

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE STONE CREEK METROPOLITAN DISTRICT (THE “DISTRICT”) HELD MAY 18, 2022

A Regular Meeting of the Board of Directors (referred to hereafter as the “Board”) of the District was convened on Wednesday, the 18<sup>th</sup> day of May, 2022, at 10:00 a.m. The District Board meeting was held via Zoom without any individuals (neither District representatives nor the general public) attending in person. The meeting was open to the public.

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**Directors In Attendance Were:**

Peter J. Klymkow  
Mauricio Barbera  
Ashley Racich  
Stacey Jenkins (for a portion of the meeting)  
Amanda Roper

**Also In Attendance Were:**

Peggy Ripko; Special District Management Services, Inc. (“SDMS”)  
  
Elisabeth A. Cortese, Esq. and Suzanne Meintzer, Esq.; McGeady Becher P.C.  
  
Gigi Pangindian and Alonso Duran Rodriguez; CliftonLarsonAllen LLP (“CLA”)  
  
Michael Sanders; Choke Cherry Investors, LLC (for a portion of the meeting)  
  
Erik Cibula, Kelly Davis, Kimberly Wyland, Denise and additional unknown attendee; Residents of the District and/or Members of the Public

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**ADMINISTRATIVE  
MATTERS**

**Disclosures of Potential Conflicts of Interest:** Attorney Cortese discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The Board noted that disclosures of potential conflict of interest statements for Directors Barbera and Klymkow were filed with the Secretary of State seventy-two hours in advance of the meeting. Attorney Cortese then explained the statutory requirements to the new Board members and requested that they consider whether they had any conflicts of interest to disclose. Attorney Cortese noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record those applicable disclosures made by the Board Members prior to this meeting and in accordance with the

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statutes.

**Quorum/Confirmation of Meeting Location/Posting of Notice:** Ms. Ripko confirmed the presence of a quorum.

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. Following discussion, upon motion duly made by Director Klymkow, seconded by Director Racich and, upon vote unanimously carried, the Board noted that the District Board meeting was held by Zoom without any individuals (neither District representatives, nor the general public) attending in person. The Board further noted that notice providing the date, time and means of hosting the meeting was duly posted and that they have not received any objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the District's boundaries.

**Agenda:** Ms. Ripko distributed for the Board's review and approval a proposed Agenda for the District's Regular Meeting.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Racich and, upon vote, unanimously carried, the Agenda for the District's Regular Meeting was approved.

**Public Comment:** There was no public comment.

**May 3, 2022 Election:** Ms. Ripko advised the Board that the May 3, 2022 election was cancelled, as allowed under Colorado law, because there were not more candidates than positions available on the Board of Directors (following the withdrawal of one additional Self-Nomination and Acceptance form that was initially received). It was noted that Directors Jenkins, Racich and Roper were each deemed elected by acclamation to respective 3-year terms ending in May, 2025.

**Appointment of Officers:** The Board entered into discussion regarding the appointment of officers.

Following discussion, upon motion duly made by Director Barbera, seconded by Director Klymkow and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Ashley Racich
Treasurer	Stacey Jenkins
Secretary	Peggy Ripko
Assistant Secretary	Mauricio Barbera
Assistant Secretary	Peter J. Klymkow
Assistant Secretary	Amanda Roper

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**Minutes:** The Board reviewed the Minutes of the April 4, 2022 Special Meeting.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Barbera and, upon vote unanimously carried, the Board approved the Minutes of the April 4, 2022 Special Meeting.

**2022 SDA Conference:** Ms. Ripko discussed the SDA Conference with the Board, and noted that information concerning the details of the conference will be forthcoming via email once the information is available.

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### **FINANCIAL MATTERS**

**Claims:** The Board considered approval of the payment of claims released for the periods as follows:

Fund	Claims Released May 17, 2022
<b>Total</b>	<b>\$ 69,098.81</b>

Following discussion, upon motion duly made by Director Barbera, seconded by Director Jenkins, upon vote, unanimously carried, the Board approved the payment of the claims released.

**Unaudited Financial Statements:** Ms. Pangindian presented the Unaudited Financial Statements for the period ending March 31, 2022, Schedule of Cash Position for the period ending March 31, 2022, updated May 17, 2022, and the Property Tax Reconciliation.

Following review and discussion, upon motion duly made by Director Barbera, seconded by Director Kubly and, upon vote, unanimously carried, the Board accepted the Unaudited Financial Statements for the period ending March 31, 2022, Schedule of Cash Position for the period ending March 31, 2022, updated May 17, 2022, and the Property Tax Reconciliation.

