

**Harris Park Metropolitan District Regular Meeting.**  
**April 13, 2024 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 April 13, 2024 Agenda.
  - III. Consider Approval with Changes to the March 9, 2024 Meeting Mins.
  - IV. Consider Approval with Changes to the March 29, 2024 Meeting Mins.
  - V. Consider Approval of paying bills.
  - VI. Legal.
  - VII. Guests.
  - VIII. Water and Sanitation.
    - A. Meter Readings.
      - 1. November.
        - a) Hydrant.
          - (1) CC Hydrant: 1456362.1
          - (2) Last month: 1454660.7
          - (3) Usage: 1701.4
        - b) Well.
          - (1) CC Well: 1054617.0
          - (2) Last month: 1054606.5
          - (3) Usage: 10.5
        - c) UV: 10
        - d) Lakes 1:
        - e) Lake 2:
- IX. Committees.
  - A. Dam Committee.
  - B. Road Committee.
  - C. Rec. Committee.
- X. Financial.
  - A. Reports.
- XI. Old business.
  - A. Community Center for instructors/classes form.
  - B. Game night at the CC.
  - C. 911 signs.
  - D. Easement.
  - E. Shirley Septic Bid.
  - F. Fishing Violation.
- XII. New business.
  - A. Fishing badges are now available.
- XIII. Public Comment.
- XIV. Adjournment.

NEXT REGULAR BOARD MEETING WILL BE HELD ON 5/11/24 AT 9:00 A.M.

## March 9, 2024 Meeting Minutes

- I. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum (9:01 am).
- II. Attending.

- A. Board.

Steve M	Chris M	Mercedes S
Monique B	Beth B	

- B. Community.

Aimee	Jim	Jimmy
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- III. Consider Approval with Changes to the March 9, 2024 Agenda.

- A. Changes.

- 1. Beth adds cameras in the cabinet and rocks in port-a-potty.

- B. Motion to approve the March 9, 2024 Agenda with changes.

- 1. CM motions.
- 2. MB seconds.
- 3. Approved.

- IV. Consider Approval with Changes to the February 10, 2024 Meeting Mins.

- A. Changes.

- B. Motion to approve the February 10, 2024 Meeting Mins with changes.

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

- V. Consider Approval with Changes to the February 27, 2024 Special Meeting.

- A. Changes.

- B. Motion to approve

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

- VI. Consider Approval of paying bills.

- A. Motion to approve the bills for this month.

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

- VII. Legal.

- A. Utility easement.

- 1. John says the language is appropriate.
- 2. SM is wondering if this would cause any problems for HP and if it is something HP should enter into.

- B. Gold's Concrete.

- 1. John.
  - a) Counterclaim for breach of contract was filed March 6, 2024. Usually takes 35 days after an issue is filed to move forward. Case will probably go into Mediation within this year.
- 2. Questions.
  - a) MOC is wondering why we are going into mediation instead of litigation. John explains that the court orders it. He also thinks we have a better chance of settling if we do discovery prior to the mediation, but it can be an expensive process.
  - b) MS is wondering how the Mediator is picked. John explains that both parties agree to a mediator and if they can't agree, the judge will pick one for them.
  - c) BB is wondering why the bond insurance is not a part of this claim. John explains that bond insurance does not cover breach of contract claims. It is more for negligence for higher amounts due. He does not think it is a good idea to also spend money arguing with the bond insurance at this time.

