

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

CUNDALL FARMS METROPOLITAN DISTRICT

Held: Thursday, June 20, 2019, at 9:00 a.m., at 5061 E. 160<sup>th</sup> Avenue, Brighton, Colorado.

Attendance

The regular 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

*All Director absences are excused unless otherwise stated.*

Also present: Clint C. Waldron, Esq., White Bear Ankele Tanaka and Waldron, P.C., District General Counsel; and Christi Whisner, Stillwater Community Management, District Manager; Ben Houghton, CliftonLarsonAllen, LLLP, District Accountant; Mr. Maes and Ms. Burczek, Advisory Committee Member; and Ms. Jurhs, Social Committee Member.

Homeowners in attendance who signed in are included in the attached sign-in sheet.

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 Mr. Stewart mentioned that he is confused about who owns and is responsible for maintaining the property. Ms. Whisner reviewed the ownership and maintenance map with the Board and homeowners present.

**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 May 23, 2019 Meeting
- Approval of Contract with Biker Jim's Gourmet Dogs
- Approval of Contract with Yvonne Min Photography for Santa Photo Shoot
- Approval of Contract with Santa Steve Kringle for Santa Services

## **Operations**

District Manager's Report and Violations Report Ms. Whisner reviewed the violations report with the Board and updated them on the status of collections.

Discuss Design Review Committee The Board engaged in a discussion regarding the Design Review Committee. Mr. Waldron noted the Board had requested that a structure be put in place to allow homeowners an avenue to appeal decisions of the ARC Advisory Committee to the Board. Mr. Waldron reviewed the proposed structure with the Board.

Resolution Delegating Architectural Authority The Board engaged in a discussion regarding the Resolution Delegating the Architectural Authority. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution.

Discuss Appointment of Homeowners to ACR Advisory Committee The Board engaged in a discussion regarding the appointment of homeowners to the ARC Advisory Committee. Following discussion, upon a motion duly made and seconded, the Board unanimously appointed Mr. Rodriguez, Mr. Keith, and Ms. Poor to the committee.

Discuss Modifications to Design Guidelines The Board engaged in a discussion regarding modifications to the Design Guidelines. The Advisory Committee noted some concerns with front yard improvements. The Board asked that the Committee

review and propose design modifications to the guidelines regarding front yard improvements. It was also noted that the fence stain colors need to be resolved by the new manager.

Update from  
Social Committee

Ms. Jurhs reviewed the upcoming social events and the updated budget with the Board. She stated that the social committee asked for a checklist of items to be prepared for each contract to streamline the process. Ms. Jurhs noted the next committee meeting will be held on July 23<sup>rd</sup>. The Board thanked Ms. Jurhs for all of her and the social committee's work and apologized for the lack of regular communication. The Board also discussed the need to have committee members reimbursed as soon as possible. Members of the community present noted their families have enjoyed the activities and thanked the committee.

Update from Advisory  
Committee

The Board reviewed the proposed improvements list requested by the Advisory Committee. The list included three additional pet waste stations, a message board, as well as several landscape improvements. Ms. Whisner noted that the \$20,000 advance from KB Homes for Tract A and B tree replacements is included in the budget. The Board engaged in discussion on the proposed improvements. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the pet waste stations, with full-sized trash receptacles, not to exceed \$5,000 and authorized replacement of playground mulch.

It was noted the dog-on-leash signs are deteriorating and the advisory committee asked that they be removed. The Board suggested that rather than the signs being removed, they be replaced with permanent signs. Following discussion, upon a motion duly made and seconded, the Board unanimously approved replacing the signs, not to exceed \$150 per sign.

The Board engaged in a discussion regarding the rock bed. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the rock bed.

The committee also discussed the native grass at the well area. It was noted that the City would not approve sod for that area, and that the oil company has the rights to the entire tract, not just the well head. The Board and committee discussed options of installing a wrought-iron fence, or the installation of trees and shrubs. The Advisory Committee requested additional follow up with Metco regarding weed control.

Update on Community Clean-  
Up Day

Ms. Whisner provided the Board with an updated on the community clean-up day. It was noted that Metco will provide trash sticks, trash bags, and vests.

- Discuss Proposals for New District Website Ms. Whisner presented the Board with the proposal for a new District website from Ms. Sosa. Director Scott noted he had already secured a URL and GoDaddy account. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal from Ms. Sosa.
- Consider Approval of Proposal from SavATree for Holiday Lighting Director Scott asked for this item to be deferred to the next meeting.
- Consider Approval of Proposal from Colorado Christiains Lights for Holiday Lighting Director Scott asked for this item to be deferred to the next meeting and noted that he would like to obtain a quote from L.W. He also stated that the District currently has 12 wreaths.
- Other Operations Matters It was noted that the Board would like to get a bid for adding outlets at the entrances as well as the light poles in the park for additional holiday lighting. The Board engaged in a general discussion regarding a bid for rain sensors at park.
- Metco Proposal for Tract M The Board reviewed the proposal from Metco for Tract M improvements and asked for clarification on the native grass.

### **Legal Matters**

- Update on Acceptance of Tract D, Cundall Farms Subdivision Filing No. 1 The Board engaged in a discussion regarding the Tract D improvement. Director Barbera discussed the discharge from sumps into Tract D, causing erosion on Tract D. It was stated that KB Homes is developing a plan to install erosion control measures such as rip-rap, and asked that violation letters be put on-hold until they have a chance to provide a solution. Director Scott asked about the pet wire between the three-rail fences, Director Barbera stated that KB Homes will have it removed. The Board also asked about the reseeding, Director Barbera noted that the reseeding was to take place this week. Director Scott also mentioned the lighting on the trail is still not working and noted that there are several dead trees that need to be replaced. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Acceptance of Tract D, subject to replacement of any dead trees, installation of erosion control measures, removal of the wire on the three-rail fence, reseeding of the dead areas, and repair of the lighting.
- Acknowledge Termination of Stillwater Community Management, LLC as District Manager and Consider Award of Contract for District Management Services Ms. Whisner informed the Board that her last day is tomorrow and she will prepare a list of pending items for the Board. The Board engaged in a discussion regarding awarding the contract for District Management Services. The Board reviewed the recommendation from the interview committee, Following discussion, upon a motion duly made and seconded, the Board unanimously determined to engage 5150 as the new manager.

Other Legal Matters                      None.

**Financial Matters**

Consider Acceptance and Approval of Unaudited Financial Statements and Claims Payable                      Mr. Houghton reviewed the claims payable with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified check numbers 1200-1210 in the amount of \$27,058.46, and approved check numbers 1211-1217 in the amount of \$20,268.300

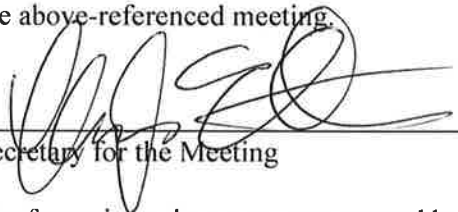
Consider Acceptance of 2018 Audit                      Mr. Houghton presented the Board with the 2018 Audit for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the Audit.

Other Financial Matters                      None.

**Other Business**                                      Residents requested a date for another community meeting. The Board noted that this will be coordinated with the new management company.

**Adjournment**                                      There being no other matters to come before the Board and following discussion and upon a motion duly made, seconded and unanimously carries, 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 July 18, 2019.