

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

CUNDALL FARMS METROPOLITAN DISTRICT

Held: Thursday, May 23, 2019, at 8:00 a.m., at 5061 E. 160<sup>th</sup> Avenue, Brighton, Colorado.

Attendance

The special meeting of the Board of Directors for the Cundall Farms Metropolitan District was called and held in accordance with the applicable laws of the State of Colorado. The following Directors, having confirmed their qualification to serve, were in attendance:

Corey Elliott  
David Scott  
Christopher Elliott  
Matt Janke

Mauricio Barbera was absent. All Director absences are excused unless otherwise stated.

Also present: Clint C. Waldron, Esq., and Megan Murphy, Esq., White Bear Ankele Tanaka and Waldron, P.C., District General Counsel; and Christi Whisner, Stillwater Community Management, District Manager; Ms. Pickens, Advisory Committee Member; and Mr. Stewart, a homeowner.

Call to Order

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

Declaration of Quorum/  
Director  
Qualifications/Reaffirmation  
of Disclosures

Mr. Waldron advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Waldron reported that disclosures for those directors with 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. Waldron 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 Board determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda Mr. Waldron reviewed the Agenda with the Board. Following discussion, upon a motion duly made and seconded, the Board approved the Agenda as modified.

Public Comment None.

**Consent Agenda** Mr. Waldron presented the items on the consent agenda to the Board for consideration. Ms. Murphy advised the Board that any item may be removed from the consent agenda to the regular agenda upon request of any director. No items were requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved and adopted.

- Minutes from the April 18, 2019 Meeting
- Ratification of Contract with Fun Services, Inc. for Inflatables and Face Painting

## **Operations**

District Manager's Report and Violations Report Ms. Whisner presented the Board with the District Managers Report for review and noted that there are 19 open violations. The Board discussed one case that involved a porch extension with Ms. Whisner. No action was taken.

Discuss Design Review Committee Ms. Murphy informed the Board that KB Home Colorado, Inc. has surrendered its rights to appoint the Architectural Review Committee ("ARC") under the Covenants, Conditions and Restriction for Trailside.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the appointment of Mr. Scott, Ms. Poor and Ms. Keith to the ARC. The Board directed Ms. Whisner to reach out to the community to see if additional homeowners are interested in serving on the ARC.

Update from Social Committee Ms. Whisner presented the Board with an update from the Social Committee and stated that the committee met last night but no members are present today.

Ms. Whisner informed the Board that several homeowners have asked for a community garage sale but that the Social Committee is not planning to host this event. Director Scott stated that they did a community garage sale one or two years ago and it was sponsored by a local real estate agent. Director Scott will investigate and provide the information to Ms. Whisner.

Ms. Whisner informed the Board that the Social/Advisory Committee is interested in a hosting a community clean-up day in the Fall. The request is for the Board to provide trash grabbers, poop scoopers, and trash bags. Ms. Whisner does not yet have an estimated cost for this event. Following discussion, upon a motion duly made and seconded, the Board unanimously approved up to \$200 for clean-up day costs.

Update from Advisory Committee

Ms. Whisner stated that the Advisory Committee and Metco landscaping met to discuss adding dog waste stations, a message board, an awning over the tot lot, adding landscaping/shrubs on the north side of the park, and solar lights on the mailboxes.

Ms. Pickens, a member of the Advisory Committee, informed the Board that the Committee has met on several occasions and has identified a list of project they would like to focus on. Ms. Pickens will send the list to Ms. Murphy for distribution to the Board.

Other Operations Matters

None.

### **Legal Matters**

Discuss Acceptance of Tract D, Cundall Farms Subdivision Filing No. 1

Ms. Murphy informed the Board that Director Scott, Katie Cooley, and Ms. Murphy walked Tract D on May 1, 2019, to identify items that must be completed by KB Homes prior to the District accepting Tract D. The punch list items are: all lights on the path will be working, back fill dirt around the benches on the path, back fill dirt adjacent to the sidewalk where the water is standing, level out dirt adjacent to the sidewalk to prevent standing water, regrade area on the north end of Tract D where someone drove a truck, reseed all disturbances and take care of those areas until the native grasses are filled in, including all erosion measures necessary, and install a three-rail fence on the north end of Tract D from the mailboxes to the light pole.

Director Scott stated that after the walk-through, all 10 lights were working, last night there were 3 lamps not working.

Ms. Whisner stated that several homes back up to Tract D and part of the backyard landscaping is a black pipe that drains into Tract D where the homeowners are allowing drainage into Tract D. Ms. Whisner stated that violation letters have been turned over to legal. Ms. Whisner will provide more information about the black pipes to Ms. Murphy as part of the turn over process.

Mr. Stewart proposed to place plastic along the west side of Tract D to prevent prairie dogs, his proposal is to contain the prairie dogs where they are currently located. Following discussion, the Board determined to take no action.

**Review Proposals for District Management Services**

At the April 18, 2019 meeting the Board requested legal counsel to distribute a request for proposal for district management services. Mr. Waldron informed the Board that Summit Management & Consulting, Inc.; Community Resource Services of Colorado, LLC; RealManage; and CliftonLarsonAllen have submitted proposals. Following discussion, the Board directed legal counsel to arrange interviews with the bidders, the Advisory Committee, Director Scott, and Director Chris Elliott.

**Other Legal Matters**

Mr. Waldron informed the Board that White Bear Ankele Tanaka & Waldron, the District's records custodian, received a CORA request from the Denver Post regarding the 2017C Bonds. Mr. Waldron also mentioned that the Denver Post has made similar requests with other Districts.

Mr. Waldron explained HB19-1087 which allows local government to fulfill the twenty-four hour posting requirement of a public meeting if it posts the notice, and specific agenda items when available, on the District's website. Following discussion, the Board directed legal counsel to physically post notices in the District and on the District's website.

**Financial Matters**

**Consider Acceptance and Approval of Unaudited Financial Statements and Claims Payable**

Mr. Houghton reviewed the schedule of cash position dated May 31, 2019.

**Other Financial Matters**

None.

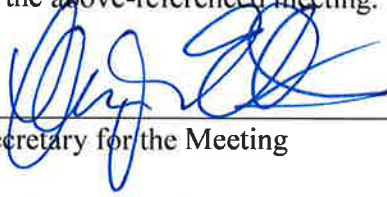
**Other Business**

Director Scott presented a letter to the Board from Mr. Morgan regarding late fees. The Board directed legal counsel to investigate the letter with Stillwater Community Management.

**Adjournment**

There being no other matters 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.



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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors at a special meeting on June 20, 2019.