

**Harris Park Metropolitan District Regular Meeting.  
December 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 December 9, 2023 Agenda.
- III. Consider Approval with Changes to the November 11, 2023 Meeting Mins.
- IV. Legal.
  - A. Updates from Anita.
  - B. Budget resolutions.
- V. Consider Approval of paying bills.
- VI. Guests.
  - A. Anita.
- VII. Water and Sanitation.
  - A. Meter Readings.
    - 1. October.
      - a) Hydrant.
        - (1) CC Hydrant: 1448456.7
        - (2) Last month: 1446477.0
        - (3) Usage: 1979.7
      - b) Well.
        - (1) CC Well: 1017880.5
        - (2) Last month: 1017782.1
        - (3) Usage: 98.4
      - c) UV: 129
      - d) Lake 1: 10.3
      - e) Lake 2: 17.1
    - B. Info.
      - 1. Lakes are frozen.
- VIII. Committees.
  - A. Dam Committee.
  - B. Road Committee.
  - C. Rec. Committee.
  - D. Activities Committee.
    - 1. Recap Board Thanksgiving.
- IX. Financial.
  - A. Reports.
- X. Old business.
  - A. Credit Card.
  - B. Budget 2024.
  - C. Online bill payment for regular vendors.
  - D. Catchment pond and maintenance at the ball field and helipad (need new reflectors).
  - E. Community Center for instructors/classes.
  - F. Port-a-potties. .
- XI. New business.
- XII. Public Comment.
- XIII. Adjournment.

NEXT REGULAR BOARD MEETING WILL BE HELD ON 1/13/24 AT 9:00 A.M.

**November 11, 2023 Meeting Mins.**

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

- A. Board.

Steve M	Mercedes S	Monique B
Beth (z)	Chris	

- B. Community.

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

- III. 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.
- IV. 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.
- V. 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.
- VI. Legal.
  - A. Updates from Anita.
    - 1. No summons/complaint from Gold's attorney as of today.
- VII. 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.
- VIII. Guests.

- A. Anita.
- IX. 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.
  - X. 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.
  - XI. Financial.
    - A. Reports.

XII. 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

XIII. 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.

XIV. 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.

XV. Adjournment (10:40 am).

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

**December 9, 2023 Meeting Minutes**

XIV. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum (9:11 am).

