

Harris Park Metropolitan District Regular Meeting.
November 11, 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 November 11, 2023 Agenda.
- III. Consider Approval with Changes to the October 14, 2023 Meeting Mins.
- IV. Consider Approval with Changes to the October 29, 2023 Meeting Mins.
- V. Legal.
 - A. Updates from Anita.
- VI. Consider Approval of paying bills.
- VII. Guests.
 - A. Anita.
- VIII. Water and Sanitation.
 - A. Meter Readings.
 - 1. October.
 - a) Hydrant.
 - (1) CC Hydrant: 1446477.0
 - (2) Last month: 1444649.4
 - (3) Usage: 1827.6
 - b) Well.
 - (1) CC Well: 1017782.1
 - (2) Last month: 1017713.4
 - (3) Usage: 68.7
 - c) UV: 158
 - d) Lake 1: 13.6
 - e) Lake 2: 17.3
 - B. Info.
- IX. Committees.
 - A. Dam Committee.
 - B. Road Committee.
 - C. Rec. Committee.
 - 1. Recap Halloween Event.
 - D. Activities Committee.
 - 1. Board Thanksgiving.
- X. Financial.
 - A. Reports.
- XI. Old business.
 - A. Credit Card.
 - B. Budget 2024.
 - C. Playground sign.
 - D. Online bill payment for regular vendors.
- XII. New business.
 - A. Catchment pond and maintenance at the ball field and helipad (need new reflectors).
 - B. 2024 Property and Liability Renewal.
 - C. Community Center for instructors/classes.

- D. RESPEC renewal.
- XIII. Public Comment.
- XIV. Adjournment.

NEXT REGULAR BOARD MEETING WILL BE HELD ON **12/9/23 AT 9:00 A.M.**

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

October 14, 2023 Meeting Minutes

I. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum (9:04 am).

II. Attending.

A. Board

Steve M	Mercedes S	Monique B (Z)
Beth B	Chris M	

B. Community

Shawn	Steve E	Connie	Maggie	Rick	Teresa
Susan	Daria E	Danita (Z)	Don	Brian	Joan (Z)

III. Consider Approval with Changes to the October 14, 2023 Agenda.

A. Changes.

B. Motion to approve the October 14, 2023 Agenda.

1. CM motion
2. BB seconded
3. Approved.

IV. Consider Approval with Changes to the September 9, 2023 Meeting Mins.

A. Changes.

B. Motion to approve the September 9, 2023 Meeting Mins.

1. MS motion.
2. CM seconded.
3. Approved.

V. Legal.

A. Closed session with the attorney.

1. Steve M. moves that we enter Executive Session for the purpose of receiving advice from legal counsel on specific legal questions related to the possible litigation with Golds' Concrete, as authorized by C.R.S. §24-6-402(4)(b).
2. The attorney believes the motion to enter an executive session for the purposes of receiving advice of counsel on specific legal questions related to possible litigation with Golds' Concrete LLC is proper pursuant to C.R.S. §24-6-402(4)(b).
3. The attorney hereby attest that the portion of the Executive Session for the purpose of receiving legal advice of counsel which was not recorded constituted privileged attorney-client communications and was therefore not recorded pursuant to C.R.S. §24-6-402(2)(d.5)(II)(B).
4. Closed session start time: 9:10 am. Closed session end time: 9:36 am.

