

MINUTES OF A REGULAR MEETING OF THE BOARD  
OF DIRECTORS

OF

CUNDALL FARMS METROPOLITAN DISTRICT

Held: Tuesday, January 4, 2021, at 5:30 p.m. via  
Teleconference.

**Attendance**

A regular 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 Juhrs  
Darren Fresquez

Also present were 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 members of the public.

**Call to Order**

Director 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.

**Public Comment**

None.

**Consent Agenda**

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

- November 2, 2021 Regular Meeting Minutes; and
- Independent Contractor Agreement with Schultz Industries, Inc.

**Director Matters**

Consider Approval of Proposal from Merrick & Company for Engineering Study on Tract D

Deferred. The Board directed Ms. Sykes to find a proposal from a grading/excavating company.

Consider Approval of Proposal from Frontier Mechanical, Inc. for Lighting Upgrades

Director Fresquez noted that someone in the neighborhood fixed all the lights in the park. This individual is willing to do electrical lighting at the entrances and other areas. No action was taken.

Consider Approval of Park Light Repairs with Best Lighting & Electrical Service

Director Fresquez presented the proposal for the Best Lighting & Electrical Service to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal for \$896.96.

Discussion Regarding Directional Lines Painted on Streets and on Elizabeth Circle

Director Jurhs noted that lines were painted on the speed bumps. The City fixed it but not to the Board’s satisfaction. The Board asked Ms. Sykes to reach out to DINS to see what their response is.

Update Regarding Asphalt Paving

Deferred.

Update on Tree Project including Replacement of Trees and Insurance Coverage for New Trees

The Board asked Ms. Sykes to track winter watering. Director Fresquez sent insurance coverage information for replacement trees to T. Charles and will resend to Ms. Murphy and Ms. Pangindian.

Update Regarding Basketball Court Installation

The basketball court installation is awaiting engineering plans. No action taken.

**Financial Matters**

Consider Ratification of Cash Position and Interim Claims Report Ms. Pangindian presented the November 30, 2021 schedule of cash position updated as of January 3, 2022 to the Board. Ms. Pangindian presented claims in the amount of \$52,277.44 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.

Consider Approval of Wipfli Engagement Letter for 2021 Audit Ms. Pangindian presented the Wipfli Engagement Letter for the 2021 Audit to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the engagement letter.

Other Financial Matters None.

### **Management Matters**

Manager Report Ms. Sykes reviewed the Manager Report with the Board.

Other Management Matters

- The Board decided to move the meeting from March 1, 2022 to February 22, 2022 at 5:30 p.m.
- Director Jurhs asked about signs that say “Dogs on Leashes” that are in disrepair and laying down. The Board directed Ms. Sykes to remove the signs and posts.
- The Board directed Ms. Sykes to get proposal for a bulletin board for posting meeting notices possibility at each mailbox location.
- The mailboxes on Josephine Circle West the doors are routinely open and swinging. Brad asked if there was a reason they don’t stay shut.
- Ms. Jurhs noted the horse carriage was paid twice in 2021 so it will handled as a credit for 2022. Following discussion, upon a motion duly made and seconded, the Board unanimously approved as the District to have a credit with Kiowa Creek Stables.

### **Legal Matters**

Discussion Transition of Legal Services Ms. Murphy informed the Board that White Bear Ankele Tanaka & Waldron will no longer be legal counsel effective February 25, 2022. Director Nelson noted they reached out to 6 attorneys and some additional attorneys and narrowed it down to Paul C. Rufien who could start immediately. Director Nelson stated that Mr. Rufien believes the attorney should be do very little and can work with Advance HOA to get them up to speed providing more administrative services

to the Board. Ms. Sykes noted that if Advance HOA services change, the contract would need to be modified and the scope of services will need to be increased.

1. Director Scott asked if this would save any money since there is no flat fee guarantee. Director Nelson noted that it may be more expensive at first and there is no guaranteed rate.
2. Director Scott noted that White Bear Ankele Tanaka & Waldron does a lot of required filings by the state and wondered if Mr. Rufien would complete these filings. Director Nelson was unsure.
3. Director Maes asked why the other law firms declined to provide a proposal for legal services. Director Nelson said other firms were too busy.
4. Director Maes asked about why the Board would hire a one person legal firm and why there is no flat fee or list of services provided. Director Maes noted he was uncomfortable because the District doesn't have enough information.
5. Director Scott stated that White Bear Ankele Tanaka & Waldron has resigned as the Board has harassed White Bear Ankele Tanaka & Waldron into resigning.
6. Director Maes wants to see the services Paul C. Rufien is providing and a not to exceed amount proposal.

Consider Approval of Engagement Letter with Paul C. Rufien, P.C. for Legal Services      Deferred.

Consider Appointment of Paul C. Rufien as Designated Election Official for May 2022 Election      Deferred.

Other Legal Matters      None.

**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 (Feb 28, 2022 10:00 MST)

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