XV. Attending

A. Board

Mercedes S	Steve M	Beth B
Chris M	Monique B	

B. Community

Joan	Daria	Steve E	Connie	

XVI. Consider Approval with Changes to the December 9, 2023 Agenda.

A. Changes.

1. Add to agenda.
  - a) Engineer report.
  - b) Performance bond.
  - c) Bond council.

B. Motion to approve the agenda with changes for December 9, 2023.

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

XVII. Consider Approval with Changes to the November 11, 2023 Meeting Mins.

A. Changes.

B. Motion to approve the November 11, 2023 meeting minutes with changes.

1. CM
2. BB
3. Approved.

XVIII. Legal.

A. Updates from Anita.

1. Gold's has not served any lawsuit papers and Anita has no updates from Gold's.

XIX. Consider Approval of paying bills.

A. Accounts

1. WS: \$2034.67 Rec \$364.25

B. Add bill.

1. Water delivery bill for \$145.00 (added above in water)..

C. Motion to pay the bills.

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

XX. 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

2. Info.

XXI. Committees.

A. Dam Committee.

1. Had a meeting last week.
2. Rick W met with the contractor who worked on lake 2 to go over the plan for the dam project and how to adjust the original plans and drawings to accommodate all requirements needed. He also talked with two engineers about the best way to handle the dam.
  - a) Discussion about the requirements for the dam; specifically the rebar.
  - b) Still wall first and leave remaining slabs with a 5" overlay. Osage construction could be utilized for designing the wall. Project could be done by July if everything goes to plan.
  - c) We can still hire an engineer, or submit the plans and designs to the state to approve it.
3. Discussion about hiring a project manager vs. hiring an engineer. The same process and plans would apply for either.
4. Beth is concerned about pushing this project another month for the next meeting before making a decision.
5. JDS has made it clear that they do not want to participate in this project until the legal issues with Gold's are resolved.
6. MOC thinks we should look into different engineers and have them adjust the original designs.
7. Motion to solicit engineer firms.
  - a) BB motion.
  - b) CM seconded.
  - c) Approved.
  - d) Rick W agrees to work on this for HP.
8. Beth is wondering if we can talk with JDS and let them know there are no legal issues as of right now and see if they would be willing to work with us now (Steve M will reach out). Mercedes also recommended if anyone on the board knows any engineers, they should reach out and ask them about the project. Rick will also write down his suggestions as a starting point and will send them to Cami to distribute to the board.
9. MOC is wondering why the lake water is lower.
  - a) The state reached out and requested that the water level be lower due to the dam. Steve reached out previously to notify them that we did not have an ETA on the project yet. They requested that the lake be lowered 3 ft below the spillway. Discussion about whether it was necessary for Steve to inform the state about the project at this time. MOC is concerned about how the lake will be refilled and how it will affect the fishing for next season.
  - b) MOC does not believe that Steve and the board are not being transparent. Discussion about the rules for meeting conduct between board and community.
10. Discussion about the timeline of the dam project while working with Gold's.
11. Dam committee discussed performance bonds and what to expect in the process. Dam committee agrees that HP should pursue Gold's performance bond.
12. Gold's performance bond.
  - a) Steve would like to have a discussion with the attorney first before he votes. Steve has to talk to MOC about the conduct in meetings.
  - b) Discussion about legal counsel for litigation. Board decides they will reach out to a construction attorney for litigation. Beth will reach out to the water attorney to get his opinion on the situation and see if he has any recommendations for a construction litigation specific attorney.
  - c) Discussion with Anita about filing a claim with the performance bond. The board requests that Anita draft a memo about filing the claim and what to expect.
  - d) Mercedes also recommends that Ann from SDA is informed on the situation.
  - e) Anita: the performance bond is like any other insurance. If you think you have a claim, you make the claim. She would just send a letter to the bond and at that point they will have their own procedures to follow. Anita encourages that the board reach out to a construction litigation attorney if HP wants to pursue litigation.
  - f) Motion to have Anita file a claim against Gold's performance bond and have Beth send any and all information to Anita and have her forward it for the claim.
    - (1) BB motion.
    - (2) CM seconded.
    - (3) Approved.
  - g) Monique is wondering if Anita files the claim, can we still hire a construction litigation lawyer without any problems (Yes).
13. Engineering report.
  - a) The engineering report shows the inadequacies of the dam construction.