VI. Consider Approval of paying bills.

A. Budget.

1. W/S \$3703.21
2. Rec: \$462.20

B. Motion to approve the paying of the bills.

1. MS motion.
2. CM seconded.
3. Approved.

VII. Guests.

A. Anita (Z).

VIII. Water and Sanitation.

A. Meter Readings.

1. August.
 - a) Hydrant.

- (1) CC Hydrant: 1444649.4
- (2) Last month: 1443001.5
- (3) Usage: 1647.9
- b) Well.
 - (1) CC Well: 1017713.4
 - (2) Last month: 1017607.6
 - (3) Usage: 105.8
- c) UV: 188
- d) Lake 1: 13.7
- e) Lake 2: 17

B. Info.

IX. Committees.

A. Dam Committee.

1. Consider making a payment to Golds' Concrete.
 - a) Motion to pay Golds Concrete \$40,690.
 - (1) SM motion.
 - (2) MS seconded.
 - (3) 2 yes and 2 no. Motion denied.
 - b) Questions.
 - (1) Discussion about who is on the Dam Committee.
 - (2) Discussion about the incurred costs that have occurred since having to stop the project with Golds (legal and engineering). Discussion about whether an engineer would have been needed at the start of the project and the work done by Golds.
 - (3) Discussion about whether Golds will come back and finish the project as designated. Discussion about setting a price when sending the money back to ensure they follow through on their end to finish the project. Discussion about why they stopped the project and the issues with the rebar they were installing.
2. Updating Anita and Monique about where the board is at.
 - a) Discussion about Steve's motion to pay the \$40,690 and the pros and cons of that motion. Discussion about expectations for Golds future work and if Golds will even be used again.
 - b) Discussion about paying for services that were not completely done and paying without laying out our expectations for moving forward.
 - c) Discussion about coming up with a monetary amount and then attaching conditions about future plans for the project.
 - d) Anita recommends gaining more control over the meetings on the board side to ensure efficiency. If you are going to make a monetary offer with Golds, you need to determine the amount and the conditions. Money plus circumstances.
 - e) Discussion about if the board can revisit a previous motion.
 - f) Discussion about if we can discuss the conditions before paying the amount, or if Golds will go forward with litigation before we can come to an agreement. Golds rejected the previous \$25,000 that was offered before. The board needs to decide how long they are willing to negotiate.
 - g) Motion to pay \$40,600 and discuss via our attorney how the project will be finished under the guidance of an engineer and project manager.
 - (1) MS motion.
 - (2) SM seconded.
 - (3) Motion failed.
 - h) Motion to amend previous motion.
 - (1) CM motion.
 - (2) BB seconded.
 - (3) 4 yes and 1 no.

1. Inspector had to reschedule.
 2. Septic does not have a leach field. We would have to add one. The septic isn't in horrible shape, the insulation is falling off due to saturation and needs to be replaced.
 3. Beth will email a report when received and go from there.
- E. Playground sign.
1. Complaint from land, water, and trust board. A sign thanking them will be ordered and installed.
 2. She also recommends having a sign about "playground rules" for liability reasons.
 3. Discussion about mounting the signs and what to use to mount said signs.
 4. Motion to approve buying the playground sign and plaque.
 - a) MS motion.
 - b) SM seconded.
 - c) Approved.
- F. Online bill payment for regular vendors.
1. Wait for Nickie to send a list.
- XII. New business.
- A. Catchment pond and maintenance at the ball field and helipad (reflectors), and CC flag.
1. Took some dirt from the catchment pond to fill holes in the road to the helipad. Mercedes asked if David Blau would mow/clean up the helipad area.
 2. The reflectors are broken and need replacement. Mercedes will reach out to the FD and ask about reflectors.
 3. Compensate volunteers for gas money for the work on the helipad.
 4. Flags made in the US by retired firemen and veterans. The flag is made out of old fire hoses. 24x46
Medium: 44x66
 5. Mercedes will check with the VFA and get a flag.
- B. 2024 Property and Liability Renewal.
1. MS motion.
 2. BB seconded.
 3. Approved.
- XIII. Public Comment.
- A. MOC recommends we stop doing business with Shirley Septic due to the controversy going on with them.
- B. MOC wants to have on record that the RFP was for repair and maintenance and Golds submitted alternate methods for reconstruction recommendation to replace in its entirety. This alternate means was approved by the state of CO (department of dam safety) to reflect in the same construction as illustrated and documents in the as built drawings provided by the state to Golds construction prior to execution of contract.
- XIV. Adjournment (11:20 pm)
- A. MS motion.
 - B. BB seconded.
 - C. Approved.

