

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
LITTLETON VILLAGE METROPOLITAN DISTRICT NO. 2 (THE
“DISTRICT”)
HELD
JANUARY 25, 2022

A special meeting of the Board of Directors (the “Board”) of the Littleton Village Metropolitan District No. 2 (the “District”) (referred to hereafter as the “Board”) was convened on Tuesday, January 25, 2022, at 5:30 p.m. via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance:

Phil Cernanec, President
Holly Bundschu, Treasurer
Maria McAfee, Assistant Secretary
Jim Bowlby, Jr., Assistant Secretary
Zach Tedeschi, Director

Also, In Attendance:

Denise Denslow, Stephanie Odewumi and Thuy Dam; CliftonLarsonAllen LLP (“CLA”)
Joan Fritsche, Esq.; Fritsche Law, LLC
Dennis Bedford; BrightView Landscaping
Lynn Christensen and other District residents

ADMINISTRATIVE MATTERS

Call to order and approval of agenda: Director Cernanec called the meeting to order at 5:30 p.m. Following review, upon a motion duly made by Director McAfee, seconded by Director Tedeschi and, upon vote, unanimously carried, the Board approved the agenda as presented.

Disclosures of potential conflicts of interest: None.

Quorum, location of meeting and posting of meeting notices: A quorum of the Board was present and the meeting location (Microsoft Teams) and meeting notice posting were confirmed.

Public comment: Ms. Christensen inquired about the Murphy USA gas station notification and if there will be an opportunity to present information to the community and if there will be a designated liaison for the newsletter. Director McAfee volunteered to be the newsletter liaison. Ms. Denslow noted that she will provide a set of keys for the bulletin board. The Board requested that CLA be consulted regarding communications before distribution. Ms. Christensen also requested that verbiage be added to the bottom of bulletin board notices stating postings have been authorized by the District. It was noted that it is

RECORD OF PROCEEDINGS

CLA's responsibility to review the notices and Director McAfee can be the main contract person from the Board. It was noted that no advertisements or classified items can be posted. Ms. Christensen inquired about mill levy revenue, in relation to the costs associated with the sinkhole repair, and if sink hole repair costs can be negotiated. Director Cernanec stated that the taxes imposed are not a new mill levy.

CONSENT AGENDA

Minutes from the August 19, August 20, September 27 and November 2, 2021 Board Meetings:

Interim Claims:

September 30, 2021 Financial Statements and Cash Position Report:

Following review, upon a motion duly made by Director Bundschu, seconded by Director Tedeschi and, upon vote, the Board approved and accepted and adopted the Consent Agenda items as presented. Directors Bowlby and McAfee abstained from the vote as they were not members of the Board at the time Board meetings and expenditures took place.

FINANCIAL MATTERS

2022 Budget regarding status and modifications to landscaping, snow removal and other items: The Board discussed the 2022 Budget and modifications. Director Bowlby inquired if \$10,000 is an adequate figure for the election. It was noted that this figure is dependent on whether or not an election occurs or is cancelled.

Discussion ensued regarding the pending reserve study. It was noted that the contractor currently has COVID-19 and that there are items that could alter the Budget once the reserve study is completed, but the current 2022 Budget was approved until further information is available.

Other: None.

MANAGER MATTERS

January 2022 BrightView Landscape Report: Mr. Bedford reviewed the January 2022 BrightView Landscape Report with the Board, noting that snow removal has commenced, and that there have been four recordable events since the beginning of the season. He stated that the dog park gate is broken again and he would like to obtain bids for a permanent repair. He reviewed a proposal included in the report in the amount of \$1,324.72 with the Board for a valve repair that was identified during winterization of the irrigation system. Director Cernanec stated that this proposal is considered as part of regular irrigation services and therefore no action was needed. The Board discussed bids for stump removal and directed Mr. Bedford to do more research regarding pricing.

Other: None.

RECORD OF PROCEEDINGS

LEGAL MATTERS

Proposals from covenant enforcement law firms: Attorney Fritsche reviewed the proposals for covenant enforcement with the Board, noting that her recommendation is Winzenburg, Leff, Purvis & Payne, LLP due to cost effectiveness. Following review and discussion, upon a motion duly made by Director Bowlby, seconded by Director McAfee and, upon vote, unanimously carried, the Board approved the proposal for covenant enforcement services from Winzenburg, Leff, Purvis & Payne, LLP, as presented.

