

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

CUNDALL FARMS METROPOLITAN DISTRICT

Held: Tuesday, November 1, 2022, at 5:30 P.M., via Zoom
videoconferencing platform.

Attendance

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

Bradley Mark Nelson
Paula Juhrs
Darren Fresquez
David Stribling

Absent: Reuben Patrick Maes (absence excused).

Also present were Colin B. Mielke, Seter & Vander Wall, P.C.; Melissa Kupferer, Advance HOA Management, Inc.; Alyssa Ferreira, CliftonLarsonAllen LLP; and Shad Parrish*, BrightView Landscaping.

[*Departed where indicated]

Call to Order

Mr. Mielke noted that a quorum of the Board was present and called the meeting to order at approximately 5:30 p.m.

Disclosure Matters

Counsel had previously advised the Board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member confirmed the contents of any written disclosure previously made, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

Written disclosures of the Directors' interests had been filed

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with the Secretary of State prior to the meeting.

Approval of Agenda

Upon motion made, seconded and unanimously carried, the Board approved the agenda as presented.

Public Comment

The public comment period was opened. There being no public comment, the public comment period was closed.

Approval of Minutes

After review, and upon motion made, seconded and unanimously carried, the minutes of the September 19, 2022 special meeting were approved as presented.

Discussion regarding BrightView Landscaping & Snow Removal Proposal

Mr. Shad Parrish from BrightView Landscaping addressed the Board regarding a landscaping and snow removal proposal from BrightView. Mr. Parrish described BrightView's partnership approach to landscaping services and the types of services expected to be provided under the proposal. After discussion, the Board thanked Mr. Parrish for his attendance and stated it would take the proposal under consideration.

[*Mr. Parrish left at this time]

The Board discussed BrightView's proposal and compared it to the current contract with Schultz Landscaping. Ms. Kupferer informed the Board that no other contractors responded to the request for proposals, but that she will contact other companies to try and get at least one more proposal for the Board's consideration. The Board determined to schedule another meeting once another proposal is received.

Consideration of CO Smart Proposal for Storm Drain Cleanout

The Board reviewed a proposal from CO Smart for storm drain cleanout services in the amount of \$3,500. After review and discussion, and upon motion made, seconded and unanimously carried, the Board approved the proposal as presented.

Financial Matters / Payment of Claims

Ms. Ferreira presented claims in the amount of \$57,304.19 to the Board for ratification. Ms. Ferreira presented a schedule of cash position dated July 31, 2022 and updated as of October 28, 2022. Following discussion, and upon motion duly made and seconded, the Board unanimously accepted the schedule of cash position and ratified the claims as presented.

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Public Hearing regarding
2022 Budget Amendment

Ms. Ferreira presented the Board with a proposed resolution to amend the 2022 budget to increase appropriations in the Operations Fee Fund from \$287,000 to \$366,000. The Board opened the public hearing on the proposed 2022 budget amendment. There being no public comment, the public hearing was closed. The Board discussed the proposed amendment and upon motion made by Director Fresquez, seconded by Director Stribling and unanimously carried, the Board approved the resolution to amend the 2022 budget as presented.

The Board discussed the status of the basketball court project, noting that it has been delayed multiple times. The Board asked Ms. Kupferer to contact the contractor for a status update, and if the project cannot begin in November the Board would like to terminate the contract and find a more responsive contractor. The Board requested that Mr. Mielke verify the right to termination in the District agreement with the contractor.

Public Hearing regarding
2023 Budget

Ms. Ferreira presented the Board with a proposed 2023 budget and a proposed resolution to adopt the 2023 budget. The Board opened the hearing on the proposed 2023 budget. There being no public comment, the public hearing was closed. Ms. Ferreira explained a reduction in the District's assessed valuation due to recently enacted legislation, and a proposed increase in the District's debt service mill levy to ensure adequate debt service revenues are collected. After review and discussion, and upon motion made by Director Fresquez, seconded by Director Nelson and unanimously carried, the Board approved the budget and budget resolution as presented, appropriated the budgeted funds, and certified mill levies of 16.133 for the General Fund and 47.238 for the Debt Service Fund, for a total mill levy of 63.371, subject to any adjustment that may be necessary pending the District's receipt of its final assessed valuation from the County Assessor's Office.

The Board discussed the District's reserve study from 2021, and Ms. Ferreira confirmed she will deliver a copy of the study to Director Juhrs.

Management Matters

- Discussion regarding
BrightView Irrigation
Analysis

The Board discussed an irrigation analysis provided by BrightView, noting that the Board will revisit the analysis when it reviews all landscaping proposals. Director Stribling requested that proposals include programming of the irrigation

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system within their scopes of work and Director Fresquez requested that product numbers for irrigation parts be provided by the chosen landscaper through receipt of itemized invoices that show both labor and parts costs.

