

# RECORD OF PROCEEDINGS

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

OF THE

GVR METROPOLITAN DISTRICT

Held: Wednesday, March 17, 2010 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. The following Directors, having confirmed their continued qualification to serve on the Board, were in attendance:

Michael George, Vice President  
Anthony Noble, Treasurer  
Joanne True, Director  
Charles Britton, Director  
Michael Haskins\*, Director

Absent: Earleen Brown, Mary Schumer, absences excused.

Also present were Andrew Pimental, District Manager, GVR Metropolitan District; Barbara T. Vander Wall, Seter & Vander Wall, P.C., legal counsel; Eric Gravenson; Jim and Fenna Tanner, Mariann Toomey, Paul Gilberto, Elaine Smith, Roger Rohrer and John V. Smith, District residents.

[\*Arrived when indicated.]

### Call to Order / Quorum

In the absence of Director Earleen Brown, serving as Acting Chair, Director/Vice President Michael George noted that a quorum of the Board existed with four 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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The Board unanimously agreed to excuse the absences of Directors Brown and Schumer, which absences had been previously announced to the Manager in advance of the meeting.

### Approval of Agenda

The Board reviewed and approved the agenda, by a vote of three in favor to one opposed (Director Britton), with one revision to add the consideration of an IGA between the District and Thompson Crossing Metropolitan District #3.

### 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. No additional conflict disclosures were announced.

### Approval of Minutes

The minutes of the regular meeting of the Board of Directors held February 17, 2010 were read. Director True recommended a change to language on page 6 to include the HOA in the description involving the newsletter compliment. Upon motion duly made and seconded, the Board approved the minutes with the proposed change by a vote of three in favor to one opposed (Director Britton).

### Public Comment Period: - Public Comment

Mr. Jim Tanner commented that the HOA is offering to allow director candidates to publish statements on the HOA website regarding their candidacy. Ms. Elaine Smith, on behalf of the Far Northeast Neighbors, reported that the FNN will be hosting a Candidates Forum at Green Valley Elementary School on April 8, 2010 at 7:00 p.m. She hoped to get the District candidates to advise as to their commitment to attend. Mr. Gravenson inquired as to whether the District might put an announcement of the Candidate Forum on the District's website.

[\*Director Haskins arrived at this time.]

### - Master HOA for GVR

Mr. Roger Rohrer, on behalf of the Master Homeowners Association for Green Valley Ranch, indicated that the HOA committee members are progressing with discussions regarding the HOA/District agreement, and that the meetings to date have been successful. Currently, the HOA is looking at the specific covenants requested to be enforced by the District. He also advised that notices have been sent out regarding the HOA assessments, with an explanation. Approximately 3,500 of the



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Director Noble then reviewed with the Board the listing of claims payable through March 17, 2010, totaling the amount of \$16,753.13. Upon motion by Director True, second by Director Noble, and a vote of four in favor, one opposed (Director Britton); the Board approved the payment of claims as presented.

### - District Manager Report

Mr. Pimental directed the Board members to the Manager's Report provided in the Board packets and additional materials distributed for Board review.

Mr. Pimental reported that he has recently learned that the District was not selected as a recipient of the GOCO grant funds for the District's 42<sup>nd</sup> and Lisbon park project. He expects to receive a formal announcement soon. Later in the meeting, he will present a "business plan" /Power Point presentation to the Board for the project. Mr. Pimental has accepted an invitation from GOCO to be a "peer reviewer" of other grant applications; Mr. Pimental hopes to learn more about the grant process and ways to increase the District's scoring on future grant applications.

Mr. Pimental reported that he has a meeting scheduled with Denver parks and recreation upper management staff regarding collaboration in District programs.

Mr. Pimental updated the Board on the dispute involving the recovery of \$2,900 from the District's contractor, Chavez and Sons. He negotiated an agreement with Mr. Chavez for a payment plan which would pay the outstanding amount, plus fees, over a six-month period. The agreement was approved by the small claims court as a stipulated arrangement, which would provide for wage garnishment in the event of a default. Following motion, second and unanimous vote, the Board approved and ratified the payment agreement as discussed.

Mr. Noble raised the issue of a new product effective against pine beetles. He asked Mr. Pimental to look into the product to see if it could be used in the District's landscaping program.

### - Planning Committee Report

Director Noble reported on Planning Committee activities: (1) review of potential acquisition of vacant property for future development based on District needs; and (2) consideration of outsourcing management services.

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He noted that there is ongoing review of the Lutheran Church property that was discussed at the previous meeting, as well as property located at 4000 Argonne, and the current administration building property. The Planning Committee intends to look at property use and proposed purposes and come back to the Board with recommendations.

Mr. Noble also reported on his recent meeting with the president of CRS Management Services, and acknowledged that the initial presentation of a purported \$300-500,000 annual savings was inaccurate. The Planning Committee identified savings of \$100,000 as a threshold for consideration for outsourcing management services. The Planning Committee rejected CRS' financial proposal to perform an evaluation of the District's services. Mr. Noble concluded by stating that the Committee is still working on figuring out what to recommend to the District, including whether to solicit proposals using a competitive "request for services" process.