- d) BB is wondering if there is a way to handle this without HP losing money. John believes that HP has a legitimate claim for the counterclaim, but does not want to discuss tactics for litigation outside of an executive session.
- VIII. Guests.
- IX. Water and Sanitation.
- A. Meter Readings.
    - 1. November..
      - a) Hydrant.
        - (1) CC Hydrant: 1454660.7
        - (2) Last month: 1452227.6
        - (3) Usage: 2433.1
      - b) Well.
        - (1) CC Well: 1054606.5
        - (2) Last month: 1054278.4
        - (3) Usage: 331.1
      - c) UV: 41
      - d) Lakes 1: 13.7
      - e) Lake 2: 17.
- X. Committees.
- A. Dam Committee.
    - 1. MOC is wondering what the attorney's opinion is for HP in Gold's lawsuit. SM answers that the attorney still has more information to gather before he can give that opinion. The attorney also recommended that we do not pursue the bond issue at this time because it is a contract breach not a negligence issue.
    - 2. MOC feels that using the wrong material could be considered negligent.
    - 3. MB is wondering why we have to go through JDS for engineering instead of looking for another company that could start the work now. MOC thinks every company will be hesitant to get mixed in before it is resolved. JDS is also very familiar with HP and has a good working relationship with Dam safety.
  - B. Road Committee.
    - 1. MS sent an email to Matt and is waiting for a reply.
  - C. Rec. Committee.
    - 1. Beth.
      - a) Easter and Karaoke are on the 23rd.
      - b) BB is wondering if we could share events outside of HP and MS does not see an issue with it.
      - c) Committee is bringing back the hat contest.
    - 2. Game night is on the 16th.
    - 3. Beth verified that all volunteer forms are signed.
    - 4. MOC is wondering if non residents come to events (SM: sometimes they do).
- XI. Financial.
- A. Reports.
  - B. Bookkeeper is out due to surgery but sent the invoices..
  - C. Motion to approve the invoices.
    - 1. MB motion.
    - 2. CM seconded.
    - 3. Approved.
- XII. Old business.
- A. Community Center for instructors/classes form (no updates).
  - B. Game night at the CC (scheduled).
  - C. Newsletter. (will be working on this month)
  - D. Possible encroaching properties (BB wants to wait for the snow to melt, so remove from agenda for now).
  - E. 911 signs (BB is working on renewing).
  - F. Fishing violation (Will write something up and send it to board).
  - G. General council recommendations (remove from agenda).
- XIII. New business.
- A. Mtn. View Waste community spot.
    - 1. Mtn. View is concerned about some of the roads in HP, so they have a set spot for trash pickup. MOC is concerned about it getting in the creek. This is just for the winter time, so the board will keep an eye out and see if it becomes an issue.
  - B. Shirley Septic wanted the opportunity to give HP a quote to try and keep our business.

1. Allow them to send a bid.
- C. Rocks in the porta potty.
  1. BB is concerned the rocks will prevent Mtn. View from continuing service for HP. We should install the cameras that are in the cabinet for them.
  2. The Porta Potties are a benefit to the community.
  3. MOC.
    - a) MOC does not think it is our responsibility to project their equipment. Mtn. View did send a warning about stopping service if there continues to be rocks. BB points out that we do have a bid coming in from Shirley if Mtn View cuts service.
    - b) MOC is concerned about starting business with Shirley again. SM points out that the only problem with Shirley was the price, so we should see what they bid.
    - c) MOC states that this problem happened a couple years ago and then stopped, so it is not a common occurrence. MS said she will work on the cameras and put a sign on the Porta potty doors.

XIV. Public Comment.

- A. MOC is concerned with the willows on Shelton and Smith Rd. He spoke with the traffic and engineering guy and they are going to take a look in about 2 weeks.
- B. MOC is wondering what the decision is for the easement.
  1. SM states that they wanted the attorney to review it and now the board has to decide what they want to do next.
  2. Discussion about the easement and that elk creek refused it.
  3. SM recommends we put it on the agenda for next month and have BB gather more info about it (barriers, any issues with spills, compensation, placement, etc.) The main concerns of the board are for the horses.
- C. MOC is wondering what the update is for the mailboxes.
  1. SM got the pedestal and they need help installing it.
  2. MOC is wondering where that leaves us for new mailboxes.
    - a) SM answers that based off the broken mailboxes, HP should be able to solve the new mailbox problem.
      - (1) \$1700 for the cluster box.
      - (2) Would need to build a base that can hold 2 cluster boxes.
    - b) MOC is wondering what the process would be to get the mailboxes added through the post office.
      - (1) HP would have to get everything set up and then go to the office with the new info for the boxes.
      - (2) HP should be able to handle the whole project based on the plans.

XV. Adjournment.

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

### March 29, 2024 Meeting Minutes

- I. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum (6:30 pm).
- II. Attending.

