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# RECORD OF PROCEEDINGS

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## **Minutes of the Regular Meeting of the Board of Directors of Sunlight Metropolitan District October 13, 2022**

A Regular Meeting of the Board of Directors of Sunlight Metropolitan District, Routt County, Colorado, was held Thursday, October 13, 2022 at 8:30 a.m. This meeting was held virtually via Zoom.

**Attendance** The following Directors were present and acting:

- Jeremy MacGray
- Genevieve Kalmes
- Gregory Patton

Also in attendance were:

- Hope Bain, Property Owner
- Ryan Bramwell, Property Owner
- Alan Goldich, Property Owner
- Jim Beers, Property Owner
- Mark Kubick, Property Owner
- Ben Wilhelm & Bryan Ayer, Commercial Property Group
- Alan Pogue, Icenogle Seaver Pogue
- Eric Weaver & Jennifer Anderson, Marchetti & Weaver, LLC
- Debbie Braucht, Marchetti & Weaver, LLC, Secretary for the Meeting

**Call to Order** The Meeting of the Board of Directors of Sunlight Metropolitan District was called to order by Chairman Svendsen, noting a quorum was present.

**Conflicts of Interest** The requirements of Colorado law are to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested 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 statute. It was noted that disclosures of potential conflicts of interest were filed with the Secretary of State for Directors Svendsen, MacGray, Fox and Tredway.

**Consideration of Agenda**

No changes were made to the Agenda.

**Public Comment**

Mr. Bramwell discussed issues with the dog park and a request for improvements to mitigate the problems. There was discussion of

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improvements but Mr. Weaver stated neither were approved due to budget constraints.

Mr. Bramwell brought up another issue with a mudslide that ran over the sidewalk and into the street. Director MacGray stated he has not heard anything from Native Excavating regarding the soils test. Mr. Goldich stated he is very concerned about what will happen in the spring. Director MacGray and Mr. Weaver stated the original developer had an agreement and warranty with the Town, who owns the roads, for issues just like this. There was discussion of whether the District needed to be involved or bring the issue up to the Town. Mr. Ayer stated he has spoken with Native Excavating and they have submitted a plan to the Town, are awaiting approval and expect to have repairs done before winter.

### Minutes

Upon review and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the May 19, 2022 meeting minutes as presented.

### Consideration of Board Member Vacancy

Mr. Goldich expressed interest in filling the vacancy on the Board. He stated he is familiar with developments due to his work experience and this would be a great way to give back to the community where he lives. Director MacGray stated he would recommend Mr. Goldich because he is qualified and has that experience. Upon motion duly made and seconded it was unanimously

**RESOLVED** to appoint Alan Goldich to fill a vacancy on the Sunlight Metropolitan District Board until the next regular election and appoint him Assistant Secretary.

Subsequently, after the discussion of the 2023 budget, the Board by motion duly made and seconded unanimously

**RESOLVED** to appoint Ryan Bramwell to fill a vacancy on the Board until the next regular election.

### Operations Manager Report and Commercial Property Group's Contract

Mr. Wilhelm stated the irrigation system was a challenge this season but they stayed within budget. Overall the grass in the open spaces looks better than it ever has and as funds become available there are a number of capital items such as dead or dying trees and gravel in the dog park he would like to work on. Upon motion duly made and seconded it was unanimously

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**RESOLVED** to approve the 2023 contract with Commercial Property Group.

## **By Designs Landscape Contracts**

There was discussion of the plowing and snow-blowing. There was discussion of putting up markers for the snow plows because plowing snow on top of the trees was what likely killed some of the trees. Overall comments on last year's plowing were good. Upon discussion and motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2022-2023 contract with By Designs for snowplowing the alleys.

## **May 2, 2023 Directors Election Resolution**

The May 2, 2023 Directors Election will be the last year for the conversion to odd numbered year elections. At that election there will be three seats available. If there are no more nominees than there are seats available the Resolution authorizes the Designated Election official to cancel the election. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the May 2, 2023 Directors Election Resolution.