October 29, 2023 Meeting Mins.

- I. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum (6:04 pm).
 - A. Attending.
 - B. Board.

Mercedes S	Monique B	Beth B (Z)
Chris M	Steve M	

- C. Community.

Rick	Jean	
Steve	Dave	

- II. Consider Approval with Changes to the October 29, 2023 Agenda.
 - A. Changes.
 - B. Motion to approve the October 29, 2023 Agenda with changes.
 - 1. MS Motion.
 - 2. MB Seconded.
 - 3. Beth abstains because she was unable to download the agenda.

- III. Guests.

- A. Anita.

- IV. Legal.

- A. Discussion if there is any necessity for a closed session. The board decides it will not have a closed session.
- B. Golds demands a payment of \$54,090.
- C. Motion to pay the invoice.
 - 1. MS motion.
 - 2. SM seconded.
 - 3. 2 yes. 3 no. Motion fails.
 - 4. Discussion.
 - a) Mercedes states her decision is based on the possibility of litigation on Monday.
 - b) Chris states he has expressed his feelings about the invoice from the beginning.
 - c) Steve is concerned that if we do not pay it will put us in a litigation situation and that will incur a lot more money than if we pay the invoice. He is worried that by not paying, we will compromise the community.
 - d) Chris and Beth point out the damage to the community is already there due to the damage of incorrect work by Golds.
 - e) Beth: this is their error and they breached the contract. She believes it would be worse for them and we would be able to counter sue for the damages done to HP. She does not want to go to court, but if that is the route they are going to go then we should.
 - f) Beth is concerned about our attorney and feels that we should get a new attorney if litigation does happen.
 - g) Monique would like to hear from the attorney. She also would like to try and have more conversations with Golds, if possible, before we have to go to court. She does not want to go to court if possible. Monique does believe we are not in the wrong and is curious if anyone but the attorney is communicating with Golds.
 - h) Beth does not think the communication is very good right now and thinks we should not live in fear of litigation. She understands the hesitation, but she thinks anyone could go down there and see the work is not correct/not there and we should not worry about litigation because we are in the right.

- i) Beth is also concerned about the part of the contract that states there has to be a 5 day notice before you stop work. She believes it was an error to put that in the contract and never should have been in it. Even if Golds points to this as us breaching the contract, it was the state that forced the halt.
- j) Mercedes: believes we should have gone through an engineer right out the gate. She thinks the cost of litigation is not worth it. The attorney did not put the 5 day section in the contract, the dam committee did.
- k) Anita: This is not an executive session and therefore, there is no attorney-client privilege. Anything that is said here could be used in any form anywhere (including in court). She needs the board to approve that first before addressing the board and gives possible legal advice on this matter.
 - (1) Beth is wondering if this is just an overview and not legal advice.
 - (2) Anita said she can talk about the communication with Golds that was discussed in the emails.
 - (a) Last meeting she was asked to provide an offer to Golds for the \$29,685 and that Golds would return for the same price. She relayed that. Mr. Kruger responded with, "They cannot carry the amount and they need to be paid now, or they will go to litigation by Monday."
 - (b) Steve says that by paying this amount, we are paying a portion of the total contract. Chris disagrees and thinks they will take the money and not return for the rest of the work. Steve thinks based on the supreme court case that it would be in the best interest for HP to make the payment. Chris thinks they should go to court and have to prove that they earned that \$54,000, and have them justify the costs HP has incurred by the incorrect work.
 - (c) Beth would like to address the plans that were given to them, they were old and things do change, but they did not do a replacement in kind. The rebar is not the same type or size as the rebar that was previously installed. They said they were going to pour, which is incorrect, they should have sprayed.
 - (d) Mercedes would like to point out that Brian is not a hired engineer on this project.
 - (e) MOC states that if you do pay the invoice, then part of the requirement should be that they come in and bring the project up to the state's requirement for no more cost to the district. Steve said that Golds has already stated they would come back and comply with the engineer. MOC believes that Golds breached the contract well before we stopped the project and is concerned with another possible breach of contract in the future..
 - (f) MOC agrees that we should have started with an engineer at the start of the project. He is wondering why Golds can afford the attorney if they cannot carry the \$50,000. He is worried that they might breach the contract again or if they will even come back to finish the project. MOC thinks we need to stand tall with these guys because they are in the wrong. This company has damaged HP and he does not understand why we should pay them. Unless someone came in and told them to do the wall the way they did, then why is HP responsible for this payment. He also thinks the concrete cancellation is wrong.
 - (g) Beth: for any board member that goes into this vote, think deep about it and that HP is the victim in this situation. It was done improperly and with wrong material that is not up to code. The board stands for this community and if you wouldn't pay for a contract to do incorrect work at your own house, then we should not pay a company that has built incorrectly on this huge project. This is huge and we need to

