

MINUTES OF A JOINT REGULAR MEETING OF THE  
BOARDS OF DIRECTORS

OF

PAINTED PRAIRIE METROPOLITAN DISTRICT NOS. 1-12

Held: Thursday, April 21, 2022 at 11:00 a.m., at 5750 DTC  
Parkway Suite 210, Greenwood Village, CO 80111 and via  
teleconference.

The joint regular meeting referenced above was called and held in  
accordance with the applicable statutes of the State of Colorado. The  
following directors, having confirmed their qualification to serve,  
were in attendance:

- Christopher Fellows
- Tim O'Connor
- Dustin Anderson
- Douglas Hatfield

Also present were Clint C. Waldron, Esq., and Megan J. Murphy,  
Esq., White Bear Ankele Tanaka & Waldron, District General  
Counsel; Diane Wheeler, Simmons & Wheeler, PC, District  
Accountant; Barney Fix, Merrick & Company, District Engineer;  
Matt Ruhland, Esq., Collins Cockrel & Cole, General Counsel to  
the Painted Prairie Public Improvement Authority; John Guzman-  
Peonio, Maci Watlington and Judy Smeltzer, Advance HOA  
Management, Inc., District Manager; Cheryl Schuette; and  
members of the public.

Call to Order/Declaration of  
Quorum

Director Fellows noted that a quorum of the Boards was present  
and called the meeting to order.

Director Conflict of Interest  
Disclosures

Mr. Waldron reported that disclosures for those directors that  
provided White Bear Ankele Tanaka & Waldron with notice of  
potential or existing conflicts of interest were filed with the  
Secretary of State's Office and the Boards at least 72 hours prior  
to the meeting, in accordance with Colorado law, and those  
disclosures were acknowledged by the Boards. Director Fellows  
inquired into whether members of the Boards had any additional  
disclosures of potential or existing conflicts of interest with regard  
to any matters scheduled for discussion at the meeting. No  
additional disclosures were noted. The participation of the board  
members present was necessary to obtain a quorum or to otherwise  
enable the Boards to act.

Joint Meetings

The Boards of Directors of the Districts have determined to hold joint meetings of the Districts and to prepare joint minutes of action taken by the Districts in such meetings. Unless otherwise noted, all official action reflected in these minutes is the action of each of the Districts. Where necessary, action taken by an individual District will be so reflected in these minutes.

Confirmation of Meeting Notice and Posting

Ms. Murphy confirmed the meeting notices were posted as required by law.

Approval of Agenda

Director Fellows reviewed the proposed agenda with the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agenda as presented.

**Public Comment**

A homeowner noted graffiti concerns and further stated the lights at Perrywinkle Park have not been working and there have been instances of individuals loitering in the under lit areas of the neighborhood. The homeowner further inquired as to when the dog park would be opening.

Mr. Guzman-Peonio responded that the snow removal contractor damaged the lights at Perrywinkle Park he is currently working to get the issue fixed.

Director Fellows responded to security concerns noting that neither the District nor the HOA are law enforcement entities. Director Fellows further stated that the District purchased security equipment a year ago and have not received approval from the City of Aurora (the "City") for installation, and that upon the approval by the City the security equipment would be installed. Director Fellows continued that if there is criminal activity that residents should call 911 and notify the Aurora Police Department, the Board of Directors will follow-up with the Aurora Police Department about ongoing issues as well.

The Board noted that they are waiting on the City for approval of the dog park and that it will hopefully be ready for summer.

A homeowner noted that there has been some criminal activity; her boyfriend's vehicle had been broken into, drag racing up and down the street as well as thefts from new build sites.

A homeowner inquired about the next elections for residents to join the Board of Directors and suggested installing a phone tree to call about potential criminal activity occurring on other people's property.

Ms. Murphy noted that the next opportunity to run for election is May 2023 and the deadline to file a self-nomination and acceptance form is late February 2023.

Director Fellows suggested the possibility of starting a Neighborhood Watch program.

A homeowner noted a concern that some of the outdoor lights are functioning, but are turning off too early.

A homeowner noted that another resident of the neighborhood is starting a Neighborhood Watch program.

Director Fellows requested that the homeowner reach out via email to Mr. Guzman-Peonio so others could be connected to this resource of a Neighborhood Watch.

