

**Harris Park Metropolitan District Regular Meeting.  
May 11, 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 May 11, 2024 Agenda.
  - III. Consider Approval with Changes to the April 13, 2024 Meeting Mins.
  - IV. Consider Approval of paying bills.
  - V. Legal.
    - A. Executive session for board to receive legal advice regarding Gold's Concrete.
  - VI. Guests.
  - VII. Water and Sanitation.
    - A. Meter Readings.
      - 1. November.
        - a) Hydrant.
          - (1) CC Hydrant: 1458292.5
          - (2) Last month: 1456362.1
          - (3) Usage: 1930.4
        - b) Well.
          - (1) CC Well: 1054623.1
          - (2) Last month: 1054617.0
          - (3) Usage: 6.1
        - c) UV: 355 (replaced).
        - d) Lakes 1: 11.6
        - e) Lake 2: 17.2
- VIII. Committees.
  - A. Dam Committee.
  - B. Road Committee.
  - C. Rec. Committee.
- IX. Financial.
  - A. Reports.
- X. Old business.
  - A. Community Center for instructors/classes form.
  - B. Easement.
- XI. New business.
  - A. Mailboxes.
  - B. Google Workspace.
  - C. Water Keys.
  - D. Don Dredge options.
  - E. Bingo.
- XII. Public Comment.
- XIII. Adjournment.

NEXT REGULAR BOARD MEETING WILL BE HELD ON 6/8/24 AT 9:00 A.M.

**April 13, 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	Mercedes S	Monique B
Chris M		

B. Community.

Jimmy	Shawn	David	Daria	Steve E
Don				

III. 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.

IV. 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.

V. 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.

VI. Consider Approval of paying bills.

A. Motion to approve paying the bills.

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

VII. Legal.

A. John.

1. Litigation update.

- a) Discussion about the initial disclosure 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 about 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..
- VIII. Guests.
- IX. 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.
- X. 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.
- XI. Financial.
- A. Reports.
- XII. 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.
- XIII. 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.
- XIV. 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.
- XV. Adjournment (9:56 am).
  - A. CM motion.
  - B. MB seconded.
  - C. Approved.

**May 11, 2024 Meeting Minutes**

XIV. Call to Order, Pledge of Allegiance, Moment of Silence, and Declaration of Quorum (9:03am).

XV. Attending.

A. Board.

Steve M	Mercedes S	Monique B
Beth B	Chris M	

B. Community.

Jean	Connie	David	Shawn	Steve E	Brian
Daria	Joan (z)	Don	Bingo		

XVI. Consider Approval with Changes to the May 11, 2024 Agenda.

A. Changes.

1. Move Bingo up after the approval of April meeting mins.
- B. Motion to approve the May 11, 2024 Agenda with changes.
1. BB motion
  2. MB seconded.
  3. Approved.

XVII. Consider Approval with Changes to the April 13, 2024 Meeting Mins.

A. Changes.

- B. Motion to approve the April 13, 2024 meeting minutes with changes.
1. CM motion.
  2. MS seconded.
  3. Approved.

XVIII. Bingo.

- A. Would like to rent the CC for the summer. Start June 1st through August 31 at 6pm.
- B. Packet sales went up to \$8 for a packet.
- C. \$150 for rental for Bingo (paid today).
  1. Motion to approve Bingo rental for the CC.
    - a) CM motion
    - b) MB seconded.
    - c) Approved.

XIX. Consider Approval of paying bills.

- A. Motion to pay the bills.
1. CM motion.
  2. MB seconded.
  3. Approved.

XX. Legal.

- A. Executive Session pursuant to 24-6-402(4)(b), C.R.S for the purpose of receiving legal advice regarding Gold's Concrete. John does believe this constitutes an executive session pursuant to 24-6-402(4)(b), C.R.S for the purpose of receiving legal advice regarding Gold's Concrete.
1. Motion to enter into an executive session to receive legal advice regarding the Gold's lawsuit (9:09 am).
    - a) BB motion
    - b) CM seconded.
    - c) Approved.
  2. Motion to end the executive session (10:01 am).
    - a) CM motion.
    - b) BB seconded.
    - c) Approved.
- B. Update from John.
1. Moving into the discovery phase for the lawsuit.
  2. Discussion about the next steps for the lawsuit for both parties.
  3. Trial date is not set yet. The Plaintiff will do a notice once the date has been set by all the parties.

XXI. Guests.



XXII. Water and Sanitation.

A. Meter Readings.

1. May.

a) Hydrant.

- (1) CC Hydrant: 1458292.5
- (2) Last month: 1456362.1
- (3) Usage: 1930.4

b) Well.

