

Meeting Minutes
Infrastructure Committee
Kissing Camels Property Owners Association
April 14, 2022

Dick McCaskill	Committee Chair	Present
Mark Holthouse	Committee Member / EB Liaison	Present
Carl Smith	Committee Member / Drainage	Present
John Frank	Committee Member /Roads	Present
Ron Johnson	Committee Member / SC Liaison	Present
Bud Ingels	Committee Member/Construction	Present
John Hurwitz	Committee Member/KB	Present
Diane Hampson	Community Manager	Present
Sheridan Rohde	Assistant Community Manager	Present
Bruce Barbarick	KCPOA Asphalt Consultant	Absent
Mark Stritzel	KCPOA Const. Management Consultant	Present

The KCPOA Infrastructure Committee (IC), reporting to the EB, has as its responsibilities the implementing of the KCPOA land development process for unplatted vacant land parcels, the monitoring and maintenance of common area roadways and selected non-road physical assets, the monitoring and maintenance of corporate KCPOA drainage facilities, and providing capital and operating budget input to the EB. Meetings are generally held monthly, with special purpose meetings and working sessions called as needed.

The meeting was called to order at 3:30 PM. Quorum was established.

The minutes from March 10, 2022, were approved as submitted. (Holthouse/Hurwitz).

Progress Reviews

- A. KCPOA 2022 Road maintenance planning update – John Frank
 - i The revised Road Maintenance Plan (RMP) was distributed 3/27/2022.
 - a John and Bruce Barbarick both agreed Type 2 Slurry will replace emulsion seal because of its many benefits:
 - 1. Increased longevity – emulsion seal has a useful life of about two to three years vs Type 2 slurry lasts eight years or longer
 - 2. Fewer owner disruptions
 - 3. Safety and adhesion
 - 4. Less environmental impact
 - b The revised RMP allows for more Mill/Overlays in the future
 - c Inflation index adjusted to 6% then 5% over the first two years, 2023 - 2024
 - d After review and discussion of the updated 10 year RMP dated March 27, 2022, as presented by John Frank and Bruce Barbarick, the motion was made to accept this version for posting on the KCPOA website and

coordination with the Finance Committee for its use in budgetary planning (Frank/Smith). Motion carried.

ACTION: John will correct some errata noted during the discussion before delivering to the Office for website posting.

- B. John presented the A-1 Chipseal proposal for Type 2 Slurry of the streets known as the “Brooks.” Mark Holthouse noted the A-1 Chipseal proposal for the 2022 Type 2 Slurry is almost identical to the RMP forecasted cost. After review and discussion of the proposal from A-1 Chipseal dated April 4, 2022 and signed by its Branch Manager dated April 8, 2022, the motion was made to approve this proposal of \$64,516.47 for EB ratification, funding and delegation of on-site management to Bruce Barbarick, asphalt consultant to the IC (Frank/Smith). Motion carried.
- C. Bruce updated the IC on the recent developments with Colorado Springs Utilities in relation to the major gas main that will be replaced.
- i The existing gas main runs through KCPOA and can no longer maintain regulatory required cathodic protection. The project will upgrade the infrastructure, enhance gas system reliability, and relocate a portion of the main.
 - ii While the existing main runs along South Hill Circle near the KC Office Park fence, this is no longer sustainable. The replacement main will cross Hill Circle at Inwood and run along the north side of the road.
 - iii The advantage to KCPOA is that CSU will restore the road to KCPOA standards, resulting in new asphalt, which is a \$200,000 cost benefit to KCPOA.
 - iv Target of the work is September. CSU will conduct potholing tests in early May.
 - v Diane provided a ROW application to CSU to send to Bruce.
 - vi More information will follow as the project progresses.
- D. RRP4 Warranty Assurance Bond (WAB), status – Dick McCaskill
- i WAB – Toll Brothers issued two WABs written in the cumulative amount of \$1.2 million. Diane received them at the management office.
 - ii Haul Road
 - a KCPOA allowed Toll Brothers to use Grand Market Point (GMP) as a haul road between RRP1 and RRP4
 - b Mark Stritzel conducted a pre- and post-inspection, noting damage to curb and gutter, manhole settling, manhole to sewer disconnection.
 - c Bud Ingels, Dick, Al Watson and Tim Westbrook met onsite and agreed to amend the Haul Road that agrees that all repairs will be delayed so the repairs would coincide with connection to the sewer. The Amendment states that Toll Brothers must finish repairs by October 14, 2022. Toll Brothers wants to commence May 1.
 - d The Amendment requires that Toll Brothers will do as promised. In addition, Toll Brothers agreed to pay a \$300 permit fee and a degradation fee of approximately \$7100, which becomes a returnable deposit if Toll Brothers completes the Mill/Overlay but becomes a fee retained by KCPOA if we complete the Mill & Overlay.
 - e GMP will be closed for approximately three weeks to connect the sewer line to the manhole and patch the road. A full Mill/Overlay on GMP will be completed at a later date to be determined.
 - f Having received the proposed Amendment to the Temporary Haul Road

