

# **LUPTON VILLAGE RESIDENTIAL METROPOLITAN DISTRICT**

## **Regular Board Meeting Minutes**

Meeting Date: Thursday, April 11, 2024

Meeting Time: 5:33 pm to 7:06 pm

Meeting Location: Fort Lupton Library (370 S Rollie Ave, Ft. Lupton CO 80621)

### **I. Roll Call (5:33 pm)**

A regular meeting of the Board of Directors of the Lupton Village Residential Metropolitan District (District) was called and held as shown above and in accordance with the statutes of the State of Colorado. The following Directors, having confirmed their qualification to serve on the Board, were in attendance:

<b>Directors</b>	<b>Office</b>	<b>Attendance</b>
Jeana Hughes	President	Present (online)
Jordan Wipf	Treasurer	Present
Bradly Kaatz	Secretary	Present
Andrew Gerk	Assist. Secretary	Present (online)
Joe Lanute	Director	Present

Other individuals attending the meeting was District Manager Charles Wolfersberger (Wolfersberger, LLC), Paul Rufien (District Legal Counsel) and the following homeowners: Carol & Michael Mellon (511 Beckwourth), Paul Witmer (503 S Rollie Ave 8D), Gerrald Oberbeck (517 Beckwourth Ave), Henry Krichbaum (500 S Denver Ave 11-B), and Kyle & Cameron Carruthers (400 Bonneville Ave).

### **II. Declaration of quorum**

The District Manager noted that a quorum of the Board was present and the Directors confirmed their qualification to serve. Director Wipf, therefore, called the meeting of the Board of Directors of the District to order.

### **III. Present disclosures of potential conflicts of interest**

The Board reviewed the agenda for the meeting, following which Director Hughes, Director Kaatz and Director Lanute disclosed no conflicts of interest with the business to be discussed and conducted at the meeting. Director Wipf disclosed that he is a part owner of J&J Lawn Services, LLC – a contractor that has a landscape contract with the District. Director Gerk disclosed that he is the owner and manager of Lupton Village Land Developers, LLC (LVLD) and vice president of Baessler Townhomes Colorado, LLC (Baessler). Baessler owns all remaining undeveloped townhome lots within the District and is responsible for installing open space landscaping on the land tracts owned by the District.

#### **IV. Administrative Matters**

1. Approval of meeting agenda: The Board reviewed the meeting agenda. Director Kaatz motioned to approve the agenda. Director Lanute seconded the motion and the Board voted 5-0 to approve the motion.
2. Review and consider January 04, 2024 board meeting minutes: The Board reviewed the February 8 , 2024 board meeting minutes. Director Wipf motioned to approve the minutes as presented. Director Kaatz seconded the motion and the Board voted 5-0 in favor of the motion.
3. Review and consider the Common Space Policy: The Board reviewed and discussed the Common Space Policy. Mr. Rufien and Mr. Wolfersberger discussed with the Board enforcement options against individuals who violate the rules contained within the Common Space Policy. The Board expressed support for adopting such policy and expressed concerns regarding individuals not cleaning up after their pets in the District-owned open spaces. Director Hughes requested that Mr. Rufien submit his invoices in a timely manner.

**Action Item #1:** Mr Rufien will complete his review of the proposed Common Space Policy and his comments and recommendations will be forwarded to the Board for consideration.

#### **V. Public Comments:**

Mr. & Mrs. Carruthers expressed support for the proposed updates to the Design Guidelines regarding xeriscaping. Other homeowners discussed concerns regarding homeowner compliance with the covenants and expressed support for the District's efforts to enforce the Design Guidelines and covenants.

#### **VI. Director Matters:**

Director Kaatz expressed concern regarding a certain homeowner storing wrecked cars in the District's parking spaces around the Reynolds Street Townhomes and noted this is a violation of the District's parking enforcement policies and rules.

Director Wipf reported that he has received homeowner complaints regarding the excessive weeds and overall poor quality of landscaping installed in the open spaces at the southwest corner of Rollie and WCR 12 and along the north side of WCR 12 east of Rollie. The Board also noted no rocks have been installed on either side of the sidewalk running between the single family homes from Bridger Ave to Bonneville Ave. The Board discussed that the area is still under warranty and the warranty is held by Baessler Homes.

**Action Item #2:** The District Manager will send written notice to Bessler Homes that the landscaping installed by Bessler subcontractors in these areas needs to be repaired/restored.

The Board discussed and generally agreed that no invoices submitted by Miller Landscape should be paid by the District until Miller Landscape first provides the District with copies of its landscape

installation and maintenance contracts with the Developer for the Rollie Townhomes and the Flats Townhomes.

**Action Item #3:** District Manager will request the installation and maintenance contracts between Miller Landscaping and the Developer.

Director Kaatz noted three dog stations are currently installed across all open spaces maintained by the District. He recommended the Board consider installing five additional dog stations on the District's open spaces and reviewed the proposed locations where such additional stations should be installed. Director Hughes motioned to approve the lowest cost contractor bid for installing five additional dog stations at the locations proposed by Director Kaatz. Director Kaatz seconded the motion and the Board voted 5-0 to approve the motion.

