

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CIMARRON METROPOLITAN DISTRICT  
HELD  
NOVEMBER 21, 2023

A regular meeting of the Board of Directors (referred to hereafter as “Board”) of the Cimarron Metropolitan District (referred to hereafter as the “District”) was convened on Tuesday, November 21, 2023, at 3:30 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:

Brian Mulvany; President  
Patrick Vaughn; Secretary  
Brian Daly; Treasurer

#### Also In Attendance Were:

Lisa Johnson, Alonso Duran Rodriguez, Ashley Heidt and Rachel Alles;  
CliftonLarsonAllen LLP  
Matthew Ruhland, Esq.; Cockrel Ela Glesne Greher & Ruhland, P.C.  
Peter Dyer, Rachel Trahan, and Joe Lanzetta; members of the public

### ADMINISTRATIVE MATTERS

**Call to Order and Agenda:** The meeting was called to order at 3:30 p.m. by Ms. Johnson. There was distributed, for the Board’s review and approval, a proposed agenda for the District’s regular meeting. Following review, upon a motion duly made by Director Vaughn, seconded by Director Daly and, upon vote, unanimously carried, the Board approved the agenda, as presented.

**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. Attorney Ruhland 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, noting that conflict disclosure statements for all of the Directors have been filed, and that no additional conflicts were disclosed at the meeting.

**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

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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's boundaries have been received.

**Resolution Regarding 2024 Annual Administrative Matters:** Ms. Johnson reviewed the Resolution with the Board. Following review, upon a motion duly made by Director Vaughn, seconded by Director Daly and, upon vote, unanimously carried, the Board adopted the Resolution Regarding 2024 Annual Administrative Matters, subject to the revisions discussed.

### **PUBLIC COMMENT**

The Board received public comments from Ms. Trahan, Mr. Dyer and Mr. Lanzetta, members of the public and Director Daly provided responses related to Block 18, Tract A4 and Block 28, Tract A6.

### **CONSENT AGENDA**

**Minutes of October 17, 2023 Regular Meeting:** Following review, upon a motion duly made by Director Vaughn, seconded by Director Daly and, upon vote, unanimously carried, the Board approved the Consent Agenda item, as presented.

### **FINANCIAL MATTERS**

**Unaudited Financial Statements for the Period Ending September 30, 2023:** Mr. Rodriguez reviewed the financial statements with the Board. Following review, upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board accepted the Unaudited Financial Statements for the period ending September 30, 2023, as presented.

**Payment of Claims in the amount of \$77,390.82 through the Period Ending November 20, 2023:** Mr. Rodriguez reviewed the claims with the Board. Following review, upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board approved/ratified approval of the payment of claims in the amount of \$77,390.82 through the period ending November 20, 2023, as presented.

**Payment of Capital Claims in the amount of \$451,052.04:** Mr. Rodriguez reviewed the capital claims with the Board. Following review, upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board approved/ratified approval of the payment of capital claims in the amount of \$451,052.04.

**Public Hearing on Amendment to 2023 Budget and Adoption of Resolution to Amend the 2023 Budget, if necessary:** Director Mulvany opened the public hearing to consider an amendment to the 2023 Budget at 3:59 p.m.

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It was noted that publication of Notice stating that the Board would consider amendment of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

Mr. Rodriguez reviewed the 2023 Budget amendment with the Board. Discussion followed regarding increasing the Capital Projects Fund. Mr. Lanzetta inquired as to where the funds for an increase would come from, and Ms. Johnson noted that funds come from developer advances.

No further public comments were received, and Director Mulvany closed the public hearing at 4:09 p.m.

Upon a motion duly made by Director Vaughn, seconded by Director Daly and, upon vote, unanimously carried, the Board approved the amendment to the 2023 Budget and adopted the Resolution to Amend the 2023 Budget, subject to confirmation from Vauxmont Metropolitan District regarding the transfer of funds and subject to the revisions discussed.

**Public Hearing on 2024 Budget and Adoption of Resolution to Adopt the 2024 Budget and Appropriate Sums of Money:** Director Mulvany opened the public hearing to consider the 2024 Budget at 4:09 p.m.

