

RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
ROXBOROUGH VILLAGE METROPOLITAN DISTRICT

HELD

Tuesday, December 17, 2019

A regular meeting of the Board of Directors of the Roxborough Village Metropolitan District (referred to hereafter as the "Board") was convened on Tuesday, December 17, 2019 at 6:00 p.m., at West Metro Fire Station 15, 6220 N. Roxborough Park Road, Littleton, Colorado 80125. The meeting was open to the public.

**ATTENDANCE**

In Attendance were Directors:

Calvin Brown  
Debra Prysby  
Steve Sherman  
Edward Wagner  
Ron Bendall

Also in Attendance were:

Katie James, Esq.; Folkestad Fazekas Barrick & Patoile, P.C.  
Scott Barnett; Mulhern MRE Inc.  
Bill Barr; Metco Landscaping  
Todd Wenskoski; Livable Cities Studios  
Anna Jones, Patrick Shannon, and Andrew Williams;  
CliftonLarsonAllen LLP  
Bob Clinard; 7218 Red Mesa Court  
Tara Ham; 7565 Brown Bear Way  
Ephram Glass; 10196 Cavaletti Drive  
George Hefner; 7827 Canvasback Circle  
Shelly Stephens; 9824 Falcon Lane  
Kathy Shrista

**CALL TO ORDER**

The meeting was called to order at 6:03 p.m. by Director Brown.

**DECLARATION OF  
QUORUM/DIRECTOR  
QUALIFICATIONS/  
DISCLOSURE MATTERS**

Director Brown declared a quorum was present, all directors are qualified.

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APPROVE AGENDA

Upon a motion duly made by Director Sherman, seconded by Director Wagner, and upon vote unanimously carried, the Board approved the agenda, as presented.

PUBLIC COMMENT and/or GUESTS

Roxborough residents George Hefner and Tara Ham shared their thoughts regarding the overall performance of the RVMD Board and thanked the Board for its work.

CONSENT AGENDA

- A. Consider Approval of the minutes of the November 19, 2019 Regular Meeting
- B. Review and Accept the December 10, 2019 Cash Position and Property Tax Schedule (enclosed)

Upon a motion duly made by Director Prsyby, seconded by Director Wagner, and upon vote unanimously carried, the Board approved the December 10, 2019 Cash Position and Property Tax Schedule.

DISCUSSION AGENDA

The November 19, 2019 Minutes were tabled to allow review by the Board of the full revisions.

ACTION ITEMS

- A. Review and Consider Approval of Current Claims, Approve Transfer of Funds.

After review, upon a motion duly made by Director Sherman, seconded by Director Prysby, and upon vote unanimously carried, the Board approved the current claims and the transfer of funds.

- B. Discuss Request for Funding For Annual Easter Egg Hunt Proposal for 2020 Tree Maintenance - \$83,165

Roxborough resident Ed Yeats requested \$1,200 this year for the Annual Easter Egg Hunt. Anna reviewed the request and outlined the information included in Mr. Yeat's letter with the Board. The Board discussed the increased amount being requested, noting that previous requests have been \$200.

After discussion, upon a motion duly made by Director Prysby, seconded by Director Wagner, and upon vote unanimously carried, the Board requested additional information about the budget for the event. Ms. James indicated she will follow-up with Mr. Yeats for more information. The Board will take action upon receiving more information.

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### MANAGER MATTERS

#### A. Discuss Master Plan Next Steps

Mr. Wenskoski reviewed the Master Plan outline and document delivery. Mr. Wenskoski provided an overview of the community survey results, noting a good representation of the community. Livable Cities Studios is continuing to work on the draft plan. A proposed schedule for the comment and revision process was passed out to the Board with the 1st draft to be distributed Monday, December 23rd.

The Board requested a PDF document to provide comments and feedback for the draft revision process

#### B. Discuss Newsletter

After some discussion, the Board agreed to a mid-February release of the newsletter to highlight the master planning process and 2020 mill levy reductions.

#### C. Other

None.

### LANDSCAPE MAINTENANCE

#### A. Metco Landscape Report

Mr. Barr reviewed the current status of landscaping work. The Board asked Metco to work on removing ice and snow buildup in heavily shaded areas.

#### B. Review and Consider Approval of Proposals:

1. Proposals for Tree Fertilizer, Maintenance and Installation of 10 Trees \$56,840 (enclosed)

Mr. Barr provided an overview of the proposal provided by Metco. The Board discussed the proposed plan and compared it with Bailey Tree's proposal. The Board asked for more information before making a determination. Ms. Jones indicated she will follow-up and bring more information to the January meeting.

#### C. Other

None.

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### DIRECTOR ITEMS

#### A. Other

The Board has asked that CLA begin the planning process for the Fall Festival. The tentative date for the festival is the second week of September. CLA will also work with the softball organizers to coordinate dates and timing.

### ENGINEERING MATTERS

#### A. Discuss Enhancement, Spillway and Trail Design

Mr. Barnett reviewed the spillway enhancement proposal and design, which includes scope for both design and engineering components from Mr. Barnett and Mr. Wenskoski.

#### B. Feasibility Study Discussion

Mr. Barnett reviewed the feasibility study outline and gave an overview of the proposed process.

#### C. Update on Water Quality Analysis

Mr. Barnett has not received 2019 recent updates from Aqua Sierra. He will follow-up.

