

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE YARROW GARDENS METROPOLITAN DISTRICT HELD DECEMBER 12, 2023

A Regular Meeting of the Board of Directors (referred to hereafter as “Board”) of the Yarrow Gardens Metropolitan District (referred to hereafter as the “District”) was convened on Tuesday, the 12th day of December, 2023, at 2:00 p.m. This District Board Meeting was held by teleconference. The meeting was open to the public by teleconference.

### ATTENDANCE

#### Directors In Attendance Were:

Brooks Cannon  
Jeanette Kelder  
John “Jay” Garcia  
Shane Harris  
Jeffrey Seibold

#### Also In Attendance Were:

Peggy Ripko and John Haubert (for a portion of the meeting); Special District Management Services, Inc. (“SDMS”)

Jeffrey Erb, Esq.; Erb Law LLC

Joy Tatton and Lucinda Gang; Simmons & Wheeler, PC (for a portion of the meeting)

### PUBLIC COMMENTS

There were no public comments.

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosures 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. Ms. Ripko noted that a quorum was present and 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 Erb noted that Conflict of Interest Disclosure Statements were filed for all directors at least 72-hours before the meeting.

### ADMINISTRATIVE MATTERS

Agenda: Ms. Ripko reviewed with the Board the proposed agenda for the meeting.

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Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the agenda as presented.

**Meeting Location and Posting of Notice:** The Board discussed the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Board meeting. Following discussion, upon motion duly made by Director Cannon, seconded by Director Seibold and, upon vote, unanimously carried, the Board determined to conduct the District’s meeting via conference call. The Board further noted that notice of the time, date and conference bridge information was duly posted and that they had not received any objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the District’s boundaries.

**Minutes:** The Board reviewed the Minutes of the June 13, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Minutes from June 13, 2023 Regular Meeting were approved, as presented.

**Annual Administrative Resolution:** The Board reviewed Resolution No. 2023-12-01: 2024 Annual Administrative Resolution, including the 2024 regular meeting schedule.

The Board determined to hold Regular Meetings on March 12, June 11, and December 10, 2024. The Meetings will be held at 2:00 p.m., via teleconference.

Following discussion, upon motion duly made by Director Garcia, seconded by Director Seibold and, upon vote, unanimously carried, the 2024 Annual Administrative Resolution was approved.

**Section 32-1-809, C.R.S., Compliance for 2024:** Attorney Erb discussed with the Board the requirements of Section 32-1-809, C.R.S.

Following discussion, the Board directed that the required Transparency Notice be posted on the District website and the Special District Association website.

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### **FINANCIAL MATTERS**

**Claims:** The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period ending Sept. 30, 2023
Total	\$ 57,307.85

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Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board ratified the payment of claims, as presented.

**Unaudited Financial Statements:** Ms. Tatton presented to the Board the audited financial statements through the period ending December 31, 2022 and the unaudited financial statements through September 30, 2023.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board accepted the audited financial statements through the period ending December 31, 2022 and the unaudited financial statements through September 30, 2023.

**2023 Audit:** The Board reviewed the proposal from Wipfli LLP to perform the 2023 Audit.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the engagement of Wipfli LLP to perform the 2023 Audit, for an amount not to exceed \$6,000.

**2023 Budget Amendment Hearing:** It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received and the President closed the public hearing.

The Board determined that an amendment to the 2023 Budget was not necessary and thus no public hearing was held.

**2024 Budget Hearing:** The President opened the public hearing to consider the proposed 2024 Budget at 2:14 p.m.

It was noted that publication of Notice stating that the Board would consider adoption of the 2024 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing.

Ms. Tatton reviewed the proposed 2024 budget with the Board, including expected revenues and expenditures. No public comments were received, and the public hearing was closed.

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Following discussion, the Board considered the adoption of Resolution No. 2023-12-02 to Adopt the 2024 Budget and Appropriate Sums of Money and Resolution No. 2023-12-03 to Set Mill Levies (for the General Fund at 63.395 mills and the Debt Service Fund at 71.035 mills, for a total of 134.430 mills). Upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2023. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Jefferson County and the Division of Local Government not later than December 15, 2023. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2024. Copies of the adopted Resolutions are attached hereto and incorporated herein by this reference.

**DLG-70 Mill Levy Certification Form:** The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

**Status of Refinancing Options:** The Board discussed the possibility of refunding the bonds and directed the consultants to get more information.

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### **LEGAL MATTERS**

There were no legal matters.

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### **COVENANTS, OPERATION, AND MAINTENANCE MATTERS**

**Community Manager's Report:** Ms. Ripko discussed with the Board the Community Manager's Report.

**Fire Line Ownership:** The Board discussed the Fire Line Ownership and Maintenance Items, including the properties with in-home fire suppression systems, backflow testing challenges, and inspections.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved up to \$1,000 for backflow testing.

**Parking Issues:** The Board discussed the issue with persons parking in fire lanes in the District and enforcement options.

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### **Landscape Proposals:**

*Mulch Refresh:* The Board reviewed a proposal from LandTech Contractors, LLC for mulch refresh.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the proposal from LandTech Contractors, LLC for mulch refresh.

*2023/2024 Snow Removal:* The Board reviewed a proposal from LandTech Contractors, LLC for 2023/2024 snow removal.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the proposal from LandTech Contractors, LLC for 2023/2024 snow removal.

*2023/2024 Landscape Maintenance:* The Board reviewed a proposal from LandTech Contractors, LLC for 2023/2024 landscape maintenance.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the proposal from LandTech Contractors, LLC for 2023/2024 landscape maintenance.

**Architectural Landscape from Homeowner:** The Board reviewed an appeal of architectural landscape from homeowner at 7804 W. 43rd Place, Wheat Ridge, CO 80033.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the appeal of architectural landscape from homeowner at 7804 W. 43rd Place, Wheat Ridge, CO 80033.

**Proposal from CAM Services for Boulders:** The Board reviewed a proposal from CAM Services for boulders.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the proposal from CAM Services for boulders.

**Proposal from CAM Services for Striping:** The Board reviewed a proposal from CAM Services for striping.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the proposal from CAM Services for striping, not to exceed \$1,000 for fire lane painting.

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**OTHER BUSINESS**


There was no other business to discuss.

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**ADJOURNMENT**

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

Respectfully submitted,

By  \_\_\_\_\_  
Secretary for the Meeting