

## RECORD OF PROCEEDINGS

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MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
VAUXMONT METROPOLITAN DISTRICT (THE  
“DISTRICT”)  
HELD  
FEBRUARY 20, 2024

A special meeting of the Board of Directors (referred to hereafter as “Board”) of the Vauxmont Metropolitan District (referred to hereafter as the “District”) was convened on Tuesday, February 20, 2024, at 4:00 p.m. at Candelas Parkview Swim & Fitness Club, 19865 W. 94<sup>th</sup> Avenue, Arvada, Colorado 80007. This District Board meeting was also held via Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Peter Schulte, President  
Anna Smith, Vice President  
Craig Conway, Secretary  
Paul Hoisington, Treasurer  
Travis Hart, Assistant Secretary

#### Also In Attendance Were:

Lisa Johnson, Alex Clem, Rachel Alles, Stephanie Odewumi and Alonso Duran Rodriguez; CliftonLarsonAllen LLP (“CLA”)  
Barbara Vander Wall and Russell Newton; Seter, Vander Wall & Mielke, P.C.  
Brittany Barnett, Christina Sandoval and Jerry Jacobs; Timberline District Consulting (“TDC”)  
Matt Ward and Eric VanLaren; Environmental Designs, Inc. (“EDI”)  
Mike Hamilton and Jim Culver; 303 Networks  
Jay Blackburn; Level Engineering, LLC  
Rich Bolin, Nicole Burke, Scott Young, Jessica Hagemann, Jim R., Joe Lanzetta, Jay Morse, Jeb Benson, Page Bolin, Kirk Bobo, Dale Meier, Peter Dyer, Casey Cazier, Mike Anderson and other members of the public

### ADMINISTRATIVE MATTERS

Call to Order and Agenda: Director Schulte called the meeting to order at 4:03 p.m. There was distributed for the Board’s review and approval, a proposed agenda for the District’s special meeting. Following review, upon a motion duly made by Director Hart, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved the agenda, as presented.

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**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. The Board requested members of the Board 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 accordance with statute, if any.

**Quorum, Location of Meeting, and Posting of Meeting Notices:** It was noted that a quorum was present. The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that the meeting would be held in a hybrid manner, with participants attending both in person at the meeting location and by video/telephonic means. It was noted that the notice of the location and manner of the meeting was duly posted, and that no objections to the location and manner of the meeting or any requests that the location and manner of the meeting be changed by taxpaying electors within the District boundaries have been received. The Board further noted that the meeting was being held within the boundaries of the District.

### **EXECUTIVE SESSION**

Upon a motion duly made by Director Smith, seconded by Director Hoisington and, upon vote, unanimously carried, the Board entered into Executive Session at 4:05 p.m. pursuant to Section 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice related to the TDC contract and potential litigation.

The Board exited from Executive Session at 5:04 p.m. After a short break, the special meeting resumed at 5:11 p.m.

No action was taken in Executive Session.

### **CONSENT AGENDA**

The Board considered the following item under the Consent Agenda:

- Minutes of the January 6, 2024 and January 11, 2024 Special Meetings

Upon a motion duly made by Director Hoisington, seconded by Director Hart and, upon vote, unanimously carried, the Board approved the Consent Agenda items, as amended to correct the spelling of Director Schulte's name.

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### PUBLIC COMMENT

Ms. Bolin inquired about the topic discussed in Executive Session. Legal counsel advised that the topic was to address potential litigation concerns and receive legal advice. Ms. Bolin inquired about the use of the District's facilities by non-Candelas residents, and legal counsel confirmed that the District's facilities are open to the public and must remain open to the public while the District's tax-exempt bonds remain outstanding; however, the District may charge different rates to non-residents. Management confirmed that the District imposes a non-resident annual membership fee for District facility use.

