

# RECORD OF PROCEEDINGS

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## MINUTES OF THE SPECIAL MEETING OF WATERFALL METROPOLITAN DISTRICT NO. 1

HELD  
November 1, 2019

The Board of Directors of Waterfall Metropolitan District No. 1 held a special meeting, open to the public, at 2725 Rocky Mountain Avenue, Loveland, Colorado 80538, at 4:00 p.m., Friday, November 1, 2019.

### ATTENDANCE

#### Directors in Attendance:

Kim Perry, President & Chairman  
David Crowder, Asst. Vice President/Assistant Secretary  
Jim Niemczyk, Secretary (via telephone)

#### Absent but Excused:

Courtney Parmelee, Vice Chairman & Assistant Secretary  
Tammi Freel, Treasurer/Assistant Secretary

#### Also in Attendance Were:

Alan Pogue; Icenogle Seaver Pogue, P.C.  
Jason Woolard Pinnacle Consulting Group, Inc. (via telephone)  
Brendan Campbell, Shannon McEvoy, Carol VanBeber, Irene McCaffrey, and Doug Campbell; Pinnacle Consulting Group, Inc.

### CALL TO ORDER

The meeting was called to order at 4:02 p.m. by Director Perry, President of the Board, noting that a quorum was present. The Directors confirmed their qualifications to serve on the Board.

### MEETING NOTICE

Mr. McEvoy reported that notice of the meeting had been properly posted in three places within the District's boundaries. The notice also included agenda items.

### CONFLICT OF INTEREST DISCLOSURE

Mr. Pogue, legal counsel, noted that notices of potential conflicts of interest for all Board Members were filed with the Colorado Secretary of State's Office, disclosing potential conflicts. Mr. Pogue 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

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Board Member present confirmed the contents of the written disclosures 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 members present was necessary to obtain a quorum or otherwise enable the Board to act.

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### APPROVAL OF AGENDA

The Board reviewed the agenda. Upon motion duly made by Director Niemczyk, seconded by Director Crowder, and upon unanimous vote, the Board

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

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### CONSENT AGENDA ITEMS

The Board considered the following consent agenda items:

- A. Approval of Minutes—October 31, 2018 Regular Meeting.
- B. Ratification of Payables.
- C. Financial Statements as of September 30, 2019.
- D. Ratification of Contract Modifications.

Upon a motion duly made by Director Niemczyk, seconded by Director Crowder, and upon unanimous vote, the Board

**RESOLVED** to ratify and approve the items above, as presented.

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### PUBLIC COMMENT

There were no members of the public present.

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### 2019 AMENDED BUDGET HEARING

Amended 2019 Budget: Director Perry opened the 2019 Amended Budget Hearing to the public. Mr. McEvoy reported that notice of the hearing had been published on October 24, 2019 in the Loveland Reporter Herald and posted in accordance with state budget law. Mr. Campbell reviewed the proposed amended budget and answered questions. The amended budget by fund is as follows:

District No. 1  
Original Adopted General Fund: \$163,512  
Amended General Fund: \$172,952

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There being no public input, the public hearing portion of the budget discussion was closed. After further review and discussion, and upon motion duly made by Director Niemczyk, seconded by Director Crowder, and upon unanimous vote, the Board

**RESOLVED** to approve the Resolution to Adopt the Amended 2019 Budget and appropriate budgeted funds.

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### 2020 BUDGET HEARING

Director Perry opened the 2020 Budget Hearing for Waterfall Metropolitan District No. 1. Mr. McEvoy reported that notice of the budget hearing was published on October 24, 2019 in the Loveland Reporter Herald in accordance with state budget law. There being no public input, the public hearing portion of the budget discussion was closed.

Mr. Campbell reviewed the budgets in detail and responded to questions. The budget for District No. 1 and funds is as follows:

District No. 1

Mill levy is 45 mills.

General Fund Expenditures: \$166,444

Capital Projects Fund Expenditures: \$3,000

Debt Service Fund Expenditures: 289,388

Following review and discussion, upon motion duly made by Director Niemczyk, seconded by Director Crowder and, upon unanimous vote, the Board

**RESOLVED** to approve the Resolution to Adopt the 2020 budget for Waterfall Metropolitan District No. 1, set the mill levies, appropriate budgeted funds upon final certification of value being received by Larimer County on or before December 10, 2019 and approve all other documents related to the 2020 budgets. The District Manager and/or Accountant is authorized to make minor modifications that may be necessary following receipt of final assessed values and file the necessary documents with the state and the county regarding the approval of the final budget.

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### FINANCIAL ITEMS

2019 Auditor. Mr. Campbell recommended that the Board engage John Cutler and Associates for the 2019 Audit. Upon motion duly made by Director Crowder, seconded by Director Niemczyk, and upon unanimous vote, the Board

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**RESOLVED** to engage John Cutler and Associates for the 2019 Audit, in an amount not to exceed \$5,500.

2018 Audit. Mr. Campbell reviewed the 2018 Audit with the Boards. Upon motion duly made by Director Kane, seconded by Director Crowder, and upon unanimous vote, the Board

**RESOLVED** to ratify the 2018 Audit that was filed with the Office of the State Auditor prior to the July 30, 2019 deadline.

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### DISTRICT MANAGEMENT REPORT

2020 Operations and Maintenance Service Agreements: Mr. McEvoy presented the 2020 Operations and Maintenance Service Agreements for Affordable Pest Control, DaVinci Sign System, Fiske Electric, Integrity Lawn Professionals, OLM, Inc., and SWPPP Colorado for approval, noting these agreements are within the 2020 Budget. Upon motion duly made by Director Niemczyk, seconded by Director Crowder, and upon unanimous vote, the Board

**RESOLVED** to approve the 2020 Operations and Maintenance Service Agreements as listed above.

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### LEGAL ITEMS

2020 Annual Administrative Matters Resolution: Mr. Pogue presented the 2020 Annual Administrative Matters Resolution. Upon motion duly made by Director Crowder, seconded by Director Niemczyk and upon unanimous vote, the Board

**RESOLVED** to approve the 2020 Annual Administrative Matters Resolution.

2020 Election Resolution: Mr. Pogue presented the 2020 Election Resolution. Upon motion duly made by Director Crowder, seconded by Director Niemczyk and, upon unanimous vote, the Board

**RESOLVED** to approve the 2020 Election Resolution.

First Amended and Restated Meeting Resolution: Mr. Pogue presented the First Amended and Restated Meeting Resolution. Upon motion duly made by Director Crowder, seconded by Director Niemczyk, and upon unanimous vote, the Board

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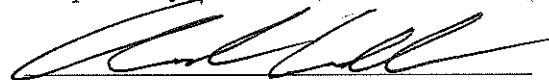
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**RESOLVED** to approve the First Amended and Restated Meeting Resolution.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 4:26 p.m.

Respectfully submitted,



Carol VanBeber, Recording Secretary for the Meeting

*Andrew Lemke*  
for  
*Carol VanBeber*