

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
VAUXMONT METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
AUGUST 20, 2024

A regular meeting of the Board of Directors of the Vauxmont Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, August 20, 2024, at 5:00 p.m., at Candelas Parkview Swim and Fitness Club, 19865 W. 94th Avenue, Arvada, Colorado 80007. This District Board meeting was also held via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Peter Schulte, President
Anna Smith, Vice President
Craig Conway, Secretary
Paul Hoisington, Treasurer
Travis Hart, Assistant Secretary

Also, In Attendance Were:

Lisa Johnson, Stephanie Odewumi, Alex Clem, Rachel Alles and Alonso Duran Rodriguez, CliftonLarsonAllen LLP (“CLA”)
Barbara Vander Wall Esq.; Seter, Vander Wall & Mielke, P.C.
Rachel Lee; Lee Design Group
Brittany Barnett, Jerry Jacobs, Christina Sandoval and Desirae Torres; Timberline District Consulting (“TDC”)
Lindsay Smith, Esq.; Winzenburg, Leff, Purvis & Payne LPP
Jay Blackburn; Level Engineering
Eric VanLaren; Environmental Designs LLC
Cecilia Lynn, Laura Johnson-Morris, Jim R., Charlie Goldberg, Kim Cook, Dale Meier, Joe Lanzetta, Keith Bushdiecker, Justin Bain, Jansen Tedmore, Daniel Wardrop, Will Ream, Peter Dyer, Jefferson Kellogg, Kristy Thorson and other members of the public

ADMINISTRATIVE MATTERS

Call to Order and Agenda:

Director Schulte called the meeting to order at 5:05 p.m. The Board reviewed the Agenda for the meeting. Following discussion, upon a motion duly made by Director Smith, seconded by Director Conway and, upon vote, unanimously carried, the Board approved the Agenda, as amended to remove items C and F from the Consent Agenda to be considered separately.

Disclosures of Potential Conflicts of Interest:

The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested 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. It was noted by Attorney Vander Wall that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

Quorum, Location of Meeting Posting of Meeting Notice:

The Board confirmed the presence of a quorum.

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 determined to conduct the meeting at the above-stated date, time and location, which is within 20 miles of the District as well as via Microsoft Teams. It was further noted that notice of the time, date and location was duly posted and that no objections to the location or any requests that the meeting place be changed by taxpaying electors within the District's boundaries have been received.

CONSENT AGENDA

- Minutes of July 16, 2024 Regular Meeting
- Blue Soda Entertainment Agreement
- EDLLC Change Order No. 4 – Fire Lane Mowing
- EDLLC Change Order No. 5 – NRS Treatment at Sarah George Park

The Board reviewed the Consent Agenda items. Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved the Consent Agenda, as amended to remove items C and F (below) to be consider separately.

Purchase of a Portable Generator in the amount of \$749.00:

Director Hoisington inquired about the process and logistics for coordination. TDC noted that they will coordinate. The generator is stored at Parkview. Following discussion, upon a motion duly made by Director Smith, seconded by Director Conway and, upon vote, majority carried, the Board ratified the purchase of a portable generator in the amount of \$749.00, as presented. Director Hoisington voted against.

Agreement with EDLLC for Weed Mitigation Services:

Director Hoisington asked questions regarding different contractors for the work

described. Following discussion, upon a motion duly made by Director Smith, seconded by Director Hoisington and, upon vote, unanimously carried, the Board ratified the agreement with EDLLC for weed mitigation services, as presented.

COVENANT CONTROL AND ENFORCEMENT / COMMUNITY MANAGEMENT

Amending the Covenant Enforcement Policy to Reflect the Change Mandated by HB 24-1267:

Attorney Vander Wall and Attorney Smith discussed the new legislation which requires the adoption of a covenant enforcement policy governing the imposition of fines. General counsel is working with the covenant enforcement counsel on the draft policy for the Board's consideration, in compliance with the new requirements, and which modifies the District's existing policy. Attorney Vander Wall noted that the new policy would likely replace the joint covenant enforcement resolution with Cimarron. No action was taken.

