

MINUTES OF A REGULAR MEETING OF THE  
BOARD OF DIRECTORS

OF

YARROW GARDENS METROPOLITAN DISTRICT

Held: Tuesday, March 10, 2020 at 2:00 p.m.  
1875 Lawrence Street, Suite 900, Denver, Colorado

**Attendance**

The meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following Directors were in attendance:

Gene Myers  
Jeffrey Seibold  
William Rectanus

Director Stephen Meyers was absent.

*All Directors' absences are deemed excused unless a contrary notation is recorded in these minutes.*

Eve Grina Velasco Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District general counsel; Ashley B. Frisbie, White Bear Ankele Tanaka & Waldron, Attorneys at Law, District manager; Michelle Lee, Harmony Management Group, Inc., District community manager (*via* telephone); John Simmons, Simmons & Wheeler, PC, District accountant (*via* telephone); Barrett Marrocco and Andrew Gatens, Independent District Engineering Services, LLC, District engineer; Lars Monson, Thrive Home Builders; and Jay Garcia, Board Candidate.

**Call to Order/Declaration of Quorum**

Director Gene Myers noted that a quorum of the Board was present and therefore called the meeting to order.

**Director Disclosures**

Ms. Frisbie advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Frisbie 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. Frisbie

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.

### **Approval of Agenda**

Ms. Frisbie presented the Board with the agenda for the meeting. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as presented.

### **Public Comment**

None.

### **Consent Agenda**

The Board reviewed the Consent agenda items. Following discussion, upon motion duly made and seconded, the Board unanimously approved the consent agenda:

- a. Approval of Minutes from November 25, 2019 Special Meeting
- b. Ratification of Addendum to Engagement Letter with White Bear Ankele Tanaka & Waldron for District Management Services
- c. Approval of Independent Contractor Agreement with Harmony Management Group, Inc. for Property Management, Covenant Enforcement, and Billing Services

### **Administrative Matters**

Acknowledge Resignation of Bryan Reid from the Board of Directors

The Board acknowledged the resignation of Bryan Reid from the Board of Directors.

Appointment of Director to Board and Administration of Oath of Office

Ms. Frisbie noted that there was a vacancy on the Board and that a Notice of Vacancy had been published in the *Wheat Ridge Transcript* on January 23, 2020. Following discussion, upon motion duly made and seconded, the Board unanimously appointed Mr. John “Jay” Garcia III to the Board.

Election of Officers

The Board engaged in a discussion regarding the election of officers. Following discussion, upon motion duly made and seconded, the Board unanimously elected Director Garcia as Assistant Secretary and to leave the other officer appointments unchanged.

## **Legal Matters**

Discuss and Consider Approval of Access and Maintenance Easement Agreements for Landscape Maintenance and Snow Removal Services

Ms. Velasco reviewed the Access and Maintenance Easement Agreements for Landscape Maintenance and Snow Removal Services with the Board. Following discussion, upon motion duly made and seconded, the Board unanimously approved the agreements.

Consider Acceptance of Special Warranty Deed (Open Space Tracts) between THB WESTRIDGE, LLC and the District

Ms. Velasco reviewed the Special Warranty Deed (Open Space Tracts) between THB WESTRIDGE, LLC and the District with the Board. Following discussion, upon motion duly made and seconded, the Board unanimously accepted the deed.

Consider Adoption of Resolution Regarding Acceptance of District Infrastructure

Ms. Velasco reviewed the Resolution Regarding Acceptance of District Infrastructure with the Board. The Board discussed the warranty period, and determined to require a warranty period of one year for landscaping improvements, and a period of two years for other improvements. Following discussion, upon motion duly made and seconded, the Board unanimously adopted the resolution, subject to changes as discussed.

Consider Adoption of Resolution Regarding Acceptance of District Eligible Costs

Ms. Velasco reviewed the Resolution Regarding Acceptance of District Eligible Costs the Board. Following discussion, upon motion duly made and seconded, the Board unanimously adopted the resolution, subject to final payment to Hudick Excavating, Inc. d/b/a HEI Civil.

## **Financial Matters**

Consider Approval of Payables and Acceptance of Financials

Mr. Simmons presented the Board with the payables. Following discussion, upon motion duly made and seconded, the Board unanimously ratified check numbers 1001 – 1010, in the amount of \$11,921.93, and approved check numbers 1011 – 1013, in the amount of \$1,156.11.

Mr. Simmons presented the Board with the Unaudited Financial Statements as of December 31, 2019. Following discussion, upon motion duly made and seconded, the Board unanimously accepted the financial statements.

Review Proposed Operations and Maintenance Budget Analysis

Ms. Lee presented the Board with a proposed Operations and Maintenance Budget Analysis. Following discussion, the Board directed Director Garcia, Ms. Lee, and Ms. Frisbie to work on and refine the Operations and

Maintenance Budget.

Consider Adoption of Resolution  
Concerning the Imposition of an  
Operations Fee

The Board determined to defer this matter.

**Other Business**

The Board discussed the Declaration of Covenants, Conditions and Restrictions for Yarrow Gardens (the "Covenants") and any current restrictions on open fires. Following discussion, the Board directed legal counsel to review the Covenants for restrictions related to open fires and the process for amending the Covenants.

Next Meeting

The next regular meeting is scheduled for June 9, 2020.

**Adjourn**

There being no further business to come before the Board and upon motion duly made, seconded, and unanimously carried, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.



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Secretary for the Meeting