

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

GVR METROPOLITAN DISTRICT

Held: Wednesday, October 17, 2012, at 6:30 P.M. at the  
GVR Metropolitan District Office, 18650 East 45th  
Avenue, Denver, Colorado.

### Attendance

The regular meeting of the Board of Directors of the GVR Metropolitan District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Directors, having confirmed their qualifications to serve on the Board, were in attendance:

Michael George, President  
Fenna Tanner, Vice President  
Anthony Noble, Treasurer  
Elaine Smith, Director  
Roger Rohrer, Director  
Michael Haskins, Director

Absent: Mary Schumer, Secretary (absence excused).

Also present were Andrew Pimental, District Manager, and Micaela Duffy, Accountant, GVR Metropolitan District; Barbara T. Vander Wall, Seter & Vander Wall, P.C., legal counsel; Jim Tanner, Eric Gravenson, Mariann Toomey, and Paula McLain, District residents; Charlie Foster, Town Center Metropolitan District; Officer Tony Bruce\*, Denver Police Department; and Mr. John Barnholt\*, Green Play, LLC.

### Call to Order

Director George noted that a quorum of the Board existed with six directors present. Thereafter, Director George called the regular meeting of the Board of Directors of the GVR Metropolitan District to order.

### Approval of Agenda

The Board reviewed the agenda, and upon motion, second and unanimous vote, the Board approved the agenda with the addition of "Community Solar Garden" as new item no. 10.c. to the agenda.

### Conflict of Interest /

The Board had been previously advised that pursuant to

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Disclosure Matters Colorado law, certain disclosures by the Board members might be required prior to taking official action at the meeting. Legal counsel advised that written disclosures of the conflicts of interest for each Director had been filed with the Secretary of State prior to the meeting.

No additional conflict disclosures were announced.

Approval of Minutes The minutes of the regular meeting of the Board of Directors held September 12, 2012, were read. Upon motion and second, and unanimous vote, the Board approved the minutes as presented.

## Public Comment Period:

- Public Comment Mariann Toomey inquired about information concerning an existing IGA involving Denver, Adams County, and other jurisdictions. Mr. Charlie Foster provided some updated information regarding the discussions involving buffer areas and development.

- Denver Police Dept. Officer Tony Bruce noted that recent crime statistics for the area have increased by approximately 14% from the same period last year. He announced that effective November 4, 2012, a new community resource officer will be assigned to the community to replace him.

[\*Mr. Bruce departed at this time.]

- HOA Mr. Jim Tanner stated that he would defer his comments on behalf of the HOA to later in the agenda.

- CAB On behalf of the CAB, Mr. Pimental stated that the CAB held its 4<sup>th</sup> quarterly meeting last evening. Upcoming events include the Gobble Wobble 5K fundraiser on November 17, and the holiday tree lighting event on December 1, 2012.

- Other There was no other public comment at this time.

Attorney's Report Ms. Vander Wall directed the Board members to her written legal report, noting that the topics will be addressed in detail later in the meeting.

## Board Reports: September Financials

Director Noble presented to the Board the financial report for the District for the period ending September 30, 2012. Director

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Noble noted that the District's property tax collections are at 98.5%, which is consistent with the prior year. Following discussion, and upon motion duly made, seconded and a unanimous vote, the Board accepted the September financials as presented.

## Claims Report

Director Noble next reviewed with the Board the listing of claims payable through current date. Upon motion duly made, seconded and a unanimous vote, the Board approved the payment of claims as presented.

## District Manager's Report

Mr. Pimental referred the Board members to his written monthly report, and reported on the highlights. The District has completed the disc golf course and it is open for play; the District has loaner discs available for use.

Director Tanner inquired about the weed control along 38<sup>th</sup> Avenue. Mr. Pimental advised that All Phase is working on the issue, and will be planting a different seed mix there. There may still be some barcampsia seed remaining which could germinate next Spring. The District will continue the weed abatement efforts. The area will be further addressed next Spring when the irrigation system is put back on line.

Homeowner Eric Gravenson inquired about the District's progress on the video enhancement in the parking lot. Mr. Pimental noted that he has a meeting scheduled for this Friday with the vendor to discuss the equipment upgrade.

Mr. Pimental noted the next regular meeting of the Board is scheduled for November 21<sup>st</sup>, the day before Thanksgiving. After discussion and review of options, the Board confirmed the meeting date, with only Director Haskins indicating that he will not be able to attend.

