

# RECORD OF PROCEEDINGS

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

OF THE

GVR METROPOLITAN DISTRICT

Held: Wednesday, August 17, 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  
Mary Schumer, Secretary  
Fenna Tanner, Director  
Chuck Britton, Director

Absent: Anthony Noble, Mike Haskins and Earleen Brown (absences excused).

Also present were Andrew Pimental, District Manager and Micaela Duffy, District Accountant, GVR Metropolitan District; Barbara T. Vander Wall, Seter & Vander Wall, P.C., legal counsel; Joann True, Ben Moore, Mike Moore, Mariann Toomey, Elaine Smith, Eric Gravenson and Jim Tanner, District residents; and Charlie Foster, Town Center Metro District.

### Call to Order / Quorum

Chairman Michael George noted that a quorum of the Board existed with four 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 by unanimous vote, the Board approved the agenda.

## RECORD OF PROCEEDINGS

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### 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 July 20, 2011, were read. Upon motion, second and unanimous vote, the Board approved the minutes as presented.

### Public Comment Period:

Ms. Joann True inquired as to the condition of the detention pond located at 41<sup>st</sup> and Ensenada. Mr. Pimental responded that this pond is still maintained by the HOA.

Mr. Michael Moore introduced himself as the brother to Ben Moore, a prior employee of the District. He stated that he has heard that unflattering comments were made by the Board in connection with the termination of employment involving his brother, Ben Moore, and requested that the matter be left alone. Following this request, there was further discussion by Ben Moore, Michael Moore and Board members regarding Mr. Moore's previous employment and complaints made. The Board discussed the District's grievance process available to employees.

[Messrs. Michael and Ben Moore departed the meeting following this discussion.]

### - CAB

It was noted that the CAB did not have a sufficient quorum at the last meeting required to approve proposed bylaws changes.

### - Denver Police Dept.

There were no representatives from the Denver Police Department for comment.

### - Other

There were no other comments from the public 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. She indicated that these items will be discussed as part of the agenda items.

## RECORD OF PROCEEDINGS

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### Director Items

Director Britton inquired as to whether the Board members received the letter of complaint that Mr. Moore stated he had delivered to the District shortly after termination of employment. The Board members, Mr. Pimental and Ms. Duffy all indicated that such letter had not been received. Ms. Vander Wall advised that District employment matters involve sensitive issues to be handled internally by the District Manager in most instances, and are generally not recommended for board meeting discussion.

There were no other Director items presented.

### Board Reports:

#### - July 2011 Financials

Ms. Duffy, the District's Accountant, presented to the Board the financial report for the District for the period ending July 31, 2011. Following discussion, and upon motion duly made, seconded and a vote of three in favor, one against (Director Britton), the Board accepted the July financials as presented.

Mr. Jim Tanner commented that the Planning Committee discussed the District and the HOA budgeting needs for 2012 in the context of the continuation of the District / HOA services agreement. He indicated that the Committee did not anticipate any significant expenses for 2012.

#### - Claims Report

Ms. Duffy next reviewed with the Board the revised listing of claims payable through August 17, 2011. Upon motion duly made, seconded and a vote of three in favor, one against (Director Britton), the Board approved the payment of claims as presented.

#### - District Manager Report

Mr. Pimental reported that the concrete front walkway improvements are now completed. The remaining landscape portion of the project will be completed in the Spring.

The District will be hosting a CPR/AED training in September, and is looking for 10 volunteers to get certified. With 10 people being certified through this class, the District will qualify for a free AED through a Denver Red Cross grant program.

Mr. Pimental reported on recent community activities, including the car show and CAB Summerfest, and the Optimist Club organization. Ms. Smith added that a group of people have organized to provide volunteer assistance to seniors in the community.

## RECORD OF PROCEEDINGS

---

Mr. Pimental noted that there have been citizen reports of HOA covenant enforcement activities taking place by non-HOA officials. A notice has been incorporated in the District's and the HOA's website materials to assist community members in identifying official HOA or District representatives who may be patrolling the neighborhoods for covenant enforcement purposes.

### Discussion Items / Unfinished Business:

#### Filings 33 and 28 Landscape Concept Plan

Mr. Pimental updated the Board on the recent Board member field trip to see examples of landscaping using the Barcampsia turf. Two Board members, Directors Tanner and Schumer, and two community members, Mariann Toomey and Jim Tanner, participated in the field trip. The recommendation from the participants is to proceed with the Barcampsia planting in the fall for the area. Mr. Pimental noted that germination would take place through a hydro-seeding technique. The preliminary estimated cost is \$21,000 for the seeding work, and \$43,750 for the irrigation system requirements. In response to questions from the public, Mr. Pimental indicated that the costs are being funded as part of the reimbursement arrangement with Oakwood Homes for the installation of landscaping enhancements. Following further discussion, and upon motion, second and a vote, the Board agreed to proceed with the landscaping project as presented, including the Barcampsia seeding, subject to obtaining a written agreement with Oakwood Homes regarding the reimbursement.

#### 2012 Landscape Maintenance Services

Mr. Pimental reviewed with the Board a memorandum regarding the District's 2012 turf maintenance cost analysis. Director Britton inquired as to the incorporation of insurance costs. Following discussion, and upon motion duly made, seconded and a vote of three in favor, one against (Director Britton), the Board agreed to move forward with the self-managed landscape concept as presented for 2012.

#### Discussion related to Investment Strategies

The Board determined to defer this discussion to the next meeting with a greater number of Board members participating.

### Discussion Items / New Business:

#### - Resolution re Meeting Location

Mr. Pimental introduced a resolution for Board consideration regarding holding a Board workshop at the Beaver Run Resort,

## RECORD OF PROCEEDINGS

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Breckenridge, Colorado, for the District's Board workshop on Wednesday, September 14, 2011. The Special District Association's annual conference is held in Breckenridge, Colorado, Sept. 14-16, 2011, and serves as a great opportunity to obtain information, which can be used to benefit the District and its constituents. The purpose of the workshop is to allow the Board to review and provide guidance for the update of its Strategic Plan. It was noted that at least five of the seven Board members have elected to attend the SDA annual conference. The meeting is scheduled to take place at the upper lobby area of the Center on September 14, 2011 at 4:00 p.m. Upon motion, second and vote, the Board approved the Resolution as presented.

### System Development Charge for LDS Church

The Board discussed management's recommendation for the system development charges applied to the proposed LDS Church to be constructed at 48<sup>th</sup> and Himalaya. Mr. Pimental walked through the calculations, which are based on the District's existing methodology, adopted by resolution in 2001, and supplemented by American Water Works Association standards for the additional facilities not addressed in the District's policy. Ms. Vander Wall described the District's powers and rate-making authority for the proposal. After further discussion, and upon motion, second and vote of three in favor, one against (Director Britton), the manager's proposed recommendation was accepted and approved by the Board.

### 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 7:50 p.m.

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Secretary for the Meeting

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