

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
ORCHARD FARMS METROPOLITAN DISTRICT
HELD
JUNE 5, 2024

A regular meeting of the Board of Directors of the Orchard Farms Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, June 5, 2024, at 5:00 p.m. via Zoom Video Conference. The meeting was open to the public.

ATTENDANCE

In Attendance were Directors:

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

Also in Attendance were:

Celeste Terrell and Lindsay Ross; CliftonLarsonAllen LLP (“CLA”)
Marissa Peck Esq. and Megan Murphy, Esq., General Counsel; White Bear Ankele Tanaka and Waldron (“WBA”)
Susie Ellis; Community Preservation Specialists, Inc.
Alex Graves; Flock Safety
Jeremy Wagner, Carol Nesbitt, Tom Tacker, Tyler Dahm, and other members of the public

ADMINISTRATIVE
MATTERS

Call to Order: The meeting was called to order at 5:00 p.m.

Quorum & Disclosures: A quorum of the Board was confirmed. Attorney 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. Attorney 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 McNelly, seconded by Director Reiter and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

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Public Comment: Mr. Tacker inquired about short-term rentals. He was advised to contact Ms. Terrell and Ms. Murphy for further discussion after the meeting.

CONSENT AGENDA

The Board considered the following items under the Consent Agenda:

- April 3, 2024, Minutes.
- Claims Payable in the amount of \$75,090.72.
- Schedule of Cash Position.

Following review and discussion, upon a motion duly made by Director Stutz, seconded by Director Reiter and, upon vote, unanimously carried, the Board approved and acknowledged the Consent Agenda, as presented.

FACILITIES MANAGEMENT / DISTRICT OPERATIONS

District Manager's Report: Ms. Terrell provided an update to the Board, noting that 56 design review requests were received, and that all were approved except two. CLA assisted with the pavilion requests, completing regular site visits and completed a playground inspection.

Committee Reports:

- **Social Committee:** Director Watkins reported on the community garage sale and informed the Board that a donation truck has been secured. He also reminded the Board that Dumpster Day is coming up as well as painting in the park and yoga beginning June 12th.
 - **Landscaping Committee:** Jeremy Wagner reported on the adjusting sprinklers and the installation of the new bushes around park. He stated that the tree installation from last year went well, and only one tree has died but further revitalization is being completed. Metal edging was finished. The porta potty needs additional cleaning. Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved to replace the tree for a not to exceed \$1,000. Director Stutz agreed to follow up with Lennar regarding clean up on the pathway behind Saint Paul Drive..
- Advisory Committee:** Director McNelly provided an update on the Advisory Committee's weekly meetings regarding updates to the District's Design Guidelines.

i. Update on Design Guidelines review by Advisory Committee: The Board discussed various modifications to the proposed revisions to the Design Guidelines. The final updates to the Design Guidelines will be reviewed by Attorney Murphy prior to final Board approval. .

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Covenant Enforcement Report: Ms. Ellis provided an update noting that the landscaping inspections will begin after June 1st.

- **Fence Audit Update:** The owners have until the end of June to comply.

LEGAL MATTERS

Implementation of Accessibility Standards for Individuals with a Disability for Information Technology Systems Employed by the District: Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the removal of any documents from the District website that are older than two years and that are not statutorily required. The Board, directed CLA to complete ongoing quarterly scans.

- **Contract with Streamline for website services:** This item will be removed from future agendas, and the Board determined that CLA will continue with the management of the District website.
- **Resolution Adopting a Digital Accessibility Policy:** Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the Resolution Adopting a Digital Accessibility Policy, as presented.

FINANCIAL MATTERS

March 31, 2024, Unaudited Financial Statements: Ms. Ross reviewed 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 March 31, 2024 Unaudited Financial Statements, as presented.

2023 Audit: Ms. Ross reviewed the 2023 Audit with the Board. Following review, upon a motion duly made by Director McNelly, seconded by Director Passini and, upon vote, unanimously carried, the Board accepted the draft 2023 Audit, subject to final review by legal and receiving a clean audit opinion from the auditor. The Board also authorized CLA to file audit by the deadline.

DIRECTORS' MATTERS

Flock Safety Proposals for License Plate Cameras: Director Stutz and Mr. Graves reviewed the proposal with the Board. No action was taken by the Board. Director Stutz will follow up with Mr. Graves with clarifying questions so that this item can be considered by the Board at the next meeting.

2401 E. 163rd Place: Director Stutz stated he has been in discussion with the owner and requested that the owner's \$47 per month dues be forgiven until the owner is able to occupy their home again. Following discussion, upon a motion duly made by Director Stutz, seconded by Director Passini

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and, upon vote, unanimously carried, the Board approved the suspension of monthly dues for 2401 E 163rd Place.

Update on Saint Paul Drive: Director Stutz provided an update, e stating that Lennar is working on moving utilities in owner's backyards. . .

MANAGER
MATTERS

None.

OTHER MATTERS

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 7:05 p.m.

Respectfully submitted,

Signed by:

Brian McNelly

Secretary for the Meeting

Certificate Of Completion

Envelope Id: 50A519C067CE474CBF194458E850843A	Status: Completed
Subject: Complete with DocuSign: OFMD - 2 Sets of Minutes - Minutes 06-05-2024 - Annual Meeting & Regular Mtg	
Client Name: OFMD	
Client Number: A369002	
Source Envelope:	
Document Pages: 6	Signatures: 2
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
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Status: Original	Holder: Natalie Herschberg	Location: DocuSign
8/9/2024 1:04:46 PM	Natalie.Herschberg@claconnect.com	

Signer Events

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

Signature

Signed by:

 FBD5F55F3F6422...
 Signature Adoption: Pre-selected Style
 Using IP Address: 65.201.208.91
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Timestamp

Sent: 8/9/2024 1:06:28 PM
 Viewed: 8/26/2024 3:58:55 PM
 Signed: 8/26/2024 3:59:26 PM

Electronic Record and Signature Disclosure:
 Accepted: 8/26/2024 3:58:55 PM
 ID: 983877b4-bfe7-4129-a187-401c6ddb234f

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Alyssa Rios
 arios@wbapc.com
 Security Level: Email, Account Authentication (None)

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 Not Offered via DocuSign

Records Team
 sdrecordsretention@claconnect.com
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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	8/26/2024 3:58:55 PM
Signing Complete	Security Checked	8/26/2024 3:59:26 PM
Completed	Security Checked	8/26/2024 3:59:26 PM

Payment Events	Status	Timestamps
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