

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
ORCHARD FARMS METROPOLITAN DISTRICT
HELD
FEBRUARY 7, 2024

A regular meeting of the Board of Directors of the Orchard Farms Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, February 7, 2024 at 5:00 p.m. via Zoom Video Conference. The meeting was open to the public.

ATTENDANCE

In Attendance were Directors:

Randall Stutz, President
Ben Reiter, Treasurer
Brian McNelly, Secretary
Nate Watkins, Assistant Secretary
Ed Passini, Director

Also in Attendance were:

Celeste Terrell, Kaitlin Frey and Lindsay Ross; CliftonLarsonAllen LLP (“CLA”)
Clint Waldron, Esq. General Counsel; White Bear Ankele Tanaka and Waldron (“WBA”)
Susie Ellis; Community Preservation Specialists, Inc.
John Banks, Mary Passini, Stephen Brooks and other members of the public

ADMINISTRATIVE
MATTERS

Call to Order: The meeting was called to order at 5:10 p.m.

Quorum & Disclosures: A quorum of the Board was confirmed. Attorney Waldron 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. Attorney Waldron 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.

Agenda: The Board reviewed the Agenda for the meeting. Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the agenda, as amended.

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Public Comment: Stephen Brooks expressed concerns regarding response time for set up in design review software. Celeste asked Stephen to email the request to her and she will expedite review.

John Banks discussed the issue with the street power boxes and utility boxes with the Board.

Terry M. inquired regarding additional time to submit landscaping plans for homes effected by Lennar utility repair.

Ms. Ellis noted she will be cautious of covenant enforcement regarding backyard landscaping installation moving forward for these homes on Saint Paul Drive, keeping the utility and backyard issues in mind.

CONSENT AGENDA

The Board considered the following items under the Consent Agenda:

- December 6, 2023 Minutes.
- Claims Payable in the amount of \$66,664.64.

Following review and discussion, upon a motion duly made by Director Stutz, seconded by Director Reiter, and, upon vote, unanimously carried, the Board approved the Consent Agenda, as amended to move the Schedule of Cash Position from the Consent Agenda to Financial Matters.

FACILITIES MANAGEMENT / DISTRICT OPERATIONS

District Manager's Report: Ms. Terrell provided an update for the Board, reporting that 5 design review requests have been approved since the last Board meeting.

Committee Reports:

Social Committee: Director Watkins provided an update to the Board, noting that the committee is working on finalizing a social calendar.

Landscaping Committee: Director Stutz provided an update to the Board regarding landscape matters. Director McNelly inquired about people hitting trees within the community. The Board discussed materials being left in yards or the street by landscaping companies. No action was taken.

Advisory Committee: Director McNelly provided an update to the Board, noting that the Committee has met twice since the last Board meeting. They noted they may add a new member in the future.

Rules and Regulations: Director McNelly reported the Committee is working on adjusting language in the Rules and Regulations.

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Covenant Enforcement Report: Ms. Ellis presented the Covenant Enforcement Report to the Board.

Standards of Enforcing Covenants: Ms. Ellis and the Board reviewed the rules and changes for fines regarding covenant violations. Ms. Ellis requested direction from the Board regarding dismissing fines. The Board discussed fines and hearing dates. No action was taken.

Jeremy Jobs' Proposal for Playground Mulch in the amount of \$1,768.45: Following review, upon a motion duly made by Director Stutz, seconded by Director Watkins and, upon vote, unanimously carried, the Board approved the Jeremy Jobs' proposal for playground mulch in the amount of \$1,768.45, as presented.

Proposal to Install Bird Spikes: Following review, upon a motion duly made by Director Watkins, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the proposal from Jeremy Jobs in the amount of \$242.99 to install bird spikes in the pavilion.

LEGAL MATTERS

Implementation of Accessibility Standards for Individuals with a Disability for Information Technology Systems Employed by the District: Attorney Waldron presented information regarding the Orchard Farms website needing to be compliant with the new State accessibility rules.

Engagement Agreement with Orten Cavanagh Holmes & Hunt, LLC for 2024 collection services: Ms. Terrell & Attorney Waldron discussed collection services for the District. Following discussion, upon a motion duly made by Director Stutz, seconded by Director Watkins and, upon vote, unanimously carried, the Board approved the Engagement Agreement with Orten Cavanagh Holmes & Hunt, LLC for 2024 collection services.

Resolution Designating Meeting Notices Posting Location: Attorney Waldron presented the resolution to the Board. The Board discussed the backup location for posting notices. Following discussion, upon a motion duly made by Director Watkins, seconded by Director McNelly and, upon vote, unanimously carried, the Board adopted the Resolution Designating Meeting Notices Posting Location as amended to change the physical location to the bulletin board in the park.