- b) Discussion about the information within the report. MOC requests the report be sent out to the community.
  - B. Road Committee.
    - 1. No updates.
  - C. Rec. Committee.
    - 1. Christmas party here on the 23 at 3 pm
    - 2. If the toys can be delivered before the 23rd, then the committee can pre-wrap and get it ready.
    - 3. Contact Chris, Beth, or Cami for info.
    - 4. There is \$500 set aside for the rec committee to be used as seen fit by the committee. Steve is still working on the Credit Cards, so we will have to draft reimbursements.
    - 5. Mercedes and a volunteer went to the rec shop and cleaned it up.
  - D. Activities Committee.
    - 1. Recap Board Thanksgiving (went well).
- XXII. Financial.
- A. Reports.
- XXIII. Old business.
- A. Credit Card.
    - 1. Contacted the bank and local bankers cannot issue cards to our time of organization.
    - 2. There is a different branch that does CC for SDA's. Steve is waiting for the info from them.
    - 3. As soon as he gets the info, he will send it to Beth and Mercedes.
  - B. Budget 2024 hearing.
    - 1. Steve opens the budget hearing (10:12pm)
      - a) Rec committee revenue.
        - (1) Mercedes sent updated numbers for rec 1
        - (2) HP does not have an accurate tax estimate yet from PC.
      - b) Dam appropriation.
        - (1) MOC thinks the amount budgeted is a little light and should be raised.
        - (2) Discussion about being able to amend the budget if needed. MOC thinks it would be prudent for the board to adjust now and plan for a higher amount. \$53000 is being carried over from last year's budget as well.
        - (3) Discussion about increasing the allocated amount for the dam project (includes project and legal fees). To better encompass projected costs for the project in 2024.
        - (4) Discussion about adequate amount in reserves, adequate amount for dam, and adequate amount for legal fees.
        - (5) MOC thinks we should take \$100,000 out of the reserves and budget it into dam and legal expenses. Create a subcategory for the \$100,000 for any dam expenses.
        - (6) Motion to amend the 2024 budget and add \$100,000 from HP reserves into the dam project category.
          - (a) BB motion.
          - (b) CM seconded.
          - (c) Approved.
        - (7) MOC is wondering about repair and maintenance. Those numbers are under the rec account. Discussion about the numbers for repairs and also repairs to the CC. Less is going to be allocated to the CC repair due to the allocation for the dam.
        - (8) Discussion about what the priorities should be for 2024. Dams, repairs, or cc update.
    - 2. Steve closed the budget hearing (10:34)
    - 3. Resolutions.
      - a) 12.23-1 Approve budget
        - (1) MS motion.
        - (2) BB seconded.
        - (3) Approved.
      - b) 12.23-2 Set mill levies.
        - (1) CM motion.
        - (2) MB seconded.
        - (3) Approved.
      - c) 12.23-3 Sums of money
        - (1) MS motion.
        - (2) MB seconded.
        - (3) Approved.
  - C. Online bill payment for regular vendors.
    - 1. Nickie has set it up for most of the vendors, so HP will now be paying people online..



- D. Catchment pond and maintenance at the ball field and helipad (need new reflectors).
  - 1. No update. This item can be taken off the agenda.
- E. Community Center for instructors/classes (Info from Ann at the SDA)..
  - 1. Board members cannot be employed by the board. They can act as independent contractors though and teach classes for a profit .
  - 2. The renters would be responsible for any liability for the classes. They will have to sign a form releasing HP from any liability for their class.
  - 3. The vendor will have to apply with the board and receive approval before they can host the class.
- F. Port-a-potty info.
  - 1. MOC thinks that all the bids are close enough and the board should really consider distancing themselves from Shirley.
  - 2. Discussion about HP needs for port a potty throughout the year.

XXIV. New business.

XXV. Public Comment.

- A. MOC believes the board is doing a decent job, but they feel they do not acknowledge the audience and they feel they do not have ample time to get their views across. They feel that it is causing tension within the community and the board and the community is not receiving the respect they should be. She is disappointed in the treatment of the board to the community. She apologizes for being rude, but feels the board is not being respectful.
- B. MOC agrees with the members' statement above. She feels that certain members of the community take up more time and take it away from other members. She also found it rude to talk about replacing Anita in front of Anita.
- C. MOC wants a brief meeting summary at the end of the meeting and have the board have an open chat for 10 mins or so at the end of the meeting to allow a more relaxed chat session for the community with the board. Beth wants to ensure that everyone in the community is heard, but she wants to ensure it will be professional and everyone leaves their personal feelings at the door.

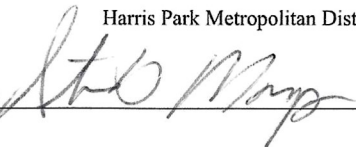
XXVI. Adjournment (11:05 am)

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

NEXT REGULAR BOARD MEETING WILL BE HELD ON 1/13/24 AT 9:00 A.M.

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

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

1-13-2024