

**RECORD OF PROCEEDINGS**

---

---

**MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
ORCHARD FARMS METROPOLITAN DISTRICT  
HELD**

Thursday, June 10, 2021

A special meeting of the Board of Directors of the Orchard Farms Metropolitan District (referred to hereafter as the “Board”) was convened on Thursday, June 10, 2021 at 9:00 a.m. via Microsoft Teams. The meeting was open to the public.

**ATTENDANCE**

**In Attendance were Directors:**

Ambra Brown  
Randall Stutz  
John Cheney  
Brian McNelly  
Christopher Elliott

**Also in Attendance were:**

Celeste Terrell, Rebecca Gianarkis & Lindsey Ross;  
CliftonLarsonAllen LLP (“CLA”)  
Megan Murphy, Esq. General Counsel; White Bear Ankele  
Tanaka and Waldron (“WBA”)  
Susie Ellis, Inspection Manager; Community  
Preservation Specialists, Inc.  
Debra Hessler; Lennar Colorado, LLC  
Clara Moncotta; Resident  
Alex Lamoste; Resident  
Jennifer Ventero; Resident  
Carter Wehrer; Resident  
Grace Mar; Resident  
Kala Tuleja; Resident  
Aubrey Landvogt; Resident  
Prashanth Manar; Resident  
Tony Romo; Resident  
Areli Munoz; Resident  
Will Holmes; Resident  
Chelsea  
Dianna  
Wendi  
Nicole

**CALL TO ORDER**

Ms. Terrell called the meeting to order at 9:04 a.m.

**DECLARATION OF  
QUORUM/**

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official

## RECORD OF PROCEEDINGS

---

### REAFFIRMATION OF DISCLOSURES

action at the meeting. 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.

### APPROVAL OF AGENDA

Following review, upon a motion duly made, seconded, and, upon vote, unanimously carried, the Board approved the agenda as presented.

### PUBLIC COMMENT

The Board and residents discussed the possibility of adding a pool to the community. Topics covered included cost to residents, outstanding debt, bond refinancing, pool location, community preferences, and alternative options.

Director Born suggested the discussion to add a pool begin in the Advisory Committee first.

Director Stutz noted that it could be beneficial to refinance the debt, however Ms. Murphy noted that debt cannot be refinanced until December 1, 2022. Ms. Murphy also noted that it is not clear if a community pool would fit in the community.

Director Cheney suggested less costly alternatives such as a splash pad or community center. He also noted that the District is not currently in a financial position to incur the construction and operating costs that might accompany a community pool.

### CONSENT AGENDA

Following review, upon a motion duly made by Director Stutz, seconded by Director Elliott and, upon vote, unanimously carried, the Board approved the Consent Agenda which included the following items:

#### **March 22, 2021 Minutes**

#### **Claims Payable in the Amount of \$45,790.99**

#### **Third Amendment to Independent Contractor Agreement with BrightView Landscape Services, Inc.; and Settlement Agreement regarding Account Number 460104**

## RECORD OF PROCEEDINGS

---

### FACILITIES MANAGEMENT / DISTRICT OPERATIONS

**District Manager's Report:** Ms. Terrell reported that Rocky Mountain Sewer Jet withdrew their proposal to scope and jet the main line underdrains. She reminded the Board that they previously approved an amount not to exceed \$20,000 and noted that there are four additional options for service providers. Ms. Terrell noted that the top options are Fuzion and RK Mechanical.

Following discussion, upon a motion duly made by Director Stutz, seconded by Director Born and, upon vote, unanimously carried, the Board authorized Ms. Terrell to engage an underdrain contractor.

Director Cheney requested that Ms. Terrell complete site visits to monitor this work. Director Born asked why it is difficult to engage contractors and Ms. Murphy noted that it is a specialized service with a limited number of contractors.

Ms. Terrell also summarized the insurance schedule and the design review process, noting 59 design review requests have been processed since the March 11, 2021 Board meeting.

**Snow Removal Areas:** Ms. Terrell summarized the community areas where snow is currently contracted to be removed and the areas the Board wants to include for the 2021-2022 season.

Following discussion, upon a motion duly made by Director Stutz, seconded by Director McNelly and, upon vote, unanimously carried, the Board approved the snow removal plan as discussed and authorized the District manager to add additional snow removal areas in the future as development occurs within the community.

Director Born inquired about the expected date of completion of the second park. Director Cheney reported it will be done after the roads surrounding the second park are built.

