

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MOUNTAIN BROOK METROPOLITAN DISTRICT HELD MAY 4, 2022

The special meeting of the Board of Directors of the Mountain Brook Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, the 4<sup>th</sup> day of May, 2022, at 11:00 a.m. The District Board meeting was held via Zoom. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Kevin Mulshine, President  
Kenneth Spencer, Treasurer  
Conley Smith, Secretary

#### Also In Attendance Were:

Peggy Ripko; Special District Management Services, Inc.

Anna Wool, Esq.; Icenogle Seaver Pogue, P.C.

Don Burchett; City of Longmont

Diane Wheeler; Simmons & Wheeler, P.C.

Mickey Leyba; Permontes Group, Inc.

Don Hinson; Hinson Companies

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Attorney Wool noted that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting. Attorney Wool requested that the Directors consider whether they had any additional conflicts of interest to disclose. Attorney Wool 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 statutes. It was noted that disclosure statements had been timely filed for all Directors.

#### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Ripko distributed for the Board’s review and approval a proposed agenda for the District’s meeting.

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Following discussion, upon motion duly made by Director Smith, seconded by Director Spencer and, upon vote unanimously carried, the agenda was approved, as presented.

**Approval of Meeting Location:** The Board entered into a discussion regarding the requirements of §32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

Following discussion, upon motion duly made by Director Smith, seconded by Director Spencer and, upon vote, unanimously carried, the Board determined this District Board Meeting was held via Zoom. The Board further noted that notice of this meeting format was duly posted and that it has not received any objections to the meeting format or any requests that the meeting format be changed by taxpaying electors within the District boundaries.

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**CONSENT AGENDA** **Consent Agenda:** The Board considered the following actions:

- Approve the Minutes of the December 8, 2021 Special Meeting.
- Ratify approval of Agreement between Basham & Lucas Design Group, Inc. and the District for the design of the amenity center.
- Ratify approval of the engagement for preparation of 2021 Audit, in the amount of \$5,200.00.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Consent Agenda, as presented.

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**PUBLIC COMMENTS** There were no public comments.

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### **FINANCIAL MATTERS**

**Claims:** The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period Ending
General	\$ 22,922.64
Debt	\$ -0-
Capital	\$ -0-
<b>Total</b>	\$22,922.64

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Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board ratified the approval of the payment of claims, as presented.

**Unaudited Financial Statements:** Ms. Wheeler reviewed with the Board the unaudited quarterly financial statements of the District through the period ending March 31, 2022.

Following review and discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending March 31, 2022.

**2021 Audit:** The Board discussed the approval of the 2021 Audit.

Following review and discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the 2021 Audit, subject to legal review.

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### **LEGAL MATTERS**

There were not legal matters to discuss at this time.

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### **CAPITAL IMPROVEMENT MATTERS**

**Proposals for the Amenity Center:** The Board reviewed and considered the qualification documents received for construction manager services for the amenity center.

Following review and discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the response from Landmark Homes for construction manager services for the amenity center and directed legal counsel to prepare contract documents to provide to Landmark.

**Proposal from Permontes Group, Inc.:** The Board reviewed and considered the approval of the proposal from Permontes Group, Inc. for Engineering Services.

Following review and discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the proposal from Permontes Group, Inc. for Engineering Services.

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### OTHER BUSINESS

There was no other business.

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### ADJOURNMENT

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

Respectfully submitted,

By: Conley Smith  
Secretary for the Meeting

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## Document History



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