

## RECORD OF PROCEEDINGS

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**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CIMARRON METROPOLITAN DISTRICT  
HELD  
September 26, 2018**

A regular meeting of the Board of Directors (referred to hereafter as "Board") of the Cimarron Metropolitan District (referred to hereafter as "District") was convened on Wednesday, the 26th day of September, 2018 at 9:02 A.M., at the Candelas Parkview Swim & Fitness Club, 19865 W. 94<sup>th</sup> Ave., Arvada, Colorado, 80007. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Brian Daly  
Creig Veldhuizen  
Brian Mulvany

Mark Mitchell; (via speakerphone)

Following discussion, upon motion duly made by Mulvany, seconded by Director Daly and, upon vote, unanimously carried, the Board excused the absence of Director Vaughn.

#### Also In Attendance Were:

Denise Hogenes; CCMC (Via Speakerphone)

Brooke Baughn; CCMC

Tori Minovich; CCMC

Megan Becher, Esq.; McGeady Becher P.C.

Brandon Collins; Independent District Engineering Services, LLC (for a portion of the meeting)

Ross Wieser; District Accountant (via speakerphone for a portion of the meeting)

David Nocera; Vauxmont Metropolitan District

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Matthew Ward; Environmental Designs Inc.

Dale Coffman; Environmental Designs Inc.

Shawn Ryan; Environmental Designs Inc.

Various Members of the Public

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### **ADMINISTRATIVE MATTERS**

#### **Disclosure of Potential Conflicts of Interest:**

The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State.

Attorney Becher requested members of the Board to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. Attorney Becher noted that conflict disclosure statements for all of the Directors have been filed, and that no additional conflicts were disclosed at the meeting.

#### **Quorum, Location of Meeting, Posting of Meeting Notices:**

Attorney Becher noted that a quorum was present. The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

The Board confirmed that because there was not a suitable or convenient location within its boundaries to conduct this meeting, it was determined to conduct the meeting at the above-stated time, date and location, which is within the same county as the District and is within 20 miles of the District. The Board further noted that notice of the time, date and location was duly posted and that they have not received any objections to the location or any requests that the meeting place be changed by taxpaying electors within its boundaries.

It was noted that the District Manager posted notice of the meeting at three locations within the boundaries of the District, and that McGeady Becher P.C. posted notice of the meeting with the Clerk & Recorder, at least 72 hours prior to the meeting, all pursuant to statute.

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### CONSENT AGENDA

#### Agenda:

There was distributed for the Board's review and approval a proposed agenda for the District's regular meeting.

Following discussion, upon Motion duly made by Director Mulvany, seconded by Director Daly and, upon vote, unanimously carried, the agenda was approved, as amended.

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Upon motion duly made by Director Veldhuizen, seconded by Director Mulvany and, upon vote, unanimously carried, the Board approved or ratified approval of (as appropriate), the Consent Agenda items, as follows:

- A. Approve minutes of August 22, 2018 Regular Meeting.
  - B. Ratify approval of IDES Verification of District Expenditures for August 2018.
  - C. Ratify approval of IDES Recommendations for Facilities Acquisition/Reimbursement for August 2018.
  - D. Ratify approval of Change Order No. 6 to the Service Agreement between the District and Alpine Civil Construction – Filing 3 Regional Trail - \$1,100.
  - E. Ratify approval of Change Order No. 7 to the Service Agreement between the District Premier Earthworks – Filing 4B and 4C Utilities, Paving and Concrete CO #7 – Pedestrian Path - \$265,362.06.
  - F. Ratify approval of Change Order No. 39 to the Service Agreement between the District and Wyoco Erosion Control– Filing 2-4 Erosion Control CO #39 – July Additional EC - \$31,903.
  - G. Ratify approval of proposal from Essentia to add an additional section for the Sustainability Committee, additional links for other District concerns and authorized the execution of a contract for such services in an amount not to exceed \$1,500.
  - H. Ratify approval of Service Agreement for Candelas Pond Maintenance Services between the District and Aqua Sierra Inc.
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### PUBLIC COMMENT

Director Daly opened the meeting to Public Comment. The Board received comments from members of the public who were present.

