

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CIMARRON METROPOLITAN DISTRICT (THE "DISTRICT")  
HELD  
OCTOBER 17, 2023

A regular meeting of the Board of Directors (the "Board") of the Cimarron Metropolitan District (the "District") was convened on Tuesday, October 17, 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, Alex Clem, Alonso Duran Rodriguez and Gigi Pangindian; CliftonLarsonAllen LLP ("CLA")  
Matthew Ruhland, Esq.; Cockrel Ela Glesne Greher & Ruhland, P.C.  
Paul Hoisington; Vauxmont Metropolitan District Board of Directors  
Todd, Mike A., Bill and Pam Hack, Josh Molinaro, Gary Tuka, Kerry Hobday, Christina Mayer, Gail Lambert, Chris Currier, Jim Pagliai, Peter Dyer, Brenda Atkins, Dale Meier, Cliff Laurin, Elizabeth Hart, Alexis and Michael Brown, Michelle Fenner, Andres Nizzotti, Tim White, George Meng, Anthony Lobato, Rachel and Devon Trahan, Steve Good, Kristy Thorson, Bob Letehworth, John Weiskinch, Kirk Bobo, Bobby and Susan Templin, Mike Anderson, Joe Lanzetta and other members of the public.

### ADMINISTRATIVE MATTERS

**Call to Order and Approval of Agenda:** The meeting was called to order at 3:31 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 Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board approved the agenda, as amended.

**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

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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 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.

**District Website Separate from Vauxmont Metropolitan District:** Ms. Johnson informed the Board that the Vauxmont Metropolitan District is in the process of engaging with a new website provider to separate the Vauxmont Metropolitan District's website from the District's website. Following discussion, upon a motion duly made by Director Daly, seconded by Director Vaughn and, upon vote, unanimously carried, the Board authorized CLA to create a District website separate from Vauxmont Metropolitan District via Wix to go live within 30-60 days.

### **PUBLIC COMMENT**

The Board received comments from Michael Brown, Joe Lanzetta, Cliff Laurin, Gary Tuka, Michelle Fenner, and Peter Dyer, members of the public.

### **CONSENT AGENDA**

**Minutes of September 26, 2023 October 10, 2023 Special Meetings:** 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**

**Draft 2024 Budget:** Mr. Rodriguez reviewed the draft 2024 Budget with the Board.

**Unaudited Financial Statements for the Period Ending August 31, 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 August 31, 2023, as presented.

**Payment of Claims in the amount of \$270,255.02 through the Period Ending October 17, 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 ratified the

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approval of payment of claims in the amount of \$270,255.02 through the period ending October 17, 2023, as presented.

**Payment of Capital Claims in the amount of \$397,063.27:** 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 ratified the approval of payment of capital claims in the amount of \$397,063.27, as presented.

### **LEGAL MATTERS**

**Transition from Cimarron Metropolitan District to Vauxmont Metropolitan District Under Master Intergovernmental Agreement:** No updated was provided.

**Status of Repairs to Block 24, 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.

The Board directed Attorney Ruhland to confer with the District's litigation counsel to review the documents produced to date regarding the slope issues and determine what can be made part of the public record.

### **CAPITAL IMPROVEMENTS**

**Status of Infrastructure Installation for Candelas Project (Reports by IDES from July, August, and September):** Director Daly reviewed the report regarding the status of Capital Projects with the Board.

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

**Contract Documents for Mail Kiosk Relocation with Colorado Custom Rock:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of the contract documents for Mail Kiosk Relocation with Colorado Custom Rock, as presented.

**Contract Documents for Candelas Slope Failure Repair Storm Sewer and Drains with CJB's Excavation:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of the contract documents for Candelas Slope Failure Repair Storm Sewer and Drains with CJB's Excavation, as presented.

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**Task Order No. 11 for Filing 1 Tract A4 Slope Stability Services from IDES, LLC in the amount of \$45,000:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of Task Order No. 11 for Filing 1 Tract A4 Slope Stability Services from IDES, LLC in the amount of \$45,000, as presented.