A. Board.

Monique B	Steve M	Mercedes S.
Chris M		

B. Community.

Steve E		
Dianne		

- III. Consider Approval with Changes to the March 29, 2024 Agenda.
  - A. Changes.
  - B. Motion to approve the March 29, 2024 Agenda with changes.
    - 1. MS motion.
    - 2. CM seconded.
    - 3. Approved.
- IV. Guests.
- V. Legal.
  - A. Review and vote on the exemption from audit for 2024.
    - 1. Board reviews the exemption and agrees that they are within the state guidelines.
    - 2. Discussion about the last audit being when the repairs from Lake 2 were done.
    - 3. Motion to pass the resolution and sign the exemption from audit.
      - a) MS motion.
      - b) MB seconded.
      - c) Approved.
- VI. Public Comment.
  - A. MOC was wondering when the last audit was and thinks it is important for the board to let the community know why they do not do the audit. Mercedes and Steve explain that HP finances are reviewed by a firm and then approved if they can be exempt from audit.
- VII. Adjournment (6:45pm).
  - A. MS motion.
  - B. SM seconded.
  - C. Approved.

**April 13, 2024 Meeting Minutes**

- XV. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum (9:01 am).
- XVI. Attending.

- A. Board.

Steve M	Mercedes S	Monique B
Chris M		

- B. Community.

Jimmy	Shawn	David	Daria	Steve E
Don				

- XVII. Consider Approval with Changes to the April 13, 2024 Agenda.
  - A. Changes.
    - 1. Add Living Water Key under UV filter.
  - B. Motion to approve the April 13, 2024 Agenda with changes.
    - 1. CM motion.

2. SM seconded.
  3. Approved.
- XVIII. Consider Approval with Changes to the March 9, 2024 Meeting Mins.
- A. Changes.
    1. Page 2 #7 B1a
    2. Filed MArch 6 35 days "at issue".
  - B. Motion to approve the March 9, 2024 Meeting Minutes with changes.
    1. CM motion.
    2. MB seconded.
    3. Approved.
- XIX. Consider Approval with Changes to the March 29, 2024 Meeting Mins.
- A. Changes.
  - B. Motion to approve the March 29, 2024 Meeting Minutes with changes..
    1. CM motion.
    2. SM seconded.
    3. Approved.
- XX. Consider Approval of paying bills.
- A. Motion to approve paying the bills.
    1. MS motion.
    2. MB seconded.
    3. Approved.
- XXI. Legal.
- A. John.
    1. Litigation update.
      - a) Discussion about the initial disclosurc filing and possible discovery if needed. John has been in contact with Gold's attorney. Golds has not yet filed their disclosures.
      - b) Procedure process.
        - (1) Gold's attorney asked John if they could get all the disclosures to him this week (John agreed. A judge would have agreed to the request as well). John also informed the other attorney about the state's engineer's opinion about the fiberglass.
        - (2) John informed the other attorney about the state's opinion on the fiberglass engineer.
        - (3) Discuss discovery in May. The hope is that both parties can reach a settlement before they have to go to court.
      - c) Add executive session for May meeting.
      - d) At this point, Gold's has requested a jury trial. He can withdraw that request in the future if he chooses.
      - e) Public comment.
        - (1) Discussion about the burden of legal fees and prevailing parties.
        - (2) Discussion about the contract signed by Golds.
        - (3) Discussion about the offers to Golds before this point that were both refused by Golds.
        - (4) Special damages are not contractual damages. Every right to HP will be exercised. The Judge will determine the amount.
        - (5) The contract's language depends on who wins in the trial. John would like to caution the board that things get to litigation because there are two positions. You never know what can happen at a trial. Nothing is determined.
        - (6) Monique illustrates that right now, both lawyers are trying to get the case settled to the best of their ability now to avoid court (if possible). Litigation is the last step if the attorneys cannot settle. John wants to point out that he is on our side and will fight our side. He is seeing if settlement is possible, but that is not the only option.
        - (7) MOC is wondering why we did not file a claim with our liability pool. They do not cover breach of contracts. The board did ask the pool.
    2. Easement.
      - a) Easement language was adequate. It is now up to the board to decide what they want to do..
- XXII. Guests.
- XXIII. Water and Sanitation.
- A. Meter Readings.
    1. November..
      - a) Hydrant.
        - (1) CC Hydrant: 1456362.1
        - (2) Last month: 1454660.7
        - (3) Usage: 1701.4

- b) Well.
  - (1) CC Well: 1054617.0
  - (2) Last month: 1054606.5
  - (3) Usage: 10.5
- c) UV: 10
  - (1) Need to have living water come out and get it fixed.

