

MINUTES OF A SPECIAL MEETING OF THE BOARD  
OF DIRECTORS

OF

CUNDALL FARMS METROPOLITAN DISTRICT

Held: Wednesday, May 4, 2021, at 5:30 p.m. via  
Teleconference.

Due to the Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders issued by the Colorado Department of Public Health and Environment, and the threat posed by the COVID-19 coronavirus, this meeting will be held 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  
Darren Fresquez

Director Kathy Snyder was absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present was Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Melissa Sykes, Advance HOA Management, Inc., District Manager; Gigi Pangindian, CliftonLarsonAllen LLP, District Accountant; and homeowners.

**Call to Order**

Mr. 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 as presented.

## **Public Comment**

Ms. Paula Juhrs thanked the Board for supporting the social events. She noted that she received the property assessment in the mail and requested that Ms. Sykes include information in the newsletter notifying homeowners property assessment information is available from the Adam's County Assessor.

Ms. Leslie Warner-Garcia inquired about prairie dogs to make sure they are not the kind of prairie dogs that cannot be eradicated pursuant to local laws. She noted killing prairie dogs might impact other wildlife. She also inquired about the design guideline amendments and why they are proposing changes to exterior lighting.

Director Maes noted that every light in the neighborhood park is turned off. Ms. Sykes said she would investigate.

Sam inquired if all the lights on poles are the responsibility of the District or United Power. Director Scott noted that the lights on the public right-of-way belong to the City of Thornton.

Ms. Timm inquired if trees in the park are blooming. She noted that she agrees with the lighting in the park being turned off and should be fixed. Director Fresquez noted that the lights in the park will be investigated and the trees in the community are being replaced as part of a larger tree planting project.

Mr. Warren inquired about exterior lighting and the design guideline amendments. He would like to know when the decision will be made. He also noted that the lights at the park have been an issue for at least a year.

Dave inquired about the presentation from ET Irrigation and inspection of the playground. Director Scott noted the playground inspection contract has been approved. Ms. Sykes noted that ET Irrigation will provide another presentation to the Board when they are ready.

Sam commented about the entrance way on 156<sup>th</sup> and Columbine, noting that it was an eye sore. He inquired if anything will be done. Director Maes responded that this will be investigated with the landscape maintenance company.

## **Consent Agenda**

Following a summary by Ms. Murphy, the items on the consent agenda were approved and/or adopted by one motion duly made and seconded, and unanimously carried.

### 1. April 6, 2021 Special Meeting Minutes

## **Director Matters**

Discussion Regarding Board Liaisons

The Board deferred discussion.

Discussion Regarding Architectural Review Committee

The Board deferred discussion.

Discussion Regarding Establishment of Finance Committee

The Board deferred discussion.

Consider Appointment of Tribunal for Appeal of Architectural Review Committee Decision

Ms. Murphy presented the appointment of Tribunal for Appeal of Architectural Review Committee to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the appointment of Directors Maes and Scott to the Tribunal.

## **Financial Matters**

Consider Ratification of Cash Position and Interim Claims Report

Ms. Pangindian presented the interim claims totaling \$35,678.62 and Cash Position Report to the Board for ratification. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the claims and the cash position report.

Public Hearing on 2021 Budget Amendment

Director Scott opened the public hearing on the 2021 Budget Amendment. Ms. Murphy noted that the notice of public hearing was provided in accordance with Colorado

Law in the *Northglenn-Thornton Sentinel* on April 29, 2021. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Adoption of Resolution Amending 2021 Budget

Ms. Pangindian reviewed the Resolution Amending the 2021 Budget with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution amending the Debt Service Fund to an amount to be determined by Ms. Pangindian based on the refinancing transaction set to close on May 18, 2021.

Other Financial Matters

None.

### **Management Matters**

Manager Report

Ms. Sykes reviewed the Manager Report with the Board. She noted Schultz Industries will aerate the park in the next week or so.

Weeds in the Park

Director Maes inquired about weeds in the park. Ms. Sykes responded that Schultz Industries provides a pre-emergent and removal of weeds throughout the season.

Pre-Emergent in the Native Grass Areas

Director Nelson inquired about pre-emergent in the native grass areas. Ms. Sykes will provide proposals for consideration at the next meeting.

Proposal with Schultz Industries for Over Seed in the Park

The Board engaged in discussion regarding a proposal with Schultz Industries for over seed in the park in the amount of \$4,291.59 for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

### **Executive Session**

Upon motion of Mr. Scott, seconded by Mr. Fresquez, and upon an affirmative vote of at least two-thirds of the quorum present, pursuant to § 24-6-402(4)(b), C.R.S., conference with an attorney for the District, the Board convened in executive session at 6:30 P.M. for the purpose of receiving legal advice on specific legal questions related to waiver of fines and fees.

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of the District's attorney, constitutes privileged

attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

Also pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

Upon motion of Director Scott, seconded by Director Maes, the Board reconvened in regular session at 6:44 P.M.

