

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE ROXBOROUGH VILLAGE METROPOLITAN DISTRICT HELD OCTOBER 18, 2022

A Regular Meeting of the Board of Directors (referred to hereafter as the “Board”) of Roxborough Village Metropolitan District (the “District”) was convened on Tuesday, the 18th day of October, 2022 at 6:00 p.m. at Roxborough Library Meeting Room, 8357 North Rampart Range Road #200, Littleton, Colorado 80125. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Mathew Hart  
Ephram Glass  
Mark Rubic  
Travis Jensen  
Calvin Brown via telephone

#### Also In Attendance Were:

Katie James, Esq.; Folkestad Fazekas Barrick & Patoile, P.C.  
  
Marcia Pryor and Dennis Bedford; BrightView Landscape Services, Inc.  
  
Melissa Christopher; Gemsbok Consulting attended via Zoom

### CALL TO ORDER

At 6:06 p.m. the meeting was called to order.

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: None.

### ADMINISTRATIVE MATTERS

Agenda: The Board discussed the full agenda and requested to reorder it to address the following in order:

1. Financial Matters;
2. BrightView Report;
3. Snow Removal and Landscape Contractor RFPs;
4. Meeting Dates

Upon a motion duly made by Director Jensen and seconded by Director Hart, and upon vote carried, the Board unanimously approved the agenda with the reordering.

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**Confirm Location of Meeting/Posting of Meeting Notices:** The Board discussed that the library is booked for the November 15<sup>th</sup> regular meeting and budget hearing. November 15<sup>th</sup> works for the Board members and has already been planned for the budget hearing so they will keep that date. The Board's preference for setting the meeting is to use the fire station, if available, and if not, then the intermediate school, and then if not, to conduct the meeting by Zoom. Ms. James will alert SDMS to the preferences so they can book a location.

**Excusal of Absence:** There were no absences.

### **PUBLIC COMMENTS**

None.

**CONSENT AGENDA** The Board considered the following actions:

- Approve the Minutes of the August 16, 2022 Regular Meeting.
- Approve the Minutes of the August 17<sup>th</sup> and 23<sup>rd</sup> Special Meetings
- Approve the Minutes of the September 20, 2022 Regular Meeting

The Board tabled approval of the August 16<sup>th</sup>, 17<sup>th</sup> 23<sup>rd</sup> and September 20<sup>th</sup> Special Meeting Minutes.

### **FINANCIAL MATTERS**

A. Review and ratify approval of the payment of claims.

Ms. Christopher noted that she is not fully informed of how the Board liked to see the claims presented to them for Board meetings. It was noted that there are many outstanding claims for approval. Director Rubic has questions about different invoices before he will approve the claims that he has been reviewing in Bill.com. He noted that there was no response yet to questions about Ark Ecological's invoice, the Mission Communications bill, and a few small items on the Mulhern Engineering bill. Gemsbok and SDMS are working out who is best to get the billing questions answered between them.

Ms. Christopher reviewed the list of claims from Bill.com. Director Rubic confirmed which bills had been approved with Ms. Christopher and the Board ratified those approvals. Upon a motion duly made by Director Jensen and seconded by Director Hart, with Director Rubic abstaining, and upon vote carried, the Board approved the payment of bills.

The Board addressed their concerns with BrightView about a number of invoices for time and materials work related to irrigation repairs. The total of all of the invoices was approximately \$55,000.00. Director Rubic raised

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the issue that the contract included \$5,000.00 for estimated time and materials repair of the irrigation system and that this amount was far in excess of that estimated number. BrightView reported that Director Glass has been in regular contact with them and authorized the repairs as they found them, to save time and increase efficiency on making the repairs. Ms. Pryor noted that the system was in dire need of many repairs when BrightView came on board. After discussion, the Board approved the BrightView invoice and approval of these claims was included in the motion to approve and ratify the claims noted above.

B. Review and accept unaudited financial statements.

There were no financial statements available for review and approval. Gemsbok will work on getting those prepared and to the Board.

Director Brown left the meeting.

C. Review draft 2023 Budget.

Director Glass arrived at the meeting.

