

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
ORCHARD FARMS METROPOLITAN DISTRICT
HELD
AUGUST 2, 2023

A special meeting of the Board of Directors of the Orchard Farms Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, August 2, 2023 at 5:00 p.m. via Zoom. The meeting was open to the public.

ATTENDANCE

In Attendance were Directors:

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

Also in Attendance were:

Celeste Terrell, Alex Clem, Jadyne Mullikin and Lindsay Ross;
CliftonLarsonAllen LLP (“CLA”)
Megan Murphy, Esq. General Counsel; White Bear Ankele Tanaka and
Waldron (“WBA”)
Susie Ellis; Community Preservation Specialists, Inc.
Mary Passini; Homeowner

ADMINISTRATIVE
MATTERS

Call to Order: The meeting was called to order at 5:02 p.m.

Quorum & Disclosures: Ms. 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. Ms. 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 Stutz, seconded by Director McNelly and, upon vote, unanimously carried, the Board approved the agenda, as amended.

Public Comment: None.

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Appointment of Officers: Director McNelly motioned to keep the slate of officers the same. Director Reiter seconded. Directors Stutz, Watkins and Passini opposed so the motion failed.

Upon a motion duly made by Director Stutz, seconded by Director Reiter and, upon vote, majority carried, the Board elected the following slate of officers. Director McNelly abstained.

President: Randy Stutz
Secretary: Brian McNelly
Treasurer: Ben Reiter
Assistant Secretary: Nate Watkins
Director: Ed Passini

**CONSENT
AGENDA**

June 7, 2023 Minutes:
Claims Payable in the Amount of \$48,905.38:
2022 Audit Extension Request:

Following review and discussion, upon a motion duly made by Director Stutz, seconded by Director Passini and, upon vote, unanimously carried, the Board approved the consent agenda, as presented.

**FACILITIES
MANAGEMENT /
DISTRICT
OPERATIONS**

District Manager's Report: Ms. Terrell provided a report to the Board. She noted nine design requests were submitted since the last Board meeting for landscaping, fence, concrete and patios. All have been approved. One fence request is pending awaiting confirmation from City on fence placement.

Ms. Terrell also reported she has been working with Comcast on damage reimbursement. CLA has been assisting owners with pavilion reservation requests, new buyer info, and updating the District's email distribution list.

Committee Reports:

Social Committee: Director Watkins asked Ms. Ross about an invoice. Ms. Ross indicated she will work with the vendor to provide payment.

Director Watkins noted for the Board that the final Fall event will be in September. The Board discussed the survey that went out regarding the movie in the park events.

Landscaping Committee: Director Stutz provided an update for the Board, noting that he has received lots of great feedback on landscaping. Director Stutz reported Jeremy Jobs, LLC has been working on correcting irrigation issues and Hwy 7 is looking better.

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Director Stutz indicated he has been working with United Site Services on issues with porta potty cleaning and recommended the District goes to weekly cleanings through summer months. Following discussion, upon a motion duly made by Director Stutz, seconded by Director Reiter and, upon vote, unanimously carried, the Board approved terminating of the United Sites Services contract and directed Directors McNelly and Stutz to pursue a new contract not to exceed an additional \$150/month as compared to the current contract with United Site Services.

Advisory Committee: Director Reiter provided an update for the Board, noting that he and Ms. Passini met on July 31, 2023 to review covenants and look for items that need to be improved or clarified. Ms. Passini requested additional information on Architectural Review Committee meetings and covenant enforcement items.

Covenant Enforcement Report: Ms. Ellis reported to the Board, noting that most violations have been for weeds. She also provided clarification on fences and radon systems, discussed the rules regarding jellyfish lights, and recommended adding a note in the newsletter regarding jellyfish lights rules.

LEGAL MATTERS

Turnover of Tract C and Tract G from Lennar to the District: Director Stutz reported walking through Tract G with Jeremy Wagner and Boyd May with Lennar, noting areas of concerns with missing mulch, dead plants, sinkhole, etc. The area will be reinspected before it is recommended for acceptance.