really make sure to make the correct decision. We tried to negotiate with this company to make it better with the first offer of payment. They were not willing to do it and I would not be in favor of them continuing with this project. They have already done minimal work and I would not trust them moving forward. My vote is to not pay them and to figure out whatever we need to do to move forward and get the wall done the best/proper way.

- (h) MOC thinks there have been very valuable points being made today. Golds was advised not to use the means/ways that he was planning to and he did anyway. He did damage HP. How can we trust him to come back and do the project correctly after this?
- (i) Monique I am disappointed that they didn't even try to talk to us about this. I am disappointed that they didn't talk to us and I would not want to work with them based on this experience. Steve points out that in a situation like this, it is better to have the attorneys be the channels of conversation. Monique and Chris point out that in this last email, they didn't even talk about anything other than the payment. They never stated they would come back and do the work.
- (j) Beth would like to thank the dam committee for all their time and work, but she thinks there should be more volunteers that are better educated and can make better decisions. She would also like to apologize to Anita about placing the blame on Anita for the contract. A construction attorney should have written the contract instead of the dam committee. I know the committee put a lot of work into the dam and did their best, but we need to have people who have this construction knowledge on the project. This is where we learn and do better as we figure this out. I am not intimidated by Golds or his attorney. I am not scared of court because I have plenty of evidence that Golds is in breach

V. Public Comment.

- A. MOC appreciates everything that board is doing and has done. He states that litigation is a bad thing, but he is confident that HP is in the right in this situation.

VI. Adjournment (7:00 pm).

- A. MS motion.
- B. MB seconded.
- C. Approved.

November 11, 2023 Meeting Mins.

- XV. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum (9:00 am).
- XVI. Attending.

- A. Board.

Steve M	Mercedes S	Monique B
Beth (z)	Chris	

- B. Community.

Luke	Daria	Connie	Brian	David
Rick	Teresa	Steve	Joan (z)	

- XVII. Consider Approval with Changes to the November 11, 2023 Agenda.

- A. Changes.

- 1. Add Port-a-potty update to New business.

- B. Motion to approve the November 11, 2023 Agenda with changes?

- 1. MB motion.
- 2. CM seconded.
- 3. Approved.

- XVIII. Consider Approval with Changes to the October 14, 2023 Meeting Mins.

- A. Changes.

- B. Motion to approve the October 14, 2023 Meeting Mins with changes.

- 1. CM motion.
- 2. SM seconded.
- 3. Approved.

- XIX. Consider Approval with Changes to the October 29, 2023 Meeting Mins.

- A. Changes.

- B. Motion to approve the October 29, 2023 Meeting Mins with changes.

- 1. MS motion.
- 2. MB seconded.
- 3. Approved.

- XX. Legal.

- A. Updates from Anita.

- 1. No summons/complaint from Gold's attorney as of today.

