

## RECORD OF PROCEEDINGS

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

### GVR METROPOLITAN DISTRICT

Held: Wednesday, April 16, 2008 at 6:30 P.M., at the GVR Metropolitan District Office, 18650 East 45<sup>th</sup> Avenue, Denver, Colorado

Attendance A regular meeting of the Board of Directors of GVR Metropolitan District, Denver, Colorado, was called and held as shown above and in accordance with the applicable statutes of the State of Colorado with the following directors present and acting:

T.J. Stone, President  
Elana Perry, Vice President (excused for cause)  
Marlene Martin, Secretary/Treasurer  
Michael George  
Joanne True

Also present were: Evan D. Ela, Collins Cockrel & Cole, a professional corporation; Charlie Foster & Steve Bidwell, Oakwood Homes; Gary Haley, Website Committee; Paul Gilberto, Graffiti Committee; Charles Spratt, Charles Britton, Jerry Jacobs, Mary Schumer, Walt Cross, John Smith, Elaine Smith, Earleen Brown, Anthony Noble and Marvin Sweeney.

1. Call to Order Chairman Stone called the meeting of the Board of Directors of the GVR Metropolitan District to order at 6:35 p.m.

2. Approve Agenda The Board discussed the agenda as posted and determined to delete the discussion item entitled "Sign Policy Amendment." By consensus the Board approved the revised agenda.

Chairman Stone noted the absence of Director Perry. Mr. Ela stated that his office had received notice that Director Perry would not be in attendance. **Upon motion by Director True, seconded by Director George, Director Perry's absence was excused.**

Mr. Charles Britton, from the audience, stated that he would be video recording the meeting.

3. Conflicts of Interest Disclosures No disclosures were made.

4. Comment Period    **a. Developer Representative(s)**

Mr. Charlie Foster, representing Oakwood Homes, informed the Board that he believed that negotiators were getting very close on finalizing the Oakwood Settlement Agreement. He stated that there has been progress on facilitating property transfers and that Oakwood's review of accounting for past system development fee payments is nearly complete.

**b. Graffiti Committee**

Mr. Paul Gilberto, Committee Chairman, reported that Councilman Hancock's, Citizen Advisory Board is now involved in the graffiti abatement program, and seeks to expand the area covered by the graffiti hotline to include the entire Green Valley Ranch neighborhood. Mr. Gilberto requested the Board consider allowing expansion of the program by keeping the phone hotline and the reporting process the same, but to include Ms. Loretta Rowan, Covenant Enforcement Manager for the Ebert and Town Center Districts, as a contact person for graffiti incidents occurring north of Green Valley Ranch Parkway. Chairman Stone indicated that the GIS System could not track graffiti statistics north of Green Valley Ranch Parkway since that area is not in the GIS database. The Board discussed the benefits of the program to the whole community, and by consensus approved expansion of the program as requested.

The Board and Mr. Gilberto then discussed the status of volunteers available for the program and the need to recruit additional volunteers for the north side of Green Valley Ranch Parkway. The Board also discussed Mr. Gilberto's success with involving the City Graffiti Coordinator.

**c. Master Homeowners Association Representative**

Mr. Paul Hebenstreit, HOA Services Manager, reported to the Board that Richard Darby had been hired as the neighborhood observer responsible for patrolling and documenting covenant violations. He stated that inspections are occurring, and 542 violations since April 1 have been documented. Most of the violations concern deteriorated paint, trash cans left at the curb too long and basketball goals not put away after use. He said he has been receiving numerous complaints and questions from homeowners affected by the violations that have been noticed. He also reported that there are approximately 140 homes currently in foreclosure within the neighborhood.

Mr. Hebenstreit responded to questions from the audience as follows:

- Several questions were raised concerning the storing of

portable basketballs goals, to which Mr. Hebenstreit stated that portable goals should be rolled away and stored when not in use. He explained that in some communities this concept is strictly enforced, with various levels of compliance. After further discussion with the audience and the Board, Mr. Hebenstreit stated that he would discuss with the HOA Board to see if the strictness of enforcement could be relaxed somewhat, but the underlying covenant requirement is that goals be stored when not in use.

- A question was raised concerning the parking of large trucks within the neighborhood. Mr. Hebenstreit reported that this is a violation and the reporting process to be used by neighbors was described. He stated this is a problem in some neighborhoods, and has apparently not been strictly enforced within the Master Homeowners Association areas in past months.

**d. Public Comment**

Mr. Gary Haley, addressed the Board and the audience that he is President of the Mitchell Place Homeowners Association, and reminded everyone that Mitchell Place is a gated private community that is privately maintained and managed. He stated that it is a policy of Mitchell Place to deny soliciting, and therefore political campaigning on the property is not allowed. There ensued a discussion about the possible difference between commercial solicitation and political solicitation, and it was determined that a legal opinion would need to be obtained by the political factions on whether there is a legal distinction.

Mr. Charles Spratt addressed the Board about his perception that the Board is not doing anything to improve downed fencing and other maintenance of foreclosed properties. Chairman Stone responded that through the District's contract with the Master HOA, funds have been budgeted and a committee will be formed to provide essential maintenance to foreclosed properties. Mr. Spratt believed that progress was not being made soon enough, but when offered a position on the committee declined to commit to the effort.

Mr. Spratt then informed the Board of his perception that the information provided in the newspaper on the proposed Community Center by Director True was erroneous. Director True responded with comments as to the accuracy of the information she had provided to the newspaper. She stated that any opinions in the article were her own, not the Board's.

Mr. Charles Britton, inquired about District Board member attendance requirements. Mr. Ela responded to Mr. Britton by describing the statutory requirements for an excused absence and disqualification as a Board member following three successive unexcused absences.