Mr. Bobo commented on the District's mill levy being roughly half of the total mill levy for property in the community. He asked about guest Wi-Fi at the Parkview facility and resident access to the clubhouse community room. Director Schulte noted that most of the mill levy revenue is restricted to the District's debt service, and the facility will be accessible once the security system and key card upgrades are complete. Mr. Bobo also expressed concerns about the outdoor chair cushions being subjected to weather.

Mr. Meier addressed the Board with concerns about the appearance of the Jellyfish lighting in the community.

### OPERATIONAL MATTERS AND MAINTENANCE MATTERS

#### Yucca and Foxtail Stormwater Facilities Updates:

**Proposal from Aztec Consultants, Inc. to Survey the Foxtail Stormwater Facility:** The Board reviewed the proposal. Following discussion, the Board did not approve the proposal from Aztec Consultants, Inc. to survey the Foxtail Stormwater facility at this time.

**Task Order B to the Engineering Contract with Level Engineering LLC to Prepare a Topographic and Bathymetric Survey of Foxtail Stormwater Facility:** Mr. Blackburn informed the Board that he is working on several issues in the community and Townview is his main focus. He informed the Board that bore holes have been drilled for data collection and monitoring.

The Board reviewed Task Order B. Following review, upon a motion duly made by Director Schulte, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved Task Order B to the engineering contract with Level Engineering LLC to prepare a

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topographic and bathymetric survey of Foxtail Stormwater facility in an amount not to exceed \$13,000.00.

**2024 Fence Staining Contract and 2023 Work Performed:** Mr. Luongo reviewed the existing contract with the Board, noting that work can begin in the summer season. Discussion ensued regarding the proposal scope, contractor history with the District and budgetary considerations. The contract's scope of work includes 7 phases over 7 years, and Mr. Luongo proposed accelerating the remaining 6 phases except for two sections that will not be accessible in 2024.

Following discussion, upon a motion duly made by Director Schulte, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved a change order to the 7-year contract with modifications reflecting that Phases 2, 3 and 4 shall be performed in 2024 in an amount not to exceed \$75,000.00. The remaining phases will be revisited later in the year and into early 2025. Mr Luongo confirmed that he will inspect and touch up the 2023 fence staining area.

**Proposal for the Repair of Security System Cameras:** Ms. Sandoval noted that TDC's report includes three proposals for repairing the security system cameras in both Parkview and Townview facilities. Mr. Hamilton reviewed their proposal with the Board. Discussion ensued. TDC stated that 303Networks' proposal is their recommendation.

Following discussion, upon a motion duly made by Director Hoisington, seconded by Director Smith and, upon vote, unanimously carried, the Board approved 303Networks' proposal. It was noted that an additional proposal for internal door key locks will be presented at a future meeting.

**Tree Species Change at Townview from Honey Locust to Accolade Elm (4 Tree Total):** Mr. Ward reviewed with the Board, noting that the issue arose in a recent Landscape Committee meeting. There is no additional cost to the District for changing the species of trees. Following discussion, upon a motion duly made by Director Hart, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved the tree species change at Townview from Honey Locust to Accolade Elm.

**Landscaping and Snow Removal Activity:** Mr. VanLaren

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reported on dog station installation, irrigation installation, and recent landscaping and snow removal activity to the Board, noting that work on the Yucca stormwater facility will begin when the area is drier. Director Hoisington emphasized snow removal at bus stops and keeping equipment on pavement, and Director Smith commented that grasses in certain areas need better trimming.

### **February 2024 Candelas Facilities Update:**

**Fitness Equipment Survey:** Ms. Sandoval provided an update to the Board, stating that she is coordinating with a few equipment companies to get pricing based on the survey results. Recommendations will be provided at a future meeting.

**Light Display Demos:** Ms. Sandoval provided an update to the Board, noting that both companies (Blingle and Jellyfish Lighting) supplied updated proposals with discounts from their original proposals for both facilities, and presented demos of their products to Directors Smith and Director Conway. Blingle provided a 15% discount if the proposal is approved within 30 days.

