

MINUTES OF THE SPECIAL MEETING OF THE BOARD  
OF DIRECTORS OF 40 NORTH METROPOLITAN  
DISTRICT

Held: Monday, October 26, 2020 at 3:00 p.m.

*The meeting was held via teleconference due to the State of Emergency declared by Governor Polis and Public Health Order 20-23 Implementing Social Distancing Measures, and threat posed by the COVID-19 coronavirus.*

Attendance

The meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following directors were in attendance:

Michael Markel  
Jason Markel  
Gail Markel

Also present were: Blair M. Dickhoner, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; and Diane Wheeler, Simmons & Wheeler, P.C., District Accountant.

**Call to Order/Declaration of Quorum**

It was noted that a quorum of the Board was present, and therefore the meeting was called to order.

**Director Disclosures**

Mr. Dickhoner advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Dickhoner reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. Dickhoner inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

**Approval of Agenda**

Mr. Dickhoner presented the Board with the agenda for the meeting for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agenda as presented.

**Election of Officers**

The Board elected to make no changes to the current slate of

Officers.

**Consider Adoption of Resolution Establishing Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings**

Mr. Dickhoner presented the Board with the Resolution Declaring Emergency Procedures and Teleconferencing for Regular and Special Meetings for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the resolution.

**Approval of Minutes from October 28, 2019 special meeting**

Mr. Dickhoner presented the Board with the Minutes from the October 28, 2019 special meeting for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the minutes.

**Public Comment**

None.

**Consent Agenda**

Mr. Dickhoner advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. Resolution Establishing Electronic Signature Policy
- b. 2019 Annual Report
- c. 2019 Audit Exemption Application
- d. Amended and Restated Public Records Request Policy
- e. Renewal of Property and Liability Schedule and Limits and SDA Membership

**Legal Matters**

**Consider Adoption of 2021 Annual Administrative Resolution**

Mr. Dickhoner presented the Board with the 2021 Annual Administrative Resolution for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution.

**Discuss and Consider Approval of Ditch Crossing Agreement between Davidson High Line Lateral Ditch Company, 40 North Development Inc., and the District**

Mr. Dickhoner presented the Board with the Ditch Crossing Agreement between Davidson High Line Lateral Ditch Company, 40 North Development Inc., and the District for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement subject to legal counsel finalizing.

**Discuss and Consider Approval of Agreement for Piping and Relocation of Ditch and for Grant of Easement between Goodhue Ditch and Reservoir Company, 40**

Mr. Dickhoner presented the Board with the Agreement for Piping and Relocation of Ditch and for Grant of Easement between Goodhue Ditch and Reservoir Company, 40 North Development Inc., and the District for consideration. Following discussion, upon a motion duly made and seconded,

North Development Inc., and the District

the Board unanimously approved the agreement subject to legal counsel finalizing.

Discuss and Consider Approval of Declaration of Covenants, Conditions, and Restrictions of 40 North

Mr. Dickhoner presented the Board with the Declaration of Covenants, Conditions, and Restrictions of 40 North for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the covenants, conditions and restrictions as presented.

### **Financial Matters**

Consider Approval of Payables/Financials

None.

Conduct Public Hearing on 2021 Budget and Consider Adoption of Resolution Approving 2021 Budget

Director M. Markel opened the public hearing on the proposed 2021 Budget. Mr. Dickhoner noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Wheeler reviewed the 2021 Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2021 Budget. The District will not impose a mill levy for collection in 2021.

### **Other Business**

Update on Progress of Construction

Director J. Markel provided a general update to the Board on the status of construction progress within the District.

### **Adjourn**

There being no further business to come before the Board and upon a motion duly made, seconded, and unanimously carried, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

*Jason Markel*

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Secretary for the Meeting

The foregoing minutes were approved on the 25<sup>th</sup> day of October, 2021.