XXIV. Committees.

- A. Dam Committee.
  - 1. Lake one will be stocked this year.
  - 2. Need to have the area around the gate blocked off, but the rest of it should be fine.
  - 3. Will look when the ice is off.
- B. Road Committee.
  - 1. No update.
- C. Rec. Committee.
  - 1. Easter went well.

XXV. Financial.

- A. Reports.

XXVI. Old business.

- A. Community Center for instructors/classes form.
  - 1. Still in process.
- B. Game night at the CC.
  - 1. Game night tonight 6-8.
  - 2. Will have to coordinate with Bingo.
- C. 911 signs.
- D. Easement.
  - 1. No compressor.
  - 2. They will make a riser for the line that will be attached to a tank (like a propane) that will store natural gas.
  - 3. They will release the gas from the tank to increase the pressure from the gas line.
  - 4. Compensation for easement.
    - a) He would turn it over to the correct department to work up a compensation for the easement.
    - b) Waiting to see what that would be.
  - 5. Public comment.
    - a) MOC would like to know how big the tank would be. Steve states that before we agree/disagree we need to see the plans.
    - b) MOC would like to know what the tank would look like. Steve thinks they will accommodate whatever we ask.
    - c) Chris is wondering if there is a better location for it. He is concerned about people hitting it.
    - d) MOC is wondering why they chose here.
    - e) MOC is wondering what the benefit is for HP. Resident in HP that has natural gas. This would help with the pressure issues during cold weather. MOC is wondering how many people in HP are hooked up to natural gas. MOC also thinks we should see if this is actually a problem in HP. They are concerned this is more to help natural gas expand.
    - f) Steve will ask further questions.
- E. Shirley Septic Bid.
  - 1. More expensive.
- F. Fishing Violation.
  - 1. Send email. Letting him know that he can no longer purchase residential badges this year.
  - 2. STR will not have badges. We will have an email proving purchase.

XXVII. New business.

- A. Fishing badges are now available.
  - 1. Don is doing the stocking this year.
    - a) Palomino are hard to get. There is a three year waiting list.
    - b) They offered to give big rainbows that are tagged as the trophy ones. The Palominos are way more expensive. Board agrees to get big rainbows instead.

XXVIII. Public Comment.

- A. Mercedes will send Jimmy the Hayes letter and the audit info.
- B. MOC is wondering about the possible infringement. He wants to know the procedure for if people infringe on HP property. Steve researched HP records and the previous attorney wanted to deal with it by sending a letter. Steve could not find out if the attorney sent a letter. He thinks HP sent a letter.
  - 1. MOC is worried about the leaking propane tank. It is too close to the water. Steve said there is an issue with adverse possession. MOC was on the board when he tried to claim adverse possession. You cannot do that

against a government entity. He had to remove anything on HP property. MOC would like a procedure for this. There needs to be a record. Bart Miller should have been the one to send the letter. MOC will see if they have anything in their files. Steve will send John all the docs HP has and John will review their records. Prescriptive easement is for use, but you can't do it against a government entity.

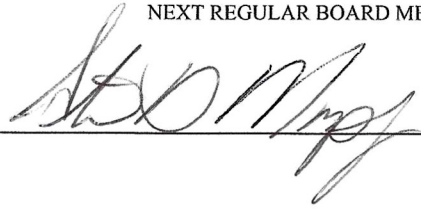
- C. Discussion about past issues with MOC and why HP needs the property.
- D. MOC would like to thank David and Beth for helping with the Mailboxes. Steve is working on how to add more mailboxes for the community. Steve has all the plans needed for the project.

XXIX. Adjournment (9:56 am).

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

NEXT REGULAR BOARD MEETING WILL BE HELD ON 5/11/24 AT 9:00 A.M.

Signature:



Date:

5-11-24