

## **RECORD OF PROCEEDING**

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### **MINUTES OF A COMBINED SPECIAL MEETING OF THE BOARD OF DIRECTORS OF:**

#### **BENNETT CROSSING METROPOLITAN DISTRICT NOS. 1, 2, AND 3**

**HELD TUESDAY, NOVEMBER 5, 2024, AT 11:00 A.M.**

#### **ADMINISTRATIVE ITEMS**

The combined special meeting of the Board of Directors of the Bennett Crossing Metropolitan District Nos. 1-3, Adams County, Colorado was called to order on the day shown above by Dianne Miller in accordance with the laws of the State of Colorado. The following Directors were acting:

Larry E. Gayeski, President  
Michelle R. Gayeski, Secretary/Treasurer  
Blake Carlson, Assistant Secretary  
Mark Bush, Assistant Secretary  
Brandon Edward Gayeski, Assistant Secretary

Also present were: Dianne Miller, Sonja Steele and Rhonda Bilek of Miller Law pllc;  
Paul Wilson of CliftonLarsonAllen,

#### **CALL TO ORDER**

A quorum of the Board was present, and the meeting was called to order at 11:03 a.m.

#### **CONFLICTS OF INTEREST**

Ms. Miller advised the Board that, pursuant to Colorado Law, certain disclosures might be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member confirmed the contents of written disclosures previously made, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting. Additionally, the Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

Director Larry Gayeski owns property within the boundaries of the Districts. He also disclosed that he has an ownership interest in Gayeski Capital Equities, LLC, an entity that owns or may own real property within the Districts. These disclosures are associated with the approval of items on the agenda that may affect his interests.

Director Michelle Gayeski owns property within the boundaries of the Districts. She also disclosed that she has an ownership interest in Gayeski Capital Equities, LLC, an entity that owns or may own real property within the Districts. She further disclosed that she is the trustee for the Brandon Edward Gayeski Irrevocable Trust, which has an ownership interest in Gayeski Capital Equities, LLC, an entity that owns or may own real property within the Districts. These disclosures are associated with the approval of items on the agenda that may affect her interests.

Director Blake Carlson has an interest in a vacant land contract to purchase property within the District. This disclosure is associated with the approval of items on the agenda that may affect his interests.

Director Mark Bush has an interest in a vacant land contract to purchase property within the District. This disclosure is associated with the approval of items on the agenda that may affect his interests.

Director Brandon Gayeski has an interest in a vacant land contract to purchase property within the District and is the sole beneficiary of the Brandon Gayeski Irrevocable Trust which owns a minority interest of 15% in Gayeski Capital Equities, LLC pertaining specifically to ownership of Bennett Crossing. This disclosure is associated with the approval of items on the agenda that may affect his interests.

Written disclosures of the interests of all of the directors were filed with the Secretary of State prior to the meeting.

## **MINUTES**

Director L. Gayeski moved to approve the minutes of the meeting held on July 17, 2024. Upon second by Director B. Gayeski, a vote was taken, and the motion carried unanimously.

## **PUBLIC COMMENT**

There was none.

## **RATIFICATION AND APPROVAL OF CLAIMS**

Paul Wilson reviewed the claims for both Bennett Crossing MD 1 and MD 2. Director L. Gayeski inquired about street lighting and asked the Board to explore having the Town take over the maintenance. Director M. Gayeski will reach out to her contacts and Director L. Gayeski will research and contact other metropolitan districts in the area on their street lighting policy. Director L. Gayeski moved to ratify the claims for both metropolitan districts 1 and 2. Upon second by Director Carlson, a vote was taken, and the motion carried unanimously.

## **DISCUSSION ON THE 2025 BUDGETS AND 2024 BUDGET AMENDMENT IF NECESSARY FOR BENNETT CROSSING MD NOS. 1, 2 AND 3.**

Paul Wilson started the discussion with Bennett Crossing MD No. 1. He reviewed the proposed 2025 budget numbers and asked for comments and questions. Paul addressed questions regarding the final AV, how the county bases property taxes and distribution, bi-annual assessment per HB 10-01, mill levy, revenue versus maintenance and expenses.

Paul Wilson discussed Bennett Crossing MD No. 3 noting the mill levy.

Paul Wilson continued the discussion with Bennett Crossing MD No. 2. Director L. Gayeski commented that this is a commercial district and the focus is on storm draining and maintenance. Pointed out that due to erosion maintenance, there will be a major expense this year in 2024. After reviewing the current 2024 budget that expense will be covered. Concerning the proposed 2025 budget, funds for storm drainage will need to be increased to 28,000, eliminate snow removal for 2025 and keep developer advance the same. The Board discussed the mill levy options.

