

# BNC Metropolitan District No. 1 Regular Board Meeting Minutes

Meeting Date: Wednesday November 20, 2024

Meeting Time: 6:00pm to 8:55pm

Meeting Location: Bison Ridge Recreation Center (13905 E 112<sup>th</sup> Ave, Commerce City, CO 80022)

## I. Roll Call (6:00 pm)

A regular meeting of the Board of Directors of the BNC Metropolitan District 1 (District) was called and held as shown above and in accordance with the statutes of the State of Colorado. The following Directors were in attendance:

Directors	Office	Attendance
Jeff Trzeciak	President	Present
Thomas Kivett	Vice President	Present
Ryan Johnson	Treasurer/Secretary	Present
Arthur Tucker		Present
Rob Hodnet		Present

Also, in attendance were district managers Charles Wolfersberger and Jennifer Brink, with Wolfersberger LLC; Josh Lenker (Landscape Manger) with Shultz Industries; and the following two homeowners: (1) Aden Hogan (10631 Tucson Way), and (2) Rupak Gautam (12911 E 105<sup>th</sup> Pl).

## II. Call to Order

The meeting was called to order by Director Trzeciak who noted that a quorum of the Board was present, the Directors had confirmed their qualification to serve, the meeting notice was duly posted on the District’s website, and therefore called the regular meeting of the Board of Directors of BNC Metropolitan District 1 to order.

## III. Present disclosures of potential conflicts of interest

The District Manager reminded the Board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member disclosed no conflicts of interest regarding the matters listed on the agenda.

## IV. Administrative and Contractual Matters

- 1) Review and approve meeting agenda: The Board reviewed the agenda as presented by the District Manager. Director Kivett motioned to approve the agenda as presented. Director Johnson seconded the motion and the Board voted 5-0 to approve the motion.

- 2) Review and consider minutes from the September 18, 2024 board meeting: The Board reviewed the draft of the minutes as presented by the District Manager. Director Kivett moved to approve the minutes as presented. Director Hodnet seconded the motion and the Board voted 5-0 to approve the motion
- 3) Review and consider 2025 Administrative Resolution: The District Manager presented and the Board reviewed and discussed the 2025 Administrative Resolution. The Board discussed officer positions and agreed to keep positions the same. Director Kivett motioned to approve the 2025 Administrative Resolution as presented. Director Hodnet seconded the motion and the Board voted 5-0 to approve the motion

**Action Item #1:** The District Manager will post the 2025 Administrative Resolution on the District's website.

- 4) Review and consider 2025 Election Resolution: The District Manager presented and reviewed with the Board the 2025 Election Resolution. Director Kivett motioned to approve the 2025 Election Resolution as presented. Director Hodnet seconded the motion and the Board voted 5-0 to approve the motion.

**Action Item #2:** The District Manager will post the 2025 Election Resolution on the District's website.

- 5) Review and consider proposed updated Colorado Open records Act (CORA) Policy: The District Manager reviewed with the Board the proposed update to the District's CORA policy. Director Kivett motioned to approve the CORA Policy as presented. Director Johnson seconded the motion and the Board voted 5-0 to approve the motion.

#### **V. Director Matters – None**

#### **VI. Public Comments**

- Mr Hogan discussed his enforcement fines with the Board
- Mr Gautam discussed his enforcement fines with the Board

#### **VII. Legal and Enforcement Matters**

- 1) Litigation status update: The District Manager reported that the District Court judge has set a trial management date in mid-December regarding the BNC1/2 lawsuit against BNC3. The District's attorney expects a trial court date will likely be scheduled for sometime late Fall 2025. The District Manager also noted the lawsuit between BNC2 and UMB Bank is set for a jury trial the week of December 16<sup>th</sup>.
- 2) Review and discuss homeowner appeals:
  - Account # 1A28046301: The homeowner discussed with the Board that he has fines for his front yard turf and that he has requested many times to meet with the inspector so he knows what needs to be done. The Board stated the District does not provide

contractor walkthrough inspections and advisory services for individual home lots. The Board asked if he had accessed his online property account on the District's website. The District Manager walked him thru how to access his online property account and provided him with the Board's group email. Director Trzeciak motioned to reduce his fines to \$50, to remove the lien fee and remove his property from the special assessment list the District is submitting to the County Treasurer. Director Kivett seconded the motion and the Board voted 5-0 to approve the motion.