Revised Design Guidelines:

Attorney Smith reviewed the new changes to the design guidelines with the Board. Attorney Smith will draft an executive summary of the changes for the Board to review at the September meeting. Upon a motion duly made by Director Hoisington, seconded by Director Conway and, upon vote, unanimously carried, the Board deferred the approval of the revised design guidelines to the September Board meeting.

Variance Requests:

9424 Noble Way - Paint:

Attorney Smith reviewed and discussed potential options for extending the statute of limitations to avoid filing a lawsuit with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Schulte, seconded by Director Conway and, upon vote, majority carried, the Board determined to allow an extension of time for compliance by the homeowner subject to negotiation of a one-year statute of limitations tolling agreement. An update will be provided at the September meeting. Director Smith voted against.

18720 W 93rd Drive – Tree Planting:

Attorney Smith reviewed the Variance Request with the Board and discussed options. Discussion ensued. Following discussion, upon a motion duly made by Director Conway, seconded by Director Smith and, upon vote, unanimously carried, the Board denied the Variance Request – 18720 W 93rd Drive – Tree Planting.

18684 W 95th Lane – Concrete Path Installation:

Attorney Smith reviewed the Variance Request with the Board. Discussion ensued regarding drainage and easement concerns. Following discussion, upon a motion duly made by Director Conway, seconded by Director Hoisington and, upon vote, unanimously carried, the Board deferred Variance Request – 18684 W 95th Lane – Concrete Path Installation to the September Board meeting or until drainage documentation is provided by the homeowner.

EXECUTIVE SESSION

Consultation with Attorney on Specific Legal Questions Related to the Variance Requests, Determining Positions Relative to Matters that May be Subject to Negotiations and Developing Strategy, and Instructing Negotiators, and Receiving Legal Advice Thereon, Pursuant to Section 24-6-402(4)(b) & (e), C.R.S.

The Board agreed that an executive session for this purpose was not needed at this time.

PUBLIC COMMENT

Dale Meier addressed the Board regarding a comment provided by the homeowner of 2222 Noble Way regarding debris and a slope drainage outlot, and slope stability issues and updates from Cimarron Metropolitan District. Discussion ensued.

Joe Lanzetta addressed the Board regarding the order of addressing financial matters.

COMMITTEE UPDATES

Committees and Reports from the Same:

Social/Events Committee:

There were no updates provided.

Alley Lots Committee:

Ms. Barnett provided an update to the Board. No applications have been submitted for the committee vacancy.

Finance/Audit Committee:

Mr. Tedmore provided an update to the Board and reviewed the memo. Discussion ensued.

Sustainability Committee:

There were no updates provided.

Landscape Committee:

Mr. Meier provided an update to the Board. Discussion ensued regarding fire mitigation mowing and drainage. The Landscape Committee will ensure all work is completed by Weed Wranglers before the transfer of scope to EDLLC.

CDRC Committee:

Ms. Barnett reported that there were 21 approvals with conditions and one denial; no other updates were provided.

FINANCIAL MATTERS

July 2024 Variance Report and Payment of Claims through the Period Ending July 2024:

Mr. Duran Rodriguez reviewed the July 2024 Variance Report and the Payment of Claims with the Board. Following review, upon a motion duly made by Director Conway, seconded by Director Smith and, upon vote, unanimously carried, the Board ratified the Payment of Claims in the amount of \$136,215.57 through the period ending July 2024, as presented.

June 30, 2024 Unaudited Financial Statements and the Schedule of Cash Position:

Mr. Duran Rodriguez reviewed the June 30, 2024 Unaudited Financial Statements and the Schedule of Cash Position with the Board. Following review, upon a motion duly made by Director Hart, seconded by Director Hoisington and, upon vote, unanimously carried, the Board accepted the June 30, 2024 Unaudited Financial Statements and the Schedule of Cash Position, as presented.

Non-Resident Fees:

Mr. Duran Rodriguez reviewed non-resident fees with the Board regarding the use of the District's recreational facilities. Discussion ensued. Following discussion, the Board determined to impose a household fee on an annual basis, which will begin on January 1, 2025, with the ability to modify the fee to address cost escalations. The Board deferred final adoption to the September Board meeting and directed legal to draft a resolution for presentation.

