

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MOUNTAIN BROOK METROPOLITAN DISTRICT HELD JUNE 24, 2024

The Regular meeting of the Board of Directors of the Mountain Brook Metropolitan District (referred to hereafter as the “Board”) and upon noting that a quorum was present a meeting was convened on Monday, the 24th day of June, 2024, at 9:00 a.m. The District Board meeting was held in person at Ken Pratt Boulevard and via Zoom. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Kevin Mulshine, President
Kenneth Spencer, Treasurer
Conley Smith, Secretary
Dale Bruns, Assistant Secretary

Also In Attendance Were:

Peggy Ripko; Special District Management Services, Inc.

Alan D. Pogue, Esq.; Icenogle Seaver Pogue, P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

Don Burchett; City of Longmont

Joan Peck; Mayor of Longmont

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Ms. Ripko 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. Ms. Ripko requested that the Directors consider whether they had any additional conflicts of interest to disclose. Ms. Ripko 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 of the agenda for the District’s meeting.

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Following discussion, upon motion duly made by Director Mulshine, seconded by Director Spencer and, upon vote unanimously carried, the agenda was approved, and the absence of Director Soloman was excused.

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 Mulshine, seconded by Director Smith 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.

Minutes of April 22, 2024 Regular Meeting: The Board reviewed the Minutes of the April 22, 2024 Regular Meeting.

Following review and discussion, upon motion duly made by Director Spencer, seconded by Director Smith, and upon vote unanimously carried, the Board approved the Minutes, as amended.

Legal Services Proposal from Altitude Community Law: The Board reviewed the Legal Services Proposal from Altitude Community Law.

Following review and discussion, upon motion duly made by Director Spencer, seconded by Director Smith, and upon vote unanimously carried, the Board ratified approval of the Legal Services Proposal from Altitude Community Law.

PUBLIC COMMENTS There were no public comments at this time.

FINANCIAL MATTERS

Claims: Ms. Wheeler reviewed the payment of claims in the amount of \$93,246.38 for ratification.

Following discussion, upon motion duly made by Director Mulshine seconded by Director Smith, and upon vote the Board ratified the payment of claims in the amount of \$93,246.38.

Unaudited Financial Statements and Cash Position Statement: Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending March 31, 2024 and the Cash Position Statement for the period ending May 31, 2024, updated as of June 17, 2024.

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Following discussion, upon motion duly made by Director Mulshine, seconded by Director Spencer and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending March 31, 2024 and the Cash Position Statement for the period ending May 31, 2024, updated as of June 17, 2024., as presented.

LEGAL MATTERS

Assignment of South Flat Ditch Agreement: The Board reviewed the Assignment of South Flat Ditch Agreement.

Following discussion, upon motion duly made by Director Spencer, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Assignment of South Flat Ditch Agreement.

Assignment of Niwot Ditch Agreement: The Board reviewed the Assignment of Niwot Ditch Agreement.

Following discussion, upon motion duly made by Director Spencer, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Assignment of Niwot Ditch Agreement, subject to final legal review.

CAPITAL IMPROVEMENT MATTERS

Assignment of Detention Pond Easement and Maintenance Agreement: The Board reviewed the Assignment of Detention Pond Easement and Maintenance Agreement.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Assignment of Detention Pond Easement and Maintenance Agreement.

Detention Pond Easement Agreement: The Board reviewed the Detention Pond Easement Agreement.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board ratified approval of the Detention Pond Easement Agreement.

Landscape Committee: The Board discussed a Landscape Committee to review and approve landscape proposals.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board appointed Director Smith and Director Spencer to the Landscape Committee.

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OTHER BUSINESS


Rules & Regulations for the Community: The Board reviewed the Rules & Regulations for the community.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Rules & Regulations for the community, subject to committee and legal/management approving separating into two documents and appointed Mr. Hinson and Director Mulshine to the Committee.

ADJOURNMENT

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

Respectfully submitted,

By: 
Secretary for the Meeting