

# RECORD OF PROCEEDINGS

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

OF THE

GVR METROPOLITAN DISTRICT

Held: Wednesday, April 20, 2011 at 6:30 P.M. at the GVR Metropolitan District Office, 18650 East 45<sup>th</sup> Avenue, Denver, Colorado.

### Attendance

The regular meeting of the Board of Directors of the GVR Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. Except where indicated, the following Directors, having confirmed their continued qualification to serve on the Board by affidavit filed with the District, were in attendance:

Michael George, President  
Anthony Noble, Treasurer  
Mary Schumer, Secretary  
Fenna Tanner, Director  
Earleen Brown, Director  
Chuck Britton, Director

Absent: Michael Haskins (absence excused).

Also present were Andrew Pimental, District Manager, GVR Metropolitan District; Barbara T. Vander Wall, Seter & Vander Wall, P.C., legal counsel; Denver Police Officer Tony Bruce\*; Mariann Toomey, Eric Gravenson, Elaine Smith, James Tanner, District residents; and Jerry Jacobs and Charlie Foster, Town Center Metro District.

**[\*Departed where indicated]**

### Call to Order / Quorum

Chairman Michael 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.

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- Approval of Agenda                      The Board reviewed the agenda, and by vote of five in favor to one opposed (Director Britton), the Board approved the agenda.
- Conflict of Interest/  
Disclosure Matters                      The Board had been previously advised that pursuant to 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 (with the exception of Director Britton) 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 March 16, 2011, were read. Director Brown noted the typographical error in the use of the word “one” instead of “on” shown on page 2 of the minutes. Director Britton pointed out the summary drafting of the minutes, as opposed to a verbatim transcript. Upon motion, second and a vote of five in favor, one opposed (Director Britton), the Board approved the minutes with the typographical correction noted.
- Public Comment Period:  
- Denver Police Dept.                      Denver Police Officer Tony Bruce provided crime statistics for the area to date, including comparisons between 2010 and 2011. Of note, burglaries and graffiti incidents are up for District 5 (which includes the Montbello and Green Valley Ranch areas). There was discussion about the recent episodes of graffiti tagging at the East Ranch pool and skate park at Town Center Park, in the area.
- [\*Officer Bruce departed at this time.]
- Public                                      Mr. Pimental read aloud an e-mail received by resident Bob Dorshimer, who lives along 38<sup>th</sup> Avenue regarding the need to plant trees and complete the landscaping for the area in Filing 33.
- HOA                                        There were no comments offered on behalf of the HOA at this time.
- CAB                                        There were no comments offered on behalf of the CAB at this time.

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- Other                                There were no other public comments offered at this time.
- Attorney's Report                    Ms. Vander Wall directed the Board members to her written legal report, which identifies outstanding items for the Board, including an update on the recent legislative activity being monitored by the SDA legislative committee, and certain contract matters which are to be further discussed in the meeting.
- Director Items                        Director Britton spoke about several items: (1) He discussed a returned check related to two meetings attended. Director Noble stated that he had a packet of related information set aside for further discussion with Director Britton following the meeting in connection with forms required for director compensation. (2) He had previously sent a letter to the president and vice president of the Board regarding a request for information, to which he has not received any response. Director George stated that he did not have any of the requested information. (3) He announced that the news last month reported on the Colorado Secretary of State "moonlighting" at a second job, and noted that there are District employees who have higher compensation. (4) He recently attended the Highlands Ranch Metropolitan District board meeting, and commented on the engagement of the district's attorney, as well as information about PERA and the lack of benefit he receives from it. (5) He indicated that he would like to follow up with Director Noble on the responses provided to his questions regarding the District's youth camp programming and costs.
- There were no other Director items presented.
- Board Reports:  
- March 2011 Financials              Director Anthony Noble presented to the Board the financial report for the District for the period ending March 31, 2011. Following discussion, and upon motion duly made, seconded and a vote of five in favor, one against (Director Britton), the Board accepted the March financials as presented.
- Claims Report                        Mr. Noble next reviewed with the Board the listing of claims payable through April 20, 2011. Following motion duly made, seconded and a vote of five in favor, one against (Director Britton), the Board approved the payment of claims as presented.

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### - District Manager Report

Mr. Pimental reported that the Master HOA has recently completed and distributed the new "Green Book."

Mr. Pimental advised the Board that the District's grant application with State Parks, for the gas line trail connection was not successful. He believes this is a result of the project being seen as more of a sidewalk opposed to a trail. One of the District's deficiencies in its grant applications was the lack of public process, such as a master parks and recreation plan, and also lack of partnership with other entities.

Mr. Pimental reported that Denver Water has just recently advised that it will not be assessing the District system development charges (SDCs) for property owned by Denver, but maintained by the District.

The May / June edition of the newsletter was recently published. Approximately 250 homes continue to receive a hard copy, as opposed to reading it on line, at the homeowner's request.

