

# 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 20, 2014, 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:

Roger Rohrer, President  
Fenna Tanner, Vice President  
Anthony Noble, Treasurer  
Tim Camarillo, Director  
Matt Stallman, Director

Absent: Mary Schumer and Michael Haskins (absences excused).

Also present were Micaela Duffy, District Manager, GVR Metropolitan District; Barbara T. Vander Wall, Seter & Vander Wall, P.C., legal counsel; Jim Tanner, Eric Gravenson, Mariann Toomey, Rafael Vasquez, Jack Mothshall, Lyman West, Manuel Samora, Felipe Gonzalez, Shawn Singleterry, and Randy Weber, community members; and Charlie Foster, Town Center Metropolitan District.

### Call to Order

Director Rohrer noted that a quorum of the Board was present with five directors present. Thereafter, Director Rohrer called the regular meeting of the Board of Directors of the GVR Metropolitan District to order.

### Approval of Agenda

The Board reviewed the agenda; Ms. Duffy advised of two new items to be added under "new business": consideration of support for the proposed self-storage project, and discussion re proposed change order to Old Ranch Evergreen contracts, as new items no. 10.b. and 10.c. on the agenda. Upon motion,

# RECORD OF PROCEEDINGS

---

second and unanimous vote, the Board approved the agenda as modified.

## 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 had been filed with the Secretary of State prior to the meeting.

No additional conflict disclosures were announced.

## Public Comment Period:

### - Denver Police Dept.

There was no representative from the Denver Police Department present.

### - Public Comment

Members of the public requested to speak about concerns related to the District's detention pond located at Orleans Court and Perth Circle. Jack Mothshall and Lyman West, residents who live near the pond, expressed concerns regarding the detention pond, including the drainage functions and design of the pond, trash accumulation at the pond site, and mosquito control near the pond. The Board agreed to have staff research these issues and provide a timely response back to the residents. The Board also advised that the District is restricted to spending funds within its budget; the Board will review projects for 2015 as part of its 2015 budget process.

Other members of the public requested to speak about safety issues related to a walkway area near Martin Luther King Early College. The walkway at 47<sup>th</sup> and Dunkirk is used by kids who are going to and from school; the area is owned by the District and was installed by the developer as part of the platted property within Filing 51. Felipe Gonzales and Shawn Singleterry expressed concerns about the walkway being used for drug and prostitution transactions, as well as providing easy "get away" access for thieves. It is hazardous to kids, and accumulates trash and broken glass. A petition was presented to the Board for the shutdown of the walkway. The residents are looking at a solution which would allow the property to be added on to the existing adjacent lot. The Board suggested that the concerned residents address the issues with Commander Perry of the Denver Police Department. They also agreed to have staff

# RECORD OF PROCEEDINGS

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research the issues with regard to the District's options, and provide a timely response.

- HOA

On behalf of the HOA, Ms. Toomey expressed her thanks and appreciation to Directors Tanner and Schumer for their volunteer efforts at GVR Days, held on August 9, 2014. Mr. Tanner indicated that GVR Days was well received by the public, and thanked the District for its support.

- CAB

There was no report by the Citizens Advisory Board at this time.

- Other

There was no other public comment at this time.

Approval of Minutes

The minutes of the regular meeting of the Board of Directors held July 16, 2014, were read. Upon motion and second, and unanimous vote the Board approved the minutes as presented.

Attorney's Report

Ms. Vander Wall directed the Board members to her written legal report included in the meeting materials, which will be further discussed as specific agenda items.

Board Reports:

- July Financials

Mr. Noble presented the financial report and claims payable for the period ending July 31, 2014. He pointed out extra expenses for the District's roof and painting work resulting from the hail storm, which were fully reimbursed by insurance proceeds. Following further discussion, and upon motion duly made, seconded and unanimous vote, the Board accepted the July financial report as presented.

District Manager's Report

Ms. Duffy referred the Board members to her written monthly report and reported on the highlights. She reported that the annual "trunk or treat" event is scheduled to take place on October 25, 2014. She pointed out that the large pond on GVR Boulevard, part of Filing 33 is a flood control pond, not a detention pond, and therefore has different specifications and requirements than the detention pond located at Perth Circle.

