

# RECORD OF PROCEEDINGS

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

OF THE

GVR METROPOLITAN DISTRICT

Held: Wednesday, December 14, 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  
Michael Haskins, Vice President  
Anthony Noble, Treasurer  
Mary Schumer, Secretary  
Fenna Tanner, Director  
Earleen Brown, Director  
Chuck Britton, Director

Absent: None.

Also present were Andrew Pimental, District Manager, GVR Metropolitan District; Barbara T. Vander Wall, Seter & Vander Wall, P.C., legal counsel; Eric Gravenson, Jim Tanner, Walt Cross, Mariann Toomey, Elaine Smith and Mike Francis, District residents; and Charlie Foster, Town Center Metropolitan District.

### Call to Order / Quorum

Director Michael George noted that a quorum of the Board existed with seven 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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### Board Reports:

- November Financials      Mr. Noble presented to the Board the financial report for the District for the period ending November 30, 2011. The District's December 1<sup>st</sup> bond payment was made. Director Britton inquired about the amounts spent in the category marked "miscellaneous." Mr. Pimental noted that this is a landscaping category which includes dog stations, turf surfactant products, mosquito control, and ice melt costs. Director Britton also inquired as to the costs for legal services, and noted that they are lower than in prior years. Mr. Noble reported that property tax collections are at 99.17% for the year. Following discussion, and upon motion duly made, seconded and a vote of six in favor, one opposed (Director Britton), the Board accepted the November financials as presented.
- Claims Report      Mr. Noble next reviewed with the Board the revised listing of claims payable through December 14, 2011. Upon motion duly made, seconded and vote of six in favor to one opposed (Director Britton), the Board approved the payment of claims as presented.
- District Manager Report      Mr. Pimental referred the Board members to his written monthly report, and reported on the highlights. He added that he will be attending the meeting with the City with regard to the detention pond located at 41<sup>st</sup> and Ensenada. The pond is not draining properly; it was built in 1996 to a different set of standards than those that exist today. The proposal is to have Denver work with the HOA collaboratively and bring the pond up to current standard. At that time, the pond will then be transferred to the District for ownership and maintenance. Mr. Pimental is currently working with Representative Herndon to advise him of the issue so that he may be informed when it is discussed at the City Council level. Once the pond is fixed, it is expected to require minimal hours per year in labor for maintenance.
- Discussion Items / Unfinished Business:
- Discussion re District Investment Strategies      Director Noble indicated that he expects to restart the District investment strategy discussion in January, 2012. He is currently looking at collateralized CD options.

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- Strategic Plan Update                      Mr. Pimental directed the Board to the memo in the meeting materials summarizing the Strategic Plan / Phase I short term goals.
- Update re 38<sup>th</sup> Avenue  
Landscape Project                      Mr. Pimental provided the Board with an update on the progress of the 38<sup>th</sup> Avenue landscape project. The project was delayed due to a deficient national supply of straw mulch; he has assessed liquidated damages against the contractor in the form of an offset payment in compensation, in the amounts set out in the contract document. The seeding portion of the project has been completed. The second phase of the project involves the planting of 125 trees and 40 shrubs, to be planted in-house as a cost-savings measure.
- Volunteer Recognition Event              Mr. Pimental reported on the upcoming District / HOA volunteer recognition dinner scheduled for December 16, 2011. He noted that the District has benefitted from approximately \$28,582 in value based on the number of volunteer hours contributed in 2011. There has been a large HOA effort to increase communications with the community. There has been a significant increase in ARC hearings, which approve home and landscape plans. It is notable that the community is going into its second year of consistent HOA management for the first time in a long time.
- Other:    Mr. Gravenson inquired into the status of the LDS Church development.
- Ms. Smith inquired about the grass at 43<sup>rd</sup> Avenue, noting that it appears bare. Mr. Pimental stated that the area will be over-seeded in the Spring with native grasses.
- In response to an inquiry regarding the status of completion of the roadway at 38<sup>th</sup> and Himalaya, Mr. Charlie Foster noted that it is a divided road, with Aurora having partial responsibility for one-half, and Gateway Park having responsibility for the other half. There are currently discussions between Aurora and Sand Creek Metro District regarding drainage issues for the area. Development on the portion existing on the Denver side of the roadway has been completed; Aurora is dependent upon Majestic, the Developer for the area to the south of 38<sup>th</sup> Avenue, to complete the other side.

