

MINUTES OF A SPECIAL MEETING OF THE BOARD
OF DIRECTORS

OF

CUNDALL FARMS METROPOLITAN DISTRICT

Held: Monday, October 4, 2021, at 5:30 p.m. via
Teleconference.

Attendance

A special meeting of the Board of Directors of the Cundall Farms Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve on the Board, were in attendance:

David Scott
Reuben Patrick Maes
Bradley Mark Nelson
Paula Juhrs
Darren Fresquez

Also present were Megan J. Murphy, Esq., Erin K. Stutz, Esq., and Daniel J. Cordova, White Bear Ankele Tanaka & Waldron, District General Counsel; Melissa Sykes, Advance HOA Management, Inc., District Manager; and Gigi Pangindian and Alyssa Ferreira, CliftonLarsonAllen LLP, District Accountant; and members of the public.

Call to Order

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

**Declaration of Quorum/Director
Qualification/Reaffirmation of
Disclosures**

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy 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. Ms. Murphy 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.

Agenda

The Board reviewed the proposed agenda. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda.

Public Comment

Dave Stribling commented that an email went out to homeowners on October 4, 2021 for a Halloween home decorating contest which conflicts with design guideline amendments approved in May. Following discussion, upon a motion duly made and seconded, the Board unanimously approved Director Maes to work with Ms. Sykes to revise the design guidelines to allow the Halloween lights and decorations; pictures of homes are allowed to be submitted from now until Halloween.

Debbie Lawson commended the refinancing of the loans has been completed and asked when homeowners will hear about lower taxes. The Board responded that the Board is will be adopted the 2022 budget at the November Board meeting.

Consider Approval of September 7, 2021 Regular Meeting Minutes

Ms. Murphy presented the September 7, 2021 Regular Minutes for approval. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the minutes.

Director Matters

Update Regarding Lights in the Park

Ms. Sykes commented that she has been continuing to reach out to the contractor for a status update. Director Nelson and Ms. Sykes will continuing to following up.

Update Regarding Asphalt Paving

Ms. Sykes noted that KB Homes is working on asphalt paving in the community.

Update on Tree Project including Replacement of Trees and Insurance Coverage for New Trees

Director Scott noted that Director Nelson and Director Jurhs met with the Tree Farm and there were 22 dead trees in the community. Director Nelson and Director Jurhs walked the community and will update the City of Thornton plans and the insurance coverage list with T. Charles Wilson.

Discussion Regarding Irrigation System Blow Out

Ms. Sykes noted that the irrigation system has been shut off and the system has been blown out. Following discussion, upon a motion duly made and seconded, the Board unanimously directed Ms. Sykes to investigate winter watering source with Josh and service with CO Smart.

Discussion Regarding Water Costs Director Fresquez is going to ask someone from the City of Thornton meet with the landscape company to figure out why the water bills are so high.

Consider Approval of Proposal from Schultz Industries for Winter Tree Wrap Services Ms. Sykes presented the proposal from Schultz Industries for Winter Tree Wrap Services for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized Director Scott to approve tree wrap services with CO Smart provided the cost is less than \$3,100.

Update Regarding Installation of Fence On City of Thornton Property Ms. Murphy provided an update regarding installation of fence on City of Thornton property noting that the City of Thornton is unwilling to pay to install a fence. Following discussion, upon a motion duly made and seconded, the Board unanimously determined to take no further action.

Update Regarding Acceptance of Underdrain System Mr. Cordova presented an update to the Board regarding the acceptance of the underdrain system. Mr. French with Atwell is going to review the video and provide a written report from Atwell. Mr. Cordova noted this is likely the most cost effective certification the District will be able to get from an engineer regarding the underdrain. Any further certification would require a visual inspection of the underdrain.

Update Regarding Outstanding Matters with KB Homes Ms. Murphy noted that there is no update regarding the outstanding matters with KB Homes.

Financial Matters

Consider Ratification of Cash Position and Interim Claims Report Ms. Ferreira presented the July 31, 2021 schedule of cash position updated as of September 26, 2021 to the Board. Ms. Ferreira presented claims in the amount of \$45,823.79 to the Board for ratification. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the schedule of cash position and ratified the claims.

Discussion Regarding the Second Draft of the 2021 Financial Estimates and 2022 Budget Ms. Pangindian presented draft 2022 budget to the Board. Ms. Pangindian noted that the Board cannot prepay the loan until June 1, 2028 without a prepayment fee.

Other Financial Matters None.

Management Matters

Manager Report Ms. Sykes reviewed the Manager Report with the Board.

Consider Approval of Independent Contractor Agreement with Schultz Industries for 2022 Snow Removal and Landscape Services Ms. Sykes reviewed the Independent Contractor Agreement with Schultz Industries for 2022 Snow Removal and Landscape Services with the Board. No action was taken.

Discussion Regarding Native Grass and Weed Maintenance Deferred.

Consider Approval of Proposal from Weed Wranglers for Native Grass Weed Treatment Service Ms. Sykes reviewed the proposal with Weed Wranglers for Native Grass Weed Treatment Service with the Board. No action was taken.

Discussion Regarding Prairie Dog Removal The Board asked White Bear Ankele Tanaka & Waldron to follow up on the prairie dog eradication proposal. The Board requested an additional prairie dog removal proposal to be considered at the next meeting.

Discussion Regarding Large Pine Trees Director Scott noted that one large pine tree died and it will be replaced at no cost.

Discussion Regarding Social Committee Volunteer Statement of Interest Ms. Sykes noted she received a Statement of Interest for a Social Committee Volunteer. Following discussion, upon a motion duly made and seconded, the Board unanimously appointed Ms. Janice Ritter to the Social Committee.

Discussion Regarding Proposals for Grading on Tract D Ms. Murphy noted that Merrick & Company is willing to provide a proposal and hopefully we will have that for the next meeting.

Other Management Matters None.

Legal Matters

Discussion Regarding Special Legal Counsel for Foreclosure Matters Ms. Murphy presented the Special Legal Counsel for Foreclosure Matters to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal from Spencer Fane subject to final review by Director Scott.

Other Legal Matters Director Jurhs is investigating reducing the speed limits on York Street and Highway 7. The Board directed Ms. Jurhs to discuss the speed limits with the Orchard Farms Board if they are interested in reducing the speed limits and provide Director Jurhs' contact information.

Adjourn

There being no further business to be conducted, the meeting was adjourned.

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

D. Fresquez

Secretary for the Meeting

The foregoing minutes were approved on the 2nd day of November, 2021.