Discussion Items / Old Business:

- Detention Pond at 41<sup>st</sup> and Ensenada

Ms. Vander Wall advised regarding the detention pond at 41<sup>st</sup> and Ensenada, noting that all due diligence items have been completed, the HOA has approved the Assignment, Assumption and Indemnification Agreement, Denver has executed the

# RECORD OF PROCEEDINGS

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quitclaim Deed, and that the deed is ready for acceptance by the District and for recording. Following further discussion, and upon motion, second and unanimous vote, the Board approved the Assignment, Assumption and Indemnification Agreement, and further accepted the quitclaim deed, which transfers ownership of the pond property from Denver to the District.

## - RFP for Maintenance Building

Ms. Vander Wall reported that the District has issued the RFP for the maintenance building, with a deadline of September 5, 2014 for return of the completed RFP. The District's process contemplates selection of one or more finalists from a short list, with negotiation of a contract at that time.

Ms. Duffy reported that the District has received questions from potential contractors, and the District will be responding with answers to all proposers, following discussion with the planning committee.

On behalf of the planning committee, Director Noble reported on the selection process for the project manager; several firms have been contacted, and interviews are underway.

## Discussion Items / New Business:

### - Contract with RFP Finalists

Ms. Vander Wall advised that, due to the dual-step process adopted by the Board, the proposed form of contract will not be ready for Board review until more information is identified through the contractor finalist process.

### - Consideration of Self-Storage Project at 38<sup>th</sup> & Himalaya

Ms. Duffy advised the Board that Oakwood Homes and Jerry Jacobs have requested that the District review and consider the potential development project at 38<sup>th</sup> and Himalaya, as a registered neighborhood organization. There is a potential purchaser for this property, which intends to develop the "Green Valley Ranch Self-Storage" project on the property. Ms. Duffy, and Director Stallman, had recently attended a meeting with a presentation by the purchaser to the surrounding neighbors regarding the details of the project. The Board discussed various issues related to the proposed project and property development, including current zoning, alternative property uses, hours of operation, impact to neighborhood, traffic impacts and ownership of adjacent property. The Board determined to defer any approvals; it requested that the property purchaser make a presentation to the Board at the next meeting, so that additional

# RECORD OF PROCEEDINGS

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questions could be answered prior to making any determinations of support.

## Old Ranch Evergreen Contract Change Order Requests

Ms. Duffy presented two contract change order requests from The Old Ranch Evergreen contractor.

Roberto Diaz, dba The Old Ranch Evergreen, is under contract with the District for the replacement and construction of the retaining wall at Himalaya and 42<sup>nd</sup> Street. The original contract price is \$24,639.00. The change order would increase the contract price by \$3,268, due to additional work required to remove underground timbers and install additional concrete blocks.

Roberto Diaz, dba The Old Ranch Evergreen, has another contract with the District for the construction of a walking trail along the gas line easement extending from 42<sup>nd</sup> to 47<sup>th</sup> Avenue. The original contract price is \$81,000. The change order would increase the contract price by \$5,623.20, due to additional work resulting from Denver permit specifications involving additional handicap ramps, traffic control, erosion controls, density and material testing, and concrete pricing.

The Board discussed issues related to each of the circumstances, and requirements under the existing contract provisions. The Board considered the original bids and whether the additional work should have been incorporated within the bids. The Board agreed that it was unable to make a determination at this time as to the contractor's responsibility for the knowledge of the additional work and therefore would defer consideration of the change orders pending completion of the work.

## Director Items

Director Tanner acknowledged and expressed appreciation for the work related to the removal of graffiti within the District. Director Tanner also requested that additional Board members participate at District and HOA sponsored events, such as GVR Days, as the HOA Board participates with the District for their events.

## Executive Session

There were no items for executive session at this time.

## Other Business

There was no other business for discussion at this time.

# RECORD OF PROCEEDINGS

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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 8:20 p.m.

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Secretary for the Meeting