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Public comments were provided by the following individuals: Rose Pontillo and Elysabeth Ashe. After comments were provided, Director Daly indicated the Board would produce a summary of responses to the various questions posted during public comment.

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### MAINTENANCE MATTERS

#### **Landscape Report:**

Environmental Designs Inc. presented the landscaping report for September 2018.

Environmental Designs Inc. reported on the status of routine maintenance and updated the Board on project status.

#### **Pool Report:**

Brooke Baughn reported on the status regarding pool and lifeguard operations.

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### CAPITAL IMPROVEMENTS

#### **Status of Candelas Project:**

Mr. Collins reviewed the Project Status Report with the Board.

#### **Change Order No. 40 Wyoco Erosion Control – Filing 2-4 Erosion Control - \$20,878.00:**

The Board discussed Change Order No. 40 Wyoco Erosion Control – Filing 2-4 Erosion Control - \$20,878.00.

Following discussion, upon motion duly made by Director Veldhuizen, seconded by Director Mulvany and, upon vote unanimously carried, the Board approved Change Order No. 40 Wyoco Erosion Control – Filing 2-4 Erosion Control - \$20,878.00.

#### **Change Order No. 8 Premier Earthworks – Filing 4B and 4C Utilities, Paving, and Concrete CO #8 – Miscellaneous CORs - \$113,605.04:**

The Board discussed Change Order No. 8 Premier Earthworks – Filing 4B and 4C Utilities, Paving, and Concrete CO #8 – Miscellaneous CORs - \$113,605.04.

Following discussion, upon motion duly made by Director Veldhuizen, seconded by Director Mulvany and, upon vote unanimously carried,

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the Board approved Change Order No. 8 Premier Earthworks – Filing 4B and 4C Utilities, Paving, and Concrete CO #8 – Miscellaneous CORs - \$113,605.04.

**Acceptance of costs for construction of, and services related to, District improvements under the Verification of District Expenditures Report prepared by Independent District Engineering Services, LLC (“IDES”) for reimbursement to Arvada Residential Partners, LLC (“ARP”), and consider release and/or transfer of non-District improvements to ARP pursuant to the Facilities Funding and Acquisition Agreement between the District and ARP, based upon the recommendation of IDES:**

Mr. Collins reviewed IDES’ report entitled “Verification of District Expenditures for September 2018,” which summarizes IDES’ review and verification of the expenditures of the District for September 2018 related to certain District construction contracts, some of which included expenditures not eligible for payment by the District and so were paid directly by ARP pursuant to agreements between ARP and the District (“Verification Report”). The Verification Report identified \$662,430.06 of District Eligible Expenses and \$460.00 of Non-Eligible Expenses.

Following discussion, upon motion duly made by Director Daly, seconded by Director Veldhuizen and, upon vote, unanimously carried, the Board determined to accept the District Eligible Expenses in the amount of \$662,430.06 which will be credited to the Series 2015E Note, subject to the maximum par amount thereof, and approved the release of all interest in, and/or transfer to ARP of, all improvements associated with such Non-Eligible Expenses in an amount of \$460.00, based upon the recommendation of IDES.

**Acceptance of District-eligible expenditures incurred by ARP under the recommendation for Facilities Acquisition/Reimbursement Report prepared by IDES:**

There were no report presented due to no recommendations being made by IDES.

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**FINANCIAL  
MATTERS**

**Claims:**

Mr. Wieser reviewed with the Board the claims for the period ending September 26, 2018 totaling \$841,509.50

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Following discussion, upon motion duly made by Director Veldhuizen, seconded by Director Daly and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending September 26, 2018 in the amount of \$841,509.50.

### **Unaudited Financial Statements For the Period August 31, 2018:**

Mr. Wieser reviewed the unaudited financial statements for the period ending August 31, 2018 with the Board.

Following discussion, upon motion duly made by Director Mulvany, seconded by Director Daly and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending August 31, 2018.