Ms. Christopher reviewed the draft budget with the Board. The format of the budget only included line item detail for the Chatfield Farms portion of the budget. There was not line item information available for the regular budget. Ms. Christopher will fix that and get the line items to the Board prior to a Special Meeting they intend to hold between the two regular meetings, in order to review the budget in detail. Director Rubic noted that he was concerned about needing an amended budget for 2022 based on his calculations of projected expenses for the year. The expenses were above budget especially during the period of June 30 to August 31, 2022 and his estimation indicates there may be a need for an amended budget. Ms. Christopher will evaluate and give a recommendation as to a possible amended budget. Ms. James noted that the budget can be amended anytime up until when the audit occurs and might reveal any need for an amendment. If the Board is certain it needs an amendment now, it can consider that at the November 15<sup>th</sup> meeting because publication for the budget hearing should include both the 2023 budget and a possible 2022 amended budget.

The Board determined to hold a Special meeting to review the draft budget sometime between November 1<sup>st</sup> and November 15<sup>th</sup> and Director Glass will coordinate the date of such meeting.

Discussion of the location of the November 15, 2022 Budget Hearing was

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discussed earlier in the meeting for Board preferences in meeting locations.

- D. Discussion regarding Accounts Payable process. Review and approve proposals for Bill.com.

The Board discussed the costs of Bill.com and the number is users that are currently authorized. Ms. Christopher reported that the cost is \$55 per month per user and there are currently 6 people authorized now and she asked the Board whether they wanted to consider reducing that number. Director Jensen suggested keeping the number as it is during the transition period of new accounting and new management staff and suggested the Board re-evaluate after budget season whether everyone currently listed needed to have access to Bill.com. The Board generally agreed and no changes were made.

Review and approve addendum to add Accounts Payable to SDMS services agreement. The Board approved adding SDMS. Following discussion, upon motion duly made by Director Glass, seconded by Director Jensen and, upon vote, unanimously carried, the Board approved addendum to add accounts payable to SDMS services.

- A. Review Report and Project Planner from BrightView.

Ms. Prior reported that Tim requested that the Weather Trac subscription be renewed. SDMS has the proposal and request for renewal. The Board approved renewing Weather Trac subscription in an amount not to exceed \$3,000.00 if it can be working by Monday, October 24<sup>th</sup> in order to actually assist with the irrigation system shutdown. If it can't be working by that date, BrightView will proceed manually with the shutdown. Upon motion duly made by Director Rubic, seconded by Director Glass and, upon vote, unanimously carried, the Board approved the renewal.

The Board discussed BrightView fixing 2 Doggie Stations, specifically stations number 48 and 49. Upon motion duly made by Director Rubic, seconded by Director Glass and, upon vote, unanimously carried, the Board approved fixing those stations in an amount not to exceed \$250.00.

The Board discussed "wish list" items with BrightView, including for Director Rubic softball field work and for Director Glass irrigation controller access issues.

- B. Review BrightView Proposals

### OPERATION AND MAINTENANCE MATTERS

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1. Review and consider approval of proposal from BrightView Landscape Services for boulder adjustments.
2. Ratify approval of proposal from BrightView Landscape Services for irrigation repair.
3. Review and consider approval of proposal from BrightView Landscape Services for mowing services on Sledding Hill.
4. Review and consider approval of proposal from BrightView Landscape Services for holiday lighting. The Board discussed the timing of turning on the holiday lights and timing of turning them off. Ms. Pryor noted that usually they are put up at Thanksgiving and stay up until after the stock show. Director Rubic noted that he thought leaving them up after the stock show was too long and expensive. The Board discussed the timing and ultimately determined to put the lights up before Thanksgiving and turn on the day after, and leave them up until January 23<sup>rd</sup>.

Following discussion, upon motion duly made by Director Glass, seconded by Director Jensen and, upon vote, unanimously carried, the Board approved item numbers 1, 3 and 4 above. Item number 2 was previously approved during discussion of claims under financial matters.

