

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
VAUXMONT METROPOLITAN DISTRICT (THE
“DISTRICT”)
HELD
JANUARY 11, 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 Thursday, January 11, 2024, at 5:00 p.m. at Candelas Parkview Swim & Fitness Club, 19865 W. 94th 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 and Alonso Duran Rodriguez; CliftonLarsonAllen LLP (“CLA”)
Barbara Vander Wall and Russell Newton; Seter & Vander Wall, P.C.
Brittany Barnett, Christina Sandoval and Jerry Jacobs; Timberline District Consulting (“TDC”)
Matt Ward; Environmental Designs, Inc. (“EDI”)
Jay Blackburn; Level Engineering, LLC
Dale Meier, Josef Rill, Dave Batton, James Miller, Peter Dyer, Chris C., Mike A., Nicole B., Joe Lanzetta, Jeb Benson, Jansen Tidmore and other members of the public

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Ms. Johnson called the meeting to order at 5:01 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 Hoisington, seconded by Director Conway and, upon vote, unanimously carried, the Board approved the agenda, as amended, to add Director’s Matters items to discuss timeline of financials and potential meeting schedule change due to timeline and to discuss 2023 Budget amendment.

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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 Schulte, seconded by Director Smith and, upon vote, unanimously carried, the Board entered into Executive Session at 5:11 p.m. pursuant to Section 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice regarding District Committee structure, governance and application of public entity laws.

Upon a motion duly made by Director Schulte, seconded by Director Smith and, upon vote, unanimously carried, the Board exited from Executive Session at 6:15 p.m.

No action was taken.

CONSENT AGENDA

The Board considered the following item under the Consent Agenda:

- Minutes of the November 16, 2023 Special Meeting

Upon a motion duly made by Director Schulte, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Consent Agenda item, as presented.

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PUBLIC COMMENT

None.

OPERATIONAL MATTERS AND MAINTENANCE MATTERS

Proposal and Task Order A for Candelas Community-Wide Engineering Assessment from Level Engineering, LLC: Mr. Blackburn reviewed the proposal and Task Order A with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Smith, seconded by Director Conway and, upon vote, unanimously carried, the Board approved the proposal and directed legal counsel to draft a service agreement.

Upon a motion duly made by Director Conway, seconded by Director Smith and, upon vote, unanimously carried, the Board approved Task Order A.

Landscape Report – Environmental Designs, Inc. (“EDI”):

Proposal #110302 for Cutting Down Winter Trees: Mr. Ward reviewed the proposal with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Schulte, seconded by Director Smith and, upon vote, majority carried, the Board approved Proposal #110302 for Cutting Down Winter Trees, as presented. Director Conway opposed.

Proposal #113779 for Dog Waste Station Receptacle Repair: Mr. Ward reviewed the proposal with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Conway, seconded by Director Smith and, upon vote, unanimously carried, the Board approved Proposal #113779 for Dog Waste Station Receptacle Repair, as presented.

Proposal #113780 for Dog Waste Station Installation and Maintenance: Mr. Ward reviewed the proposal with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Hoisington, seconded by Director Schulte and, upon vote, majority carried, the Board approved Proposal #113780 for Dog Waste Station Installation and Maintenance, subject to final approval of locations by Director Smith. Director Conway opposed.

Proposal #107985 for Townview Clubhouse Tree Well Trees: Mr. Ward reviewed the proposal with the Board.

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Discussion ensued. Following discussion, upon a motion duly made by Director Smith, seconded by Director Conway and, upon vote, majority carried, the Board approved Proposal #107985 for Townview Clubhouse Tree Well Trees, as amended to include a two-year warranty. Director Hoisington opposed.

Proposal #114310 for 2023 Winter Drainage Project: Mr. Ward reviewed the proposal with the Board. Discussion ensued. This item was deferred.