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### Discussion Items / New

#### Business:

#### - Resolution 12-14-11A re Calling an Election

Ms. Vander Wall presented to the Board a proposed resolution calling for the 2012 Regular District Election on May 8, 2012. The Resolution calls for a mail ballot election. The Board discussed the various ways in which the community will receive notice of the election, including publication of a notice in the *Denver Business Journal* as required by statute, as well as by publication on the District's website and newsletter, and in the District's transparency notice published on the SDA website. Additionally, election ballots will be sent via U.S. Mail to each registered active voter in the District. In addition, the election resolution appoints Sandy Thomas, paralegal at Seter & Vander Wall, P.C., to serve as the Designated Election Official, and Micaela Duffy, to serve as the Assistant DEO. The terms of four Board members are up for reelection. Following further discussion, and upon motion, second and a vote of six in favor, one against (Director Britton), the Board approved the election resolution as presented.

#### - Resolution 12-14-11B re Support of GOCO Grant Fund Master Plan Project

Next, the Board discussed the proposed resolution No. 12-14-11B in support of the District's Application for a Parks and Outdoor Recreation Planning Grant from the State Board of the Great Outdoors Colorado. The grant funds are to be used for the development of a parks and recreation master plan for the District. The District needs to redevelop and enhance its open space properties, and may potentially purchase additional properties to meet future outdoor parks and recreation needs for the public and the District's community. Mr. Pimental noted that the Resolution calls for matching funds from the District of at least 25% of the total project costs. Following further discussion, and upon motion, second and a vote six in favor, one against (Director Britton), the Board approved the resolution in support of the GOCO grant-funded master plan project.

#### - Resolution 12-14-11C re Annual Administrative Items

Ms. Vander Wall presented the District's 2012 Annual Administrative resolution, which calls out a number of items to be addressed annually by the Board, including, *inter alia*, the District's 2012 meeting schedule, the designation of newspaper for publication of legal notices, posting locations, and compensation to the Directors subject to statutory limits. Director

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Britton objected to the application of PERA to District Directors. Following further discussion, and upon motion by Director Schumer, second by Director Noble, and a vote of six in favor, one against (Director Britton), the Board approved the resolution as presented.

### - Additional Projects Identified for 2012

Mr. Pimental described a list of projects proposed to be completed in 2012, including trash pick up and installation of additional trash and dog stations; working with Denver on the installation of benches; irrigation work at 41<sup>st</sup> and Andes location; working with the HOA to install benches at high use bus stops; and working with Denver to build a 9-hole disc golf course at the 42<sup>nd</sup> and Lisbon St. park. These are projects expected to be funded with Conservation Trust Fund revenues.

### Director Items

Director Britton commented that he would be attending the District / HOA volunteer recognition dinner, but would not be eating any of the food. He asked whether the District has a second office at the District's storage facilities, noting that he'd seen an employee at that site. Mr. Pimental stated that the storage facilities provide District document storage. Mr. Britton followed up on his written inquiry to the District regarding authorization to purchase clothing and cups for employees and Board members in 2010. Director Brown explained that these purchases were approved by the Board and serve to promote community advocacy and pride.

Director Fenna Tanner expressed her appreciation and thanks to the District and the Community for their kindnesses related to her recent medical issues.

Director Schumer inquired about the fence maintenance obligations of the District homeowners.

Director Britton stated that the District should be more diligent in the removal of snow from District property. The Board discussed the District's existing snow removal policy, i.e. if more than 2 inches of snow has fallen and more than 4 inches is predicted to fall, then the snow will be picked up the following business day. An increase in the snow removal standards will involve additional costs, including overtime payment. The Board consensus was to leave the District's policy as is for the time being, and discuss it

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further at a committee level, if needed.

Director Haskins confirmed the Board's determination not to support or oppose ballot initiatives.

No other Director items were brought forward at this time.

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 7:55 p.m.

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Secretary for the Meeting