

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF CITY CENTER WEST RESIDENTIAL METROPOLITAN DISTRICT NO. 2

HELD  
November 7, 2023

The Regular Meeting of City Center West Residential Metropolitan District No. 2 was held via Zoom and Teleconference on Tuesday, November 7, 2023, at 5:00 p.m.

### ATTENDANCE

#### Directors in Attendance:

Melissa Kerr, Treasurer & Secretary  
Aparna Karnik, Vice Chair, Assistant Treasurer & Secretary  
Trish Trombino, Vice Chair, Assistant Treasurer & Secretary  
Trish Thompson, Vice Chair, Assistant Treasurer & Secretary

#### Directors Absent, but Excused:

Kimberlee Tiba, President & Chairperson

#### Also in Attendance:

David O'Leary; Spencer Fane, LLP.  
Shannon McEvoy, Kevin Mitts, Kieyesia Conaway, Christy McCutchen,  
Brendan Campbell, Wendy McFarland, Doug Campbell, Stanley Holder,  
and Adam Brix; Pinnacle Consulting Group, Inc.  
Melinda Schoch and Taralee Jackson; Members of the Public.

### ADMINISTRATIVE ITEMS

Call to Order: The Regular Meeting of the Board of Directors of the City Center West Residential Metropolitan District No. 2 was called to order by Mr. Mitts at 5:04 p.m.

Declaration of Quorum/Director Qualifications/Disclosure of Potential Conflicts of Interest: Mr. Mitts noted that a quorum was present, with four out of five Directors in attendance. All Board Members confirmed their qualifications to serve on the Boards. Mr. O'Leary inquired whether there were any conflicts to disclose by Board members present, which have not already been adequately disclosed. There were no such conflicts to disclose. Mr. O'Leary advised the Board that pursuant to Colorado law, certain disclosures by Board Members might be required prior to taking official action at a meeting. The Board reviewed the agenda for the meeting, following which each Board Member present confirmed the contents of the written disclosures previously made stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Additionally, the Board Members determined that the participation of the members present was necessary to obtain a quorum of otherwise enable the board to act.

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Approval of Agenda: The Board considered the approval of the agenda. Following review and discussion, upon a motion duly made by Director Trombino, seconded by Director Karnik, and upon vote, unanimously carried, it was

**RESOLVED** to approve the agenda, as amended to add item II C – Update on Retaining Wall.

Approval of Minutes: Mr. Mitts presented the October 3, 2023 Regular Meeting Minutes to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Trombino, and upon vote, unanimously carried, it was

**RESOLVED** to approve the October 3, 2023 Regular Meeting Minutes.

Public Comment: There were no Public Comments received.

Director Comment: There were no Director Comments received.

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DISTRICT MANAGER  
ITEMS

District Manager’s Report: Mr. Mitts, Mr. Brix, and Ms. McCutchen presented the District Manager’s Report to the Board and answered questions.

Contract Modifications Report: Mr. Mitts presented the Contract Modifications Report to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Trombino, seconded by Director Thompson, and upon vote, unanimously carried, it was

**RESOLVED** to approve the Contract Modifications Report, as presented.

Update on Retaining Wall: Mr. Brix presented the Update on Retaining Wall to the Board and answered questions.

2024 Master Service Agreements with Operations and Maintenance Service Contractors: Mr. Mitts presented the 2024 Master Service Agreements with Operations and Maintenance Service Contractors to the Board and answered questions.

- i. Fiske Electric
- ii. Mill Brothers Landscape & Nursery

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### iii. SWPPP Colorado

Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Trombino, and upon vote, unanimously carried, it was

**RESOLVED** to approve the 2024 Master Service Agreements with Operations and Maintenance Service Contractors within the Approved 2024 Budget, as presented.

Authorization of District Manager to Execute 2024 Work Orders with Approved Operations and Maintenance Service Contractors within the Approved 2024 Budget: Mr. Mitts and Mr. McEvoy requested the Board consider delegating authority to the District Manager to Execute 2024 Work Orders with Approved Operations and Maintenance Service Contractors within the Approved 2024 Budget. Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Thompson, and upon vote, unanimously carried, it was

**RESOLVED** to authorize the District Manager to Execute 2024 Work Orders with Approved Operations and Maintenance Service Contractors within the Approved 2024 budget, as presented.