Annual Administrative Resolution: Following review, upon a motion duly made by Director Tedeschi, seconded by Director Bundschu and, upon vote, unanimously carried, the Board approved the 2022 Annual Administrative Resolution, as presented.

Resolution Determining Not to Provide Worker's Compensation Insurance Coverage for Uncompensated Directors: Following review, upon a motion duly made by Director McAfee, seconded by Director Bowlby and, upon vote, unanimously carried, the Board approved the Resolution Determining Not to Provide Worker's Compensation Insurance Coverage for Uncompensated Directors, as presented.

Amended and Restated Resolution Calling the 2022 Regular District Election and Appointing a DEO: The Board reviewed the Resolution and discussed the election process. Ms. Fritsche noted the resolution changes the DEO from the previous version due to change in general counsel. Following review and discussion, upon a motion duly made by Director Bundschu, seconded by Director Bowlby and, upon vote, unanimously carried, the Board approved the Amended and Restated Resolution Calling the 2022 Regular District Election and Appointing a DEO, as presented.

Xcel Energy Utility Easement: The Board reviewed the Xcel Energy Utility Easement. Ms. Denslow confirmed that the City of Littleton is aware of the necessity of the easement. Following review, upon a motion duly made by Director Bowlby, seconded by Director McAfee and, upon vote, unanimously carried, the Board approved and ratified the Xcel Energy Utility Easement, as presented.

DIRECTOR MATTERS

Basketball hoop restrictions and potential basketball court construction: Director Cernanec stated that the Board will consider basketball court construction when there are more funds in the Budget. Director Bundschu noted that the community has expressed interest in a half court due to basketball hoops being prohibited at residences. It was noted that Director Bowlby will contact firms to obtain construction information and present it to the Board at a future meeting.

Playground mulch renewal: Director Tedeschi stated that he will discuss the

RECORD OF PROCEEDINGS

landscaping repair budget item with Mr. Bedford. Director Bundschu noted that the playground mulch has not been replaced since the initial installation.

Board community communications: This item was partially discussed during public comment. Director Bundschu noted that there has been no mitigation for pet waste removal in the last month, and Ms. Denslow stated that she will reach out to the apartment complexes in the District to manage the pet waste issues and to discuss disposal of large items. The Board discussed public notices for Board meetings and Ms. Denslow stated that all meetings are open to the public, including the meetings in which Executive Sessions are conducted. At those meetings, the public is only prohibited from attending the portion where the Board is convened into an Executive Session.

Murphy USA gas station proposal and consider letter to City of Littleton: Director Cernanec stated that he will draft a letter for the City and let the Board review so they may send their suggestions to Director Cernanec before submitting to the City.

2022 operations and maintenance fee: It was noted that the 2022 operations and maintenance fees were adopted at the end of 2021.

Architectural Review Committee composition: Ms. Christensen noted that she will include information in the next newsletter about the open position on the Architectural Review Committee. The Board asked Attorney Fritsche to research the current appeal process and report back. Following discussion, upon a motion duly made by Director Cernanec, seconded by Director McAfee and, upon vote, unanimously carried, the Board appointed Director Bowlby to sit on the Architectural Review Committee.

Republic Services waste collection services contract: The Board discussed the community's experiences with Republic Services and the waste collection costs for bulk pickups. Ms. Denslow noted that the District is under a three-year contract with Republic Services, but that there are provisions for termination for cause. It was noted that Directors Bowlby and Tedeschi will work together to research the issues the community is having with Republic Services.

Stump removal and bidding: This item was discussed under Manager Matters. It was noted that it will cost approximately \$30 per stump to remove and BrightView will mark them for removal. It was stated that the trees cannot be in a utility area, so removal does not interfere with irrigation lines.

Sinkhole repair: Director Cernanec stated that more information regarding the sinkhole repair is forthcoming and that City engineers have inspected the area and have provided a cost estimate for repair.

RECORD OF PROCEEDINGS

OTHER BUSINESS

Quorum for the next meeting: A quorum was confirmed for the next regular meeting on April 26, 2022 at 5:30 p.m.

ADJOURNMENT

There being no further business to come before the Board at this time, Director Cernanec adjourned the meeting at 7:15 p.m.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Respectfully submitted,

DocuSigned by:

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Secretary for the Meeting