Bids for 2024 Irrigation Water Management from EDI and Proposal: Mr. Ward and Mr. Benson reviewed the bids and proposal with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Schulte, seconded by Director Smith and, upon vote, unanimously carried, the Board approved proposal for \$44,734.27 to convert all spray irrigation heads in rock bed medians along Candelas Parkway to drip system and approved proposal for \$191,025.47 to make the controllers fully online capable. The Sustainability Committee has indicated they would consider approval of approximately \$170,000 of this cost leaving roughly \$25,000 for the District to fund.

Proposal #111355 for Alley Lot Homes Controller Upgrades: Mr. Ward reviewed the proposal with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Smith, seconded by Director Conway and, upon vote, unanimously carried, the Board approved Proposal #111355 for Alley Lot Homes Controller Upgrades, as presented.

Proposal #113201 for Alley Lot Plant Material Project: Mr. Ward reviewed the proposal with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Schulte, seconded by Director Smith and, upon vote, unanimously carried, the Board approved Proposal #113201 for Alley Lot Plant Material Project, as presented.

The Board determined to appoint Director Schulte to draft a letter to Alley Lot homeowners urging them to pay their delinquent fees. He will work with CLA to distribute the letters.

Yucca and Foxtail Stormwater Facilities Updates:

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2023 November Stormwater and Detention Pond Photo Report, Soil Report and Bids for Yucca Pond Services and Proposal: Mr. Ward reviewed reports, bids and proposal with the Board. Discussion ensued. Following discussion, upon a motion duly made by Director Smith, seconded by Director Hoisington and, upon vote, unanimously carried, the Board approved the proposal, as presented.

Proposal for 2024 Services from Aqua Sierra, Inc.: Ms. Barnett reviewed the proposal with the Board. This item was deferred.

January 2024 Candelas Facilities Update:

Proposal to Replace Recumbent Bike in Townview Fitness Center from Colorado Cardio: Ms. Sandoval reviewed the proposal with the Board. Discussion ensued. The Board directed TDC to look into purchasing Peloton options for a presentation at a future Board meeting and to distribute a fitness equipment survey to residents to solicit opinions.

Proposals for Permanent Lighting on Swim and Fitness Centers from Bingle Lighting and Jellyfish Lighting: Director Smith reviewed the proposals with the Board. The Board directed TDC to schedule display demos from each contractor before a decision is made.

Proposal for AV Equipment from Owl Labs: Ms. Sandoval reviewed the proposal with the Board. Following review, upon a motion duly made by Director Conway, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the proposal for Meeting Owl 3 and two remote microphones, as presented.

Install Streaming Devices on TVs in Parkview Gym to Provide Residents with TV Programming: Ms. Sandoval reviewed with the Board. The Parkview television is now functioning, but the televisions at Townview still need services restored. The proposal from the contractor for these services from the walkthrough on January 11, 2024 should be ready to present at the February Board meeting.

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Ms. Sandoval provided an update on the geothermal system maintenance that is needed. She noted she is trying to get more information from the original contractor who installed the equipment and should have an update for the February Board meeting.

DIRECTORS' MATTERS

2024 Scope of Work and Fees from Timberline District Consulting and Work Session to Review, Discuss and Consider Approval of Same: The Board directed CLA to schedule a work session in January or February to review and approved the 2024 scope of work and fees from TDC.

Management Attendance at Committee Meetings and Costs to District: It was noted that TDC attends committee meetings every other month.

KB Homes Construction Concerns: Ms. Barnett reviewed the landscape and drainage concerns with the Board.

Timeline of Financials and Potential Meeting Schedule Change Due to Timeline: Director Hoisington reviewed with the Board. It was noted that this meeting date was early in the month and that financials should be ready in time for most months for meetings on the third Tuesday of each month going forward.

2023 Budget Amendment and Ledger: Director Conway reviewed, noting he still would like to see a ledger for the amendment. Discussion ensued. It was stated the Director Conway will sign the document so it can be filed.

FINANCIAL MATTERS

Schedule of Cash Position as of January 2024: Mr. Rodriguez reviewed the cash position with the Board. Discussion ensued. The December 31, 2023 financial statements will be presented at the February meeting. The Board accepted the Schedule of Cash Position as of January 2024, as presented.

