

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE TIMBERS ESTATES METROPOLITAN DISTRICT AND OF THE WATER UTILITY ENTERPRISE HELD

May 8, 2023

A special meeting of the Board of Directors of the Timbers Estates Metropolitan District (referred to hereafter as "Board") was convened on Monday the 8th day of May 2023, at 6:30 P.M., at the Timbers Estates Gatehouse, 26303 North Turkey Creek Canyon Road, Evergreen, Colorado and via teleconference.

Directors In Attendance Were:

David Hartvigsen, President
Kurt Schwartau, Vice President
Bob Latham, Treasurer
Bob Gress, Secretary
Rob Ginieczki, Assistant Secretary

Also, In Attendance Were:

Evan Ela and Sarah Luetjen (via in person); Cockrel Ela Glesne Greher & Ruhland, P.C.
Kenny Parrish (via in person), Jason Woolard, Nicole Wing, and Wendy McFarland; Pinnacle Consulting Group, Inc. (via teleconference)
Glenn Curtis, Eileen Hartvigsen, Linda Gress, Lynne Schwartau, Mary Anne Thaxton, and Dave Hingtgen; Residents

ADMINISTRATIVE MATTERS

Call to Order/Confirmation of Oaths taken by Board Members Schwartau, Gress, and Ginieczki: Mr. Parrish called the meeting to order at 6:33 p.m. Mr. Ela addressed the Board and provided an overview on the process of administering Oaths of Office to be taken by Board Members Schwartau, Gress, and Ginieczki and answered questions. Ms. Luetjen administered Oaths taken by Director Schwartau, Director Gress, and Director Ginieczki. A recess was taken during the filing of executed Oaths of Office with necessary entities for Director Schwartau, Director Gress, and Director Ginieczki to take action during this meeting.

Declaration of Quorum: Mr. Parrish noted that a quorum was present.

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Appointment of Board Members Hartvigsen and Latham/Taking of Oaths: Mr. Ela addressed the Board and provided an overview of the process for appointing interested candidates to the Board of Directors noting there are two interested candidates to fill the vacancies.

Following review and discussion, upon motion duly made by Director Gress, seconded by Director Ginieczki and, upon vote, unanimously carried, the Board approved to appoint David Hartvigsen and Bob Latham to the Board of Directors.

A recess was taken during the filing of executed Oaths with necessary entities for Board Members Hartvigsen and Latham to take action during this meeting.

Selection of Board Officers: The Board discussed the selection of Board Officers.

Following review and discussion, upon motion duly made by Director Gress, seconded by Director Schwartau and, upon vote, unanimously carried, the Board approved to elect the current slate of Officers as listed below.

David Hartvigsen, President
Kurt Schwartau, Vice President
Bob Latham, Treasurer
Bob Gress, Secretary
Rob Ginieczki, Assistant Secretary

Agenda: The Board considered the Agenda. Following review and discussion, upon motion duly made by Director Gress, seconded by Director Latham and, upon vote, unanimously carried, the agenda was approved, as presented.

Consent Agenda: The Board considered the following items on the consent agenda:

1. Consider Approval of Minutes – November 7, 2022, Regular Meeting Minutes.

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Following review and discussion, upon motion duly made by Director Gress, seconded by Director Latham and, upon vote, unanimously carried, the consent agenda item was approved pending requested revisions to the November 7, 2022, Regular Meeting Minutes noted by the Board.

Community Comments: Eileen Hartvigsen voiced concerns regarding vendors utilizing the restrooms in Gatehouse and not cleaning up after themselves. Ms. Hartvigsen requested the Board consider installing a lock on the restrooms.

Board Member Comments: Director Latham requested Board direction regarding gate “clickers” per household and discussed the Reimbursement Policy with the Board. It was the consensus of the Board to charge \$40 dollars per household per gate “clicker” and for Pinnacle Consulting Group, Inc. to help facilitate administering the gate “clickers.” Director Latham requested Board direction regarding reimbursement to Mr. Hingtgen, the Elliot’s, and the Latham’s regarding gate “clickers.” It was the consensus of the Board to reimburse Mr. Hingtgen, the Elliot’s, and the Latham’s for the gate “clickers.”

LEGAL MATTERS

Update on May 2023 Election and Prior Year Elections: Mr. Ela provided an update on the May 2023 Election and prior year Elections to the Board and answered questions. Mr. Ela explained Oaths for Directors since 2018 were not filed correctly with all required entities and ensured May 2023 Election Oaths and future Oaths will be filed correctly with all required entities now that legal counsel has taken over responsibility of the DEO.

Resolution Ratifying Past Board Actions, 2018 through 2023 to date: Mr. Ela presented the Resolution Ratifying Past Board Actions, 2018 through 2023 to date to the Board and answered questions.

Following review and discussion, upon motion duly made by Director Gress, seconded by Director Schwartz and, upon vote, unanimously carried, the Board approved the Resolution Ratifying past Board actions, 2018 through 2023 to date, as presented.

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Resolution Designating Posting Location: Mr. Ela presented the Resolution Designating Posting Location to the Board and answered questions.

Following review and discussion, upon motion duly made by Director Latham, seconded by Director Gress and, upon vote, unanimously carried, the Board approved the Resolution Designating Posting Location, as presented.