### **2019 Budget:**

Mr. Wieser and Ms. Baughn reviewed the draft 2019 Budget with the Board. Extensive discussion was held.

Following discussion, upon motion duly made by Director Daly, seconded by Director Mulvany and, upon unanimously carried, the Board set the 2019 Budget Hearing for Wednesday, November 14, 2018 at 9:00a.m. at the regular meeting location.

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## **OPERATIONAL MATTERS**

### **Management Report:**

*Management Report:* Mrs. Baughn provided a Management Report to the Board.

Following discussion, upon motion duly made by Director Veldhuizen, Seconded by Director Mulvany and, upon vote unanimously carried, the Board approved to contract out a vendor to investigate the electrical issue at both Parkview Club and Fitness and Townview Club and Fitness, not to exceed \$2,000.00.

*Lifestyle Report:* Ms. Minovich provided a Lifestyle Report to the Board.

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### **Proposal for 2018 Staff Changes to include 2019 Staffing and Payroll Cost.**

Following discussion, upon motion duly made by Director Daly, seconded by Director Veldhuizen and, upon vote unanimously carried, the Board approved the proposal for the 2018 Staff Changes to include 2019 Staffing and Payroll Cost.

### **Proposal for resolution to define Section 3.5 Miscellaneous Improvements of the Covenants regarding Signs.**

Deferred.

### **Proposal for 2019 CSD Pool BMO WC Coverage from T. Charles Wilson Insurance Services in the amount of \$350:**

Following discussion, upon motion duly made by Director Daly, seconded by Director Mulvany and, upon vote unanimously carried, the Board approved the proposal for 2019 CSD Pool BMO WC Coverage from T. Charles Wilson Insurance Services in the amount of \$350.

### **Proposal for Rock Bed on Corner of W.95<sup>th</sup> and 93<sup>rd</sup> Place in the amount of \$971.26:**

Following discussion, upon motion duly made by Director Mulvany, seconded by Director Daly and, upon vote unanimously carried, the Board approved the proposal for Rock Bed on Corner of W.95<sup>th</sup> and 93<sup>rd</sup> Place in the amount of \$971.26.

### **Proposal for Wind Screen Storage Container in the amount of \$600.**

Following discussion, upon motion duly made by Director Veldhuizen, seconded by Director Daly and, upon vote unanimously carried, the Board approved the purchase of the Wind Screen Storage Container to include installation not to exceed \$1,000.00.

### **Sustainability Committee Application Form.**

Deferred.

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**LEGAL MATTERS**    **Cellular Tower Lease Agreement:**  
Deferred.

**Resolution of Support:**  
Attorney Becher presented to the Board Resolution No. 2018-09-01 of Support Relating to Arvada Fire Protection District Campaign.

Following discussion, upon motion duly made by Director Veldhuizen, seconded by Director Daly and, upon vote unanimously carried, the Board adopted Resolution No. Resolution No. 2018-09-01 of Support Relating to Arvada Fire Protection District Campaign.

**District Elections and Transition:**  
Deferred


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**OTHER BUSINESS**    There was no other business.

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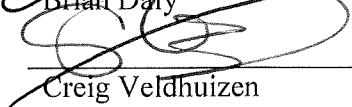
**ADJOURNMENT**    There being no further business to come before the Board at this time, upon motion duly made by Director Veldhuizen, seconded by Director Mulvany and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting

THESE MINUTES APPROVED AS THE OFFICIAL  
SEPTEMBER 26, 2018 MINUTES OF THE CIMARRON  
METROPOLITAN DISTRICT BY THE BOARD OF DIRECTORS  
SIGNING BELOW:

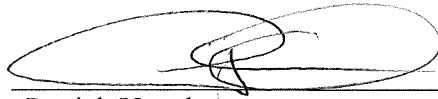
  
Brian Daly

  
Creig Veldhuizen



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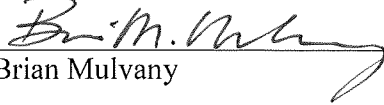


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Patrick Vaughn

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Mark Mitchell



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Brian Mulvany