Discussion ensued regarding demos and budgetary considerations for lighting. Director Schulte made a motion to approve the Blingle proposal subject to removing a line item for sales tax, and Director Smith seconded the motion. Discussion ensued regarding contractor warranties and Director Schulte withdrew the motion. The Board directed TDC to contact Jellyfish Lighting to review pricing and scope and to request Blingle to hold its pricing beyond 30 days so the Board could reconsider the proposals at the March Board meeting.

**Geothermal System Maintenance Update:** Ms. Sandoval provided an update to the Board noting she is still collecting information and communicating with the potential contractors.

**Parkview and Townview Proposals:** Ms. Sandoval provided an update, stating she received proposals for tile repair and replacement at Parkview, noting repair has a lower cost. The Board discussed obtaining additional proposals in conformance with the current pool tile configuration.

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Following discussion, upon a motion duly made by Director Hart, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved the tile replacement in an amount not to exceed \$2,500.00.

Ms. Sandoval also reviewed a proposal for the repair of two automatic door openers at Parkview. Following review, upon a motion duly made by Director Hart, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the work at an amount not to exceed \$1,750.00 per door for 2 doors and directed TDC to get additional quotes and proceed with the lowest quote.

Ms. Sandoval reviewed proposals for the installation of a new pool motor and VFD at Parkview pool. Following review, upon a motion duly made by Director Schulte, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved the Birdie Electric proposal, as presented.

Ms. Sandoval reviewed proposals for the repair of the Townview pool water heater. Discussion ensued. The Board directed TDC to solicit proposals for a tankless solution to water heater issues that may qualify for sustainability funds.

**Quote from FastSigns for the Repair of the Sign at Townview Monument:** Ms. Barnett reviewed the quote with the Board. She is waiting on additional proposals. Discussion ensued. Following discussion, upon a motion duly made by Director Hoisington, seconded by Director Schulte and, upon vote, unanimously carried, the Board approved the FastSigns proposal, as amended, to remove taxes. The next newsletter will include a note regarding monument vandalism and the cost to the community to repair it.

**Timberline District Consulting 2024 Scope of Work and Fee Schedule:** TDC and legal reviewed with the Board. Discussion ensued.

It was noted that the budgeted amount for community management includes the total contract costs, and if the time and materials amount is to exceed the budget, a request will need to be submitted to the Board.

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Following discussion, upon a motion duly made by Director Schulte, seconded by Director Hart and, upon vote, unanimously carried, the Board approved the Timberline District Consulting 2024 Fee Schedule, and directed Director Hoisington, Ms. Barnett, and legal counsel to work on revisions to the scope of work for consideration at the March Board meeting, to clarify the roles and responsibilities of the parties.

### DIRECTORS' MATTERS

**Status of Communication to Delinquent Alley Lot Fee Accounts:** Director Schulte noted that he has not drafted letters to alley lot homeowners regarding delinquent fees. This item has been deferred to the March Board meeting.

**Damage to Tree Well Areas in Front of Townview Facility:** Director Smith discussed the damage with the Board. Discussion ensued. It was noted that TDC will have the vendor replace the trees return to clear the rust from the wells at no additional cost to the District.

**Keycard Access/Keys to Vendors and Committees:** Director Smith presented to the Board. Discussion ensued regarding keycards, the associated security system and resolution for the Social Committee outlining access details. It was noted that resident key cards are logged with name and card number when scanned; when resident or guest/rental keycards are lost, they are deactivated. TDC ordered secure key card drop boxes for installation at the facilities to allow for key card drop off once events are complete.

**Administrative Access to Facebook Page:** Legal counsel noted there may be some legal issues with an official District Facebook page, an adherence to criteria applicable to local, with the recommendation that the District's website be the central point of communication for the District. Discussion ensued regarding District website administration and accessibility compliance by July 1, 2024.

