

## 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 13, 2022

A Regular Meeting of the Board of Directors of the Yarrow Metropolitan District (referred to hereafter as the “District”) was convened on Tuesday, the 13<sup>th</sup> day of December, 2022, at 2:00 p.m. This District Board Meeting was held by teleconference without any individuals (neither District Representatives nor the general public) attending in person. The meeting was open to the public by teleconference.

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#### ATTENDANCE

#### Directors In Attendance Were:

Jeffrey Seibold  
William “Bill” Rectanus  
John “Jay” Garcia

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the absence of Director Myers was excused.

#### Also In Attendance Were:

Peggy Ripko; Special District Management Services, Inc. (“SDMS”)

Jeffrey Erb, Esq.; Seter & Vander Wall, P.C.

John Simmons; Simmons & Wheeler, PC

Mike Nabhan, Gina Lux, Kara Landau Nepomuceno, and Ed; Residents

#### PUBLIC COMMENTS

A resident expressed concerns about speed limits on Yarrow and in the community, homes being repainted without approval, and solar panel letters.

#### 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

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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 E MATTERS**

**Agenda:** Ms. Ripko 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 Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Minutes:** The Board reviewed the Minutes of the June 14, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Minutes from June 14, 2022 Regular Meeting were approved, as presented.

**Resignation of Director:** The resignation of Director Nathan Aragon, effective November 29, 2022, was acknowledged.

**Resignation and Appointment of Secretary to the Board:** The Board discussed the resignation of David Solin and considered the appointment of Peggy Ripko as Secretary to the Board.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board accepted the resignation of David Solin as Secretary to the Board and appointed Peggy Ripko as Secretary to the Board.

**Annual Administrative Resolution:** Attorney Erb reviewed Resolution No. 2022-12-01: 2023 Annual Administrative Resolution with the Board.

Following discussion, upon motion duly made by Director Seibold, seconded by Director Seibold and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-12-01: 2023 Annual Administrative Resolution.

**2023 Regular Meeting Dates:** The Board entered into discussion regarding setting dates for 2023 Regular Meetings.

Following discussion, the Board determined to schedule Regular Meetings on March 14, June 13, and December 12, 2023. The Meetings will be held at 2:00 p.m., via teleconference.

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**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2023:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2023 and directed staff to post the Transparency Notice on the Special District Association’s website and the District website.

**FINANCIAL MATTERS**

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

Fund	Period ending Dec. 13, 2022
Total	\$ 35,048.88

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

**2021 Audit Representations Letter:** The Board reviewed a 2021 Audit Representations Letter.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board ratified approval of the execution of the 2021 Audit Representations Letter.

**2022 Audit:** The Board reviewed the proposal from Wipfli LLP to perform the 2022 Audit.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the engagement of Wipfli LLP to perform the 2022 Audit, for an amount not to exceed \$5,000.

**2022 Budget Amendment Hearing:** It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2022 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 2022 Budget was not necessary and thus no public hearing was held.

**2023 Budget Hearing:** The President opened the public hearing to consider the proposed 2023 Budget and discuss related issues at 2:39 p.m.

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It was noted that publication of Notice stating that the Board would consider adoption of 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 this public hearing.

Mr. Simmons reviewed the estimated 2022 expenditures and the proposed 2023 expenditures with the Board. No public comments were received, and the public hearing was closed at 2:59 p.m.

Following discussion, the Board considered the adoption of Resolution No. 2022-12-02 to Adopt the 2023 Budget and Appropriate Sums of Money (for the General Fund at 56.972 mills and the Debt Service Fund at 60.000 mills, for a total of 116.972 mills). Upon motion duly made by Director Rectanus, seconded by Director Seibold 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, 2022. 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, 2022. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2023. 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 Rectanus, seconded by Director Seibold 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.

**Cost Certification No. 5 from Independent District Engineering Services, dated March 10, 2022**: The Board reviewed the Cost Certification No. 5 from Independent District Engineering Services, dated March 10, 2022 for the amount of \$978,761.94

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the Cost Certification No. 5 from Independent District Engineering Services, dated March 10, 2022 for the amount of \$978,761.94

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**Resolution Regarding Acceptance of Fire Service Lines:** The Board reviewed a Resolution regarding Acceptance of Fire Service Lines.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board adopted the Resolution regarding Acceptance of Fire Service Lines.

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**LEGAL MATTERS** **Engagement of Erb Law, LLC as District’s General Legal Counsel:** The Board entered into discussion regarding the engagement of Erb Law, LLC as District’s general legal counsel.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board ratified approval of the engagement of Erb Law, LLC as District’s general legal counsel.

**Election Resolution:** The Board discussed Resolution No. 2022-12-04; Resolution Calling a Regular Election for Directors on May 2, 2023, appointing the Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-12-04; Resolution Calling a Regular Election for Directors on May 2, 2023, appointing the DEO and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

**Special Warranty Deed between the District and THB Westridge LLC for Open Scape Tracts and Alley Tract C:** The Board reviewed a Special Warranty Deed between the District and THB Westridge LLC for Open Scape Tracts and Alley Tract C.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board ratified approval of the Special Warranty Deed between the District and THB Westridge LLC for Open Scape Tracts and Alley Tract C.

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**COVENANTS, OPERATION AND MAINTENANCE MATTERS** **Community Manager’s Report:** Ms. Ripko discussed with the Board the Community Manager’s Report.

**Resolution Regarding Adoption of District Covenant Enforcement Policy and Fine Schedule:** The Board discussed a Resolution regarding Adoption of District Covenant Enforcement Policy and Fine Schedule.

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Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board adopted the Resolution regarding Adoption of District Covenant Enforcement Policy and Fine Schedule.

**Agreements with Landtech Landscape and Maintenance for (1) 2023 Landscape Maintenance Services; and (2) 2022-2023 Snow Removal:** The Board reviewed agreements with Landtech Landscape and Maintenance for (1) 2023 landscape maintenance services; and (2) 2022-2023 snow removal.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the agreements with Landtech Landscape and Maintenance for (1) 2023 landscape maintenance services; and (2) 2022-2023 snow removal.

**Proposal from Landtech Landscape and Maintenance for Fall Aeration:** The Board reviewed a proposal from Landtech Landscape and Maintenance for fall aeration.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board ratified approval of the proposal from Landtech Landscape and Maintenance for fall aeration.

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

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the proposal from CAM Services for striping, in the amount of \$950.

**Towing Agreement between the District and Wyatts Parking Management for Parking Enforcement:** The Board reviewed a Towing Agreement between the District and Wyatts Parking Management for parking enforcement.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board ratified approval of the Towing Agreement between the District and Wyatts Parking Management for parking enforcement.

**Parking Signs:** The Board entered into discussion regard parking signs in the District.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the purchase of parking signs, in an amount not to exceed \$2,000.

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**OTHER BUSINESS** There was no other business at this time.

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

Respectfully submitted,

By:   
Secretary for the Meeting