

RECORD OF PROCEEDINGS

Ebert Metropolitan District

April 21, 2026

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**RECORD OF PROCEEDINGS
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
EBERT METROPOLITAN DISTRICT**

HELD Tuesday, April 21, 2026, at 7:00 p.m. via telephone and videoconference. The meeting was open to the public.

ATTENDANCE:

A regular meeting of the Board of Directors (referred herein as the "Board") of the Ebert Metropolitan District (referred herein as "District"), City and County of Denver, Colorado, was called as shown above and in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

Bruce Shibles, President

Louis Kennedy, Treasurer

Elise Topliss, Secretary

Dr. Michael Williams, Assistant Secretary

Khadija Haynes, Assistant Secretary

Also, present were Glory Schmidt, Cockrel Ela Glesne Greher & Ruhland – General Legal Counsel, Sabrina Lopez, District Manager, and members of the public.

CALL TO ORDER/QUORUM:

Ms. Lopez called the roll and noted that a quorum of the Board was present. The meeting was called to order at 7:02 p.m. Conflict Disclosure Statements have been filed with the Secretary of State's Office.

APPROVAL OF AGENDA:

The Board reviewed and discussed the meeting agenda. Following discussion, upon motion duly made, seconded, and upon vote unanimously carried, the Board accepted the agenda as presented.

CONSENT AGENDA:

The Board reviewed and discussed the consent agenda, which included the minutes from the Regular Meeting on February 10, 2026. Following discussion, upon motion duly made, seconded, and upon vote unanimously carried, the Board accepted the consent agenda as presented.

CORRESPONDENCE:

Ms. Lopez reported on a correspondence item regarding a property at 5007 North Jebel Street, where the homeowner received a denial of an architectural request for golf netting and appeared before the Board to appeal that decision. Legal counsel, Glory Schmidt, confirmed that an appeals process exists and that the Board is the appropriate forum for such a hearing. The applicant, Nyle Neves, described his repeated applications (submitted December 3, 2025; January 5, 2026; and February 20, 2026) for a 30-foot wide by 15-foot-tall glorgolf ball netting structure along the side of his home adjacent to the first tee of the golf course, citing daily golf ball impacts as a safety concern.

Board members and legal counsel discussed the applicable covenant height restriction (8-foot maximum for structures), the deed easement language regarding the golf course, and the distinction between approved roofline-to-ground netting and the proposed pole-mounted structure. Director Haynes reported that the Golf Course Communications Committee had worked

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with the golf course to realign the tee box markers to redirect errant shots away from homes. Director Kennedy noted the importance of applying any variance decision equitably across all affected homeowners.

Public comment was received in support of a variance from multiple residents of Jebel Street and adjacent areas (Terrill Glass, Paul Ortega, Alicia Parfet, Michelle Glass, Joe Darrow, Jason Rossback, and others), all citing ongoing safety and property damage concerns from golf balls. A member of the Architectural Review Committee, Jason Rossback, acknowledged that existing covenant-compliant netting solutions may be insufficient to protect residents in this specific location. Ms. Lopez clarified that certain netting installations have been approved within covenant parameters and offered to send an informational e-blast to the homeowners outlining the current design guidelines.

Additional public comments were received regarding commercial vehicle parking on public streets (Heidi Casteel Ellis), parking enforcement in Sub-District 5 (J. Montejo), water billing concerns in Sub-District 2 (Luke Urso), Aurora pipeline restoration progress and native areas needing mowed (Kelvin Klink), and the removal of the golf course dumpster (Ross LaPash). Ms. Lopez responded to each matter and provided guidance on applicable reporting channels (Town Square, City and County of Denver, Elite Towing).

DIRECTOR ITEMS/COMMENTS:

None.

COMMITTEE REPORTS

Landscape Committee – Al Morie reported on behalf of the committee that the tree planting program is nearing completion, with approximately 200 trees having been planted in remediated tree lawns throughout the District. An additional 20 trees are scheduled to be planted along Green Valley Ranch Boulevard. He noted that all work is being coordinated with Denver Forestry as part of the permitting process. The committee also discussed demonstration xeriscape areas being planned along North Dunkirk Street and on Green Valley Ranch Boulevard to provide residents with examples of low-water landscaping alternatives. Mr. Morie addressed questions about tree planting methodology, noting that final staking, saucer formation, and other finishing work will occur following initial planting.

Fairway Villas Community Advisory Committee (CAC) for Sub-District 1 – Kelvin Klink presented a stoplight status chart for Sub-District 1, reporting that staffing is in good standing. The clubhouse is under some financial caution due to the upcoming cost of geothermal system repairs; capital improvement projects are on hold pending final cost determination. The lodge is in good shape, with minor maintenance needed on the pickleball cart. Social events are proceeding without curtailment, with strong attendance. The committee is also exploring the creation of a 501(c)(3) charitable foundation and has an ad hoc committee developing recommendations for replacement plantings at the clubhouse, taking water restrictions into account. Discussion also addressed the cost-effectiveness of plugging drip irrigation emitters where plants have died along district medians.

Financial Operating Committee (FOC) – Mr. Shibles reported that the committee has been reviewing the landscape escrow fund, which was originally created by TCMD and contains funds deposited by homeowners for new home landscaping that were never claimed. The committee has received legal advice regarding use of these funds and a recommendation to the full Board is pending. Final 2025 year-end budget figures for Ebert are still being finalized.