Director Stutz reported walking through Tract C with Mr. Wagner and Mr. May, noting the area is full of weeds which are encroaching onto owner property and does not recommend the District accepting this tract until the weeds have been remedied.

Director Stutz discussed Tract J with Lennar, noting that the area needs to be changed to accommodate a full mower to service the area. Director Stutz provided information on turning a section of E. 161st Ave. and Steele Street into a sidewalk and walking path. Lennar will be adding a dog station and bench to this area. Director Stutz will discuss additional expenses the District will be taking on related to the changes with Steele Street with Lennar. Director Stutz will request estimates of these additional expenses from Mr. Wagner.

Amendment to Design Guidelines Regarding Water-wise Landscaping: Ms. Murphy provided an overview for the Board regarding the need to amend the Design Guidelines to be in compliance with new legislation. Following discussion, upon a motion duly made by Director Watkins, seconded by Director McNelly and, upon vote, unanimously carried, the

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Board approved amending the Design Guidelines with language drafted by legal counsel.

Townhall Meeting Requirement: Ms. Murphy indicated the District is required to have a townhall meeting. The Board determine to hold the townhall on October 4, 2023 at 5:00 p.m. in the park and via Zoom. The Board meeting will follow at 5:30 p.m.

FINANCIAL MATTERS

June 30, 2023 Unaudited Financial Statements: Ms. Ross reviewed the financial statements with the Board. Discussion ensued regarding decreased water usage as a result of heavy rain this season. Following review, upon a motion duly made by Director McNelly, seconded by Director Watkins and, upon vote, unanimously carried, the Board accepted the June 30, 2023 Unaudited Financial Statements.

Bill.com Approvers: Ms. Ross explained the process of using bill.com to approve invoices. Following discussion, upon a motion duly made by Director Stutz, seconded by Director McNelly and, upon vote, unanimously carried, the Board designated Director Reiter to be the only approver for reimbursements to the Stutz family.

DIRECTORS' MATTERS

Potential Pickleball Lines on Tennis Courts: Director Stutz reported that neighbors have expressed concerns over noise from the pickleball courts. The Board determined to table this matter until they can research noise concerns and equipment usage before making a decision on adding in pickleball lines.

Recording Zoom Meetings: Director Stutz asked if the Board would like to record the Zoom Board meetings. Ms. Murphy indicated the District is using WBA's Zoom account and can record the meetings at no cost. The Board decided to not record meetings.

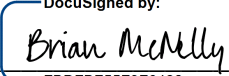
OTHER MATTERS

Discussion ensued regarding payment to the District for mineral rights.

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 Reiter and, upon vote, unanimously carried, the Board adjourned the meeting at 7:13 p.m.

Respectfully submitted,

DocuSigned by:

FBDFFB55F3F6422
Secretary for the Meeting

The foregoing minutes were approved on the 4th day of October 2023.

Certificate Of Completion

Envelope Id: 2A9CD1FE0DF643DB9AA384A94366C7AB	Status: Completed
Subject: Complete with DocuSign: OFMD - Minutes 08-02-2023.pdf	
Client Name: Orchard Farms MD	
Client Number: A369002	
Source Envelope:	
Document Pages: 4	Signatures: 1
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped 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
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Status: Original	Holder: Natalie Herschberg	Location: DocuSign
10/11/2023 4:06:42 PM	Natalie.Herschberg@claconnect.com	

Signer Events

Brian McNelly
 brian.mcnelly@orchardfarmsmetrodistrict.com
 Secretary
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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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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Certified Delivered	Security Checked	10/12/2023 8:45:17 AM
Signing Complete	Security Checked	10/12/2023 8:46:19 AM

Envelope Summary Events	Status	Timestamps
Completed	Security Checked	10/12/2023 8:46:19 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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