## Discussion Items / Old Business:

### Update re Park & Rec Master Planning Project / Green Play

Mr. John Barnholt, with Green Play, LLC, presented the Board with an update on the services that are being provided related to the preparation of the District's park and rec master plan project. The inventory review process has been completed, including facilities located within and outside of the District's boundaries. Draft "level of service" maps have been prepared, identifying the walkability of the District to parks and other amenities. A

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demographics analysis has been prepared, which reflects that the District has a very youthful population. As compared to the City and County of Denver, it is approximately 5% higher for this demographic. The completion of the trends research is pending the survey results, which will be reviewed to confirm what the focus groups have told them. Green Play has met with individuals from the City planning department regarding future trails development. There are trails planned which will depart from the Green Valley Ranch community and connect with the light rail station at Peña Boulevard. They are also looking at trail connections to the City of Aurora, but Aurora only has limited information on such trails planning. Green Play's focus group feedback included a big demand for youth activities; however, in looking at the area's youth recreational centers, it found that participation there is very low. Ms. Duffy stated that in her experience as a mother, she found the low activities were a result of insufficient coaches and a lack of competitive sports. Finally, Mr. Barnholt provided the current status of the number of responses from the mailed and on-line surveys, noting that they are hoping to receive more mailed surveys to meet the "statistically valid" criteria. He indicated the challenges of mailed surveys and follow up phone calls during this election season.

Next month Green Play will present its findings to the Board; afterward, Green Play will move into the recommendations stage of the project.

[\*Mr. John Barnholt departed at this time.]

HOA Legal Counsel /  
Consent to Dual  
Representation

Mr. Pimental provided the Board with a letter from Hindman Sanchez regarding the proposed engagement for legal services by the District in connection with the covenant enforcement portion of the District's operations. The letter advises of the current representation of the HOA, and disclosure of information and condition of consent to such dual representation. The HOA has provided its written consent to the dual representation. The Board discussed issues related to the proposed engagement, including distinction of incurred fees. After further discussion, and upon motion, second and unanimous vote, the Board approved the consent to the dual representation. The Board requested that Mr. Pimental research the billing records to make a recommendation on the billing options.

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## Discussion Items / New Business:

### Draft 2013 Budget

Mr. Pimental provided the Board with a draft budget for 2013. He directed the Board members to his summary of the budget. He indicated that the biggest difference in next year's budget is to the District's debt service mill levy, which is proposed to increase by four mills. In addition, a 1.874 mill increase is proposed to cover additional covenant enforcement activities and associated employment-related costs. **[AP – please confirm this]** The increase in debt service will allow the District to pay off its debt in 2014, without penalty, rather than wait until 2019. The increase results in a \$5.85 per month increase in taxes per average home. The Board discussed the ramifications of the proposed property tax increase, including the financial savings to the District for early payment of its debt. After further deliberation, the Board agreed to proceed with the draft budget and tax increase as presented. The public hearing on the proposed budget is scheduled for November 21, 2012.

### Proposed Amendment of Services Agreement with HOA

Ms. Vander Wall reviewed with the Board the draft amendment to the services agreement with the HOA, and the proposed modifications to the scope of services. The amendment will next be presented to the HOA Board for consideration and approval, and will then be brought back to the District Board for final approval. There were no other comments from the Board regarding the amendment.

### Discussion re Community Solar Garden

Mr. Pimental distributed to the Board a summary memo regarding a proposal for the installation of a "community solar garden." The solar garden would be comprised of solar panels, to be installed in an open space, such as a detention pond. The District was selected as a viable candidate to receive the solar garden through a program offered by a company called Clean Energy Collective. The program includes the payment of lease revenue from the CEC to the District for use of the property. In cooperation with Xcel Energy, the CEC would sell the solar panels to eligible individuals, who would then be entitled to a credit on their Xcel electric bills. The District would also be eligible to purchase solar panels and receive the credit.

After further discussion, the Board agreed to research the project further for consideration in 2013. On behalf of the HOA, Mr. Tanner stated that the Board's decision will have an impact on how the HOA spends its dollars toward the detention pond

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cleanup costs.

## Director Items

Director Smith inquired as to the fruit trees and where they will be located. Mr. Pimental noted that they are currently placed in a staging area for planting in the near future.

Director Haskins announced the upcoming Starz International Film Festival in November.

Director Rohrer stated his continued interest in increasing the amenities of the District.

There were no other Director items brought at this time.

## Additional Public Comment

There was no other public comment at this time.

## Executive Session

Upon approval by a vote of at least two-thirds of a quorum of the Board, the Board determined to go into executive session for the purpose of discussing certain personnel matters including the District Manager's annual evaluation, and consultation with the attorney on specific legal questions related thereto, pursuant to § 24-6-402(4)(e),(f) & (b), C.R.S., at approximately 9:28 p.m., with Mr. Pimental present.

The Board reconvened from executive session at approximately 9:58 p.m. and affirmed that no actions had been taken during executive session.

## Renewal of District Management Services Agreement

Upon motion, second and unanimous vote, the Board agreed to renew Mr. Pimental's management services agreement with an increase in base pay of the amount of 2.7% cost of living adjustment, and a 1.8% merit increase for a total increase of 4.5%, in accordance with the Board's compensation policy.

## Other Business

There was no other business for discussion at this time.

## Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at approximately 10:00 p.m.

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Secretary for the Meeting

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