### B. Discuss forming Playground Committee

Discuss status on playground removal, replacement, repair and maintenance search. Ms. James confirmed with the Board that at the previous meeting they had decided a playground committee was not necessary due to the fact that there were such limited options for equipment and vendors at this time. The Board determined they could handle playground equipment discussions within regular Board meetings and did not need a committee.

C. Review and consider approval of proposal from Mission Communications for Pump Station Controller Cellular Service. This was previously discussed under the claims section in financial matters and the Board still wants more information on why the dates of the invoice do not match the date of requested payment.

- D. Review proposals for snow removal services and consider next steps.  
E. Review proposals for landscape services and consider next steps.

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The Board discussed the proposals that were received for snow removal and landscape services. They expressed dissatisfaction at the process and said they did not have sufficient time to review the proposals prior to SDMS narrowing down the list and scheduling interviews. The Board noted that they had a Special meeting scheduled for the next day, October 19<sup>th</sup>, to interview 3 contractors that all offered both services. Such contractors are BrightView, CDI and Keesen. Ms. James noted to the Board that if they were not satisfied with the interviews and felt that they did not have adequate time to prepare or select contractors for interviews, they could always extend the interview process or invite other contractors for interview if the meeting on October 19<sup>th</sup> did not satisfy them.

The Board briefly discussed BrightView and their satisfaction in the interim landscape contractor. The noted the large pricing difference between BrightView's new proposal and the other contractor proposals and noted the need to check all of their other options. The Directors also noted the overage on the time and materials for the irrigation repairs with BrightView as opposed to what was estimated in the contract and discussed that the approval process for such repairs needs to be clarified with the Board so that a distinct point person is identified and the Board is more informed of repairs that occur between meetings.

### ENGINEERING MATTERS

A. Discussion regarding engineering RFP for future projects.

Pedestrian bridge  
Wildfire Mitigation Permitting  
Pipe intake for Crystal Lake

B. Consider proposals to engage an engineering firm to improve the District's mapping capabilities using GIS.

The Board discussed the specific project items and that the District still really needed a dedicated engineering consultant for all engineering matters due to the number of them and the need to learn the irrigation system, etc. The Board directed Ms. James to tell SDMS to revise the engineer RFP to remove timelines and state "open until filled" and to re-send to SDA list, post on SDA website and send to anyone on Director Glass's list.

### LEGAL MATTERS

A. Update on insurance claim for tree damage/loss in storm. Not discussed.

B. Update on reimbursement from Sturgeon Electric for main line repairs.

Ms. James asked the Board if they had reviewed Ms. Duke's draft letter to

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Sturgeon and if they had any changes or comments. They did not. Discussion was had to confirm the total of the Sturgeon related invoices from C&L. Director Rubic confirmed that Ms. Duke was missing invoices number 3039 and 2897. Ms. James will let her know so she can add that information. The Board also discussed that consultant time should be added up. Ms. James will look into that for Mulhern, CLA, and herself.

- C. Consider options for addressing homeowners' encroachments on District property. Not discussed.
- D. Discuss proposal to amend service plan and consider ballot question to allow the District to explore improved broadband for resident use. Not discussed.
- E. Discussion regarding potential homeowner survey regarding ranked choice voting. Not discussed.
- F. Update on Conflict-of Interest Questionnaire. Not discussed.
- G. Other. None

### **DIRECTOR MATTERS**

- A. Discussion to consider a proposal regarding transition to SIPA website

The Board discussed their frustration with slow updates to the website. Ms. James confirmed the Board could hire an outside consulting person for the website and SDMS could be the point of contact. The Board discussed pros and cons of SIPA website. The Board will invite website contractors to a meeting in 2023 to do a presentation of their services offered.

- B. Discussion regarding grant/loan opportunities and assistance with Farmer's Market. Not discussed.
- C. Update regarding greenhouse progress. Not discussed.
- D. Other.

The Directors noted that the drainage issue that was cleared by Metco Landscape Inc. is still outstanding. They will need an estimate to move that item forward.

### **OTHER BUSINESS**

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### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Glass, seconded by Director Jensen and, upon vote, unanimously carried, the Regular Meeting was adjourned at 9:02 p.m.

Respectfully submitted,

By: Travis C Jensen  
Secretary for the Meeting