### FINANCIAL MATTERS

**December 31, 2023 Financial Statements and Schedule of Cash Position as of February 12, 2024:** Mr. Rodriguez reviewed the financial statements and Schedule of Cash Position with the Board. Following discussion, upon a motion duly made by Director Hoisington, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the December 31, 2023 Financial Statements and Schedule of Cash Position, as of

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February 12, 2024, as presented. The Board requested that Mr. Rodriguez review certain variances in the financials, including year-end cash position and explanation of variances.

**Payment of Claims In the Amount of \$133,148.00 through the Period Ending February 14, 2024:** Mr. Rodriguez reviewed the claims with the Board. Following review, upon a motion duly made by Director Hoisington, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the payments of claims in the amount of \$133,148.00 through the period ending February 14, 2024, as presented.

### **LEGAL MATTERS**

**Legal Status Report:** Legal counsel reviewed the report with the Board, including the status of the Cimarron Metropolitan District and District transition discussions. Legal counsel also discussed options for District participation in connection with a proposal for tree planting golf tournament fundraiser.

**Draft Resolutions Regarding Committee Formation and Rules of Conduct:** Legal counsel reviewed draft resolutions with the Board, noting that resolutions have been drafted for the Finance, Landscape and Alley Lot Committees. If the Board agrees, counsel recommended transmittal of the resolutions to TDC for distribution and solicitation of comments from the committees. The Board agreed to this request.

**District Participation in Volunteer Tree Planting Day Gold Tournament:** This item was previously discussed.

### **COVENANT CONTROL AND ENFORCEMENT/ COMMUNITY MANAGEMENT**

**Community Manager Report:** The Board reviewed and accepted the Community Manager Report, as presented.

**Variance Request for 9492 Joyce Way:** Mr. Cazier reviewed the variance request regarding fencing, and his proposed solution. Discussion ensued. The Board noted that it did not have sufficient information at this time to address the variance request, and expected to seek counsel from its covenant enforcement attorney. It was also suggested that letters in support of the proposal from neighbors may be helpful. Mr. Cazier will proceed with obtaining letters from neighbors noting that they have no objection to the fence modifications to be presented at the March meeting.

Upon a motion duly made by Director Schulte, seconded by Director Hoisington and, upon vote, unanimously carried, the Board directed TDC to hold off on enforcing violations on this property until letters can be presented and the Board can consider

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the request at the March Board meeting. Legal counsel advised that the Board will need to obtain legal advice from the District's covenant enforcement counsel before making a decision on the request.

**CDRC Charter Resolution:** This item was deferred to the March meeting.

**Storage of DRC and Resident Files:** Director Smith inquired about the storage and Ms. Barnett noted that this information is stored on SmartWebs and Google Drive. Discussion ensued. TDC will present a demo of a new covenant enforcement system at the March meeting.

**Turnaround Time for DRC Approval/Denial:** Director Smith inquired about the turnaround time. It was noted that turnaround time is 45 days and is industry standard, but turnaround tends to take longer in the summertime. Discussion ensued.

### **MANAGER MATTERS**

**Website Compliance:** This item was previously discussed.

### **COMMITTEE UPDATES**

#### **Committees and Reports from the Same:**

##### **Social/Events Committee:**

**Upcoming Committee Events:** Ms. Barnett provided an update.

**Alley Lots Committee:** Ms. Barnett provided an update.

**Finance/Audit Committee:** Mr. Dyer provided an update.

**Sustainability Committee:** No update.

**Landscape Committee:** Mr. Meier provided an update.

**DRC Committee:** Ms. Barnett provided an update, noting the committee is working on covenant documents with covenant enforcement counsel.

### **PUBLIC COMMENT**

A resident asked about the white house and the status of the covenant violation. It was noted that the District's covenant legal counsel will report on the matter at a future meeting.

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**OTHER BUSINESS**    None.

**ADJOURNMENT**    Upon motion duly made by Director Smith, seconded by Director Hoisington and, upon vote, unanimously carried, the Board adjourned the meeting at 9:02 p.m.

Respectfully submitted,

DocuSigned by:

*Craig Conway*

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Secretary for the Meeting