

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
ORCHARD FARMS METROPOLITAN DISTRICT
HELD
JANUARY 4, 2023

A regular meeting of the Board of Directors of the Orchard Farms Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, January 4, 2023 at 5:00 p.m. via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

In Attendance were Directors:

Randall Stutz, Treasurer
Brian McNelly, Secretary
Nate Watkins, Assistant Secretary

Ben Reiter, President, and Ayshan Ibrahim, Assistant Secretary, was absent and excused.

Also in Attendance were:

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

ADMINISTRATIVE
MATTERS

Call to Order: The meeting was called to order at 5:01 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: Following discussion, upon a motion duly made by Director Stutz, seconded by Director Watkins and, upon vote, unanimously carried, the Board approved the agenda, as presented, and excused the absences of Directors Reiter and Ibrahim.

Public Comment: None.

RECORD OF PROCEEDINGS

CONSENT
AGENDA

November 2, 2022 Minutes:
Claims Payable in the amount of \$95,438.63:

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

FACILITIES
MANAGEMENT /
DISTRICT
OPERATIONS

District Manager's Report: Ms. Terrell provided an update to the Board, noting that she is working with the City of Thornton on traffic mirrors and a port-a-potty is scheduled to be installed on January 6th. She reported one design review request was approved for Jelly Fish lighting and two additional design review requests were received yesterday.

Committee Reports:

Social Committee: Director Watkins provided an update to the Board. He noted an owner had a question regarding reimbursement for Social Committee expenditures. Ms. Terrell will send a certified letter to the owner.

Following discussion, upon a motion duly made by Director Stutz, seconded by Director Watkins and, upon vote, unanimously carried, the Board determined that as of January 4, 2023, reimbursement requests for Social Committee expenditures must be submitted within 90 days of the purchase, or the owner will be prohibited from seeking reimbursement from the District.

Director Watkins reported the storage unit is set up and all Halloween decorations have been stored. He will work with the Social Committee on planning events for 2023.

Landscaping Committee: Director Stutz provided an update regarding snow removal, noting that it has improved. BrightView now provides a picture of a tape measure showing the depth of snow that determines snow removal. Director Stutz requested additional snow removal services due to icy conditions around the park.

The Board discussed removing snow in front of homes currently being built by Lennar. Ms. Murphy explained the District cannot spend funds to remove snow from in front of homes because that is an obligation of the property owner, not the District. Ms. Terrell will contact Lennar regarding homes on St. Paul that are not being developed and request Lennar complete snow removal.

Advisory Committee: Director McNelly reported the Advisory Committee will meet in late January or early February to review the Design Guidelines, focusing on landscaping.

RECORD OF PROCEEDINGS

Covenant Enforcement Report: Ms. Ellis provided a report to the Board and recapped 2022. Most violations in 2022 concerned landscape maintenance. Discussion ensued regarding snow removal. It was determined that the District does not have a requirement regarding snow removal and that the City of Thornton would need to be contacted to enforce snow removal on sidewalks adjacent to homes.

Snow Removal: Director Stutz reported he's been in contact with BrightView, communication has improved, and additional snow removal services have been requested due to lack of snow melt and icy conditions.

Other: None.

LEGAL MATTERS

Lennar Tract Acceptance: Ms. Murphy has not heard from Lennar regarding tract acceptance and will continue to follow up.

Amended Design Guidelines: Ms. Murphy reviewed the Amended Design Guidelines with the Board. The Board discussed permit requirements and holiday lighting dates. Ms. Murphy will add comments to the next draft and revise. Additional information will be added to the xeriscaping definition. Ms. Ellis will send details to Ms. Murphy, then Ms. Murphy will send the updated guidelines will be send to the Committee and Advisory Committee for review. The Board will consider approval of the Amended Design Guidelines at the March meeting.

Radon Mitigation Requests: Ms. Murphy will make note of radon mitigation requests in the next draft of the Amended Design Guidelines.

Location for Posting Notices of the District's Meetings Pursuant to Section 24-6-402(2)(c), C.R.S.: Ms. Murphy discussed the requirement to designate a posting location for meeting notices. Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board designated the District's website (www.orchardfarmsmetrodistrict.com) as the location for posting notices of the District meetings.

Other: None.

FINANCIAL MATTERS

Cash Position Report: Ms. Ross reviewed the Cash Position Report 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 Cash Position Report.

Debit Card Access for Board Use: Ms. Ross reported FirstBank recommends using a debit card and limited transactions – no ATM or cash

RECORD OF PROCEEDINGS

withdrawals. The Board would need to provide receipts of purchases made. The Board discussed the protection of debit card transactions versus credit card transactions. Director Watkins will discuss this with the Social Committee and discuss further at the next Board meeting.

Other: None.

**DIRECTORS’
MATTERS**

Transitioning Design Review Committee from CLA to Homeowners:

Ms. Terrell provided an update to the Board, noting that CINC has been implemented and allows for Board members to access requests. CLA will continue using CINC and revisit any issues should they arise.

Other: Director Watkins reported that he worked on a new welcome letter and it is being implemented.

OTHER MATTERS

Other: 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 7:01 p.m.

Respectfully submitted,

DocuSigned by:

Brian McNelly

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Secretary for the Meeting

The foregoing minutes were approved on the 1st day of March 2023.

Certificate Of Completion

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Client Number: A369002	
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Document Pages: 4	Signatures: 1
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Signer Events

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

Signature

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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
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Records Team	COPIED	Sent: 3/3/2023 4:27:17 PM
sdrecordsretention@claconnect.com		
Security Level: Email, Account Authentication (None)		
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Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	3/3/2023 4:27:17 PM
Certified Delivered	Security Checked	3/7/2023 12:09:36 PM
Signing Complete	Security Checked	3/7/2023 12:10:18 PM
Completed	Security Checked	3/7/2023 12:10:18 PM

Payment Events

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Timestamps

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