Steele Street Sidewalk Discussion – Lennar Utility Issue and Backyard Landscaping: Director Stutz notified the Board of an issue with the utility boxes behind the homes on Saint Paul Drive needing to be relocated by Lennar. The Board decided to grant an extension for backyard landscaping installation to these homes of 6 months from completion of utility relocation or October 1st, whichever is sooner. Owners will need to keep weeds and dust mitigation under control during this time.

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Plat Amendment in Tract N: Director Stutz presented a plat issue to the Board, noting that there is a new Tract N as of January 2023. The Board also discussed standards for tract turnover, noting that some of the tracts have issues that could be costly to repair. The Board authorized White Bear to send a letter to Lennar pending final review by Director Stutz.

FINANCIAL
MATTERS

Schedule of Cash Position: Ms. Ross reviewed the Schedule of Cash Position with the Board. Following review, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board accepted the Schedule of Cash Position, as presented.

DIRECTORS'
MATTERS

Tract Turnover Standards: This item was previously discussed.

Standard of Excusing Board Member Absences: Attorney Waldron reviewed the standards for excusing an absence of a Board member. No action was taken.

MANAGER
MATTERS

None.

OTHER MATTERS

Director Watkins discussed events being held in the park, asking the Board if District events need approval from the Board. Following discussion, upon a motion duly made by Director McNelly, seconded by Director Watkins and, upon vote, unanimously carried, the Board determined approval by the Board for District sponsored events is not necessary.

EXECUTIVE
SESSION

The Board intends to enter into executive session pursuant to § 24-6-402(4)(b), C.R.S., to conference with an attorney for the District for the purpose of receiving legal advice as it relates to the dismissal of fines relating to homeowner violations and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to the dismissal of fines relating to homeowner violations: An executive session was not needed. The Board discussed a landscaping issue with a homeowner that resulted in \$350.00 in fines. Following discussion, upon a motion duly made by Director McNelly, seconded by Director Watkins and, upon vote, majority carried, the Board waived the fines for the homeowner in the amount of \$350.00. Director Stutz abstained.

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ADJOURNMENT

There being no further business to come before the Board at this time, following discussion, upon a motion duly made by Director Passini, seconded by Director McNelly and, upon vote, unanimously carried, the Board adjourned the meeting at 7:11 p.m.

Respectfully submitted,

DocuSigned by:

Nathaniel S. Watkins

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Secretary for the Meeting

Certificate Of Completion

Envelope Id: 5D8ADCA336634E629337BCFE7FE1EABA	Status: Completed
Subject: Complete with DocuSign: OFMD - Minutes 02-07-2024 (final).pdf	
Client Name: OFMD	
Client Number: A369002	
Source Envelope:	
Document Pages: 5	Signatures: 1
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Natalie Herschberg
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 S 6th St Ste 300
	Minneapolis, MN 55402-1418
	Natalie.Herschberg@claconnect.com
	IP Address: 73.153.120.72

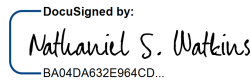
Record Tracking

Status: Original	Holder: Natalie Herschberg	Location: DocuSign
4/5/2024 2:06:35 PM	Natalie.Herschberg@claconnect.com	

Signer Events

Nathaniel S. Watkins
 nate.watkins@orchardfarmsmetrodistrict.com
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 Signature Adoption: Pre-selected Style
 Using IP Address: 98.245.177.207

Timestamp

Sent: 4/5/2024 2:09:13 PM
 Resent: 4/17/2024 10:55:56 AM
 Viewed: 5/12/2024 1:13:07 PM
 Signed: 5/12/2024 1:14:49 PM

Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
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Alyssa Rios arios@wbapc.com Security Level: Email, Account Authentication (None)	COPIED	Sent: 4/5/2024 2:09:13 PM
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Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Records Team sdrrecordsretention@claconnect.com Security Level: Email, Account Authentication (None)	COPIED	Sent: 4/5/2024 2:09:13 PM Viewed: 5/13/2024 11:21:24 AM
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Electronic Record and Signature Disclosure:
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Updated	Security Checked	4/17/2024 10:55:54 AM
Envelope Updated	Security Checked	4/17/2024 10:55:54 AM
Certified Delivered	Security Checked	5/12/2024 1:13:07 PM
Signing Complete	Security Checked	5/12/2024 1:14:49 PM
Completed	Security Checked	5/12/2024 1:14:49 PM

Payment Events	Status	Timestamps
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