Discuss Waive Fee

Following discussion, upon a motion duly made and seconded, the Board unanimously approved to waive \$100 fee so long as the homeowners remains in compliance with the District's rules and regulations for 30 days. It was noted that if the homeowner is in violation of the District's rules and regulations in the next 30 days, a third notice will be provided.

Discuss Meeting Time

Ms. Sykes presented a request from a homeowner to start meetings after 5:30 p.m. The Board determined to keep the current meeting time of 5:30 p.m.

Discuss Landscaping at 156<sup>th</sup> and Columbine

Ms. Sykes inquired about entryway landscaping at 156<sup>th</sup> and Columbine. Director Scott noted that it could use some clean up. Ms. Sykes will request a proposal from Schultz Industries.

Discuss Fine/Fee Waiver Requests

Ms. Sykes asked the Board how they would like to address fine/fee waiver requests from homeowners. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized Director Maes to approve fine/fee waiver request for amounts up to \$99.99. All other fine/fee waiver requests will be heard by the Board.

Proposal from Schultz Industries To Remove Tree Stakes

Director Nelson noted that the Board inquired about the tree stakes being removed throughout the community. Following discussion, upon a motion duly made and seconded, the Board unanimously approved Director Fresquez to approve a proposal from Schultz Industries to remove tree stakes in an amount not to exceed \$3,000.

Discuss Tree Replacements and Insurance Schedule

The Board engaged in general discussion regarding staging for the large tree planting project and decided to allow staging on Tract M. Ms. Murphy requested Director Fresquez notify Ms. Sykes when the trees are installed so that they can be added to the insurance schedule.

Discuss Debris in the Big Dry Creek

The Board engaged in general discussion regarding construction debris in Big Dry Creek. Ms. Sykes noted that she will reach out to KB Homes and request additional debris be removed. Director Nelson inquired about installing a perimeter fence near Big Dry Creek. Ms. Sykes will request proposals to install a fence.

Consider Approval of Amendment to Section 1.4 and Section 3.44 of the Residential Improvement Guidelines and Site Restrictions for Trailside Community

Ms. Murphy reviewed with the Board the Amendment to Section 1.4 and Section 3.44 of the Residential Improvement Guidelines and Site Restrictions for Trailside Community. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the amendment with changes discussed at the meeting and the effective date of the resolution to be July 1, 2021.

Update Regarding Basketball Repairs

Director Nelson discussed the basketball court repair with the Board. He noted that he has reached out to three recommended contractors for proposals. No action taken.

Discussion Regarding Prairie Dogs Eradication in Open Space

Ms. Murphy reviewed prairie dog eradication on Tract D with the Board. She noted that they City is not willing to pay the cost of eradication but is willing to pay half the costs. The Board directed Ms. Murphy to investigate the policies and procedures the City of Thornton uses to manage prairie dogs on City property.

Other Management Matters

Director Fresquez presented an update regarding the insurance claim and large tree planting project. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized Director Fresquez to spend the remaining insurance proceeds on additional trees and associated oversight costs related to tree planting.

## **Legal Matters**

Update Regarding White Bear Ankele Tanaka & Waldron Covenant Enforcement Services

Ms. Murphy presented an update regarding the White Bear Ankele Tanaka & Waldron Covenant Enforcement Services noting that White Bear Ankele Tanaka & Waldron will no longer provide covenant enforcement legal services effective June 15, 2021. The Board deferred action on this item until the next meeting.

Other Legal Matters

The Next Regular Board Meeting is scheduled for June 8, 2021 at 5:30 p.m. subject to availability of Director Snyder.

## **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.

Darren Fresquez

Darren Fresquez (Jun 18, 2021 14:50 MDT)

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Secretary for the Meeting

The foregoing minutes were approved on the 8<sup>th</sup> day of June, 2021.

# 2021-06-08 Cundall Farms Execution Packet

Final Audit Report

2021-06-18

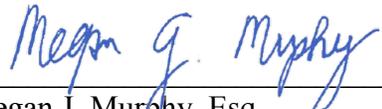
Created:	2021-06-15
By:	Dana Anderson (danderson@wbapc.com)
Status:	Signed
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## "2021-06-08 Cundall Farms Execution Packet" History

-  Document created by Dana Anderson (danderson@wbapc.com)  
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Signature Date: 2021-06-15 - 7:02:28 PM GMT - Time Source: server- IP address: 50.211.240.105
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2021-06-18 - 8:47:46 PM GMT- IP address: 71.237.43.20
-  Document e-signed by Darren Fresquez (darrendfresquez@msn.com)  
Signature Date: 2021-06-18 - 8:50:17 PM GMT - Time Source: server- IP address: 71.237.43.20
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**ATTORNEY STATEMENT  
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Cundall Farms Metropolitan District, I attended the executive session meeting at a special meeting of Cundall Farms Metropolitan District convened at 6:30 P.M. on May 4, 2021 for the sole purpose of discussing legal advice on specific legal questions related to waiver of fines and fees. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

  
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Megan J. Murphy, Esq.