Discuss Annual Engagement of District Consultants: Mr. O’Leary discussed the Annual Engagement of District Consultants with the Board. Following review and discussion, upon a motion duly made by Director Trombino, seconded by Director Kerr, and upon vote, unanimously carried, it was

**RESOLVED** to engage the following District Consultants:

Pinnacle Consulting Group, Inc. District Management/Accounting  
Spencer Fane; Legal Counsel

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### FINANCIAL ITEMS

Ratification of Payment of Claims: Mr. Campbell presented the Payment of Claims to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Trombino, seconded by Director Thompson, and upon vote, unanimously carried, it was

**RESOLVED** to ratify the Payment of Claims in the amount of \$49, 366.66.

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### 2024 BUDGET HEARING

Upon a motion duly made by Director Trombino, seconded by Director Kerr, and upon vote, unanimously carried, the Board opened the 2024 Budget Hearing for City Center West Residential Metropolitan District No. 2. Mr. Mitts reported that notice of the budget hearing was published on October 25, 2023, in the Greeley Tribune, in accordance with state budget law. Mr. Campbell reviewed the mill levy, estimated revenues, and expenditures in detail and answered questions. The budget for the District is as follows:

Mill Levy: 68.992  
General Fund: \$266,093  
Debt Service Fund: \$378,398  
Capital Projects Fund: \$100,000

There being no public comment or input, the public portion of the budget hearing was closed. After further review and discussion, upon a motion duly made by Director Trombino, seconded by Director Kerr, and upon vote, unanimously carried, it was

**RESOLVED** to approve the Resolution to Adopt the 2024 Budget for City Center West Residential Metropolitan District No. 2, and approve the resolution to set the mill levy, and appropriate budgeted funds upon final certification of values being received by the County of Weld and approve all other documents related to the 2024 budget. The District Manager is authorized to make minor modifications that may be necessary following receipt of final assessed values and file the budgets as required by law.

### FINANCIAL ITEMS CONTINUED

Approval of Amended Fee Resolution: Mr. Campbell presented the Amended Fee Resolution to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Trombino, seconded by Director Kerr, and upon vote, unanimously carried, it was

**RESOLVED** to approve the Amended Fee Resolution with increases to the town home units as discussed.

Approval to Engage Haynie & Company for the 2023 Audit: Mr. Campbell presented the engagement of Haynie & Company for the 2023 Audit to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Trombino, and upon vote, unanimously carried, it was

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**RESOLVED** to Approve the engagement with Haynie & Company for the 2023 Audit.

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### LEGAL ITEMS

Approval of 2024 Annual Administrative Matters Resolution: Mr. O’Leary presented the 2024 Annual Administrative Matters Resolution to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Trombino, seconded by Director Kerr, and upon vote, unanimously carried, it was

**RESOLVED** to approve the 2024 Annual Administrative Matters Resolution.

Approval of 2024 Annual Exclusion from Workers Compensation Resolution: Mr. O’Leary presented the 2024 Annual Exclusion from Workers Compensation Resolution to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Trombino, and upon vote, unanimously carried, it was

**RESOLVED** to approve the 2024 Annual Exclusion from Workers Compensation Resolution.

Approval of any Updates Necessary to the Developer Funding Agreements and related Promissory Notes: Mr. O’Leary presented the Updates Necessary to the Developer Funding Agreements and related Promissory Notes to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Trombino, and upon vote, unanimously carried, it was

**RESOLVED** to approve the Updates to the Developer Funding Agreements and related Promissory Notes as necessary.

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### DIRECTOR MATTERS

Director Trombino addressed the Board in regard to a conversation in the last Board Meeting regarding the Split Rail Fences. Mr. Mitts noted that he is meeting with the Development Team to discuss and has reached out but has not received a response yet about meeting, however the Development Team noted that once a house is sold it is the Homeowners responsibility to maintain and repair the fence. Mr. Mitts noted that he would reach back out and share his results with the Board once received.

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OTHER  
MATTERS

There were no Other Matters to come before the Board.  
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ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Director Trombino, seconded by Director Kerr, and upon unanimous vote, the meeting was adjourned at 6:42 p.m.  
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The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Respectfully submitted,

*Kieyesia Conaway*  
Kieyesia Conaway, Recording Secretary for the Meeting