The Planning Committee members include: Bert Bourgeois, Biff Birkenmayer, Jim Tanner, Director Anthony Noble, Director Earleen Brown, Director Chuck Britton, Director Schumer, Andrew Pimental and Micaela Duffy. Minutes of the Planning Committee meetings are being taken by Director Schumer and will be presented at a future Board meeting.

There was general discussion from the members of the public as to whether savings is the only factor to be considered by the Board. Mr. Noble indicated that the review is being done in response to requests by the Board and the community.

Director Haskins inquired as to the purposes of the Planning Committee and what is intended to be a "committee" topic versus a topic to be taken on by the full Board. He suggested that before progressing further on outsourcing management services or making inquiry of potential vendors, the Board consider why the District should pursue this option and what the District's management services requirements are.

Discussion Items / Unfinished  
Business  
- Contract for Registered  
Nurse Services

Mr. Pimental directed the Board members to a contract for RN services between the District and The Children's Hospital Association, which would provide registered nurse services in connection with the District's youth programs at the rate of

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\$67.50 per hour, not to exceed the annual amount of \$1,000 without additional Board approval. He indicated that he has not yet received an executed copy from the contractor. Following discussion, and upon motion, second and unanimous vote, the Board approved the contract, subject to the Hospital's review and approval of the document.

- Committee Update re HOA /  
District Services Agreement

Manager Andrew Pimental reported that the committee held its second meeting on March 8, 2010. At this meeting it was determined that the District will prepare a draft of its expectations and begin the financial discussions. The parties anticipate getting a solid agreement by late summer, but have not yet discussed a timeline. Director Noble raised the issue of having the financial obligations identified and agreed upon in time for consideration as part of the District's budget process in the third quarter. He also pointed out that the District will need to consider the impact of the decrease in property valuations in its revenue needs discussions. Mr. Rohrer stated that the Committee is committed to meeting regularly, and that the arrangement will require constant vigilance.

The Board reviewed the minutes prepared by Director Schumer of the February 8, 2010 committee meeting; upon motion by Director Haskins, second by Director True, and a vote of three in favor, none opposed, the Board approved the minutes as presented, with Directors Noble and George abstaining.

- MOU re Joint Newsletter  
with HOA

The Board members reviewed the revised Memorandum of Understanding included in their meeting materials between the District and the HOA, with the modifications made pursuant to the Board's direction at the last meeting. Upon motion by Director Noble, second and unanimous vote in favor, the MOU was approved as presented, with Director True abstaining.

- Business Plan for  
Development of Detention  
Pond at 42<sup>nd</sup> and Lisbon

Mr. Pimental gave a Power Point presentation to the Board on a proposed business plan for the development of the detention pond at 42<sup>nd</sup> and Lisbon project to be used for recreational facilities and programs. The Board discussed the revenue and expenditure assumptions used in the plan, and the proposed 3-year phased process. Mr. Pimental noted that the fee revenue assumptions are based on comparable structures applied conservatively, and that the timing and cost estimates were provided by Nolte Engineering as part of the original feasibility

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planning process. The Board also discussed traffic impact considerations for the project. Based on the denial of the grant funding for the project and need to determine District priorities, the Board did not take action on the business plan at this time.

- Update re Undeveloped  
Parcels for District  
Acquisition

Mr. Pimental updated the Board on the parcel discussed at the last meeting, noting that the 4-acre parcel owned by the developer is not on the market as a church is still planned on that specific site at 48<sup>th</sup> and Himalaya.

- Update re Pirnack-Walters  
dispute

Mr. Pimental stated that the demand for arbitration and mediation has been submitted by Mr. Ben Tracy to Pirnack-Walters. There was no further update at this time.

Discussion Items / New  
Business:

- Far Northeast Neighbors  
Membership

Mr. Pimental asked the Board to consider whether it desired to renew its membership in the Far Northeast Neighbors group, and if so, at what level. In response to questions concerning the group, Mr. John Smith spoke on behalf of the FNN group and described the organization and its purposes. Director Noble moved to renew the District's membership in the FNN at the continuing level of \$100 for the year. Following a second and a vote of three in favor, two opposed (Directors True and Britton), the motion passed.

- IGA between District &  
Thompson Crossing  
Metropolitan District #3

Mr. Pimental directed the Board to the Intergovernmental Agreement between the District and Thompson Crossing Metropolitan District #3, for the reimbursement of costs to the District for GIS services provided to Thompson Crossing Metro District #3. He explained that the IGA is similar to the arrangement the District currently has in place with Town Center Metropolitan District. Upon motion, second and vote of four in favor, one opposed (Director Britton); the IGA was approved as presented.

Other Matters:

Mr. Tanner inquired as to the status of the forgiveness of interest and fees on SDFs in return for the replacement of the dead trees along Tower Road and 48<sup>th</sup> Avenue. Mr. Pimental agreed to follow up with more information on this item.

Director Britton discussed the amount of money spent by the District on computer maintenance.

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Ms. Vander Wall updated the Board on certain legislative bills affecting construction contracts, which will impact the District's construction contracting procedures should the bills pass.

Executive Session

There were no items for executive session 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 8:55 p.m.

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Secretary for the Meeting

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