- Account # 1A28008711: The homeowner appealed his enforcement fines. He reported that he has been in contact with the District Manager several times regarding the violations and has addressed the violation notices. Director Trzeciak motioned to waive \$125 of the \$200 in accrued fines. Director Kivett seconded the motion and the Board voted 5-0 to approve the motion.

### **VIII. Open Spaces – Landscaping Maintenance**

- 1) Status update- Landcaping maintenance update: Mr. Lenker reported the trees will be wrapped for the winter, the leaves will be picked up as necessary.
- 2) Status update – Rocks around the pool exterior: Mr. Lenker reported the rockbe install project has been completed.
- 3) Status update – Landscape improvements in the park and surrounding areas: Mr Lenker will submit separate bids for installing mulch or stone for the playground and surrounding planterbeds.
- 4) Review and consider 2025 landscape service contract with Schultz Industries: The Board reviewed and discussed the 2025 landscape maintenance contract submitted by Schultz Industries. Director Kivett motioned to approve the service contract as presented and Director Hodnet seconded the motion. The Board voted 5-0 to approve the motion.
- 5) Review and consider winter watering contract: The Board reviewed the contract submitted by Schultz Industries. Director Kivett motined to approve the contract as presented and Director Hodnet seconded the motion. The Board voted 5-0 to approve the motion
- 6) Review and consider Monument sign repair (Pyramid Masonry): The Board reviewed the bid from Pyramid Masonry. Director Kivett motioned to approve the contract approving items #1,2 5 & 6 only with a completion deadline of September 2026. Director Johnson seconded the motion and the Board voted 4-0 to approve the motion. Director Hodnet abstained. Director Hodnet agreed to coordinate with the contractor on this project and agreed to obtain pricing on repairs to the “inside” portion of the wall facing homeowner lots.
- 7) Review and consider electric repair bid from Wild River Electric: The Board reviewed Wild River Electric's bid to repair the electric at the monument signs. Director Kivett motioned to approve the contract as presented and Director Hodnet seconded the motion and the Board voted 5-0 to approve the motion

- 8) Review and consider Dog station Bid (Schultz Industries): The Board reviewed a bid from Schultz Industries to install additional dog stations. Director Trzeciak motioned to approve the bid as presented and Director Kivett seconded the motion and the Board voted 5-0 to approve the motion

## **IX. Community Pool Operation Matters/ Recreation Events**

- 1) Review and consider revised Key Rite system service contract:The District Manager reported that she received one bid today and will email the bids out to the Board for further review. The Board agreed to defer further review and consideration of these bids to the next Board meeting.
- 2) Status update - Repairs/Capital improvements needed on pool: The District Manger reported that the capital improvements were added to the 2025 budget.
- 3) Review and consider 2025 pool maintenance contract (Hydro Dynamics): The Board reviewed the 2025 pool contract submitted by Hydro Dynamics. Director Kivett motioned to approve the contract as submitted and Director Hodnet seconded the motion and the Board voted 5-0 to approve the motion.
- 4) Review and consider bid for plumbing repairs to the pool facilities (Dan Dryer): The Board reviewed the repair bid submitted by Dan Dryer. Director Tucker motioned to approve the bid as submitted and Director Trzeciak seconded the motion and the board voted 5-0 to approve the motion.

## **X. Financial and Contractual Matters**

- 1) Review Payment of Claims: The Board reviewed the schedule of check payments (checks #100297 to #100309 and check #222-235) totaling \$87,744.79 Director Kivett motioned to approve the payment of claims and Director Hodnet seconded the motion. The Board voted 5-0 to approve the motion
- 2) Review and consider 2024 director fee schedule: The District Manager presented and reviewed with the Board the 2024 director meeting stipend schedule. The Board agreed to the accuracy of the meeting attendance as reported. The District Manager distributed the stipend checks to the Board members during the meeting.
- 3) Public hearing on District's proposed 2025 budget: Director Trzeciak motioned to open 2025 budget public hearing at 8:17 pm. Director Kivett seconded the motion and the Board voted 5-0 to approve the motion. The District Manager reviewed the proposed 2025 budget. Highlights from the review included the following:
  - The 2025 budget reflects a 7% increase in total property taxes paid by homeowners to the District in 2025 compared to 2024. The increase is entirely due to the District's cash flow bonds which require a fixed maximum mill levy for debt service.