## **Consent Agenda**

Director Fellows reviewed the items on the consent agenda with the Boards. Mr. Waldron advised the Boards that any item may be removed from the consent agenda to the regular agenda upon the request of any director. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- March 17, 2022 Joint Regular Meeting Minutes; and
- Independent Contractor Agreement with Association Reserves for Reserve Study.

## **Facilities Management/District Operations (District No. 1)**

### **District Manager's Report**

Mr. Guzman-Peonio reviewed the District Manager's Report with the Board of District No. 1.

### **Discuss and Consider Approval of Amenity Maintenance and Concrete Bench Sealing**

Mr. Guzman-Peonio reviewed the Amenity Maintenance and Concrete Bench Sealing proposals with the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously approved the Amenity Maintenance and Concrete Bench Sealing proposals from Advance Commons Area Construction, Inc.

### **Discuss Approval of Perimeter Mowing By Schultz**

Mr. Guzman-Peonio reviewed the Perimeter Mowing Proposal from Schultz with Board of District No. 1. Director O'Connor inquired as to whether this was a one-time contract. Mr. Guzman-Peonio responded that it is a one-time contract. Following discussion, upon a motion duly made and seconded, the Board of

District No. 1 unanimously approved the proposal for perimeter mowing by Schultz.

Discuss Approval of Flower Pot Plantings at High Prairie Park

Mr. Guzman-Peonio reviewed the proposal for Flower Pot Plantings with the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously approved the proposal from Brighview Landscape Services for flower pot plantings at High Prairie Park.

Discuss Landscape Maintenance at the End of Warranty Period

Mr. Guzman-Peonio noted to the Board of District No. 1 that the current landscape maintenance warranty period ends in August and that the contract price will likely be over \$60,000. Mr. Guzman-Peonio requested that Mr. Fix start the process of opening public bidding. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously authorized Mr. Fix to start the public bidding process.

Other Facilities Management/District Operations Matters

Mr. Guzman-Peonio noted that there is a maintenance person on site five days a week that is working for the District as well as the HOA. The District and the HOA share in the cost of the maintenance person.

### **Construction Updates (District No. 1)**

General Updates

Mr. Fix noted to the Board of District No. 1 that the plan to change the streetlights to City property instead of District property was accepted by the City.

Discuss and Consider Approval of Change Orders

None.

### **Legal Matters**

Discuss and Consider Approval of Painted Prairie Logo and Color Scheme

Mr. Waldron noted that the District does not have a logo or branding and the District has been using the logo and color scheme of the private ownership group. Mr. Waldron asked the Boards if they would want a license agreement for use of the current logo or to develop their own logo.

Director Fellows noted concerns about using a private logo and trademark given that the Districts are quasi-municipal entities and stated that the Districts should use a standard black and white font and logo for the time being.

Mr. Guzman-Peonio asked that the Boards consider a logo to create pamphlets for marketing purposes.

Director Fellows requested a meeting with legal counsel, Ms. Schuette, Mr. Guzman-Peonio, as well as, one or two Board members to see if a logo would be necessary. Mr. Guzman-Peonio to schedule a meeting.

Public Hearing on Petition for Inclusion (District No. 5) Director Fellows opened the public hearing on the Petition for Inclusion of Property. Ms. Murphy noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. A homeowner inquired about the inclusion of property. Director Fellows responded that boundaries can be modified based on use and the taxes imposed. The hearing was closed.

Consider Adoption of Resolution and Order of Inclusion of Property (District No. 5) Ms. Murphy reviewed the Petition and Resolution and Order for Inclusion of Property with the Board of District No. 5. Following discussion, upon a motion duly made and seconded, the Board of District No. 5 determined to grant the petition and adopt the resolution.

Public Hearing on Petition for Inclusion (District No. 6) Director Fellows opened the public hearing on the Petition for Inclusion of Property. Ms. Murphy noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. A homeowner inquired about the inclusion of property. Director Fellows responded that boundaries can be modified based on use and the taxes imposed. The hearing was closed.

Consider Adoption of Resolution and Order of Inclusion of Property (District No. 6) Ms. Murphy reviewed the Petition and Resolution and Order for Inclusion of Property with the Board of District No. 6. Following discussion, upon a motion duly made and seconded, the Board of District No. 6 determined to grant the petition and adopt the resolution.