Mr. Pimental provided the Board with a report on the District's water usage, based on four years of acquired data. He indicated that water usage has risen significantly between 2007 and 2010, which is attributed to the District's additional landscaping acquisitions, and weather conditions. The District's 2011 budgeted amount for water is \$125,000. Mr. Pimental stated that non-potable water may be available to the District around 2016 (at the earliest); however, the District would need to invest capital funds to install the additional piping required to convey the non-potable water.

### Discussion Items / Unfinished Business:

#### SOP

Mr. Pimental reported on the progress being made with the SOP document, and some of the delays encountered. He anticipates presenting a revised draft at the May meeting.

#### IGA with Ken Caryl Ranch

Mr. Pimental reported that the Manager of the Ken Caryl Ranch Metropolitan District is still working on issues specific to KCRMD. The Board determined to defer consideration of the IGA until KCRMD is ready to approve the document.

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### National Night Out Event

Mr. Pimental reported that he presented the “National Night Out” event to the Master HOA board, to identify the HOA’s level of interest and support. He reminded the directors that this is promoted by the Denver Police Department as a national event, and involves blocking off streets and inviting the neighbors out of doors to promote safety in the community. Several ideas were discussed, including doing a District/HOA sponsored event before the August 2 event to bring out awareness of and promote the event. The second idea was to fund the event with the HOA and have it coordinated through the HOA’s delegates so they could reach out to their community and coordinate block parties in their specific areas. Director Schumer concurred that the event be broken down on a delegate district by district basis. The HOA would be useful in helping to find delegates where there are vacancies. Ms. Toomey noted that the HOA is exploring ways to increase district delegates, including training opportunities.

### IGA with Town Center Metro District

Mr. Charlie Foster spoke on behalf of Town Center Metro District in connection with the proposed intergovernmental agreement with GVR Metro District for a cost-sharing arrangement for landscape and related services. He provided background on the breakdown of the cost proposal, noting that they include the maintenance of Picadilly and covenant enforcement services. The Board then discussed in detail the proposed arrangement and the reasonableness of the costs. Mr. Pimental directed the Board members to his memorandum, which provided the details on how the costs were derived. After further discussion, and upon motion, second and vote, the Board approved the IGA by a vote of five in favor to one opposed (Director Britton).

### Services Agreement with Bradley Asphalt Services

The Board discussed and approved the proposed services agreement for the District office parking lot improvements, in the amount of \$3,532, by a vote of five in favor and one opposed (Director Britton).

### Discussion Items / New Business: Filing 22 / 23 Landscape Improvements

On behalf of HC Development, Mr. Jerry Jacobs gave the Board a presentation on the status of the final landscape improvements planned for Filings 22 and 33. The RV Storage area is currently under bid, and a contractor will be selected soon. The project is expected to commence in May for summer completion. Phase 2

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of the improvements is located at 48<sup>th</sup> Avenue & Picadilly, Filing 22, consisting of streetscape improvements. This portion of the project is slated to begin in the summer and be complete in the fall. Phase 3 of the project is located at 38<sup>th</sup> Avenue, at the commercial site to where the property ends. HC Development will solicit bids, but no specific time frame has been set for the installation. They are looking for funding and need cost estimates. The intent is to complete the project in 2011 or 2012.

Director Brown pointed out that Town Center Metro District should acknowledge the timing considerations made by the GVR Metro District during the recent IGA negotiations, and relayed the Board's anticipation that Town Center Metro District would be sensitive to GVR Metro District's timing desires in the completion of the landscaping projects.

Mr. Jacobs indicated that the site plan and the bids are being prepared at the financial levels that TCMD is legally obligated to provide. Should GVR desire enhancements to the landscaping projects, it can provide its own funding for the additional improvements. Mr. Jacobs stated that he expects to have the cost estimates and site plan for the Board's review by the next meeting.

- District Office Front  
Entrance Repairs

The Board reviewed the memo prepared by Mr. Pimental regarding the proposed installation and costs for the front entrance repairs. The proposal provides for repairs to include the installation of a six foot sidewalk. Director Noble stated that the District should install something which has a more aesthetically pleasing look, as opposed to a simple concrete strip. The Board discussed the option of replacement of the damaged aggregate, but it was determined that this was not a good option based on problems with matching materials, and the need to have continued fixes. The Board discussed the option of a meandering path. Director Britton noted his disagreement with the use of rock salt instead of pellets for snow removal on the entrance. After further discussion, Director Schumer agreed to work with Ms. Toomey on the creation of a proposed alternative design and plan for the Board's review at the next meeting.

- 2011 Update to Strategic  
Plan / Timeline

Director Noble reported that the planning committee met and has discussed the administrative building and its finite life. He would like the committee to look at long-term planning for the District's building, and think further about options. The Board also

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discussed the status of the proposed construction of the maintenance facility for HC Development. Mr. Jacobs reported that the plans are delayed due to zoning issues. A hearing is scheduled for May 24, 2011.

At Director Noble's request, the Board agreed to postpone for a few months any further discussions on the administrative building and consequently the updates to the District's strategic plan.

### 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 8:15 p.m.

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Secretary for the Meeting

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