

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF BRIGHTON CROSSING METROPOLITAN DISTRICT NO. 4

HELD  
March 12, 2018

The Regular Meeting of the Board of Directors of Brighton Crossing Metropolitan District No. 4 was held at the Anythink Brighton Library, 327 E. Bridge Street, Brighton, Colorado at 6:30 p.m. on Monday, March 12, 2018. Notice of the Combined Meeting was duly posted.

### ATTENDANCE

#### Directors in Attendance:

Marc Savela, President  
Chris Petro, Vice President  
Ashley Taruffelli, Secretary/Treasurer  
Bryan Reid, Assistant Secretary  
Shannon Robbins, Assistant Secretary

#### Also in Attendance:

Jeff Schum, Kaley Gaskins, Matt Gaskins, Kevin Pikus, Carol Fiorelli, John Strider, Larry Whitman, and Chris Paradise, residents; Brighton Crossing Metropolitan District No. 4  
Barrett Marrocco, P.E.; Independent District Engineering Services, L.L.C.  
Kammy Tinney, Tom Flock, Brian Doble, and Shannon McEvoy; Pinnacle Consulting Group, Inc.  
Diane Wheeler, Simmons & Wheeler, P.C.  
Marco Borrega, Denver Metropolitan YMCA  
Kristen Bear and Casey Lekahal; White Bear Ankele Tanaka & Waldron, P.C.

### CALL TO ORDER

The Special Meeting of the Board of Directors of Brighton Crossing Metropolitan District No. 4 was called to order at 6:34 p.m. by Chairman Savela, noting that a quorum was present. Each of the Directors confirmed their qualifications to serve on the Board. Chairman Savela also confirmed that prior to the meeting each of the Directors had been notified of the meeting.

### CONFLICTS OF INTEREST DISCLOSURE

Ms. Bear noted that notices of potential conflicts of interest for all Board Members were filed with the Colorado Secretary of State's Office, disclosing that potential conflicts of interest may exist, as all Board Members are employees of Brookfield Residential, which is associated with the primary landowner and developer of land within the District. Ms. Bear advised the Board that pursuant to Colorado law, certain disclosures by the 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

## RECORD OF PROCEEDINGS

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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 determined that the participation of the Directors present was necessary to obtain a quorum or otherwise enable the Board to act.

### AGENDA

The Board considered the agenda as amended to remove item IV. C., Consider Approval of Brighton Crossing Filing No. 2 Development Agreement, Third (3<sup>rd</sup>) Amendment.

Upon motion duly made by Director Petro, seconded by Director Tarufelli, and upon vote, unanimously carried, it was

**RESOLVED** to approve the agenda, as amended.

### PUBLIC COMMENT

No public comments were offered.

### MAY 8, 2018 REGULAR ELECTION

Ms. Tinney, in her capacity as Designated Election Official, reported that the District received a total of five Self-Nomination and Acceptance forms as of the March 2, 2018 deadline. Subsequently, two candidates withdrew their nominations and, as a result, there were not more candidates than positions available at the close of business on March 6, 2018. Ms. Tinney cancelled the election and declared candidates John Strider, Jeffrey Schum, and Marc Savela elected by acclamation. Their terms of office begin at the first meeting following the date of the election, May 8, 2018.

### CONSENT AGENDA

The Board Reviewed the following items on the consent agenda:

- A. Approval of December 11, 2017 special meeting minutes; ratify actions taken at the December 11, 2017 special meeting.
- B. Ratification and approval of payables.

Following discussion and review of the consent agenda items, upon motion duly made by Director Reid, seconded by Director Petro and, upon unanimous vote, it was

**RESOLVED** to approve the items on the consent agenda, including the December 11, 2017 minutes, as presented.

### FINANCIAL MATTERS

Review of Financial Reports: Ms. Wheeler verbally reported to the Board concerning the District's financial matters. Following discussion, upon motion duly made by Director Tarufelli, seconded by Director Petro and, upon unanimous vote it was

## RECORD OF PROCEEDINGS

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**RESOLVED** to accept the financial report as presented.

Review and Consideration of Approval for 2018 Budget Reallocation of District and HOA Management Services: The Board directed Pinnacle Consulting Group, Inc. and Simmons & Wheeler to develop the 2018 Budget Reallocation for the District's General Fund.

Landscape Design Review Fee: The Board directed Pinnacle Consulting Group, Inc. to develop a proposal for the process and amount of a landscape review fee to be discussed at a later meeting.

