

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE CITY CENTER WEST COMMERCIAL METROPOLITAN DISTRICT HELD AUGUST 9, 2022

A Special Meeting of the Board of Directors of the City Center West Commercial Metropolitan District (referred to hereafter as “Board”) was convened on Tuesday, the 9<sup>th</sup> day of August, 2022, at 10:00 a.m. This District Board meeting was held via conference call. The meeting was open to the public via conference call.

#### ATTENDANCE

#### Directors in Attendance Were:

Otis C. Moore, III  
Andrew R. Klein  
Michael J. Schroeder

Following discussion, upon motion duly made by Director Moore and seconded by Director Klein, and upon vote, unanimously carried, the absence of Director Smith was excused.

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Megan Becher, Esq.; McGeady Becher P.C.

Paige Langley; Board Candidate

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

**Disclosure of Potential Conflicts of Interest:** The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board and to the Secretary of State. Attorney Becher noted that a quorum was present and requested members of the Board to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Becher noted that all Directors’ Disclosure Statements had been filed. No additional conflicts were disclosed at the meeting.

## RECORD OF PROCEEDINGS

---

### ADMINISTRATIVE MATTERS

**Agenda:** The Board reviewed a proposed Agenda for the District's Special Meeting.

Following discussion, upon motion duly made by Director Moore seconded by Director Klein and, upon vote, unanimously carried, the Agenda was approved.

**Approval of Meeting Location:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. This District Board meeting was held by conference call and the public was encouraged to participate via conference call.

Ms. Finn noted that notice of the time, date and manner was duly posted and that they have not received any objections to the manner or any requests that the meeting manner be changed by taxpaying electors within the District's boundaries.

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

- Minutes from the June 6, 2022 Regular Meeting.

Following discussion and review, upon motion duly made by Director Moore, seconded by Director Klein and, upon vote, unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above actions.

**Board Resignation:** The Board discussed the resignation of Patrick Schmitz from the Board of Directors of the District, effective July 22, 2022.

Following discussion and review, upon motion duly made by Director Moore, seconded by Director Klein and, upon vote, unanimously carried, the Board acknowledged the resignation of Patrick Schmitz from the Board of Directors of the District, effective July 22, 2022.

**Board Appointment:** The Board discussed the vacancy on the Board and considered the appointment of Paige C. Langley to the Board of Directors.

Following discussion, upon motion duly made by Director Moore, seconded by Director Klein and, upon vote, unanimously carried, the Board appointed Paige C. Langley to the Board of Directors. The Oath of Office was administered.

**Appointment of Officers:** The Board entered into discussion regarding appointment of officers.

## RECORD OF PROCEEDINGS

---

Following discussion, upon motion duly made by Director Moore, seconded by Director Klein and, upon vote, unanimously carried, the following slate of officers were appointed:

President	Otis C. Moore, III
Treasurer	Andrew R. Klein
Secretary	Ann E. Finn (non-elected)
Assistant Secretary	Michael J. Schroeder
Assistant Secretary	Paige C. Langley

### PUBLIC COMMENTS

There were no public comments.

### FINANCIAL MATTERS

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

Fund	Period Ending June 30, 2022	Period Ending July 31, 2022
General	\$ 7,766.17	\$ 17,341.96
Debt	\$ -0-	\$ -0-
Capital	\$ -0-	\$ -0-
<b>Total</b>	<b>\$ 7,766.17</b>	<b>\$ 17,341.96</b>

Following discussion, upon motion duly made by Director Moore, seconded by Director Klein and, upon vote, unanimously carried, the Board ratified approval of the payment of the claims.

**Unaudited Financial Statements and Schedule of Cash Position:** The Board reviewed the unaudited financial statements, dated June 30, 2022, and the schedule of cash position, dated June 30, 2022.

Following discussion, upon motion duly made by Director Moore, seconded by Director Klein and, upon vote, unanimously carried, the Board accepted the unaudited financial statements, dated June 30, 2022, and the schedule of cash position, dated June 30, 2022.

### LEGAL MATTERS

**Petition for Inclusion of approximately 2.3 acres of real property owned by BV Retail Land Holdings, LLLP:** The President opened the public hearing on the Petition for Inclusion of approximately 2.3 acres of real property owned by BV Retail Land Holdings, LLLP, and consider adoption of Resolution No. 2022-08-01; Resolution for Inclusion of Real Property.

## RECORD OF PROCEEDINGS

---

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution for inclusion of Real Property and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received, and the public hearing was closed.

Following review, upon motion duly made by Director Moore, seconded by Director Klein, and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-08-01 for Inclusion of approximately 2.3 acres of real property owned by BV Retail Land Holdings, LLLP. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

### CAPITAL MATTERS

\_\_\_\_\_ **Status of Construction:** There was no report at this time.  
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### OPERATIONS

**Prairie Dog Issues:** Ms. Finn noted for the Board there is a prairie dog issue within the District. Ms. Finn noted that she was contacted by the City of Greeley's code enforcement regarding the prairie dogs. No action was taken by the Board.

**Operation and Maintenance Services for 2023:** The Board directed the staff to obtain proposals for 2023 services.

**Proposal from All Terrain Ponds and Sprinklers, LLC d/b/a All Terrain Landscaping ("All Terrain"):** Ms. Finn a proposal from All Terrain to remove and replace six dead trees, noting that she was contacted by the City of Greeley regarding the dead trees.

Following discussion, upon motion duly made by Director Moore, seconded by Director Klein and, upon vote, unanimously carried, the Board approved the proposal from All Terrain to remove and replace 6 trees, subject to Mike Sandene's review and approval. Ms. Finn noted that she would conduct a site visit with Matt Wertz from All Terrain.

### OTHER BUSINESS

\_\_\_\_\_ There was no other business for the Board's consideration.  
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## RECORD OF PROCEEDINGS

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### ADJOURNMENT

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

Respectfully submitted,

By: *Ann Finn*  
Secretary for the Meeting