the continuance of the process. We can always come back later and pursue litigation for any unsatisfactory work on our end. Work was done and they should be paid for that.
    - f) MOC feels the board has not done their job and is refusing help from the community. He is curious if his letter was sent to the attorney outlining the work done and fair amounts for said work. Unless the board has breached the contract, Golds does not have anything



- to stand on. We should not pay the full amount of the invoice and negotiate what we are willing to pay.
- g) MOC thinks we should build a bridge with Golds to ensure our needs are met and avoid litigation. The funds that would go to litigation could be better spent elsewhere for the community. Agrees with the Attorney.
  - h) MOC would like to see a report of what is wrong with the work that was being done.
  - i) MOC is concerned about the route the lawyer is recommending.
11. Beth: We do not have an engineer stating what is wrong. We do have dam safety stating that the work is incorrect. Why is that not good enough to state that there is work that is not correct. Steve agrees that there are problems with the work. The problem right now is whether or not we pursue litigation. Steve believes that any deficiencies with the project will be corrected with the new plans and future work. He thinks the important thing right now is to avoid litigation.
  12. Steve is wondering if the amendment to the contract needs to be modified (yes).
  13. Anita agrees with the points the MOC are making. She can not tell the board what to do. She can give legal advice to the board. You can wait until the engineer sends their report and then go off the report.
  14. Steve: Do we want Anita to revise the amendment based on the information that has come up since the first draft?
    - a) MOC
      - (1) MOC if we pay them, is there a way we can have someone on site to ensure the project is done correctly. (yes we can hire a project manager).
    - b) Chris: We need to present the letter from the community to Golds and start negotiating the price for the invoice. Start with the agreement for the invoice price then sign the amendment. Anita agrees we negotiate first and then draft a new amendment. The board needs to decide what negotiations they would like to do. Executive sessions can be held for negotiation.
    - c) Mercedes: would we attempt to find an engineer to review the work already done? Steve: the board would need to decide if they would base it off Rick's email, or look for an engineer. My focus remains to try and avoid litigation.
      - (1) MOC I think starting at Rick's estimate would be a good place to start negotiation and seems like a fair amount.
      - (2) MOC thinks we need to address the cost of JDS now on the project and also how we ensure that gold does not adjust their price in the spring. The district is incurring costs already due to golds' mistakes. Negotiations have to be extremely clear about if golds is going to finish the project and if there will be any additional costs. We need to address the contract along with what we are willing to pay.
      - (3) MOC is wondering if the board should be preventive or reactive. We should get all the information first and then decide what to pay. Discussion about paying the invoice and avoiding litigation vs getting all the information we need and then review the contract and invoice and get all the info to the attorney. Steve is worried that by the time we would be able to get all the info and review, we would have to enter litigation first.
      - (4) Discussion about the dam safety email stating the work was not acceptable and why the district should/shouldn't pay for unacceptable work.
  15. Chris thinks Anita should be better brought up to speed with what dam safety has sent us. He thinks renegotiation should be the first step. He is also concerned that Golds could shut their doors before they come back for the project and the district would be out that money with no recourse.
  16. MOC thinks we should review what we may pay them and all additional costs. The district also runs the risk of Gold walking away and the district has to start over.
  17. Motion to base our payment off Rick's number at \$25,464 for payment for work completed and start negotiation through the attorneys.
    - a) CM motion.
    - b) MB seconded.

- c) Approved.
  - 18. Mercedes would like to set up a timeline of all the events that have taken place. She also would like to have JDS send a project manager.
  - 19. MOC would like to ask Anita about what we could do for the road.
    - a) Further discussed under Road Committee in New business.
- VII. Consider Approval of paying bills.
  - A. Changes.
    - 1. Mercedes: add \$300 for septic inspection. \$4000 for fish delivery.
  - B. Motion to approve the paying of bills.
    - 1. CM motion.
    - 2. MB seconded.
    - 3. Approved.
- VIII. Guests.
  - A. Anita.
- IX. Water and Sanitation.
  - A. Meter Readings.
    - 1. August.
      - a) Hydrant.
        - (1) CC Hydrant: 1443001.5
        - (2) Last month: 1440969.4
        - (3) Usage: 2032.1
      - b) Well.
        - (1) CC Well: 1017607.6
        - (2) Last month: 1017456.5
        - (3) Usage: 151.1
      - c) UV: 219
      - d) Lake 1: 13.8
      - e) Lake 2: 17.2
  - B. Info.
- X. Committees.
  - A. Potential committee money for budget 2024.
    - 1. Nickie is budget officer for 2024.
    - 2. Mercedes needs the numbers for committees by the next meeting.
    - 3. Mercedes would like to add repairs to the CC for the 2024 budget.
      - a) Start getting bids for renovations for the CC. There was money budgeted for 2023 for renovations.
      - b) We need to bring a contractor in to start giving repair recommendations. MOC recommends we start with a design to start.
      - c) Chris has started asking people to come look at the CC. His contractor said the board needs to decide what they want and then bring someone in. Mercedes is wondering if a board member will take the reins on the contract and start the process. Chris said that he is willing to take it on.
    - 4. Rec com
      - a) Christmas: 1500
      - b) Easter 1000
      - c) Halloween 1500
      - d) Karaoke 100 per
- XI. Financial.
  - A. Reports.
    - 1. WS: 213599.43
    - 2. Rec: 23343.00
    - 3. Conservation Trust: 8856.32
- XII. Old business.
  - A. Hydrant lock.

