

MINUTES OF A SPECIAL MEETING OF THE BOARD  
OF DIRECTORS

OF

CUNDALL FARMS METROPOLITAN DISTRICT

Held: Tuesday, August 3, 2021, at 5:30 p.m. via  
Teleconference.

*This meeting was 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  
Paula Jurhs  
Darren Fresquez

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

**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 amended.

**Appointment of Officers**

No action taken.

**Public Comment**

Ms. Lawson commented that she had sent information to Director Jurhs when she moved into the District the maximum mill levy was 50 mills, in 2019 the maximum mill levy was higher than 50 mills. Ms. Lawson commented that if the mill is going to up it should be voted on by the residents. Ms. Murphy responded that the mill levy information is in the District's FAQ document posted on the District's website. Director Maes responded that the District will be trying to lower the mill levy for the upcoming year in light of the refinancing that was completed in 2021.

**Consent Agenda**

Ms. Murphy reviewed the item on the consent agenda with the Board. Ms. Murphy advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. Upon a motion duly made and seconded, the following item on the consent agenda were unanimously approved:

1. July 12, 2021 Special Meeting Minutes.

**Director Matters**

Consider Appointment of Resident to Architectural Review Committee

The Board reviewed the application of Mr. David Stribling to the Architectural Review Committee. Following discussion, upon a motion duly made and seconded, the Board unanimously appointed Mr. Stribling to the Architectural Review Committee.

**Financial Matters**

Consider Ratification of Cash Position and Interim Claims Report

Ms. Pangindian presented the schedule of cash position dated June 30, 2021 updated as of August 2, 2021 to the Board. Ms. Pangindian presented checks in the amount of \$34,110.28 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.

Other Financial Matters

Ms. Pangindian reminded the Board of the Annual Budget process.

## **Management Matters**

Manager Report

Ms. Sykes reviewed the Manager Report with the Board. Ms. Sykes also noted she is following up regarding the installation of lights in the park and along the trail.

Consider Approval of Proposal from Schultz Industries Inc. for Tree Trimming

Ms. Sykes presented the proposal from Schultz Industries Inc. for tree trimming to the Board. Following discussion, the Board determined to not approve the proposal.

Consider Approval of Proposal from Schultz Industries Inc. to Remove Dead Shrubs

Ms. Sykes presented the proposal from Schultz Industries Inc. for dead shrub removal to the Board. Following discussion, the Board determined to not approve the proposal.

Consider Approval of Proposal from Schultz Industries Inc. to Build Split Rail Fence on the Water Side of the Walking Path

Ms. Sykes presented the proposal from Schultz Industries Inc. to build a split rail fenced on the water side of the walking path to the Board. Ms. Sykes commented that she had requested three proposals and Schultz Industries Inc. was the only one who responded. Following discussion, the Board directed Ms. Sykes to ask if the City of Thornton will pay for this as a safety improvement.

Consider Approval of Proposal from SavATree, LLC for Beetle Kill

Ms. Sykes presented the proposal from SavATree, LLC for beetle kill treatment to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal for \$495 and requested that SavATree, LLC provide additional proposals for tree spraying in 2022.

Consider Approval of Proposal from CO Smart Landscape Contract to Prune All Deciduous and Ornamental Trees

Ms. Murphy presented the proposal from CO Smart Landscape for pruning all deciduous and ornamental trees to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

Consider Approval of Proposals for Grading on Tract D

Ms. Murphy informed the Board that White Bear Ankele Tanaka & Waldron requested proposals from Atwell, LLC and Merrick & Company to address the grading issue on Tract D. Atwell, LLC declined to provide a proposal and Merrick & Company requested additional time to investigate the issue. Following discussion, the Board requested White Bear Ankele Tanaka & Waldron request a proposal from Trailridge Consulting Engineers.

Other Management Matters

Ms. Sykes presented a request from a homeowner for the waiver of fines. Ms. Sykes noted that the homeowner was gone for 3 months and his irrigation system failed. There are three \$50 fines and one \$25 fine. Following discussion, upon a motion duly made and seconded, the Board unanimously approved to waive \$100 in fines.

The Board directed Ms. Sykes to follow up on the asphalt installation from KB Homes.

**Legal Matters**

Consider Approval of Resolution Designating the Location of Meetings of the Board of Directors

Ms. Murphy presented the Resolution Designating the Location of Meetings of the Board of Directors to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the resolution.

Discussion Regarding Acceptance of Underdrain System

Ms. Murphy reviewed the requirements of the Resolution of the Board of Directors of the Cundall Farms Metropolitan District Establishing Policies and Procedures for the Acceptance of Underdrain Improvements (the “**Policy**”) with the Board. Ms. Murphy noted that KB Homes has been unable or unwilling to provide all of the documentation required by the Policy.

Following discussion, the Board directed White Bear Ankele Tanaka & Waldron to provide proposals for the inspection of the underdrain system in accordance with the Policy.

Discussion Regarding Outstanding Matters with KB Homes

Ms. Murphy presented the outstanding matters with KB Homes to the Board. No action was taken.

Other Legal Matters

None.

Tree Replacement

Director Fresquez presented that there are additional tree replacement projects that could be completed in 2021 and will be discussed at the next meeting.

Discussion Regarding August Watering

Director Fresquez asked the Board if the District wanted COSmart to complete tree watering in August. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized Director Fresquez to work with COSmart to authorize August tree watering.

New Trees Added to Insurance

Director Fresquez presented that he is adding the new trees to the Districts' insurance and will provide notification when the project is complete.

**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 (Oct 1, 2021 12:11 PM ET)

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Secretary for the Meeting

The foregoing minutes were approved on the 7th day of September, 2021.