#### D. Update on Irrigation Analysis

Mr. Barnett reviewed the pump and irrigation systems analysis. Hydro Systems will be present at the January meeting to go over the report. CLA asked for a one page executive summary.

#### E. Embankment Stabilization/Wetlands Planting

No discussion.

### LEGAL MATTERS

#### A. Discussion Regarding Possible Fence Encroachment

Ms. James provided an update on the status of the fence encroachment items. A letter was sent to the residents at 7573 Jared Way, but no response has been received.

Ms. James will bring a recommendation to next meeting on how to move forward on this topic. Ms. James has not yet sent a letter about the second fence encroachment issue. She will research further before taking any formal action.

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- B. Update Regarding Final Water Due Diligence Filing and Executive Session Pursuant to C.R.S. Section 24-6-402(4)(B) and for the Purposes of Receiving Legal Advice on Specific Legal Questions, if requested.

Not needed.

- C. Consider Approval of 2020 Livable Cities Services Agreement

Ms. James noted the Service agreement is not yet finalized. Upon a motion duly made by Director Prysby, seconded by Director Wager, and upon vote unanimously carried, the Board extended the existing services agreement into 2020.

- D. Consider Approval of Mulhern MRE Services Agreement; Approval of Resolution Approving Services Agreement with Mulhern, MRE, Inc. for 2020

Ms. James reviewed the Contract and new rates with the Board. After discussion, upon a motion duly made by Director Prysby, seconded by Director Wagner, and upon vote unanimously carried, the Board approved the Mulhern MRE Services Agreement and approved the Resolution Approving the Services Agreement with Mulhern MRE, Inc. for 2020.

- E. Discuss 7448 Pintail Drainage

Ms. James discussed the issue of a property dumping an unknown substance onto RVMD property, killing the adjacent grass. She will send a letter to the homeowner to tell them to cease dumping onto RVMD property, and that they will be billed for any incurred damages. Metco agreed to test the soil to find out what substance is being dumped.

Upon a motion duly made by Director Prysby, seconded by Director Wagner, and upon vote unanimously carried, the Board authorized Ms. James to prepare the letter to the homeowner and authorized Metco to perform soil testing.

- F. Consider Approval of Resolution Regarding the May 5, 2020 Regular Special District Election

Ms. James reviewed the election process and information contained within Resolution, noting that residents can self-nominate beginning January 1st.

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After discussion, upon a motion duly made by Director Prysby, seconded by Director Sherman, and upon vote unanimously carried, the Board approved the Resolution Regarding the May 5, 2020 Regular Special District Election.

G. Executive Session Pursuant to C.R.S. Section 24-6-401(4)(b) for Purposes of Receiving Legal Advice on a Specific Legal Question

Director Brown opened the Executive Session at 8:21 p.m. by stating “The Board will now go into Executive Session, the topic of the Executive Session to be held by the Board is to discuss the specific legal question of the scope and definition of fiduciary duty of Directors. Director Brown closed the Executive Session at 9:06 p.m. Upon reconvening into regular session, Director Brown stated that “No policy, position, resolution, rule, regulation, or formal action occurred in the Executive Session. For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the Motion to go into the Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the open meetings law, I would ask that you state your concerns for the record.” Director Brown heard no concerns and the Board returned to open session.

No action was taken.

H. Other

The Board addressed recent communications from District resident, Ed Yeats and how they would like to respond. Ms. James noted the District’s responses for each of the different communications including sign poles, Fall Festival and fireworks, and comments about the Board. Ms. James will write a letter to Mr. Yeats.

### OTHER BUSINESS

A. Confirm Quorum for January 21, 2019 Regular Meeting

A quorum was confirmed.

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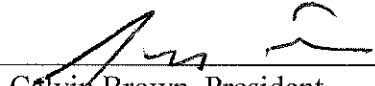
B. Other


Director Sherman brought up an idea of hosting a town hall, to bring community institutions together in a public forum. Director Sherman will bring a proposal to the next meeting.

ADJOURNMENT

Upon a motion duly made by Director Brown, the Board adjourned the meeting at 9:19 p.m.

Respectfully submitted,

By:  \_\_\_\_\_  
Calvin Brown, President

Attest:  
By:  \_\_\_\_\_  
Ronald Bendall, Secretary

**ROXBOROUGH VILLAGE METROPOLITAN DISTRICT  
ATTESTED STATEMENT OF ATTORNEY  
REGARDING EXECUTIVE SESSION**

Pursuant to C.R.S. § 24-6-402(4)(B) and (e), the undersigned, attorney for the Roxborough Village Metropolitan District, hereby attests that in her opinion the Executive Session of the Board of Directors of the Roxborough Village Metropolitan District which was held on Tuesday, December 17, 2019, at a regular meeting of the Board which Executive Session began at approximately 8:21 P.M. and which ended at approximately 9:06 P.M., which was not recorded, constituted a privileged attorney-client communication. The purpose of the Executive Session was for the Board of Directors to get legal advice on the Director questions about the scope and definition of fiduciary duty of Directors and for the Board to confer with its legal counsel for the purpose of receiving legal advice on specific legal questions related thereto.

FOLKESTAD FAZEKAS BARRICK & PATOILE, P.C.

By: \_\_\_\_\_

Kathryn T. James

Date: \_\_\_\_\_

12/17/19