- B. Credit Card.
    - 1. Steve brought a working doc for the credit card doc.
    - 2. Steve will send an editable doc to the admin.
    - 3. Authorize uses of the card he would like the board to review.
  - C. Hiring a cleaner for the CC.
    - 1. 3 bids Grease busters: \$317, Lindsay: \$150, Pine and Shine: \$180.
    - 2. Mercedes provided a criteria list for what she would like done.
    - 3. Has to be insured.
    - 4. Motion to contract with Pine and Shine.
      - a) SM motion.
      - b) CM seconded.
      - c) Approved.
  - D. Change meeting dates for 2024 to the 3rd Saturday of the month.
    - 1. Do not change meeting dates.
    - 2. Inform vendors that their cut off date is the 1st.
  - E. Budget 2024.
    - 1. Nickie asked if we wanted to do a committee for the budget.
    - 2. No volunteers for the committee.
  - F. USFS Prescribed Fire Public Meeting at CC.
    - 1. Mins from the meeting.
    - 2. There was an error, it is a 10 year mitigation plan.
    - 3. FD needs to have a controlled burn in OCT. They are trying to set a date for a community meeting to inform what will take place. They will help people with medical issues and will have a measuring device to measure the smoke.
    - 4. There will be a community meeting to fully inform the public.
  - G. Septic Inspection costs.
    - 1. Inspector will come in this month and do the inspection.
  - H. Playground sign.
    - 1. Chris is working on it.
  - I. USB drive for all directors (confirm that Monique and Anita are the only people missing USB).
    - 1. Anita and Monique need one.
- XIII. New business.
- A. HP Emergency Awareness Committee Leadership Meeting.
    - 1. Report sent via email.
    - 2. Will plan the day and time.
  - B. Insurance.
    - 1. E and O insurance for admin.
    - 2. \$294.50 annually.
    - 3. Motion to cover half the costs for E and O for admin
      - a) MS motion.
      - b) CM approved.
      - c) Approved.
  - C. Public notice for variance application.
    - 1. HP is an adjoining property to the Blau property.
    - 2. Blau is putting a roof over his deck that is already existing. There is no effect on our property. PC has a requirement that adjoining property owners.
  - D. Online bill payment for regular vendors.
    - 1. Ask Nickie for recommended vendors that would be paid online.
    - 2. Steve does not see an issue for setting up autopay as long as we approve payment first.
  - E. Road committee.
    - 1. Mercedes received a lot of info between community members and PC.
    - 2. Previous attorney did send docs to PC.
    - 3. Mercedes would like to have Anita reach out to PC again to fix the roads.

4. Members of the community have offered to help with the work as long as PC covers the materials and permits.
5. Was the county receptive to local volunteers? (yes they have other communities doing it now).
6. MOC talked to Denise and the meeting that took place should have mins available. They might be willing to hire someone to do the work. He would also like to look into irrigation. PC seems to be willing to look into other options to help fix the road in HP.
7. Motion to gather docs and timeline and send to Anita to review.
  - a) MS motion.
  - b) CM seconded.
  - c) Approved.

XIV. Public Comment.

- A. MOC would like to discuss B and B. There needs to be a new application for non-residents to fish at Lake 1. Mercedes would like to save it for its own topic at a later date. Mercedes would like to raise the price of badges and revamp the application. Discussion about what a B and B is.

XV. Adjournment (11:08 am) .

- A. CM motion.
- B. SM approved.
- C. Approved.

NEXT REGULAR BOARD MEETING WILL BE HELD ON 10/14/23 AT 9:00 A.M.

Harris Park Metropolitan District Community Center, 2154 Shelton Drive, Bailey, Colorado 80421

A handwritten signature in black ink, appearing to read "A. D. Meyer", is written across the page.