The Board discussed the 2025 budget timeline. The Board determined that Director Hoisington and Director Hart will work with CLA to refine the draft 2025 Budget by the October 15th deadline.

OPERATIONS AND MAINTENANCE MATTERS

Landscape Report:

Mr. VanLaren reviewed the report with the Board. Discussion ensued.

Proposal from EDLLC for Candelas – Alley Homes – Snow Services:

Mr. VanLaren reviewed the proposal with the Board. Following review, upon a motion duly made by Director Smith, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved the proposal from EDLLC for Candelas – Alley Homes – snow services, as amended to change the service date to October 1, 2024 through May, 31, 2025.

Proposal from EDLLC for Candelas Filings 1-4 – Snow Services:

Mr. VanLaren reviewed the proposal with the Board. Following review, upon a motion duly made by Director Smith, seconded by Director Conway and, upon vote, unanimously carried, the Board approved the proposal from EDLLC for Candelas Filings 1-4 – snow services, as amended to change the service date to October 1, 2024 through May, 31, 2025.

Proposal from EDLLC for Candelas Filings 1-4 – Enhancement Project – Removal of Pines Near Skyview Monument Sign and Refreshment of Beds in Sarah George Park in the amount of \$2,389.68:

Mr. VanLaren reviewed the proposal with the Board. Following review, upon a motion duly made by Director Smith, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved the proposal from EDLLC for Candelas Filings 1-4 – Enhancement Project – removal of Pines near Skyview monument sign and refreshment of beds in Sarah George Park in the amount of \$2,389.68, as presented.

Proposal from EDLLC for Candelas Filings 1-4 – 2024 Enhancement Project – Addition of 4 MP Rotator Heads for Native Erosion Control in the amount of \$539.95:

Mr. VanLaren reviewed the proposal with the Board. Discussion ensued. Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Conway and, upon vote, unanimously carried, the Board approved the proposal from EDLLC for Candelas Filings 1-4 – Enhancement Project – addition of 4 MP rotator heads for native erosion control in the amount of \$539.95, as presented.

Proposal from EDLLC for Candelas Filings 1-4 – 2024 Enhancement Project – Wall Rebuild in Maverick Mesa Park in an amount not to exceed \$1,164.98:

Mr. VanLaren reviewed the proposal with the Board. Following review, upon a motion duly made by Director Smith, seconded by Director Conway and, upon

vote, unanimously carried, the Board approved the proposal from EDLLC for Candelas Filings 1-4 – 2024 Enhancement Project – wall rebuild in Maverick Mesa Park in an amount not to exceed \$1,164.98, as presented.

Proposal from EDLCC for Candelas Alley Homes – Edging Mending in the amount of \$582.49:

Mr. VanLaren reviewed the proposal with the Board. Following review, upon a motion duly made by Director Smith, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved the proposal from EDLLC for Candelas Alley Homes – edging mending in the amount of \$582.49, as presented.

Engineer’s Report:

Mr. Blackburn, with Level Engineering, reviewed the report with the Board. Ms. Barnett noted that TDC needs to make an emergency repair to an area in the report. Following review and discussion, upon a motion duly made by Director Hoisington, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the water shed erosion study for comprehensive community items with general consultation budget. Level Engineering will provide a finalized estimate with the work included.

Stormwater Facilities:

Grant Funding Opportunities:

Director Smith noted that there are Department of Local Affairs Energy Impact grant applications that open in the Fall and that she will provide an update when she has received an application from DOLA.

Naranja Civil Constructors Proposal for Mobilization, Erosion Control, Dewatering Pond, Muck Excavation to Waste, Clean Inlets and Outlet, Place Riprap, Demobilization in Foxtail Stormwater Facility in the amount of \$107,250.00:

Ms. Barnett reviewed the proposal with the Board, noting that bids have been requested from five vendors, but only one was received. Discussion ensued. Following discussion, the Board deferred the proposal to the September or October Board meeting; it was noted that the project may be eligible for grant funding.

July 2024 Candelas Facilities Update:

PIP Surface at Church’s Crossing Park:

Ms. Sandoval reviewed the repair of the PIP (Poured In Place) surface with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Schulte, seconded by Director Hoisington and, upon vote, unanimously

carried, the Board approved repairing the PIP surface at Church's Crossing Park and Recreation Plus in the amount of \$2,195.00.

