

# RECORD OF PROCEEDINGS

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

OF THE

GVR METROPOLITAN DISTRICT

Held: Wednesday, September 12, 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  
Mary Schumer, Secretary  
Elaine Smith, Director  
Roger Rohrer, Director  
Michael Haskins, Director

Absent: None.

Also present were Andrew Pimental, District Manager, GVR Metropolitan District; Barbara T. Vander Wall, Seter & Vander Wall, P.C., legal counsel; Jim Tanner, Eric Gravenson, and Mariann Toomey, District residents.

### Call to Order

Director 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.

### Approval of Agenda

The Board reviewed the agenda, and upon motion, second and unanimous vote, 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 had been filed with the Secretary of

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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 August 15, 2012, were read. Upon motion and second, and unanimous vote, the Board approved the minutes as presented.

## Public Comment Period:

### - Public Comment

There were no comments from members of the public.

### - Denver Police Dept.

There was no representative from the Denver Police Department to offer comment.

### - HOA

On behalf of the HOA, Mr. Jim Tanner advised that there are eight new people who are interested in serving as a district delegate.

### - CAB

There was no representative from the CAB to offer comment.

### - 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. She noted that the topics in the report include the IGA with Denver for the disc golf course, the Services Agreement with the HOA, and the District Manager annual evaluation, which appear later in the agenda for Board discussion.

## Board Reports:

### August Financials

Director Noble presented to the Board the financial report for the District for the period ending August 31, 2012. Director Noble noted that the District is below budget on expenses, and below budget on income due to the non-collection of the SDF for the LDS Church as originally projected. The District's property tax collections are on track at 98.2%.

Following discussion, and upon motion duly made, seconded and a unanimous vote, the Board accepted the August 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.

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## District Manager's Report

Mr. Pimental referred the Board members to his written monthly report, and reported on the highlights. The District Administration Building parking lot LED lights installation project is now complete; the lights are much brighter and provide greater coverage.

Mr. Pimental provided an update on the master planning process and services provided by Green Play. A total of 65 different people attended the focus group meetings, with instances of some individuals attending multiple times. The survey is 95% complete; the consultant is going over the final timeline. The inventory analysis is in process, which describes who does what, when, and where, including the trails and other amenities throughout the GVR community. In the remaining time left in September, a survey will be sent out to homes, to be returned in October within 10 days of receipt. Compilation of the surveys will be completed in November, with public hearings to take place afterward.

Director Tanner noted that Green Play's public forum, which took place at the Summer Fest, was not very well advertised nor attended. She recommended the District hang a banner or other signage to identify the District's booth for the next event. Mr. Pimental commented that attendance at this year's Summer Fest was considerably down from prior years. Director Noble inquired and Mr. Pimental confirmed that the consultant payment schedule is on track with the completed portion of the project.

## Discussion Items / New Business:

### IGA with Denver re Disc Golf Course

Ms. Vander Wall described the business points of the proposed "Assignment Agreement and Intergovernmental Agreement" between the District and the City and County of Denver for the park property located at 42<sup>nd</sup> and N. Lisbon Street. The IGA assigns to the District the authority for the design, planning and construction of disc golf course on the park property owned by Denver, and permits the District the right to use Denver's park property for the disc golf course program. Mr. Pimental reminded the Board that the project is being funded with Conservation Trust Funds, and not with tax dollars. After a lengthy discussion, and upon motion, second and unanimous vote, the Board approved the IGA including any minor modifications negotiated and approved by legal counsel and the

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District Manager.

The Board discussed creating disclaimer language to be incorporated into the score cards and on signage, which is installed as part of the facilities.

2013 Tree Management  
Services Contract with  
Swingle

Mr. Pimental presented the Board with the proposed tree management services contract with Swingle for 2013. The contract language is not changed from 2012, and there are no price increases. Following discussion, and upon motion, second and unanimous vote, the Board approved the Swingle contract as presented.

2013 Turf Chemical  
Management Services  
Contract with TruGreen

Mr. Pimental presented the Board with the proposed turf chemical management services contract for 2013. Again, the contract language is not changed from 2012, and there are no price increases. The Board discussed a clerical error and suggested revision in Exhibit B to the cross reference in paragraph 2.B. Following further discussion, and upon motion, second and unanimous vote, the Board approved the TruGreen contract, with the modifications discussed.

HOA Legal Counsel  
Engagement

Ms. Vander Wall reported that she is working with Mr. Pimental and the HOA regarding an amendment to the Services Agreement. In this process, it has been discovered that the District requires, from time to time, HOA-related legal expertise, and that the District's employees have been receiving advice from the HOA's legal counsel for such matters. Ms. Vander Wall reviewed with the Board various potential problems associated with soliciting and acting upon recommendations provided by an attorney who is not engaged with the District. The Board discussed options for eliminating the liability issues, and agreed to either retain its own HOA lawyer, or independently engage with the existing HOA lawyer for advice related to the HOA covenant enforcement services. Hindman Sanchez has advised the District that, subject to written consent, it may be engaged by the District for HOA-related legal services. The Board directed Mr. Pimental to follow up with Hindman Sanchez to confirm the potential engagement, and provide a report back to the Board on the details.

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2013 Budget Process	<p>Mr. Pimental provided the Board with a timeline for the Board's review and consideration of the District's 2013 budget. By statute, a draft of the District's budget will be provided to the Board by October 15<sup>th</sup>. The District will hold its public hearing on the budget at its November Board meeting. The District's mill levy must be certified to the County by December 15<sup>th</sup>.</p> <p>Mr. Pimental reported that the preliminary assessed valuation for the District shows an increase in the overall value of the property within the District as compared to the prior year. The final assessed valuation numbers will be provided by Denver by December 10<sup>th</sup>.</p> <p>Director Noble stated that the District's planning committee is considering an analysis based upon a slight increase in the District's mill levy. This increase would be used to establish a reserve for the increased costs resulting from the master planning.</p>
Director Items	<p>There were no Director items at this time.</p>
District Manager Evaluation	<p>After discussion, it was determined that Director George will re-distribute Mr. Pimental's performance measures to the Board and solicit input. Input must be received by the end of September. Director George will collect the input and review the summary comments with the Board in executive session at the next meeting. Ms. Vander Wall agreed to circulate Mr. Pimental's contract to the Board for review.</p>
Additional Public Comment	<p>There was no other public comment at this time.</p>
Executive Session	<p>There were no items for executive session at this time.</p>
Other Business	<p>There was no other business for discussion at this time.</p>
Adjournment	<p>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 8:55 p.m.</p>

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Secretary for the Meeting