- (1) CC Well: 1054623.1
- (2) Last month: 1054617.0
- (3) Usage: 6.1

c) UV: 355 (replaced).

d) Lakes 1: 11.6

e) Lake 2: 17.2

XXIII. Committees.

A. Dam Committee.

B. Road Committee.

1. Mercedes has been calling PC for resources.

C. Rec. Committee.

1. Mercedes would like to order a new Huck Finn sign. CM and BB recommend reaching out to Bailey Graphics.

XXIV. Financial.

A. Reports.

XXV. Old business.

A. Community Center for instructors/classes form.

1. MB finished it. Will be reviewed by the board.

B. Easement.

1. SM spoke to a representative from Natural Gas. They would install a riser that will be enclosed by a bar to keep the horses out. They will get back with compensation. 500 gallon propane tank on a trailer. The riser is the only permanent structure. They would bring the trailer in when needed. Probably a couple days a week during the winter when needed.
2. They have contacted private property owners for options but have been refused. That is why they are asking us.
3. They service 200 customers on this loop. This is who would be affected by this tank.
4. CM thinks they should put it somewhere else. SM does not think it is a bad idea based on the conversation. It does affect 200 customers and it would help them to have adequate pressure during the winter. MS thinks it would be worth it just to help 200 mountain residents and if they are willing to compensate it should be considered.
5. SM points out that this would still just be opening negotiations if we continue. HP hasn't agreed to anything yet.
6. MOC would like to point out that the land owners are refusing their bids. He thinks they are not willing to give an appropriate compensation.
7. MOC is wondering if there is a documented need for this. SM can ask them to provide proof of the need from customers.
8. BB said that the person she talked to did also say that this would also let them grow in this area as well if they have this pressure tank.
9. MB thinks we should also see if they do anything like this for other communities.
10. MOC is concerned that we have been working on this for a while now with no answers. Discussion about the best way to get this issue resolved and having all the questions answered at once and make sure we have all the answers before we make a decision.
11. MOC is concerned about them using HP property. They do not see the advantage to HP. Why are they not using Elk Creek or other properties? MOC is also concerned about what will happen when they have everything installed. She thinks they should find other options.

XXVI. New business.

A. Mailboxes.

1. SM sent out info about the concrete pads. Dave gave an estimate for the work. SM thinks we should do the double pads at each location. It should be under \$1000 for the concrete via truck.
2. Discussion about whether to use a concrete truck or have someone do a hand pour. Dave spoke to a concrete guy to get a rough estimation.
3. Motion to spend up to \$1000 to pour the pads.
  - a) BB motion.
  - b) CM seconded.
  - c) Approved.
4. Discussion about the box price and if we should do this project this year.

5. MOC thinks it is important to get the boxes for residents and would be a benefit to the community. 2 more boxes would last a while before they fill up.
  6. MOC thinks we should just get it done. This has been on the agenda for a while now.
- B. Google Workspace.
1. SM thinks it would benefit the board to have this set up. It is important that we have a central area for all the emails regardless of who is on the board. This would make it easier to maintain and keep the emails.
  2. The cost is \$12/month for all of us to have a login and be able to utilize this. Can update users at any time.
  3. Motion to create a google workspace for Harris Park.
    - a) MB motion.
    - b) MS seconded.
    - c) Approved.
- C. Water Keys.
1. Renewal sent out.
  2. Will send out a blast email with a deadline and code setup.
- D. Don Dredge options.
1. Found a guy who could dredge the lake. We need to budget for it for next year. The board needs to decide the need and the budget.
  2. No permits needed for dredging if you are returning the lake to the original drawings.
  3. There is some work that needs to be done to Lake 1 that could be done sooner rather than later.
  4. We could move the dry dirt to return the lake to full capacity. Lake 1 is currently at half capacity. We are not using our full water rights at this point. We want to return the lake back to its original capacity/size/shape/etc.
  5. BB would like to see the original drawings and see what the difference is.
  6. This is just the introduction to this. See what we are looking at and start planning/figuring out the next steps. Have Tim approve the project as a backup too.
- E. Consent agenda.
1. Approve minutes, agenda, bills, meter readings, and financial reports in one vote. Have the info available and just get it done in one vote. If there are any questions, we would still discuss it and address it.
  2. Will work up a sample for the board.

XXVII. Public Comment.

- A. MOC was wondering about the CC repair in the budget. Yes there was money budgeted for the repairs but nothing has been done with it yet. The money is still budgeted.
- B. MOC is wondering when the project for the CC will be done. A MOC said they would start working on the estimates and such, but haven't heard anything back.
- C. MOC said they know a contractor that would be interested and the board just needs to reach out.

XXVIII. Adjournment (11:09 am)

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

NEXT REGULAR BOARD MEETING WILL BE HELD ON 6/8/24 AT 9:00 A.M

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

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