Agreement as signed by Tim Westbrook, Toll Bros, and following discussion of this proposed Amendment, the motion was made to ratify the Amendment including Exhibit A (Documentation of Conditions After Removal of Haul Road, dated August 6, 2021, prepared by Mark Stritzel) and adding as Exhibit B a map of Grand Market Point showing the manhole area that will be used to connect to City sanitary sewer. Upon ratification by the Committee this Amendment shall be forwarded to the Executive Board with recommendation that a duly authorized officer for the Association execute the Amendment (Holthouse/Hurwitz).

- iii Acceptance of all documents that provide for development of Red Rock Point 4, now known as The Preserve at Red Rocks, to commence:
 - a Having received from Toll Bros the documents referenced below and found them complete, the motion was made to accept these documents as sufficient to meet the conditions of the Development Agreement for Red Rocks Point 4, dated February 11, 2022, required prior to construction of the infrastructure elements. The Committee therefore issues approval to Toll Bros for its commencement of development and shall notify the Executive Board of this approval (Smith/Holthouse). The referenced documents include:
 - 1. Special Warranty Deed of March 15, 2022 from KC5, LLC to Toll Southwest LLC
 - 2. Warranty Assurance Bond of \$425,805.21 from Toll Brothers Land Development
 - 3. Warranty Assurance Bond of \$808,923.80 from Toll Brothers Land Development
 - 4. Assignment of Development Agreement from KC5, LLC to Toll Southwest, LLC, dated February 24, 2022
 - 5. Partial Assignment of KCPOA Master Agreement between KC5, LLC and Toll Southwest, LLC, dated February 24, 2022
 - 6. Permanent Easement Agreement, effective January 13, 2022 between KC5, LLC and the City of Colorado Springs, on behalf of Colorado Springs Utilities
 - 7. Drainage and Access Easement, dated February 8, 2022 between KC5 and KCPOA
 - 8. Permanent Easement Agreement, dated February 24, 2022 between KCPOA and the City of Colorado Springs, on behalf of Colorado Springs Utilities
 - 9. Full size prints of the Final Development Plan, delivered to the Office on April 5, 2022
 - 10. Invoices for quarterly assessments and Impact Fees being processed for payment
 - 11. Acknowledgment that Toll has received and will abide by the KCPOA Design Guidelines and Land Development Guidelines (2 separate documents)
 - b Per the RRP4 Development Agreement, there are several amounts payable to KCPOA within 90 of recorded plat. Diane will invoice Toll Brothers for

the amounts as required by the RRP4 DA.