Water Rights Update: Mr. Ela provided a Water Rights update to the Board and answered questions. Director Hartvigsen suggested utilizing an electric pump for more efficiency pumping water out of the reservoir. Mr. Ela suggested the Board consider renting the water from the reservoir to other surrounding entities. Director Hartvigsen and Mr. Ela discussed Lot 15 with the Board and answered questions. Director Hartvigsen noted he has been in communication with the owner of Lot 15 and the owner of Lot 15 wants to make sure they are being charged fairly for their use of the water from the reservoir.

FINANCIAL MATTERS

Payment of Claims through May 2, 2023: Ms. McFarland presented the Payment of Claims to the Board for the period ending May 2, 2023, in the amount of \$72,546.39 and answered questions.

Following review and discussion, upon motion duly made by Director Latham, seconded by Director Gress and, upon vote, unanimously carried, the Board ratified the Payment of Claims for the period ending May 2, 2023, in the amount of \$72,546.39.

Unaudited Financial Statements for the period ending December 31, 2022: Ms. McFarland reviewed the Unaudited Financial Statements for the period ending December 31, 2022, with the Board and answered questions.

Following review and discussion, upon motion duly made by Director Latham, seconded by Director Schwartau and, upon vote, unanimously carried, the Board accepted the Unaudited Financial Statements for the period ending December 31, 2022, as presented.

Ratify 2022 Audit Exemption: Ms. McFarland presented the 2022 Audit Exemption to the Board and answered questions.

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Following review and discussion, upon motion duly made by Director Ginieczki, seconded by Director Gress and, upon vote, unanimously carried, the Board ratified the 2022 Audit Exemption.

MANAGEMENT MATTERS

District Manager's Report: Mr. Parrish reviewed the District Manager's Report with the Board and answered questions.

OPERATIONS MATTERS

Board Member Status Reports and Discussion:

- 1. Gatehouse.** Director Latham reported Tesla updated the lights around the Gatehouse to easily identify cars. He noted the videos around the Gatehouse are accurately working and stated the gate was replaced. Director Latham reported there will be a furnace inspection completed in the fall.
- 2. Perimeter Fence.** Director Ginieczki stated the perimeter fence repair has been completed. He reported he helped replace two four-mailbox units and three single-mailbox units. Director Hartvigsen inquired about re-staining the fence. Director Ginieczki will collaborate with the contractor to complete re-staining of the fence.
- 3. Roadway Maintenance.** Director Schwartau stated that the crack seal was completed at the end of late summer and early fall last year.
- 4. Tree Maintenance.** Director Hartvigsen reported that there were approximately 500 trees removed and approximately 175 trees that were saved. He noted Tract D, E, and H look well. He stated there were approximately six stacks of firewood that were removed from the neighborhood.
- 5. Landscape Maintenance.** Director Schwartau stated landscape maintenance and irrigation are ready to move forward.
- 6. Street Number Signage Replacements.** Mr. Gress suggested the Board table the decision to replace street signs for the June Board meeting. Director Hartvigsen suggested sending the residents the proposals on the street signs for their input.

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7. **Fire Mitigation.** Director Latham stated the Slash Project starts May 15, 2023, and will end on May 31, 2023. He noted Tract H may have more trees needing to be removed. Director Ginieczki offered to assist with any other Fire Mitigation needing to be completed.
8. **Reservoir & Pond Matters.** Director Hartvigsen reported pumping from the reservoir has been completed. Director Latham stated he will contact Xcel for a quote for power for the electrical pump. Director Latham reported there is a new transformer and meter box at Pond # 3. He also reported that Tesla replaced the braker box near Pond #3. Director Ginieczki inquired about re-stocking fish in Pond # 3. It was the consensus of the Board to re-stock Pond #3.
9. **Potential Property Sale.** Director Hartvigsen stated that there was no update on this project.
10. **HOA Update.** Director Hartvigsen reported the District Board will be managing the HOA board moving forward. He stated he has been collaborating with legal counsel regarding the declaration and would like to submit it to the residents for their review. Lynne Schwartau inquired about who she can direct real estate agents to regarding home sale transactions as they need a Board Treasurer to sign necessary documents. Director Hartvigsen stated he will collaborate with Ms. Schwartau with the transition of responsibilities.
11. **Other.** Director Ginieczki offered to complete the replacement of a key padlock on the Gatehouse

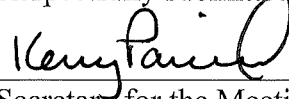
OTHER BUSINESS

There was no other business brought before the Board.

ADJOURNMENT

There being no further business to come before the Board the regular meeting of the Timbers Estates Metropolitan District adjourned at 9:07 p.m.

Respectfully submitted,




Secretary for the Meeting

The next regular meeting is scheduled for June 26, 2023

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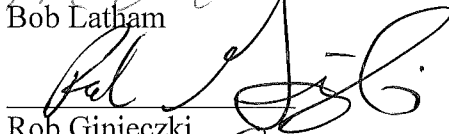
THE BOARD OF DIRECTORS SIGNING BELOW:



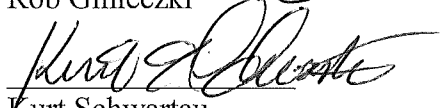
Dave Hartvigsen



Bob Latham



Rob Ginieczki



Kurt Schwartau

Bob Gress