Approval of Audit Engagement Letter with Stratagem P.C.: Ms. Wheeler presented to the Board for consideration an Audit Engagement Letter with Stratagem P.C. to perform the District's 2017 Audit. Following review and discussion and upon motion duly made by Director Tarufelli, seconded by Director Reid and, upon unanimous vote it was

**RESOLVED** to approve the Audit Engagement Letter with Stratagem P.C. as presented.

### LEGAL MATTERS

Approval of Resolution Designating the District's 24-Hour Posting Location: Ms. Bear presented a Resolution Designating the District's 24-Hour Posting Location as the Northwest corner of Longs Peak Street and Sagebrush Street, Brighton, CO, to the Board for approval. Following review and discussion, upon motion duly made by Director Petro, seconded by Director Reid and, upon unanimous vote it was

**RESOLVED** to approve the Resolution Designating the District's 24-Hour Posting Location.

Discussion Regarding Brighton Crossing Metropolitan District Nos. 5-8: Ms. Bear discussed the formation of District Nos. 5-8 with the Board. The Service Plan was approved by the City of Brighton on March 6, 2018. It was the Board's consensus to hold a Special Meeting at a future date to review and consider approval of all organization and administrative matters. .

Consider Ratification of Approval of the Canal Crossing Agreement: The Board reviewed the previously approved Canal Crossing Agreement between Farmers Reservoir and Irrigation Company, the District, and Brookfield Residential. After a brief discussion, upon motion duly made by Director Reid, seconded by Director Petro and, upon unanimous vote it was

**RESOLVED** to ratify approval of the Canal Crossing Agreement.

## RECORD OF PROCEEDINGS

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Approval of Fourth Amended and Restated Resolution Concerning the Imposition of District Fees: Ms. Bear presented the Fourth Amended and Restated Resolution Concerning the Imposition of District Fees and answered questions. Following review and discussion and upon motion duly made by Director Reid, seconded by Director Robbins and, upon unanimous vote it was

**RESOLVED** to approve the Fourth Amended and Restated Resolution Concerning the Imposition of District Fees.

Authorization of Appointment of Members to the Social Committee: The Board reviewed the Resolution Establishing a Social Committee and answered questions from the public in attendance. Upon motion duly made by Director Taruffelli, seconded by Director Petro and, upon unanimous vote it was

**RESOLVED** to approve the Resolution establishing a Social Committee and pursue establishment of a Finance Committee and a Landscape Committee.

MANAGEMENT  
AND  
OPERATIONAL  
MATTERS

Manager's Report: Mr. Flock presented the Management Report, relaying to the board the success of the Community Meeting held on February 26, 2018. Mr. Flock also reported on the status of the trash company transition and provided a summary of Pinnacle Consulting Group's ongoing communications with homeowners.

YMCA Report: Mr. Borrega provided a verbal report on the operations of the Recreation Center and answered questions. Mr. Borrega reported on facility usage numbers and provided a timeline of upcoming events.

Independent Contractor Agreement with PCS Group, Inc.: Director Reid reported that details of the proposed scope were still being finalized with PCS Group, Inc. . Discussion of this item was tabled.

Independent Contractor Agreement with Colorado Vista Landscape Design, Inc.: The Board discussed the previously approved Independent Contractor Agreement with Colorado Vista Landscape Design, Inc. for landscape design review services. Following a brief discussion, upon motion duly made by Director Reid, seconded by Director Robbins and, upon vote, unanimously carried, the Board

**RESOLVED** to ratify the Independent Contractor Agreement with Colorado Vista Landscape Design, Inc. for landscape design review services.

Authorization of District Manager to Approve 2018 Contract Modifications: Mr. Flock recommended that the Board authorize District Management to approve contract modifications, within approved budgets, for ratification at future Board

## RECORD OF PROCEEDINGS

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meetings as necessary. Following discussion, upon motion duly made by Director Reid, seconded by Director Taruffelli and, upon vote, unanimously carried, the Board

**RESOLVED** to authorize District Management to approve contract modifications and enter into new contracts, within each budgeted line item, not to exceed \$5,000 each.

Pinnacle Consulting Group, Inc. Addendum to Contract: Mr. Flock reviewed the revised scope of services with the Board and responded to questions. The Board directed Mr. Flock to provide the contract addendum for approval.

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### CONSTRUCTION MATTERS

Project Status Report: Mr. Marrocco reviewed the Board Meeting Project Status Report dated March 12, 2018 with the Board and answered questions.

Ratification of Change Orders and Work Orders: Mr. Marrocco reviewed and recommended ratification of the previously approved Change Orders and Work Orders listed in the Project Status Report.

Upon motion duly made by Director Reid, seconded by Director Robbins and, upon unanimous vote it was

**RESOLVED** to ratify the change orders and work orders as presented.

Approval of Change Orders and Work Orders: Mr. Marrocco reviewed with the Board recommended Change Orders and Work Orders for consideration listed in the Project Status Report.

Upon motion duly made by Director Savela, seconded by Director Reid and, upon unanimous vote it was

**RESOLVED** to ratify the change orders and work orders as presented.

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### OTHER MATTERS

Directors' Comments: There were no items brought before the Board for consideration.

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### ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Director Petro, seconded by Director Reid, and upon unanimous vote, the meeting was adjourned at 7:24 p.m.

## RECORD OF PROCEEDINGS

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

Respectfully submitted,

  
Shannon McEvoy, Recording Secretary for the Meeting