

**MINUTES OF A CONTINUED SPECIAL MEETING
OF THE BOARD OF DIRECTORS
OF
POMPONIO TERRACE METROPOLITAN DISTRICT**

Held: Monday, March 1, 2021 at 3:00 p.m.

Due to the Executive Order issued by Governor Polis on April 26, 2020, requiring all residents of the State of Colorado to stay-at-home to minimize the spread and impact of COVID-19, and the Updated Public Health Order 20-28 implementing the Executive Order, issued by the Colorado Department of Public Health and Environment (CDPHE) on April 26, 2020, the meeting was held via teleconference.

Attendance

The continued special meeting of the Board of Directors of Pomponio Terrace Metropolitan District was called and held in accordance with the applicable laws of the State of Colorado. The following Directors, have confirmed their qualifications to serve, were in attendance:

Rod Mickelberry
Sara Dieringer
Marc Volland
Jen Newman
Christina Perry

Also present was Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; Angela Elliott, Don Cullen, Teleos Management Group; and members of the public.

Call to Order/Declaration
of Quorum

It was noted that a quorum of the Board was present and the meeting was called to order.

Conflict of Interest
Disclosures

Mr. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White 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 Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. White inquired into whether members of the Board 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 members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda

Mr. White presented the proposed agenda to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as presented.

Public Comment

Homeowner – Colin reported concerns regarding the Comcast subcontractors. Complaints that contractors have not/do not notify homeowners about working on property (backyard, gain access without notice). When homeowner questioned who/why crews were onsite, subcontractors were rude, dismissive. Subcontractors speed and, run stop signs through neighborhood.

Operations/Manager Matters

Consider Action on Request for Variance from Residential Improvement Guidelines

Mr. White forwarded the Board the section of the Residential Design Guidelines regarding landscaping (section 3.36) Residential design history and Plant Material and Landscape Minimum Requirements. The Residential Design Guidelines allow artificial turf in the fenced areas.

- Mr. Cullen provided a typical overview of a Project application process, Applicant to submit documents, details and overall project scope, applicant to meet minimum requirements, application submitted to Committee for review, Committee feedback (approval/denial).
- Anne Stearns – claims to have met standard for application and claims that her projects was approved. Timothy Love (HO 6900 Canosa) asks Board to clarify terminology Sod/Turf.
- Homeowners Susan Stein and Kreg Helgrath voiced opinions on their preference for and against the installation of artificial turf.
- Mr. White discussed the following items:
 - Mr. White reiterates the current Design Guidelines for the Pomponio District as: TURF - Bluegrass (or equivalent) is acceptable. Turf areas may not exceed 75% of the non-paved area in the front or rear yard. The recommended minimum width of a turf area is 4 feet. Artificial turf is permitted in the side yards of fenced/walled yards and within side yard use easements

- Rear/Side Yard Guidelines - The use of turf in the rear yard must not exceed a maximum of 75% of the non-paved area. The recommended minimum width of a turf area is 4 feet.

The Board engaged in discussions regarding the live materials guidelines and possibly additional materials to create a more harmonious landscape environment, similar to existing guidelines for xeriscape.

Further discussion followed on granting a variance may place additional criticism and hardship to homeowners that remain on board moving forward. Should the Board grant a variance the applicant will need to go through a process with Adams County in seeking approval for artificial turf.

The Board engaged in discussions that if allowing artificial turf in front yards must meet minimum requirements and conditions (weight, hardness, and aesthetic throughout several years or possible replacement if material becomes worn and unsightly) and the 2 ft. setback from neighboring yards should be included. The Board needs time to identify all of the items or conditions to be considered when allowing a variance for artificial turf.

The Board recommended that applicant submit a new landscape plan with all plant materials included for review within a 45-day period.

Legal Matters

Consider Approval of License for Private Driveway with Goodwill of Colorado

The Board engaged in discussions regarding homeowner feedback that was submitted to the planning department regarding the driveway.

Homeowner Cardinal opposes the driveway expansion and has concerns with increased traffic, additional lighting (current lights shine into home) and possible decrease in property values.

Homeowner Kreg Helgrath has lighting concerns too. Points to Auto Zone as an example of bad lighting that shines into windows of neighboring homes.

Directors Perry and Newman coordinated a building walk and meeting with staff at Goodwill location. Staff addressed the concerns regarding

the lights, hours of operation, traffic, signage, and security. Further discussion followed on Goodwill had no plans to change or add business hours; existing non lit sign will be moved closer to the loading dock and facing Federal; a new down lit directional sign will be installed on the northeast façade facing the north parking lot which is significantly set back from the homes to the north. An unlit- entry sign will be installed on the southeast side at the new Outlet entrance.

The Board engaged in discussion regarding all building elements are existing. There are no plans to add business hours, increase traffic into back parking lot, the new lights will be “dark sky” lights that reduce light and projected towards the ground. Safety will be enhanced because emergency vehicles can now access area.

The Board further discussed that Goodwill is a good neighbor and is acting in the best interest of the neighborhood and knowing your neighbor is a benefit. Should this driveway be denied Goodwill “may” relocate and the community may have to deal with the unknown of what a possible new property owner plans to develop/ build on that land.

Mr. White reiterated that this approval is NOT the final step to approving driveway expansion. More reviews will have to be approved by the city/county and will be open to public comment and review.

Executive Session pursuant to C.R.S. Section 24-6-402(4)(b): Conference with legal counsel for the purposes of receiving legal advice on specific legal questions regarding Covenant Enforcement matters.

Upon motion duly made and seconded the Board approved the Licensing Agreement subject to legal counsel review and final conditions of lighting, security and noise issues, once Goodwill plans are finalized, and Legal fees incurred by the District to be paid by Licensee.

None.

Other Business

None.

Adjourn:

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

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

DocuSigned by:

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Secretary for the Meeting

The foregoing minutes were approved on the 14th day of June, 2021.