Damaged Park Shelter at Sarah George Park:

The Board determined to defer this item to the September Board meeting.

Pool Closure Extension:

The Board determined to keep the pool closure date as Labor Day.

Board Liaison for Meeting with Major Heating & Air:

Ms. Sandoval updated the Board. Following discussion, the Board determined Director Smith will be the Board liaison.

COMMUNITY MANAGEMENT

Community Manager Report:

Mailbox Kiosk Change Order:

Ms. Sandoval reviewed the change order with the Board. TDC will get more information, including solar options to present at the September meeting.

Amazon Purchases:

The Board discussed Amazon purchases. No action was taken.

Director Smith – Timberline Items That Have Not Been Installed:

This item was not discussed.

Process of Violations When Residents Don't Adhere to Letters and the Property Continues to Not Be in Compliance:

This item was previously discussed.

Process of Safety Concerns Being Addressed:

This item was not discussed.

Drainage Where EMS Was Called:

This item was previously discussed.

Dead Trees Due to Irrigation Not Functioning:

This item was previously discussed.

Irrigation Cell Cards Not Functioning Correctly:

This item was previously discussed.

DIRECTOR'S MATTERS

RFP for 2025 Community Management Services:

The Board discussed scope changes, implications and timeline regarding community management services. Following discussion, upon a motion duly made by Director Hoisington, seconded by Director Hart and, upon vote, unanimously carried, the Board appointed Director Hoisington and Director Hart to work with the Finance Committee to draft a scope for RFP ready to review at the September Board meeting.

Vandalism in the Community:

TDC is working with a contractor to ensure the vandalism is taken care of. Director Schulte stated he is waiting for a call from the police department to proceed with prosecution of charges.

MANAGER MATTERS

Safety Inspection Presentation:

Mr. Clem provided an update to the Board regarding the recent recreation center and playground safety inspection, stating that TDC is working to obtain proposals for high-risk items. The items will be brought back to the Board for consideration at a future meeting. Discussion ensued.

Scheduling Public Outreach Meetings Related to the Replacement of Townview Pool:

Director Schulte provided an update to the Board on meetings held so far, noting that the public has reported that they are in favor of a rectangular pool. Discussion ensued regarding increasing the mill levy to raise revenues for the pool project and then reducing it back down. Following discussion, the Board directed CLA to solicit Board availability for meetings on Tuesdays and Wednesdays between 5:00 p.m. and 7:00 p.m. and weekend afternoons before the September Board meeting, apart from the week of the SDA conference.

Annual Meeting:

Ms. Johnson reviewed with the Board. It was noted that for 2024, the annual meeting will occur on the same day as the regular November Board meeting.

Rec Center and Playground Inspection:

This item was previously discussed.

Letter of Support to USFWS for Grant to Develop a Design for a Wildlife Crossing under Highway 128:

Upon a motion duly made by Director Conway, seconded by Director Hoisington and, upon vote, unanimously carried, the Board authorized Director Schulte to sign with a clarification to the location of the District.

Statutorily Required Documents Posted on Website and Remediation Services Quote:

Ms. Johnson reviewed remediation with the Board. Discussion ensued. Following discussion, the Board directed CLA to update the website with Board meeting recordings with accompanying transcriptions from May 2023 to current. If transcriptions are not available, CLA will be able to inform people where they can obtain the recordings. TDC will look into the cost of purchasing a remediation software for the District.

LEGAL MATTERS

Legal Status Report:

The Board acknowledged the report.

PUBLIC COMMENT

Mr. Dyer asked about resident surveying.

Mr. Meier asked that the website be updated with the most current Landscape Committee meeting information.

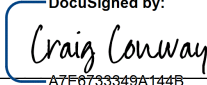
OTHER BUSINESS

No other business was discussed.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Hoisington, seconded by Director Hart and, upon vote, unanimously carried, the Board adjourned the meeting at 9:06 p.m.

Respectfully submitted,

By  DocuSigned by:
A7E0733349A144B...
Secretary for the Meeting