**Action Item #4:** District Manager will request a bid to purchase and install five dog stations from J&J Landscaping and bids from one or two additional landscape contractors and then award the bid to the lowest bid contractor.

## VII. Financial and Contractual Matters:

- 1) Review and consider payment of claims. The Board reviewed the check register noting checks #100019 through 100024) totaling \$26,546.144 were issued since the last board meeting. Director Kaatz motioned to approve the check disbursements. Director Lanute seconded the motion and the Board voted 4-0 to approve the motion with Director Wipf abstaining from the vote.
- 2) Review Financial Reports. The District Manager presented and reviewed with the Board the District's financial statements. Through February 29, 2024, the District has collected 8.8% of property tax assessments and 3.2% of projected specific ownership tax revenue.

For the 3-month period ended March 31, 2024, total expenditures in the District's general fund is as follows:

Expense Category	Actual	Budget	\$ Difference	% of Budget Spent
Administrative Costs	\$ 15,553	\$ 43,500	\$ 27,947	35%
Landscaping Costs	1,113	103,900	102,787	1%
Capital Asset Maintenance	-	6,000	6000	0%
Snow Removal and Covenant Enforcement	2,456	30,700	28,244	8%
<b>Total Costs</b>	<b>\$ 19,426</b>	<b>\$ 184,900</b>	<b>\$ 165,474</b>	<b>11%</b>

- 3) Status update - completion of deed transfer to the Lupton Village Commercial Metro District. Mr. Rufien reported the deeds have been drafted and just need notarized signatures before being filed with the Weld County Clerk & Recorder's Office.

**Action Item #5:** District Manager will obtain Board signatures for the deeds and file the deeds with the County Clerk & Recorder's Office.

### VIII. Covenant Enforcement Matters:

- 1) Review covenant enforcement activity: The Board reviewed the covenant enforcement activity summary and detail reports for the period January 31, 2024 through March 31, 2024. During this period, 31 new violations were identified, and 141 violations were closed. The 31 open violations consisted of the following:

<b>Violation Category</b>	<b># of open violations</b>	<b># of violations at the fine stage</b>
Front yard landscaping violations	-	-
Backyard landscaping violations	-	-
Home exterior structure violations	2	-
Architectural Guidelines violations	4	-
Outside nuisances	16	-
General storage violations	2	-
Fence & mailbox violations	-	-
Shed maintenance violations	-	-
Vehicle violations	1	-
Trash violations	1	-
Seasonal-related violations (snow removal, holiday lights, etc)	1	-
New Construction (backyard fencing)	2	-
<b>Total Open Violations</b>	<b>31</b>	<b>0</b>

- 2) Architectural Committee Report: The District Manager reported the Architectural Review Committee reviewed 15 design request forms since the last meeting. The Board discussed the need to staff the Committee with homeowners. Director Wipf expressed interest in serving on the Committee and Mr. Krichbaum expressed interest in serving on the Committee. The Board noted the Committee should have at least one homeowner from the single-family homes serving on the Committee.

**Action Item #6:** District Manager will send an email blast to only the single family home owners asking for volunteers to serve on the Architectural Committee.

Director Wipf left the meeting at 6:37pm but continued to attend the meeting by phone.

- 3) Review and discuss Homeowner Appeals:

Mr. Oberbeck request the Board consider allowing him to install a shed up to 160 square feet in his backyard. He noted the Design Guidelines allow for sheds larger than 80 square feet on home lots greater than 0.17 acres. The size of Mr. Oberbeck's home lot is 0.183 acres. Mr. Oberbeck stated his neighbors on both sides of his lot are ok with him installing a larger shed on his property. Director Kaatz agreed to visit Mr. Oberbeck and review is backyard lot and

then report back to the Board. The Board agreed to complete the decision on this appeal through an email vote.

- 4) Review and consider Design Guidelines to include Xeriscaping and other updates: The District Manager reviewed with the Board the proposed updates to the Design Guidelines regarding xeriscaping, gardens and beehives. The District Manager reported the Board is required to adopt three pre-approved xeriscape plans that homeowners can follow for xeriscaping their front yards. The District Manager presented to the Board for consideration three xeriscape plans prepared by a professional landscape architect firm. The plans would cost \$1,200 if the Board chose to use these plans. Director Hughes indicated she preferred adopting xeriscape plans that cost nothing to the District. The Board requested additional time to review the proposed Design Guidelines changes and requested this item of business to be rolled forward to the next meeting.

**Action Item #7:** District Manager will email the proposed xeriscape plans and the State bill that was passed requiring Districts to adopt three pre-approved xeriscape plans.

**IX. Meeting adjournment (7:06 pm)**

There being no further business to come before the Board, and upon motion duly made by Director Kaatz and unanimously carried, the meeting was adjourned. The next board meeting will be held at 5:30 pm on Thursday June 13, 2024 online at [https://meet.goto.com/district\\_meeting\\_room\\_04](https://meet.goto.com/district_meeting_room_04).

DocuSigned by:  
*Brad Kaatz*  
3E543FFBC86D4FD...

Secretary

6/22/2024

Date