- The general fund expenditures are budgeted at \$562,000 for 2025 – an approximate \$116,000 increase from 2024. The increase is primarily attributable to a \$59,000 increase in the District’s landscape maintenance budget and a \$36,000 increase in the District’s pool operating budget.
- Litigation expenses are projected to be \$135,000 in 2025 due to the expectation that the District’s lawsuit against BNC3 will be tried in court before the end of the 2025 year.
- In the Capital Project Fund, \$653,500 in expenditures is budgeted to fund 12 identified potential capital improvement projects. Prior to any capital project spending, there will be approximately \$1,103,000 in cash in the District’s Capital Project Fund.
- The 2025 budget includes \$36,000 for contracted gate attendant services at the pool and \$18,000 for a contracted pool manager.
- BNC Metro 2’s contribution to the pool costs for 2025 will be \$50,800 (\$51,600 for 41% of the total pool operating budget and \$11,000 to be contributed to the District’s capital project fund for major repairs to the pool area)

Director Kivett motioned to close the 2025 budget public hearing at 8:54pm. Director Trzeciak seconded the motion and the Board voted 5-0 to approve the motion.

- 4) Consider resolution to adopt 2025 budget, appropriate funds, set mill levies: The District Manager presented the resolution to adopt the 2025 budget, set mill levies and appropriate funds. Director Kivett motioned to approve the resolution as presented. Director Hodnet seconded the motion and the Board voted 5-0 to approve the motion.

**Action Item #5:** District Manager will file the 2025 budget with the State of Colorado and the mill levy certification with the County Treasurer.

**X. Covenant Enforcement/ Architectural Review Matters:**

- 1) **Public hearing on proposed resolution to certify to the County Treasurer the collection – through the 2025 property tax collection process – of certain accrued and unpaid fees and charges on property accounts in accordance with 32-1-1101 CRS**: Director Kivett motioned to open 2025 public hearing at 7:54pm regarding the certification of accrued, unpaid fees on property accounts to the Adams County Treasurer for collection. Director Hodnet seconded the motion and the Board voted 5-0 to approve the motion. The District Manager reported that all homeowners with accrued, unpaid fees exceeding \$300 were notified via mail in October regarding this public hearing. The Board noted no property owners were present to address the Board at the meeting or by email regarding the proposed special assessments on the respective properties. Director Trzeciak motioned to close the public hearing at 7:56pm. Director Hodnet seconded the motion and the Board voted 5-0 to approve the motion.

- 2) Review and consider resolution to certify to the County Treasurer the collection of certain accrued and unpaid fees and charges on property accounts in accordance with 32-1-1101: Director Kivett motioned to approve the resolution regarding certification of accrued, unpaid fees on five property accounts to the County Treasurer for collection in 2025. Director Hodnet seconded the motion and the Board voted 5-0 to approve the motion.

**Action Item #7:** District Manager will submit all property accounts with accrued, unpaid fees to the County Treasurer by December 1<sup>st</sup> for collection through the respective homeowners’ 2025 property tax bills.

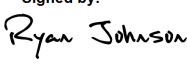
- 3) Review covenant enforcement activity: The Board reviewed the covenant enforcement activity summary and detailed reports for the period September 10<sup>th</sup> to November 12<sup>th</sup>. During this period, 178 new violations were identified. The 178 open violations consisted of the following:

Violation Category	# of open violations	# of violations at the fine stage
Front yard landscaping violations	105	55
Backyard landscaping violations	8	6
Home exterior structure violations	33	1
Architectural Guideline violations	7	2
Outside nuisances	-	-
General storage violations	13	1
Fence & mailbox violations	3	1
Shed maintenance violations	-	-
Vehicle violations	3	-
Trash violations	5	-
Seasonal-related violations (snow removal, holiday lights, etc)	1	1
<b>Total Open Violations</b>	<b>178</b>	<b>67</b>

- 4) Status update- design review request forms: The District Manager reported that 88 design request forms have been submitted by homeowners and reviewed thus far for the 2024 year. There is currently one design request form submitted but not yet reviewed.

**XII. Adjournment (8:55pm)**

There being no further business to come before the Board, and upon motion duly made by Director Kivett, seconded by Director Hodnet and unanimously carried, the meeting was adjourned. The next board meeting will be held at 6:00 pm on Wednesday March 12, 2025 at the Bison Ridge Recreation Center (13905 E 112<sup>th</sup> Ave, Commerce City, CO 80022)

Signed by:  
  
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Secretary

2/28/2025

Date