

# RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
ORCHARD FARMS METROPOLITAN DISTRICT  
HELD  
JUNE 5, 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, June 5, 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 and Lindsay Ross; CliftonLarsonAllen LLP (“CLA”)  
Marissa Peck Esq. and Megan Murphy, Esq., General Counsel; White Bear Ankele Tanaka and Waldron (“WBA”)  
Susie Ellis; Community Preservation Specialists, Inc.  
Alex Graves; Flock Safety  
Jeremy Wagner, Carol Nesbitt, Tom Tacker, Tyler Dahm, and other members of the public

## ADMINISTRATIVE MATTERS

**Call to Order:** The meeting was called to order at 5:00 p.m.

**Quorum & Disclosures:** A quorum of the Board was confirmed. Attorney Murphy 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 Murphy 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 Reiter and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

## RECORD OF PROCEEDINGS

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**Public Comment:** Mr. Tacker inquired about short-term rentals. He was advised to contact Ms. Terrell and Ms. Murphy for further discussion after the meeting.

### CONSENT AGENDA

The Board considered the following items under the Consent Agenda:

- April 3, 2024, Minutes.
- Claims Payable in the amount of \$75,090.72.
- Schedule of Cash Position.

Following review and discussion, upon a motion duly made by Director Stutz, seconded by Director Reiter and, upon vote, unanimously carried, the Board approved and acknowledged the Consent Agenda, as presented.

### FACILITIES MANAGEMENT / DISTRICT OPERATIONS

**District Manager's Report:** Ms. Terrell provided an update to the Board, noting that 56 design review requests were received, and that all were approved except two. CLA assisted with the pavilion requests, completing regular site visits and completed a playground inspection.

### Committee Reports:

- **Social Committee:** Director Watkins reported on the community garage sale and informed the Board that a donation truck has been secured. He also reminded the Board that Dumpster Day is coming up as well as painting in the park and yoga beginning June 12<sup>th</sup>.
  - **Landscaping Committee:** Jeremy Wagner reported on the adjusting sprinklers and the installation of the new bushes around park. He stated that the tree installation from last year went well, and only one tree has died but further revitalization is being completed. Metal edging was finished. The porta potty needs additional cleaning. Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved to replace the tree for a not to exceed \$1,000. Director Stutz agreed to follow up with Lennar regarding clean up on the pathway behind Saint Paul Drive..
- Advisory Committee:** Director McNelly provided an update on the Advisory Committee's weekly meetings regarding updates to the District's Design Guidelines.

**i. Update on Design Guidelines review by Advisory Committee:** The Board discussed various modifications to the proposed revisions to the Design Guidelines. The final updates to the Design Guidelines will be reviewed by Attorney Murphy prior to final Board approval. .

## RECORD OF PROCEEDINGS

---

**Covenant Enforcement Report:** Ms. Ellis provided an update noting that the landscaping inspections will begin after June 1<sup>st</sup>.

- **Fence Audit Update:** The owners have until the end of June to comply.

### LEGAL MATTERS

**Implementation of Accessibility Standards for Individuals with a Disability for Information Technology Systems Employed by the District:** Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the removal of any documents from the District website that are older than two years and that are not statutorily required. The Board, directed CLA to complete ongoing quarterly scans.

- **Contract with Streamline for website services:** This item will be removed from future agendas, and the Board determined that CLA will continue with the management of the District website.
- **Resolution Adopting a Digital Accessibility Policy:** Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the Resolution Adopting a Digital Accessibility Policy, as presented.

### FINANCIAL MATTERS

**March 31, 2024, Unaudited Financial Statements:** Ms. Ross reviewed with the Board. Following review, upon a motion duly made by Director Stutz, seconded by Director McNelly and, upon vote, unanimously carried, the Board accepted the March 31, 2024 Unaudited Financial Statements, as presented.

**2023 Audit:** Ms. Ross reviewed the 2023 Audit with the Board. Following review, upon a motion duly made by Director McNelly, seconded by Director Passini and, upon vote, unanimously carried, the Board accepted the draft 2023 Audit, subject to final review by legal and receiving a clean audit opinion from the auditor. The Board also authorized CLA to file audit by the deadline.

### DIRECTORS' MATTERS

**Flock Safety Proposals for License Plate Cameras:** Director Stutz and Mr. Graves reviewed the proposal with the Board. No action was taken by the Board. Director Stutz will follow up with Mr. Graves with clarifying questions so that this item can be considered by the Board at the next meeting.

**2401 E. 163<sup>rd</sup> Place:** Director Stutz stated he has been in discussion with the owner and requested that the owner's \$47 per month dues be forgiven until the owner is able to occupy their home again. Following discussion, upon a motion duly made by Director Stutz, seconded by Director Passini

RECORD OF PROCEEDINGS

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and, upon vote, unanimously carried, the Board approved the suspension of monthly dues for 2401 E 163<sup>rd</sup> Place.

**Update on Saint Paul Drive:** Director Stutz provided an update, e stating that Lennar is working on moving utilities in owner's backyards. . .

MANAGER  
MATTERS

None.

OTHER MATTERS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board adjourned the meeting at 7:05 p.m.

Respectfully submitted,

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Secretary for the Meeting