**Change Order No. 1 for New Location for Mailbox Kiosk, Sidewalk Approach and Kiosk Beams and Roof Panels, Demo for Reuse from CJBs Excavating in the amount of \$7,075:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 1 for New Location for Mailbox Kiosk, Sidewalk Approach and Kiosk Beams and Roof Panels, Demo for Reuse from CJBs Excavating in the amount of \$7,075, as presented.

**Task Order No. 25 for Tract A4 Filing 1 Geotechnical Slope Failure Testing, Observation and Coordination from CTL Thompson in the amount of \$55,000:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of Task Order No. 25 for Tract A4 Filing 1 Geotechnical Slope Failure Testing, Observation and Coordination from CTL Thompson in the amount of \$55,000, as presented.

**Change Order No. 2 for Additional Civil Engineering Support Services for Tract A4 Filing 1 Slope Stability from Martin/Martin, Inc. in the amount of \$30,000:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 2 for Additional Civil Engineering Support Services for Tract A4 Filing 1 Slope Stability from Martin/Martin, Inc. in the amount of \$30,000, as presented.

**Contract Documents for Candelas Slope Failure Reticulated Micro-Pile Wall with Coggins & Sons, Inc.:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of Contract Documents for Candelas Slope Failure Reticulated Micro-Pile Wall with Coggins & Sons, Inc., as presented.

**Task Order No. 19 for Tract A4 Candelas Slope Failure Repairs/Monitoring from Aztec Consultants, Inc. in the amount of \$10,000:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board

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ratified the approval of Task Order No. 19 for Tract A4 Candelas Slope Failure Repairs/Monitoring from Aztec Consultants, Inc. in the amount of \$10,000, as presented.

**Change Order No. 1 for Deduction for Others to Complete the Roof Posts Demo for Reuse and Addition for Temporary Placement of Mailboxes During Construction in the amount of (\$3,829.50):** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 1 for Deduction for Others to Complete the Roof Posts Demo for Reuse and Addition for Temporary Placement of Mailboxes During Construction in the amount of (\$3,829.50), as presented.

**Change Order No. 2 for Bench Construction for Coggins Work and Bond Cost Reimbursement from CJB's Excavating in the amount of \$15,326:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 2 for Bench Construction for Coggins Work and Bond Cost Reimbursement from CJB's Excavating in the amount of \$15,326, as presented.

**Change Order No. 3 for Tract A4 Emergency Drain Installation from CJB's Excavating in the amount of \$111,494:** Upon a motion duly made by Director Daly, seconded by Director Mulvany and, upon vote, unanimously carried, the Board ratified the approval of Change Order No. 3 for Tract A4 Emergency Drain Installation from CJB's Excavating in the amount of \$111,494, as presented.

**Costs for Construction of, and Services Related to, District Improvements Under the Verification of District Expenditures Reports for July, August, and September 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 July 2023," which summarizes IDES' review and verification of the expenditures of the District for July 2023 ("July Verification Report"). The July Verification Report identified \$77,043.79 of District Eligible Expenses and \$-0- of Non-Eligible Expenses.

The Board reviewed IDES' report entitled "Verification of District Expenditures for August 2023," which summarizes IDES' review and verification of the expenditures of the District for August 2023 ("August Verification Report"). The August Verification Report identified \$98,965.13 of District Eligible

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Expenses and \$-0- of Non-Eligible Expenses.

The Board reviewed IDES' report entitled "Verification of District Expenditures for September 2023," which summarizes IDES' review and verification of the expenditures of the District for September 2023 ("September Verification Report"). The September Verification Report identified \$58,118.77 of District Eligible Expenses and \$-0- of Non-Eligible Expenses.

Following review, upon a motion duly made by Director Mulvany, seconded by Director Daly and upon vote unanimously carried, the Board determined to accept the July Verification Report, August Verification Report and September Verification Report and the District Eligible Expenses identified therein in the amount of \$77,043.79 for July, \$98,965.13 for August, and \$58,118.77 for September.

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

Upon a motion duly made by Director Mulvany, seconded by Director Daly and, upon vote, unanimously carried, the Board adjourned the meeting at 4:51 p.m.

Respectfully submitted,

DocuSigned by:  
  
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Secretary for the Meeting