Directors McNelly and Stutz requested the District work with Lennar to repair damages done to the roundabout.

**Discuss Resident Request for Addition of Swing to Park:** Ms. Terrell reviewed a resident request to add an accessible swing to the park. The Board supported the request. Following discussion, upon a motion duly made by Director Stutz, seconded by Director Born and, upon vote, unanimously

## RECORD OF PROCEEDINGS

---

carried, the Board approved the resident request to add an accessible swing to the playground.

Director McNelly requested Ms. Terrell solicit a quote for playground maintenance. Ms. Murphy additionally requested a quote for quarterly playground safety inspections.

Director Born requested that the park in Tract G be made more accessible, with the potential addition of a similar accessible swing to this park.

### **Committee Reports:**

**Social Committee:** Director Born reported that the Social Committee has planned a variety of fun activities for the summer including a Fourth of July celebration and progressive block party event. Director Born will work with Ms. Terrell to add a section for the Social Committee to the website and plans to advertise Committee membership through signage in the park.

The Board discussed the permissibility of alcohol at events. Ms. Murphy noted security must be provided if the District provides the alcohol.

Following discussion, upon a motion duly made by Director McNelly, seconded by Director Born, the Board nominated Jill Chapman to the Social Committee.

**Landscaping Committee:** Ms. Terrell reported a landscaping walk happened recently with BrightView. Mr. Stuckey noted that he is working closely with residents to report broken sprinklers. He also noted that nine trees are dead and he would like BrightView to replace them at the expense of Lennar as they should still be insured by Lennar. Following discussion, upon a motion duly made by Director Stutz, seconded by Director Cheney and, upon vote, unanimously carried, the Board approved tree replacements per Ms. Terrell's report.

Following discussion, upon a motion duly made by Director Stutz, seconded by Director McNelly, the Board authorized Ms. Terrell to approve landscape enhancement and landscape management contracts within the District's current fiscal year budget and later add the landscape enhancement or landscape management contracts to the consent agenda for ratification by the Board.

## RECORD OF PROCEEDINGS

---

**Advisory Committee:** Director McNelly reported that the welcome letter is pending. Ms. Ellis mentioned some community members park on the landscaping and some residents have put fences against the sidewalks. Director McNelly noted these items to be discussed at the next Advisory Committee meeting and will report to the Board of the Committee's recommendations. Ms. Terrell noted last month's meeting was productive and that the discussed changes and updates were made to the website.

Following discussion, upon a motion duly made by Director McNelly, seconded by Director Born, the Board nominated residents Jill Chapman and Holly Anthony to the Advisory Committee.

**Suggested Plant List to be Added to Residential Improvement Guidelines:** Ms. Terrell shared the suggested plant list and noted it was compiled by Ms. Ellis. Director Stutz asked if residents can change tree placement around their homes. Ms. Ellis noted residents should request a variance to be approved by the Design Review Committee to change their tree placement.

Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the suggested plant list to be added to the Residential Improvement Guidelines.

**Covenant Enforcement Report:** Ms. Ellis presented her covenant enforcement report to the Board, noting most violations concerned landscaping.

**Other:** Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board added the sidewalks on the corners of 16308 Elizabeth Street and 16288 Elizabeth Street to the snow removal plan.

### LEGAL MATTERS

**Appointment of Members to the Advisory Committee:** Members were appointed to the Committee during the respective Committee updates previously detailed.

**WBA Covenant Enforcement Services:** Ms. Murphy reported to the Board that WBA will no longer offer covenant enforcement

## RECORD OF PROCEEDINGS

---

services to its clients. She proposed three alternative firms that offer this service. Ms. Murphy reported the District used this service just a few times.

Following discussion upon a motion duly made by Director McNelly, seconded by Director Born and, upon vote, unanimously carried, the Board approved the engagement of Orten Cavanagh Holmes & Hunt LLC for covenant enforcement services.

**Other:** Following discussion, upon a motion duly made by Director McNelly, seconded by Director Born and, upon vote unanimously carried, the Board authorized Ms. Ellis to contact Legal Counsel with covenant enforcement questions at her discretion.

### FINANCIAL MATTERS

**March 31, 2021 Financial Statements and Cash Position Report:** Ms. Ross reviewed the Financial Statements and Cash Position Report with the Board. Following review, upon a motion duly made by Director Cheney, seconded by Director Born and, upon vote, unanimously carried, the Board accepted the march 31, 2021 Financial Statements and Cash Position Report.