Public Hearing on Petition for Inclusion (District No. 7) Director Fellows opened the public hearing on the Petition for Inclusion of Property. Ms. Murphy noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. A homeowner

Consider Adoption of Resolution and Order of Inclusion of Property (District No. 7) inquired about the inclusion of property. Director Fellows responded that boundaries can be modified based on use and the taxes imposed. The hearing was closed.

Ms. Murphy reviewed the Petition and Resolution and Order for Inclusion of Property with the Board of District No. 7. Following discussion, upon a motion duly made and seconded, the Board of District No. 7 determined to grant the petition and adopt the resolution.

Public Hearing on Petition for Exclusion of Property (District No. 1)

Director Fellows opened the public hearing on the Petition for Exclusion of Property. Ms. Murphy noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. There being no public comment, the hearing was closed.

Ms. Murphy reviewed the Petition and Resolution and Order for Exclusion of Property with the Board of District No. 1. The Board of District No. 1 considered the factors to determine whether to grant or deny the petition for exclusion pursuant to Colorado law. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 determined to grant the petition and adopt the resolution for exclusion.

Public Hearing on Petition for Exclusion of Property (District No. 6)

Director Fellows opened the public hearing on the Petition for Exclusion of Property. Ms. Murphy noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. There being no public comment, the hearing was closed.

Ms. Murphy reviewed the Petition and Resolution and Order for Exclusion of Property with the Board of District No. 6. The Board of District No. 6 considered the factors to determine whether to grant or deny the petition for exclusion pursuant to Colorado law. Following discussion, upon a motion duly made and seconded, the Board of District No. 6 determined to grant the petition and adopt the resolution for exclusion.

Public Hearing on Petition for Exclusion of Property (District No. 9)

Director Fellows opened the public hearing on the Petition for Exclusion of Property. Ms. Murphy noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. There being no public comment, the hearing was closed.

Ms. Murphy reviewed the Petition and Resolution and Order for Exclusion of Property with the Board of District No. 9. The Board of District No. 9 considered the factors to determine whether to grant or deny the petition for exclusion pursuant to Colorado law. Following discussion, upon a motion duly made and seconded, the Board of District No. 9 determined to grant the petition and adopt the resolution for exclusion.

Public Hearing on Petition for Exclusion of Property (District No. 10)

Director Fellows opened the public hearing on the Petition for Exclusion of Property. Ms. Murphy noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. There being no public comment, the hearing was closed.

Ms. Murphy reviewed the Petition and Resolution and Order for Exclusion of Property with the Board of District No. 10. The Board of District No. 10 considered the factors to determine whether to grant or deny the petition for exclusion pursuant to Colorado law. Following discussion, upon a motion duly made and seconded, the Board of District No. 10 determined to grant the petition and adopt the resolution for exclusion.

Other Legal Matters                      None.

**Financial Matters**

Review and Consider  
Approval of Unaudited  
Financials                                      None.

Review and Consider  
Approval of Claims                      Ms. Wheeler reviewed the claims listing in the amount of \$121,976.13 with the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the claims listing in the amount of \$121,976.13.

Ms. Wheeler reviewed the \$60,000 payment for the settlement agreement with Forestar with the Board of District No. 1. Director Fellows provided additional background regarding the settlement agreement. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the payment for the settlement agreement.

Approve/Ratify Requisition  
No. 42/Draw No. 33 from  
Escrow Funds (District No.  
1)                                      Ms. Wheeler reviewed Requisition No. 42 with the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously approved Requisition No. 42/ Draw No. 33 from Escrow Funds.

Other Financial Matters                      Ms. Wheeler noted the 2021 draft audits have been distributed for review.

**Other Business**                                      Mr. Krause introduced himself to the Boards noting that he is with Advance HOA Management and will be working with Mr. Guzman-Peonio.

**Additional Public  
Comment**                                      A homeowner wanted to follow up from the last meeting and requested for clearer copies of the design review documents that were posted on the District website.

Director Fellows requested that this task to be completed by the end of business Friday.

A homeowner requested further clarity regarding the process of renting the pavilions.

Mr. Guzman-Peonio noted that the documents are currently being updated, but the information could be found on the District website under Amenities.

**Adjourn**

There being no further business to come before the Boards, and following discussion and upon motion duly made, seconded and unanimously carried, the Boards determined to adjourn the meeting.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

*Dustin Anderson*  
[Dustin Anderson \(May 26, 2022 13:13 MDT\)](#)

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Secretary for the Meeting, District Nos. 1-12

The foregoing minutes were approved on the 19th day of May, 2022.