Golf Course Communications Committee – Ms. Topliss reported that much of the committee's recent work was covered in the earlier correspondence and public comment discussion. The committee is considering potential revisions to golf netting standards to address the safety concerns raised by residents in a manner consistent with the governing documents. She also noted that the golf course had committed to removing the dumpster from the southeast end of the course with the area to be returned to its natural state. The Board inquired about the timeline for fence removal in that area and Ms. Topliss indicated she would follow up with the golf course.

EXECUTIVE SESSION

An Executive Session was announced for the purposes of receiving legal advice regarding the District's policy for interim provisional expenditures, Pat Hamill's request to the District, and the District's provision of services to the Towns at Oakcrest, First Creek Village Metropolitan District, and Tower Commons communities; all such legal advice per § 24-6-402(4)(b), C.R.S. A vote to enter executive session was duly made and unanimously carried. The ensuing executive session

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was attorney-client privileged as determined by legal counsel who was in attendance for the executive session. The Board returned to general session following the conclusion of the executive session.

LEGAL ITEMS:

The Resolution Establishing Guidelines for the Processing and Collection of Delinquent Fees and Charges was tabled pending receipt of additional fee information from special counsel.

No further action was required regarding extended management of Towns at Oakcrest.

Arising from the executive session, the Board considered the appeal by Nyle Neves of the Design Review Committee's denial of his fence/netting application. Following discussion, upon motion duly made, seconded, and upon vote carried, the Board denied the appeal of the Design Review Committee's decision to deny the fence application. The Board directed that the Design Review Committee continue reviewing standards that may address future netting applications in the golf course-adjacent community.

FINANCIAL ITEMS:

Ms. Lopez reported that Year End 2025 financial statements are in progress, with a call scheduled with the accounting department to finalize.

The February and March 2026 Disbursements were provided for Board review. Following discussion, upon motion duly made, seconded, and upon vote unanimously carried, the Board ratified the February and March 2026 Disbursements as presented.

FIRST CREEK METRO DISTRICT MATTERS:

No action was required regarding the treatment of Sub-Districts 2 and 5.

DISTRICT MANAGEMENT REPORT:

The Board reviewed and ratified an email vote approving Phase 1 geothermal system repairs in Sub-District 1 by MTech for \$119,000. Upon motion duly made, seconded, and upon vote unanimously carried, the Board ratified the email vote approving the Phase 1 geothermal system repairs.

The Board reviewed and ratified an email vote approving gate replacements for the east and west gates in Sub-District 3, performed by Colorado Garage Door and Repairs for approximately \$42,000, due to the gates being inoperable and creating a safety concern. Director Kennedy requested that license plate reader cameras be considered for these locations. Upon motion duly made, seconded, and upon vote unanimously carried, the Board ratified the email vote approving the Sub-District 3 gate replacements.

The Board reviewed and discussed the proposal from SimpleSub for sub-metering of the 293 shared water lines in Sub-District 2. Ms. Lopez presented the need to move from the current shared meter billing model to individual sub-metering to allow accurate per-unit billing and identification of high-usage anomalies. Following discussion, upon motion duly made, seconded, and upon vote unanimously carried, the Board approved the sub-metering proposal from SimpleSub for Sub-District 2, installing sub-meters for each of the 293 water lines for individual billing, at a cost of \$76,692.75, with the monthly \$6.00 subscription fee to be split equally between the sub-district and individual homeowners.

The Board discussed and considered the proposal to terminate the Waste Management dumpster contract in Sub-District 5 within First Creek Village. Ms. Lopez reported ongoing overage charges of \$225 per occurrence and noted that the situation has not improved despite adjustments to dumpster size and pickup frequency. The contract is eligible for termination in October 2026, requiring a 90-day advance notice. She proposed terminating the contract, removing three dumpster

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enclosures, converting the areas to additional parking, and transitioning homeowners to the City and County of Denver's individual waste collection program. Following discussion, upon motion duly made, seconded, and upon vote unanimously carried, the Board approved the termination of the Waste Management dumpster contract in Sub-District 5, with notice to be issued by end of the month and directed that all homeowners affected be notified of the transition to City and County of Denver waste services and that the enclosures be converted to additional parking.

Ms. Lopez reported that upon discussing the intended calendar of events with other vendors, it was found that the cost to have another provider take on the event planning at the current budget amount is not feasible. The current provider, Bling Entertainments and Events "BE&E", has an established vendor and sponsor relationships with the GVR Foundation and Oakwood Homes as well as District 11. These sponsors provide funds to assist the District with cost of these community events. BE&E has a minimal charge for the work she does to put on these events for the District. She is able to provide such a great rate due to the relationships she has built and events she puts on for several neighboring Communities/District. When I looked at other vendors, I found that the rate in which the District currently pays BE&E for the full calendar year is the rate in which other vendors were asking for per event. The Board indicated consensus to proceed with Bling Entertainments and Events for the 2026 event season.

Ms. Lopez also reported on the Denver Water drought restrictions now in effect, noting that sprinkler systems are subject to watering restrictions. She confirmed that compliance enforcement for homeowner lawn browning and yellowing will be relaxed this season given drought conditions, and that an e-blast would be issued to inform homeowners.

OTHER BUSINESS:

No additional other business was presented beyond the matters addressed during the meeting.

NEXT MEETING:

Next Regular Meeting: June 9, 2026 @ 7:00 p.m.

ADJOURNMENT:

There being no further business to come before the Board and upon motion duly made, seconded, and upon vote unanimously carried, the meeting was adjourned at 10:15 p.m.

The foregoing minutes constitutes a true and correct copy of the proceedings of the above-referenced meeting and were approved by the Board of Directors of Ebert Metropolitan District.