It was noted that publication of Notice stating that the Board would consider the adoption of the 2024 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

Mr. Rodriguez reviewed the 2024 Budget with the Board. Mr. Dyer asked a question regarding a budget line item.

No further public comments were received, and Director Mulvany closed the public hearing at 4:13 p.m.

Upon a motion duly made by Director Vaughn, seconded by Director Daly and, upon vote, unanimously carried, the Board approved the 2024 Budget and adopted the Resolution to Adopt the 2024 Budget and Appropriate Sums of Money, subject to coordination of finalization with Director Daly and receipt of the final assessed valuation from Jefferson County.

**Engagement Letter with Haynie & Company to Prepare the 2023 Audit:** Following review, upon a motion duly made by Director Mulvany, seconded by Director Daly and, upon vote, unanimously carried, the Board approved the engagement letter with Haynie & Company to prepare the 2023 Audit, as

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presented.

### LEGAL MATTERS

#### Transition from Cimarron Metropolitan District to Vauxmont Metropolitan District Under Master Intergovernmental Agreement:

Attorney Ruhland informed the Board that he has reached out to the Vauxmont Metropolitan District's general counsel to initiate a conversation regarding ownership of tracts and slope stability issues. The goal is to set up a meeting with two representatives from the Vauxmont Metropolitan District Board, one representative from the District's Board, both Districts' general counsel and representatives from management.

Status of Repairs to Block 18, Tract A4: This item was previously discussed during public comment.

Executive Session: No executive session held.

Ongoing Litigation Regarding Block 28, Tract A6: This item was previously discussed during public comment.

Executive Session: No executive session held.

Action Regarding Matters Discussed During Executive Session, if necessary: No action needed.

### CAPITAL IMPROVEMENTS

#### Status of Infrastructure Installation for Candelas Project (Reports by IDES from October and November):

Director Daly reviewed the report regarding the status of Capital Projects with the Board. Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board approved the Board Status Reports from IDES, LLC, as presented.

#### Contracts, Work Orders and Change Orders:

Change Order No. 5 for Tract A4 Temporary Drain from CJB's Excavating in the amount of \$5,640.00: Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 5 for Tract A4 Temporary Drain from CJB's Excavating in the amount of \$5,640.00, as presented.

Change Order No. 4 for Tract A4 Concrete Demo and Haul Off from CJB's Excavating in the amount of \$4,360.00: Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 4 for Tract A4 Concrete Demo and Haul Off from

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CJB's Excavating in the amount of \$4,360.00, as presented.

**Task Order No. 26 for Tract A4 LIDAR Analysis, Tract A6 Task Order No. 25 Overage and Additional Observation and Coordination from CTL Thompson in the amount of \$36,382.60:**

Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board ratified the approval of Task Order No. 26 for Tract A4 LIDAR Analysis, Tract A6 Task Order No. 25 Overage and Additional Observation and Coordination from CTL Thompson in the amount of \$36,382.60, as presented.

**Change Order No. 6 for Tract A6 Earthwork, Concrete and Walls from CJB's Excavating in the amount of \$492,177.50:**

Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 6 for Tract A6 Earthwork, Concrete and Walls from CJB's Excavating in the amount of \$492,177.50, as presented.

**Change Order No. 7 for Tract A6 Bench Work as Requested by Coggins from CJB's Excavating in the amount of \$2,020.00:**

Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 7 for Tract A6 Bench Work as Requested by Coggins from CJB's Excavating in the amount of \$2,020.00, as presented.

**Change Order No. 8 for Tract A4 Bench Construction for Coggins Work from CJB's Excavating in the amount of \$13,340.00:**

Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 8 for Tract A4 Bench Construction for Coggins Work from CJB's Excavating in the amount of \$13,340.00, as presented.

**Change Order No. 2 for Tract A4 Soldier Caisson Wall from IDES, LLC in the amount of \$1,352,520.00:**

Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 2 for Tract A4 Soldier Caisson Wall from IDES, LLC in the amount of \$1,352,520.00, as presented.

