

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

BIJOU CREEK METROPOLITAN DISTRICT

Held: Monday, October 25, 2021, at 10:30 A.M., *Via* Teleconference

**ATTENDANCE**

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

Derek Williams  
Teresa Williams  
Glenn Kunkel  
Darin Kunkel

Also present were: Jennifer Gruber Tanaka, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Diane Wheeler, Simmons & Wheeler, P.C., District Accountant; and Steve Pragana, Pamela Zampella, and Chris Kaspner, residents.

**ADMINISTRATIVE MATTERS**

Call to Order and Confirmation of Quorum      It was noted that a quorum of the Board was present, and, therefore, the meeting was called to order.

Declaration of Quorum and Confirmation of Director Qualifications      Ms. Tanaka noted that a quorum for the Board was present and that the directors had confirmed their qualification to serve.

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest      Ms. Tanaka advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Tanaka 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. Ms. Tanaka 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.

Approval of Agenda

The Board reviewed the proposed agenda for the meeting. Upon a motion of Mr. Williams, seconded by Ms. Williams, the Board unanimously approved the agenda as amended under the Consent Agenda to update item e noting the financial statement dated as of September 30, 2021, instead of August 31, 2021, and to update item f to state the approval of the engagement of Fiscal Focus for 2021 audit services.

Excusal of Absence

The Board noted the absence of Ms. J. Kunkel. Upon a motion of Mr. Williams, seconded by Ms. Williams, the Board unanimously excused her absence.

**PUBLIC COMMENT**

Mr. Kaspner inquired into the status of correction of builder construction matters with regard to his home. Mr. Kaspner left the meeting at this time.

Mr. Pragana also expressed frustration with correction of builder construction matters. Mr. Pragana also noted that garages are being left open and unlocked in the townhomes.

Ms. Zampella noted that the realtors are showing the townhomes late at night which creates a liability issue in her view. She also noted that kids are riding ATVs on the private properties and excessive speeds on the roads. The Board recommended she contact the police regarding those matters. Ms. Zampella inquired into whether a neighborhood watch has been set up. The Board noted it does not believe so but encouraged Ms. Zampella to contact the police department to get one started if others are also interested.

Mr. G. Kunkel noted that they recently had a change in superintendent and noted they will be following up on the outstanding matters that have not been addressed but if they have not received a response, he encouraged them to submit a request in writing so it can be followed up on.

**CONSENT AGENDA**

The Board was presented with the Consent Agenda. Upon a motion of Mr. Williams, seconded by Mr. D. Kunkel, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. Approved the Minutes from July 20, 2021 Special Meeting
- b. Adopted Resolution No. 2021-10-01: 2022 Annual Administrative Resolution
- c. Adopted Resolution No. 2021-10-02: Resolution of Board of Directors Calling Election
  - i. Confirmed the Two Methods for Providing Call for Nominations: (1) Emailing/Mailing (as required by statute), and (2) Publication

- d. Approved Payment of Claims as of October 25, 2021 (\$31,413.16)
- e. Accepted the Unaudited Financial Statements as of September 30, 2021
- f. Approved the Engagement Letter with Fiscal Focus for 2021 Audit Services

**FINANCIAL MATTERS**

Public Hearing on 2021 Budget Amendment and Adoption of Resolution No. 2021-10-03

The Board opened the public hearing on the 2021 budget amendment. Ms. Tanaka reported that notice of public hearing was published in accordance with Colorado law and noted that no written objections were received prior to the hearing. Ms. Wheeler reviewed the budget amendment with the Board. There being no public comment, the public hearing was closed.

Upon a motion of Mr. Williams, seconded by Ms. Williams, the Board unanimously approved the 2021 budget amendment and adopted Resolution No. 2021-10-03.

Public Hearing on 2022 Budget and Adoption of Resolution No. 2021-10-04 Adopting Budget, Imposing Mill Levy and Appropriating Funds

The Board opened the public hearing on the 2022 budget. Ms. Tanaka reported that notice of public hearing was published in accordance with Colorado law and noted that no written objections were received prior to the hearing. Ms. Wheeler reviewed the proposed budget with the Board. There being no public comment, the public hearing was closed.

Upon a motion of Mr. Williams, seconded by Ms. Williams, the Board unanimously approved the 2022 budget and adopted Resolution No. 2021-10-04.

**LEGAL MATTERS**

Status of Town’s Final Acceptance for Phase 2 and 3 Improvements

Ms. Tanaka reported that the Town formally accepted conveyance of the Phase 2 and 3 Improvements from the District at its October 12, 2021, meeting. Ms. Tanaka reported that her office is in the process of making sure that these improvements are removed from the District’s property insurance schedule.

**OTHER BUSINESS**

Next Meeting Date

The next meeting is scheduled for July 19, 2022, at 10:00 A.M.

## ADJOURNMENT

There being no further business to be conducted, the meeting was adjourned.

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



Jennifer Kunkel (Aug 4, 2022 09:47 MDT)

---

Secretary for the Meeting