Payment of Claims through the period ending January 2024: Mr. Rodriguez reviewed the Payment of Claims with the Board. Discussion ensued. The Board accepted the Payment of Claims through the period ending January 2024, as presented.

LEGAL MATTERS

Resolution No. 2024-01-01 Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices: Upon a motion duly made by Director Hoisington, seconded by Director Conway and, upon

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vote, unanimously carried, the Board adopted the Resolution for Meeting Dates and designating the location for posting of 24-Hour notice of meetings, as presented.

Legal Status Report: The Board acknowledged review of the report.

District Committees, Governance Structure and Potential Revisions: Attorney Vander Wall noted that committee meetings should be compliant with the open meetings law and should have meeting agendas, minutes, etc. Legal will draft revised committee resolutions, which will be ready for the February Board meeting.

District Facilities Rental Restrictions and Requirements:

Alcohol and Rental Application and Addendum Considerations: Attorney Newton reviewed updates to the application language and addendum details. Following review, upon a motion duly made by Director Hoisington, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the alcohol and rental application and addendum considerations, as presented.

Rental Facility Chain of Command Structure and Protocols: Attorney Newton reviewed the structure and protocols with the Board. Discussion ensued. The Board directed TDC to research the costs to reserve surrounding facilities to gather comparative information before the Board makes a decision on what the fee and policy changes should be.

COVENANT CONTROL AND ENFORCEMENT/C COMMUNITY MANAGEMENT

Community Manager Report: The Board acknowledged review of the report. Discussion ensued regarding SmartWebs violations.

MANAGER MATTERS

None.

COMMITTEE UPDATES

Following Committees and Reports from the Same:

Social/Events Committee:

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Upcoming Committee Events: Director Smith will be meeting with Ms. Rieter on upcoming events in the next couple of weeks.

Alley Lots Committee: None.

Finance/Audit Committee: The committee is waiting on receipt of intergovernmental agreements to move forward with their analysis.

Sustainability Committee: Mr. Benson asked a question regarding funds between CSID and VMD.

Landscape Committee: Mr. Meier provided an update.

DRC Committee: The Board acknowledged review of the update in the packet.

**PUBLIC
COMMENT**

None.

OTHER BUSINESS

None.

ADJOURNMENT

Upon motion duly made by Director Hoisington, seconded by Director Conway and, upon vote, unanimously carried, the Board adjourned the meeting at 9:13 p.m.

Respectfully submitted,

DocuSigned by:

Craig Conway

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Secretary for the Meeting

Certificate Of Completion

Envelope Id: 15169161297E4C3BAA006C168CEF35DD	Status: Completed
Subject: Complete with DocuSign: Minutes 01-06-2024 - VMD.pdf, Minutes 01-11-2024 - VMD.pdf	
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Client Number: A128604	
Source Envelope:	
Document Pages: 12	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Chelsea Bojewski
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 S 6th St Ste 300
	Minneapolis, MN 55402-1418
	Chelsea.Bojewski@claconnect.com
	IP Address: 73.95.188.244


Record Tracking

Status: Original 2/23/2024 1:44:09 PM	Holder: Chelsea Bojewski Chelsea.Bojewski@claconnect.com	Location: DocuSign
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Signer Events

Craig Conway
craig.conway.vmd@gmail.com
Board Secretary
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

A7E6733349A144B...
Signature Adoption: Pre-selected Style
Using IP Address: 24.9.248.44

Timestamp

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Viewed: 2/25/2024 11:18:12 PM
Signed: 2/25/2024 11:18:43 PM

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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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Records
sdrecordsretention@claconnect.com
Security Level: Email, Account Authentication (None)

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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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Certified Delivered	Security Checked	2/25/2024 11:18:12 PM
Signing Complete	Security Checked	2/25/2024 11:18:43 PM

Envelope Summary Events	Status	Timestamps
Completed	Security Checked	2/25/2024 11:18:43 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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