- XXI. Consider Approval of paying bills.

- A. Changes.

- 1. Mercedes reimbursement: \$348.87
- 2. David Blau: reimbursement for gas.

- B. Accounts.

- 1. WS: \$3686.00
- 2. Rec: \$1354.55

- C. Motion to pay the bills.

- 1. SM motion.
- 2. CM seconded.
- 3. Approved. Mercedes did not vote on her check.

- XXII. Guests.

- A. Anita.

- XXIII. Water and Sanitation.

- A. Meter Readings.
 - 1. October.
 - a) Hydrant.
 - (1) CC Hydrant: 1446477.0
 - (2) Last month: 1444649.4
 - (3) Usage: 1827.6
 - b) Well.
 - (1) CC Well: 1017782.1
 - (2) Last month: 1017713.4
 - (3) Usage: 68.7
 - c) UV: 158
 - d) Lake 1: 13.6
 - e) Lake 2: 17.3
 - B. Info.
- XXIV. Committees.
 - A. Dam Committee.
 - 1. No updates from the Dam Committee.
 - 2. MOC: is there a payment or performance bond? Discussion about insurance and bond before the contract was executed. Liability insurance certification was sent to HP. There is no record of Gold's sending a performance bond. Steve will look into Gold's performance bond and the section in the contract that stated they needed to send their bond to HP. Discussion about when HP should have received the bond. Anita was not involved in drafting the contract. She revised the contract presented to her, but did not draft it. Mercedes wonders if Anita can reach out to Gold's attorney to get the bond. Anita agrees to ask Mr. Kreger for the bond.
 - 3. Discussion about meetings and what should be discussed during an open meeting when it comes to Gold's and the Dam project. MOC would like to point out that she feels Steve is not being transparent within the community and would like that noted in the minutes.
 - B. Road Committee.
 - 1. Not a lot of updates for roads.
 - 2. MOC is wondering why we can't do something legal with PCs. Anita recommends that Mercedes sends out her memo about the roads to the community.
 - a) PC is stating that the roads do not meet the criteria for road maintenance due to the width of the roads. There is nothing to force them to maintain those roads if they do not meet the criteria.
 - b) The roads that meet the width (26ft) have been sent to PC, but they are short staffed and are behind on the maintenance. Most HP roads do not meet the criteria.
 - c) MOC is wondering who put in the Shelton road and why it does not meet the proper standards. Discussion about Shelton and having the helicopter pad back there. There should be something to help maintain that road due to the possible emergency access.
 - C. Rec. Committee.
 - 1. Recap Halloween Event.
 - a) Went well and had a good turnout.
 - D. Activities Committee.
 - 1. Board Thanksgiving.
 - a) Event is coming up soon..
 - 2. Holiday event.
 - a) Reschedule to Dec 3. Dec 2 is the conifer event. Board approved the rescheduled event.
 - b) Santa.
 - (1) Steve is wondering if there are any leads on Santa. Beth has not had any leads yet and is still searching.
- XXV. Financial.
 - A. Reports.
- XXVI. Old business.
 - A. Credit Card.

1. 2 credit cards were approved last month (Mercedes and Beth).
 2. Steve will contact the bank and get the process going.
 3. Discussion about who can use the card (only the people who have the cards can use it).
- B. Budget 2024.
1. Changes.
 - a) Additional attorney fees.
 2. Discussion about the timeline for the budget. Nickie and Mercedes will get it wrapped up this month for the Dec. meeting. Public notice will be placed for the meeting.
 3. Discussion about Square and what it is being used for (credit card payments and online orders).
- C. Playground sign.
1. Sign is installed and looks beautiful. Chris did an amazing job.
 2. Plaque and other sign arrived as well for the LWD fund dedication.
- D. Online bill payment for regular vendors.
1. Nickie sent a list for regular payments.
 2. Steve agreed, we'll have Nickie move forward with the list