## **PUBLIC HEARINGS**

Ms. Miller reported that the notice of the public hearings for the budgets were posted on the District's websites and otherwise published in accordance with Colorado law. Directors L. Gayeski and Mark Bush opened the public hearing at 12:17 p.m., there being no public in attendance, and Miller Law, PLLC nor CLA received any comments, Directors L. Gayeski and Blake Carlson closed the public hearing at 12:18 p.m.

1. **Consider Approval of the 2024 Budget Amendments:** The budget amendments were determined not necessary.

2. **Consider Adoption of the 2025 Budgets and Appropriate 2025 Expenditures:** Paul Wilson reiterated the discussions and the following was determined:

- **Bennett Crossing MD No. 1:** To increase the general mill levy to 13.327, the debt mill levy to 66.637 and the BRI mill levy to 1.332 for a total mill levy of 81.296. Directors L. Gayeski and M. Bush were appointed to a committee, to approve the final AV to be received from the county assessor. Upon motion by Director L. Gayeski and upon second by Director B. Gayeski, The Board unanimously approved the 2025 budget, certified the mill levy and appropriate 2025 expenditures, based on the final AV to be received from the county.
- **Bennett Crossing MD No. 2:** Mill levy to be 31.184 and no changes to the proposed 2025 budget. Directors L. Gayeski and M. Bush were appointed to a committee, to approve the final AV to be received from the county assessor. Upon motion by Director L. Gayeski and upon second by Director M. Bush, The Board unanimously approved the 2025 budget, certified the mill levy and appropriate 2025 expenditures, based on the final AV to be received from the county.
- **Bennett Crossing MD No. 3:** Mill levy to be 51.971 and no changes to the proposed 2025 budget. Directors L. Gayeski and M. Bush were appointed to a committee, to approve the final AV to be received from the county assessor. Upon motion by Director L. Gayeski and upon second by Director M. Bush, The Board unanimously approved the 2025 budget, certified the mill levy and appropriate 2025 expenditures, based on the final AV to be received from the county.

**2025 ANNUAL ADMINISTRATIVE RESOLUTIONS**

Ms. Miller presented the annual administrative resolutions for all three metropolitan districts. After review changes were requested. Upon motion by Director L. Gayeski and second by Director M. Bush, the Board unanimously approved the Bennett Crossing MD Nos. 1,2 and 3 Annual Administrative Resolutions as presented.

**RESOLUTIONS WAIVING WORKERS' COMPENSATION INSURANCE FOR 2025**

Ms. Miller presented the workers' compensation resolutions, noting that waving the insurance will save the districts about \$400 per district. Director L. Gayeski noted two corrections. Upon motion by Director L. Gayeski and second by Director M. Bush, the Board unanimously approved the Bennett Crossing MD Nos. 1,2 and 3 Waiving Workers' Compensation Resolutions subject to the corrections.

**RESOLUTIONS CALLING AN ELECTION FOR MAY 6, 2025**

Ms. Miller presented the resolutions calling for elections for May 2025. Ms. Miller mentioned that because Metro District No. 1 does have residents, she will inform the Board if any self-nominations are received by February 28, 2025. There are three directors' terms up in May. Upon motion by Director L. Gayeski and second by Director M. Bush, the Board unanimously approved the Bennett Crossing MD Nos. 1,2 and 3 Resolutions Calling an Election for May 6, 2025, as presented.

**RESOLUTIONS AMENDING CORA POLICY**

Ms. Miller stated that the state government increased their document request fee to \$41.37 effective July 1, 2024. She suggested that the district also amend their policies. Upon motion by Director L. Gayeski and second by Director M. Bush, the Board unanimously approved the Bennett Crossing MD Nos. 1,2 and 3 Resolutions Amending CORA Policy as presented.

## **OTHER BUSINESS**

Director L. Gayeski asked the Board to approve the current claim for both Bennett Crossing 1 and 2. The claims were provided by Paul Wilson and have been reviewed. Upon motion by Director L. Gayeski and second by Director M. Gayeski, the Board unanimously approved the Bennett Crossing MD Nos.1 and 2 claims as presented.

## **ADJOURNMENT**

Director L. Gayeski moved to adjourn the meeting at 12:32 p.m. Upon a second by Director M. Gayeski, a vote was taken, and the motion carried unanimously.

Respectfully submitted,

Signed by:  
  
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Secretary for the Meeting