**Task Order No. 27 for Tract A6 Task Order No. 25 Overage and Additional Cost for Observation and Coordination from CTL**

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**Thompson in the amount of \$27,562.60:** Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board ratified the approval of Task Order No. 27 for Tract A6 Task Order No. 25 Overage and Additional Cost for Observation and Coordination from CTL Thompson in the amount of \$27,562.60, as presented.

**Task Order No. 12 for Filing 1 Tract A6 Slope Stability Services Overage and Additional Services from IDES, LLC in the amount of \$35,000.00:** Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board ratified the approval of Task Order No. 12 for Filing 1 Tract A6 Slope Stability Services Overage and Additional Services from IDES, LLC in the amount of \$35,000.00, as presented.

**Costs for Construction of, and Services Related to, District Improvements Under the Verification of District Expenditures Reports for October and November Prepared by Independent District Engineering Services, LLC (“IDES”) for Reimbursement to Arvada Residential Partners, LLC (“ARP”), and Release and/or Transfer of Non-District Improvements to ARP Pursuant to the Facilities Funding and Acquisition Agreement between the District and ARP, Based on the Recommendation of IDES:** The Board reviewed IDES’ report entitled “Verification of District Expenditures for October 2023,” which summarizes IDES’ review and verification of the expenditures of the District for October 2023 (“August Verification Report”). The October Verification Report identified \$228,884.07 of District Eligible Expenses and \$-0- of Non-Eligible Expenses.

The Board reviewed IDES’ report entitled “Verification of District Expenditures for November 2023,” which summarizes IDES’ review and verification of the expenditures of the District for November 2023 (“September Verification Report”). The November Verification Report identified \$213,939.32 of District Eligible Expenses and \$-0- of Non-Eligible Expenses.

Following review, upon a motion duly made by Director Daly, seconded by Director Mulvany and upon vote unanimously carried, the Board determined to accept the October Verification Report and the November Verification Report and the District Eligible Expenses identified therein in the amount of \$228,884.07 for October and \$213,939.32 for November.

### **MANAGER MATTERS**

**CliftonLarsonAllen LLP Master Services Agreement and Statement(s) of Work for 2024:** Ms. Johnson reviewed the Master Services Agreement and Statements of Work with the Board. Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board approved the CliftonLarsonAllen LLP Master

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Services Agreement and Statements of Work for 2024, as presented.

**2024 Insurance Renewal and Current Property Schedule:** Ms. Johnson reviewed the 2024 insurance renewal with the Board, noting that the policy and property schedule were provided to Timberline for updates, which will be provided to T. Charles Wilson to incorporate into the policy. It was noted that the District's insurance coverage will be finalized and bound prior to December 31, 2023.

Mr. Dyer asked who is paying for and insuring the pond. Ms. Johnson confirmed that the insurance covers the stormwater facilities. Ms. Johnson also reviewed the recommendation to increase cyber security coverage with the Board. Following discussion, upon a motion duly made by Director Vaughn, seconded by Director Daly and, upon vote, unanimously carried, the Board approved the 2024 insurance renewal and authorized the increase of the District's cyber security coverage to \$100,000.

**Worker's Compensation Insurance for 2024:** Ms. Johnson reviewed the 2024 worker's compensation insurance with the Board. Following discussion, upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board approved worker's compensation insurance for 2024.

**Membership in the Special District Association for 2024:** Ms. Johnson reviewed the membership with the Board. Following review, upon a motion duly made by Director Vaughn, seconded by Director Daly and, upon vote, unanimously carried, the Board authorized the renewal of the District's membership in the Special District Association for 2024.

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

Upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board adjourned the meeting at 4:34 p.m.

Respectfully submitted,

DocuSigned by:  
*Patrick Vaughn*

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Secretary for the Meeting

**Certificate Of Completion**

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Subject: Complete with DocuSign: 3A. Minutes 11-21-2023 (in access).pdf	
Client Name: Cimarron MD	
Client Number: A128611	
Source Envelope:	
Document Pages: 7	Signatures: 1
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
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 rzrbak82@outlook.com  
 Secretary  
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**In Person Signer Events**

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**Timestamp**

**Envelope Summary Events**

**Status**

**Timestamps**

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Completed	Security Checked	3/20/2024 8:28:50 PM
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