**Master Service Agreement between the District and CLA for Accounting Services:** The Board reviewed a Master Service Agreement between the District and CLA for Accounting Services.

Following review and discussion, upon motion duly made by Director Barbera, seconded by Director Racich and, upon vote, unanimously carried, the Board approved the Master Service Agreement between the District and CLA for Accounting Services, subject to final review.

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**2021 Audit:** Ms. Pangindian discussed with the Board the status of the 2021 Audit.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Barbera and, upon vote, unanimously carried, the Board authorized CLA to file a request for an extension of time to file the 2021 Audit with the State Auditor's office and directed that the draft 2021 Audit be available for Board review at the next regular meeting.

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### **CAPITAL IMPROVEMENTS**

**Project Status Report:** Mr. Sanders updated the Board regarding status of the following matters:

*Clubhouse and Pool:* Mr. Sanders informed the Board that he is in the process of coordinating scheduling for the final inspection required prior to issuance of the Clubhouse Certificate of Occupancy and noted that the pool had been plastered and filled.

*Traffic Signal at Parker Road and Scott Avenue:* Mr. Sanders informed the Board that the Colorado Department of Transportation ("CDOT") had verbally approved the plans, and that Choke Cherry Investors, LLC had engaged a contractor for installation, pending receipt of formal CDOT approval.

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### **EXPENDITURE VERIFICATION/ COST CERTIFICATION**

**Pay Applications under the Hudick Excavating, Inc. ("HEI") Contract:** Pay Applications are still in process. No action was taken by the Board.

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### **LEGAL MATTERS**

There were no legal matters to discuss.

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### **OPERATIONS AND MAINTENANCE**

**Pool/Clubhouse Completion and Timeline for Opening:** Discussed above.

#### **Landscape Maintenance Matters:**

*Service Agreement by and between the District and Mayberry Builders, LLC for Past Landscape Maintenance Services:* The Board entered into discussion regarding a Service Agreement by and between the District and Mayberry Builders, LLC for past landscape maintenance services.

Following discussion, upon motion duly made by Director Barbera, seconded by Director Klymkow and, upon vote, unanimously carried, the Board approved the Service Agreement by and between the District and Mayberry Builders, LLC for

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past landscape maintenance services.

*Service Agreement by and between the District and Caretaker, Inc., d/b/a Caretaker Landscape and Tree Management for Past Maintenance Services:* The Board entered into discussion regarding a Service Agreement by and between the District and Caretaker, Inc., d/b/a Caretaker Landscape and Tree Management for past maintenance services.

Following discussion, upon motion duly made by Director Barbera, seconded by Director Klymkow and, upon vote, unanimously carried, the Board approved the Service Agreement by and between the District and Caretaker, Inc., d/b/a Caretaker Landscape and Tree Management for past maintenance services.

*Proposals for Current/Future Landscape Maintenance and Maintenance Services:* Attorney Cortese and Ms. Ripko explained the need for a proposed scope of services for current and future landscape maintenance and maintenance services to be bid by other potential service providers. The Board appointed a committee to address current and future landscape maintenance services and maintenance services and engagement of providers for current and future landscape maintenance and maintenance services (“Service Provider Committee”).

### **2022-2023 Service Agreements:**

- i. Pool Operation and Maintenance;
- ii. Clubhouse Cleaning;
- iii. Street Lighting Maintenance;
- iv. GESD Services;
- v. Trash Collection at Parks;
- vi. Dog Waste Stations; and
- vii. General Maintenance / Minor Repair Items

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Racich and, upon vote, unanimously carried, the Board approved the proposal from Metro Pools Service & Supply for pool maintenance and directed District Counsel to prepare a Service Agreement relative to same. The Board directed that the Service Provider Committee work with SDMS to review proposals relative to the remaining services needed.

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### **COVENANT ENFORCEMENT/ DESIGN REVIEW**

**Community Management:** Ms. Ripko presented an update to the Board regarding Community Management matters, including status of inspections.

### **Changes to the Rules and Regulations Regarding Section 6: Basketball Backboards,**

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**Poles and Support Structures:** The Board deferred discussion on this matter to the next regular meeting.

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**OTHER BUSINESS** No other business was discussed.

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**ADJOURNMENT** There being no further business to come before the Board at this time, upon motion duly made by Director Klymkow, seconded by Director Roper and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By Amanda Roper  
Assistant Secretary