Mr. Britton questioned the Board about activity toward construction of the Community Center at 4000 Argonne. He inquired as to the current status of work and whether a building permit had yet been issued. Director True responded that the sewer line and gas lines were being cut so that the demolition of the existing house could occur. She said a permit for demolition will be issued prior to the demolition and that the District is proceeding through the City process to obtain a building permit for the Community Center.

Mr. Britton complained that he had not received the HOA Newsletter for April. Several other members of the audience and the Board stated that they had also not yet received the newsletter.

Mr. John Smith addressed the Board on the following issues:

- He stated that he had not received an HOA Newsletter and asked the District staff to address that problem.
- Mr. Smith took exception to an HOA Newsletter article about the lawsuit between the Master HOA and Westwind Management particularly because it implicated his wife, Ms. Elaine Smith, as responsible for the lawsuit. He recited for the Board and the audience HOA Board minutes from 2006 indicating that a contract with Westwind was approved unanimously by the Board. Chairman Stone indicated that discussion regarding the issue should be addressed to the HOA Board.
- Mr. Smith addressed the Board and the audience about his disagreement with Director True's personal comments in a newspaper article concerning the election. Director True stated that any opinions in the article were her opinions, NOT the Boards' opinions.

Ms. Earleen Brown addressed the Board and the audience about her objection to being mentioned in an article published in the Rocky Mountain News Hub.

Mr. Anthony Noble addressed the Board on the following issues:

- He requested clarification on the issuance of sign permits by

the District. He requested that larger signs that had been granted a variance under the District policy be taken down. After discussion the Board determined that only one of three large signs was on property regulated by the District. Chairman Stone stated that his committee was responsible for the sign and that it would be moved from District property the following weekend despite the fact that a variance had been granted. Mr. Ela clarified for the Board and the audience that a variance for non-conforming signs is allowed under the sign policy and that any party is entitled to request a variance to place a larger sign. Variances are granted at the discretion of the District Manager.

- Mr. Noble asked for a schedule of the construction activities and the contractors that would be involved for the Community Center. He mentioned that his property is in close proximity to the project site, and he would like to caution his wife and children about activity at the site.

5. Consent Agenda     **Upon motion by Director True, seconded by Director Martin, the Board unanimously passed the consent agenda, including minutes from the March 19, 2008 regular Board meeting and April 2, 2008 special Board meeting.**

6. Director Items     Director George stated that he believed that ambiguity exists in the District's current sign permit policy concerning what portions of the District-owned or managed properties are regulated by the policy. The Board then discussed the apparent ambiguities, and suggested that the policy be amended at a later meeting to remove the ambiguities, and to incorporate aspects of the Denver Sign Code Policy as are applicable.

7. Legal Report     Mr. Ela provided a report to the Board on the following:

**a. IGA with DPS**

Mr. Ela reported to the Board that he had provided a revised Community Center plan to the representatives of Denver Public Schools for incorporation into the draft Intergovernmental Agreement. As of the date of the meeting, he had not received any response from DPS to his phone calls or e-mails.

**b. Oakwood Homes Settlement Agreement**

Mr. Ela reported that he and Chairman Stone met with Mr. Charlie Foster and Steve Bidwell from Oakwood Homes on the prior Monday. He stated that all issues had been resolved except the final cash settlement amount. He stated that Oakwood is still researching the

County records to prove prior payments. Mr. Ela asked Chairman Stone to request an executive session later in the meeting to discuss the precise terms of the cash settlement.

**c. General Steel**

Mr. Ela reported to the Board that litigation counsel has finished its research into the case and recommends making a claim. He asked Chairman Stone to call an executive session later in the meeting for discussion of the litigation counsel's litigation recommendations.

**d. HSM Security Video System**

Mr. Ela reported that litigation counsel is still evaluating the best course of action concerning the security system.

8. Discussion Items **a. Website Project**

Mr. Gary Haley reported that he is working on the new website computer server that will allow installation of the Community Center website. He said improvements to the server environment are necessary to allow deployment of the website more efficiently.

**b. Community Center Project**

Director True indicated no further update to the comments already provided as to the progress on the Community Center. She did inform the meeting that contractors had been chosen for telephone and computer system installation, GrahamGolden, and for security and electronics, EBD.

**c. Maintenance Building Project**

Chairman Stone had no further report. Ms. Elaine Smith asked if the Maintenance Building will eliminate some of the current parking at the Administration Building, Chairman Stone responded that parking will be unaffected by construction of the Maintenance Building.

**d. Recruitment Process for District Manager Position**

Chairman Stone reported that the Board is currently negotiating with one of the finalists for the position, and expects the new manager to begin during the month of May. Director George inquired about whether there had been a change in negotiating terms with the finalists, and Chairman Stone stated that the particulars of the negotiation would be discussed in executive session.

9. Executive

**Upon motion by Director True, seconded by Director Martin, the**

- Session                    **Board unanimously approved entering executive session at 7:42 p.m. as allowed by Section 24-6-402(4)(b), (e)(f), C.R.S., for the purposes of discussing the Oakwood settlement, litigation with General Steel, and personnel matters involving the District Manager finalists.**
- The regular meeting was reconvened at 9:44 P.M. following executive session.
10. Other Matters        Director True advised the Board on the preparations being made for the Community Center groundbreaking ceremony planned for May 1, 2008 at 12:00 P.M. The Board discussed the invitation list and possible other invitees.
11. Adjournment        **Upon motion duly made and seconded the meeting was adjourned at 10:07 P.M.**

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting and was approved by the Board of Directors of the District on 21<sup>st</sup> day of May, 2008.

Respectfully submitted,

/s/ Marlene A. Martin

Marlene A. Martin, Secretary