XXVII. New business.

- A. Catchment pond and maintenance at the ball field and helipad (need new reflectors).
1. Liz is working with FD for new reflectors.
 2. Tomorrow is a nice day and they will start trying to get it cleaned up.
- B. 2024 Property and Liability Renewal.
1. Add playgrounds to the insurance.
 2. Get additional info to the insurance and get it set up.
- C. Community Center for instructors/classes.
1. Chris and Mercedes have been discussing having instructors come in and teach regular classes. They could come in and do their classes and charge then HP will take a portion back for CC usage/HP. With the coded door, we can set a code for the instructor to use at their discretion.
 2. Provided local instructors to promote their knowledge and allow residents to take classes without having to travel to Denver.
 3. Insurance said there isn't anything to worry about on their end. The instructor would have to carry their own insurance.
 4. MOC is worried about the floors and thinks if we are renting it out to instructors, the floors need to be done at least. Discussion about possible updates for the CC. MOC will talk to their floor guy and see what the cost would be and get some ideas for what could be done for the floor.
 5. MOC points out that if board members are doing classes, they cannot profit off the class.
 6. MOC would like to know what the plan is for the ceiling before we start working on it. Set up a design first. Discussion about options for the ceiling.
 7. Rick and David said they could start looking and getting a basic plan going for the CC.
- D. RESPEC renewal.
1. Renewal for JDS contract.
 2. Motion to sign RESPEC's service agreement for this year.
 - a) MS motion.
 - b) MB seconded.
 - c) Approved.
- E. Port-a-potty update.
1. Admin will total everything up and compare.

XXVIII. Public Comment.

- A. MOC was wondering what was happening with the well. Beth had an inspection done on the septic. Beth will forward the septic report for the board to review. There is nothing that we have to do now. It is more if we need to chlorinate. HP does not have a leach field. The inspector's concern was where we would run the new septic system. The inspector said the chlorine could affect the tanks, but there is something you could put in the tanks to protect them. Discussion about what the bacteria is used for in the septic and what the chlorine would do to it. Discussion about why HP is considering chlorinating the well.
1. Discussion about the current septic system.

2. Beth thinks the first step would be to get the general consensus from HP about what members would like to happen with the well. MOC thinks we should get all the info that would be needed if we chlorinate the well. Beth prefers the well not be chlorinated, but it us up to the community.
 3. Discussion about the keys to the well and how the system works. MOC feels the current system is unfair and needs to be changed. Discussion about the storage tank in the CC and how to gain access to the tank.
 4. Beth brought up getting the bylaws revised in order to have more control over the hydrant.
- B. MOC feels that the community as the whole is not informed about the storage water within the CC. She wants a better way to inform the community. Discussion about how information is distributed to the community.
- C. MOC is wondering what the plan for the dam is moving forward. Steve said that until we figure out the litigation, it is at a stand still. JDS has stated they do not want to participate in anything until the litigation is resolved. Discussion about needing to set a plan in place to move forward with the dam project. Beth thinks we need to move forward with the project and volunteers to join the dam committee.
1. The next step would be to get more bids and see how much cost would be incurred to back-track.
 2. Mercedes would like to get an engineer first and get new plans before we get bids.
 3. MOC thinks the board needs to decide what costs would be incurred from fixing the dam and what should be done about those costs.
 4. Monique is wondering what to do since we have not entered litigation and how we can close the litigation out and get JDS on the project.
 5. MOC said we could bring a contractor in and do “as in like” of the old drawings and see what they say about the project. Beth would like to have any correspondence with anyone, sent to the other members of the dam committee and board members to proofread and help ensure everything is covered. Any communication should be shared with the board and the proper committees so everyone can better act as a team. Rick volunteers for the dam committee.

XXIX. Adjournment (10:40 am).

- A. BB motion.
- B. MB seconded.
- C. Approved.

NEXT REGULAR BOARD MEETING WILL BE HELD ON **12/9/23 AT 9:00 A.M.**

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