- Consider Prairie Dog Remediation Services

The Board reviewed a proposal from Rocky Mountain Wildlife Services for prairie dog remediation services. After review and discussion, and upon motion made, seconded and unanimously carried, the Board approved engagement of Rocky Mountain Wildlife Services to provide one application of aluminum phosphide treatment in November for a not-to-exceed price of \$662.50, and up to three applications of aluminum phosphide treatment in 2023 for a not-to-exceed price of \$787.50 per application. The Board further discussed prairie dog migration from adjacent property owned by the City of Thornton. The Board requested that Mr. Mielke contact the City of Thornton to request the City perform prairie dog remediation on its adjacent property.

- Consider Appointment of Social Committee Member

Director Juhrs informed the Board that Linda Sprouse has expressed interest in serving on the District's Social Committee. The Board discussed Ms. Sprouse's interest in serving on the committee, and upon motion made, seconded and unanimously carried, the Board appointed Ms. Sprouse to the Social Committee.

Discussion regarding FAMLI Act

Mr. Mielke presented the Board with a memorandum regarding the recently enacted FAMLI Act and discussed its application to local government employers. The Board discussed that the District has no employees, and in addition board members are not compensated for their service as board members. Based on those facts and statements by the Colorado Department of Labor and the Special District Association, it was determined that the District does not fit within the definition of local government employer, and no further action is required of the District with regard to the FAMLI Act.

Legal Matters

- Reconstruction of Monument

Mr. Mielke noted that his office contacted the District's insurance company pursuant to discussion at the last board meeting. The District's insurance company confirmed that the District could return the payment made for the damage and close out the claim, or the District could keep the payment. The District does not expect a large increase in its insurance premium based on this claim. The Board determined to keep the payment, forgo attempting to recover funds from the driver's insurance company, and continue with seeking repairs for the

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monument.

- Ratification of 2021 Annual Report
The Board reviewed its 2021 Annual Report as submitted to the City of Thornton pursuant to the District's service plan. After review and discussion, and upon motion made, seconded and unanimously carried, the Board ratified its approval of the 2021 Annual Report.
- Ratification of Holiday Lighting Contract
Mr. Mielke presented the Board with a contract for holiday lighting materials and services with Mile High Lighting & Events, LLC. Mr. Mielke reminded the Board that it approved the scope of work at its prior meeting, and requested the Board ratify the contract, which includes the scope of work as an exhibit. After review and discussion, and upon motion made, seconded and unanimously carried, the Board ratified the contract as presented.
- Resolution Authorizing Debit Card
Mr. Mielke presented the Board with a resolution to establish District debit cards and authorize certain District representatives to utilize the debit cards for limited District expenses. The Board identified Director Juhrs and one member of the Social Committee to be chosen by Director Juhrs to utilize debit cards. The Board set a limit of \$6,000 in total expenditures over a 6-month period. The Board determined that the debit cards shall be utilized to pay for the District's Go Daddy account. The Board further determined that the authorized user on the Social Committee must obtain Director Juhrs' permission for general types of expenditures prior to utilizing the card. Upon motion made, seconded and unanimously carried, the Board approved the resolution and directed legal counsel to include the additional information discussed by the Board.
- Resolution regarding May 2023 Regular Election
Mr. Mielke presented the Board with a resolution regarding the District's May 2023 regular election and designating Catherine T. Bright at Seter & Vander Wall, P.C. to serve as the Designated Election Official. Upon motion made, seconded and unanimously carried, the Board approved the election resolution as presented.
- Resolution regarding NorthPark 25 Development
Mr. Mielke presented the Board with a resolution establishing an information committee regarding the NorthPark 25 development. Mr. Mielke noted that a neighboring metropolitan district had adopted a similar resolution. The Board discussed members for the committee, and determined to appoint Directors Fresquez and Juhrs as the informational committee members. Upon motion made, seconded and unanimously carried, the Board approved the resolution as discussed.

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Other Business

The Board discussed construction work at the neighboring fire station and damage that has occurred to the District's landscaping due to that construction work. Director Fresquez agreed to send Mr. Mielke information regarding the extent of damage, and Mr. Mielke will research the fire department's obligation to repair the damage.

Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 7:40 p.m.



[David Stribling \(Nov 30, 2022 11:27 MST\)](#)

Secretary for the Meeting







00631053

Final Audit Report

2022-11-30

Created:	2022-11-29
By:	Catherine Bright (cbright@svwpc.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAjJEaiuEm-55XZh-mGqODQScbncwffhrb

"00631053" History

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2022-11-29 - 10:32:47 PM GMT
-  Email viewed by davidryanstribling@gmail.com
2022-11-30 - 6:25:38 PM GMT- IP address: 107.77.200.123
-  Signer davidryanstribling@gmail.com entered name at signing as David Stribling
2022-11-30 - 6:27:03 PM GMT- IP address: 107.77.200.123
-  Document e-signed by David Stribling (davidryanstribling@gmail.com)
Signature Date: 2022-11-30 - 6:27:05 PM GMT - Time Source: server- IP address: 107.77.200.123
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