E. Drainage Plan – Carl Smith

- i Terra Nova Engineering hired city engineer Dave Lethbridge to conduct field work.
- ii Golf course superintendent Rich Parker agreed to let Dave use a golf cart to conduct inspections.
- iii Camera work to analyze where specific drainage system may have failed might be necessary but is not part of the original scope.
- iv On the GOG course fairways:
 - a There is a line across/under some fairways, and nobody is certain where it goes
 - b Some of the drain pipes are difficult to determine directionally.
 - c Landscape Superintendent Stephen Blais agreed to locate the drainage areas on the golf course fairways.
- v It is difficult at this point in the study to estimate a budget amount for 2023 for drainage; it may cost an excess of \$100k.
- vi Luann/Terra Nova Engineering will attend the May meeting to apprise the IC as to status of drainage project.

F. Proposed modifications to RRP1 Development Agreement:

- i Subsequent to the IC approval of the Amendment to the Development Agreement for RR1 as passed by the IC at its March 10, 2022 meeting, Toll Southwest questioned the application of a further Impact Fee per building application.
- ii Mark and Dick negotiated with Toll Brothers that Toll Brothers will pay a further \$1200 Impact Fee for each new owner's home provided Toll Brothers may begin filing their applications with the ARC to build the feature home.
- iii Having reached an understanding and desiring to memorialize the recent agreement with Toll Southwest, the Committee does hereby adopt a modification to the previously approved Amendment by adding a new paragraph 8 that shall read as follows:


The provision in Paragraph 3. B of the Development Agreement found in the second to last sentence that reads "The Impact Fee shall be paid to KCPOA upon submission of its application for a building permit for each new residence with the Real Property" is hereby amended to state that "A Construction Impact Fee per Lot in the amount of One Thousand Two Hundred dollars (\$1,200.00) shall be paid to KCPOA upon submission of its application for a building permit for each new residence within the Real Property. This Construction Impact Fee shall be subject to the annual cost of living adjustment as provided above and considered established as of December 1, 2021.
- iv The motion was made to adopt this new paragraph 8 as a modification to the Amendment and recommend to the Executive Board its approval of this modification and execution of the modified Amendment (Hurwitz/Frank).
- v In addition, the Committee requests the following Memorandum of Understanding as signed by both parties be included in the Minutes of this meeting of April 14, 2022 as further evidence of the understanding which, among other things, (i) provides for Toll Southwest to file building applications with the KCPOA ARC prior to Executive Board approval of the modified Amendment, and (ii) clarifies the Impact Fees and ARC Review Fees Toll will pay on both RR1 and RR4,

- including the application of annual cost-of-living adjustments(Hurwitz/Frank).
- vi Toll Brothers has already delivered a signed document to the KCPOA office as a gesture of good faith.
- G. 2022 – 2023 Budget – Mark Holthouse
- i Mark presented a spreadsheet for IC operating and reserve expenses.
 - a There was \$7k estimated for drainage in 2022, and it will be replicated for 2023.
 - b Drainage will include \$100k in reserves
 - c Operating costs for the NorthPointe water quality pond must also be considered. Mark Stritzel noted that a specific document must be filed with the City each year. Before acceptance of NorthPointe, the water quality pond must be inspected.
- H. NorthPointe – Mark Stritzel
- i LWA will shoot elevations on the large retaining wall to determine if there has been settlement on the wall. This will be accomplished prior to KCPOA accepting NorthPointe after the two-year warranty has expired.

New Business

- A. Knowledge Base Task Force
- i John Hurwitz presented a template for tracking documents and creation of a “paper source of truth.” The ultimate goal is to have an electronic paper trail of all official documents for developments, drainage work, land development deliverables, and other documents for the purpose of memorializing the history of major significant and legal events. Discussion followed. Further discussion was tabled until the next meeting.
 - ii Rolling “To Do & Follow Up” List – Dick McCaskill
 - a Dick presented a tracking document to help the IC follow up on open tasks.

Next meeting date: May 12, 2022

Meeting adjourned at 5:25  pm.

Respectfully submitted by Diane Hampson