**2020 Audit:** Ms. Ross presented a draft of the 2020 Audit to the Board. Following review, upon a motion duly made by Director Cheney, seconded by Director Stutz and, upon vote, unanimously carried, the Board authorized CLA to review and file the 2020 Audit, subject to the receipt of a clean opinion and review by Legal Counsel.

**Handling of Delinquent Monthly Dues:** Director Born requested additional information about the process from delinquent monthly dues to potential foreclosure. Ms. Murphy summarized the process for the Board.

**Other:** None.

### DIRECTORS' MATTERS

**Fencing Height Requirements for Homes Backing to Open Space:** The Board, Ms. Ellis, and Ms. Murphy discussed fencing height requirements for homes in the community that back up to open space. The two options discussed were a six-foot privacy fence and a split-rail fence. Discussion ensued regarding challenges pertaining to varied resident preferences. It was determined that fence height is a private matter to be determined by individual residents. No action was taken.

RECORD OF PROCEEDINGS

---

**Other:** Director McNelly reminded the Board on behalf of the Advisory Committee that Sherwin-Williams will perform a site visit to suggest a color pallet for the community.

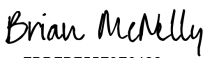
OTHER MATTERS

At the request of resident Will Holmes, Director McNelly briefly summarized the conversation regarding a possible community pool that took place at the start of the meeting.

ADJOURNMENT

**September 9, 2021 Board Meeting:** A quorum was confirmed for the September 9, 2021 Board Meeting. There being no further business to come before the Board, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board adjourned the meeting at 11:23 a.m.

Respectfully submitted,

DocuSigned by:  
  
F8DFBF55F3F6422...  
Secretary for the Meeting

The foregoing minutes were approved on the 9<sup>th</sup> day of September, 2021.

**Certificate Of Completion**

Envelope Id: EAF0B3C927BF4067B216296A173ED718	Status: Completed
Subject: Please DocuSign: OFMD - Minutes 06-10-2021.pdf	
Client Name: Orchard Farms Metro District	
Client Number: 011-044307	
Source Envelope:	
Document Pages: 7	Signatures: 1
Certificate Pages: 4	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Natalie Herschberg
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 South 6th Street
	Suite 300
	Minneapolis, MN 55402
	Natalie.Herschberg@claconnect.com
	IP Address: 73.153.120.72

**Record Tracking**

Status: Original	Holder: Natalie Herschberg	Location: DocuSign
9/23/2021 3:33:20 PM	Natalie.Herschberg@claconnect.com	

**Signer Events**

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

**Signature**



Signature Adoption: Pre-selected Style  
 Using IP Address: 97.118.141.222  
 Signed using mobile

**Timestamp**

Sent: 9/23/2021 3:35:26 PM  
 Viewed: 9/29/2021 8:46:54 AM  
 Signed: 9/29/2021 8:47:48 AM

**Electronic Record and Signature Disclosure:**  
 Accepted: 9/29/2021 8:46:54 AM  
 ID: e6ae31d0-24ca-434a-a3c5-0734063add7a

**In Person Signer Events**

**Signature**

**Timestamp**

**Editor Delivery Events**

**Status**

**Timestamp**

**Agent Delivery Events**

**Status**

**Timestamp**

**Intermediary Delivery Events**

**Status**

**Timestamp**

**Certified Delivery Events**

**Status**

**Timestamp**

**Carbon Copy Events**

**Status**

**Timestamp**

**Witness Events**

**Signature**

**Timestamp**

**Notary Events**

**Signature**

**Timestamp**

**Envelope Summary Events**

**Status**

**Timestamps**

Envelope Sent	Hashed/Encrypted	9/23/2021 3:35:26 PM
Certified Delivered	Security Checked	9/29/2021 8:46:54 AM
Signing Complete	Security Checked	9/29/2021 8:47:48 AM
Completed	Security Checked	9/29/2021 8:47:48 AM

**Payment Events**

**Status**

**Timestamps**

**Electronic Record and Signature Disclosure**



## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, CliftonLarsonAllen LLP (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact CliftonLarsonAllen LLP:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com)

**To advise CliftonLarsonAllen LLP of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

**To request paper copies from CliftonLarsonAllen LLP**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

**To withdraw your consent with CliftonLarsonAllen LLP**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify CliftonLarsonAllen LLP as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by CliftonLarsonAllen LLP during the course of your relationship with CliftonLarsonAllen LLP.