## **2023 Annual Administrative Matters Resolution**

Mr. Pogue stated the Resolution is the Board directing staff to take care of all the administrative matters based on State, County and City laws. Annually the Board reviews and approves the Resolution to protect the Board and account for any changes in the law. Upon motion duly made and seconded it was unanimously

**RESOLVED** to adopt the 2023 Annual Administrative Matters Resolution.

## **2023 Meeting Resolution**

After discussion and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2023 meeting Resolution callings regular meetings on the 2<sup>nd</sup> Thursday of May, July and October.

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## **Lot 60 License Request**

Director MacGray stated there was no grading plan yet and no update from the owners of Lots 61 and 59. Mr. Pogue stated in order to cut the Metro District's property they need a license.

## **2022 Audit Engagement Letter**

Mr. Weaver stated Chadwick Steinkirchner Davis & Co, PC have done a good job and with only a minor increase in fees he would recommend approval of the engagement letter for the 2022 audit. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the 2022 Audit Engagement Letter with Chadwick Steinkirchner Davis & Co, PC.

## **Financial Statements, Public Hearings on the 2022 Amended Budget and the 2023 Budget**

Mr. Weaver stated today had been published as the public hearing on the 2022 Amended and 2023 Budget. He opened the public hearing to public comment. He reviewed the August 31, 2022 Financial Statements with the Board and how property tax collections lag behind because of State law where properties are only valued every 2 years. He expects a big increase in values therefore property tax collections for the 2024 budget. The increase was because of sales for the period that ended in June 2022. Director Patton stated he is concerned with the negative amounts shown on the 2023 Preliminary Budget. He asked what is an acceptable fund balance when looking to the future and possible negative cash flows. There was discussion of mill levies versus special fees. Metro Districts cannot levy a special assessment like a homeowner's association can and Director Kalmes pointed out property taxes are deductible. Mr. Bramwell stated he was in favor of raising taxes to give the District some leeway and money in the bank as a safety net. Mr. Beers asked if the Board could commit to lowering taxes after next year. Mr. Weaver cautioned against such a commitment but stated the mill levy is evaluated on a year-to-year basis. There was discussion of the risk to the District if taxes were not increased. Mr. Weaver reviewed different mill levies and the corresponding increase in owner's property taxes. After discussion the Board stated, in order to keep the neighborhood strong and not to be shortsighted, taxes would need to be increased. Director Patton added you needed to factor in inflation so the increase today may not cover operations fully. The Board considered Capital items that were taken out of the 2023 budget for a total of four-thousand two hundred (\$4,200) plus a ten-thousand-dollar (\$10,000) contingency. There

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being no more public comment the public hearing was closed. Mr. Weaver stated the 2022 Budget did not need amending. Upon consideration and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the resolution to adopt the 2023 budget, with the addition of the above-mentioned capital items and contingency and subject to minor adjustments which may result from the final certification of assessed values;

**FURTHER RESOLVED** to approve the resolution to certify the mill levy at 20.00 mills gallagherized for operations and 20.000 mills gallagherized for debt service;

**FURTHER RESOLVED** to approve the resolution to appropriate funds for spending in 2023;

Director Patton stated he wanted to get the information for the 2023 budget and increase in the mill levy out to property owners before they receive their tax bills. Mr. Ayers stated they could assist with that task since they have a database of owner's contact information.

### Accounts Payable

Upon review and by motion duly made and seconded it was unanimously

**RESOLVED** to approve and ratify the Accounts Payable Listing as presented.

### Adjournment

There being no further business to come before the Board, upon motion duly made and seconded it was unanimously

**RESOLVED** to adjourn the meeting of the Sunlight Metropolitan District Board of Directors held October 13, 2022.

Respectfully Submitted,



Secretary to the Meeting