

MINUTES OF THE SPECIAL MEETING OF THE  
BOARD OF DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, July 19, 2022 at 6:00 P.M. via  
Teleconference

**Attendance**

The special meeting of the Board of Directors of the Leyden Rock 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 qualification to serve on the Board, were in attendance:

Brett Vernon  
Christian Ardita  
Scott Plummer  
Jeff Cunningham

Director Batsel-Stewart was absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present: Megan J. Murphy, Esq. and Erin K. Stutz, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Ben Smith, District Manager, Katie Call, Operations Coordinator, Christine Ahern, Lifestyle Coordinator, Jeremy McClain, and Jessica Towles, CCMC; and Alex Fink, District Accountant, CliftonLarsonAllen, LLP.

**Call to Order**

It was noted that a quorum of the Board was present and the meeting was called to order.

**Conflict of Interest  
Disclosures**

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Murphy noted that a quorum was present and inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters

scheduled for discussion at the meeting. No additional disclosures were noted. The Board determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

**Acknowledgment of Laney Kelly** Director Vernon presented a certificate of appreciation to Laney Kelly, Pool Monitor, for saving a pool patron from drowning.

**Agenda** The Board reviewed the agenda as presented. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

**Consent Agenda** Following a summary by Ms. Murphy, the items on the consent agenda were ratified, approved or accepted in one motion duly made and seconded and unanimously carried:

- Minutes from June 22, 2022 Special Meeting;
- Contract with Fantastic Facepainting for July 4, 2022;
- Contract with Rock Solid Services, LLC d/b/a Big Sky Bounce for July 4, 2022;
- Independent Contractor Agreement with Keesen Landscape Management, Inc. for Watertrak Conversion & Grounding; and
- Work Order #85452 for Demonstration Garden with Keesen Landscape Management, Inc.

**Public Comment** Mr. Hill noted that he has reached out to the Board Members regarding the Amendment to Design Guidelines but has not heard back from any Board Member. Director Vernon apologized for not responding and noted that he wants to hear from the community. Director Cunningham noted that he will provide responses in the public meeting.

Ms. Heinlein inquired about the protection regarding the Mill Levy. Ms. Murphy responded to Ms. Heinlein noting that the debt service mill levy is capped at 40.000 mills for 40 years. The Operation and Maintenance mill levy is not capped and may be increased by the Board. Director Vernon noted that the District has a Budget Committee if she is interested in joining next year. Director Plummer noted that all Board Members are residents who also pay property taxes.

Mr. Ahern inquired about a social media policy for the Board.

Director Plummer asked for an example. Mr. Ahern stated that his son is a pool monitor and has seen comments on social media regarding pool monitors. Director Ardita acknowledged that he made the comment as a member of the District and not on behalf of the Board. Director Vernon noted that social media is an effective tool for the Board and the Community. Mr. Ahern would like to see an environment that is creative and finds solutions rather than negative.

## **Committee Reports**

Landscape Committee Report

Deferred.

## **Director Matters**

Director Ardita requested swim lessons provided in the community pool. Mr. Smith will look into this for the 2023 swim season.

Director Ardita inquired about pulling weeds at Outreach Park. Ms. Murphy noted that he can do this as a non-District sponsored activity.

Director Vernon noted that the number of plants at the entrances was dialed back with the intention of additional plants being installed. Ms. Call spoke with Mr. McClain and he noted there is not room to install more flowers at this time. Ms. Call will investigate this situation. Board discussed a board liaison to communicate between the Board and vendors. Legal Counsel to draft resolution to appoint a board liaison.

## **Financial Matters**

Consider Approval of Schedule of Cash Position and Claims

Mr. Fink presented the Schedule of Cash Position dated March 31, 2022 and updated as of July 13, 2022. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Schedule of Cash Position.

Mr. Fink presented the Claims to the Board in the amount of \$83,814.96. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Claims.

Consider Approval of Requisition No. 1 from General Obligation (Limited

Mr. Fink presented Requisition No. 1 to the Board. Following discussion, upon a motion duly made and seconded, the Board approved funding the pool pump from the General

Tax Convertible to  
Unlimited Tax) Refunding  
and Improvement Bonds,  
Series 2021

Fund/Operations Fee Fund.

**District Management Matters**

District Manager Report

Mr. Smith presented the Report to the Board.

Mr. Smith to look into extending pool hours after Labor Day and will present information at the next board meeting.

Mr. Smith noted that he is working with another fence staining company for 2023 proposals.

Director Vernon stated that he received an email from a community member that Keesen is not mowing behind her yard. Mr. Smith stated that Keesen is mowing from West to East and are progressing through the community.

Director Vernon noted that the community is looking for members to join the Budget Committee.

Director Vernon thanked Director Plummer for working with the staff regarding the pool.

Consider Approval of  
Amended and Restated  
Residential Improvement  
Guidelines and Site  
Restrictions

Mr. Smith presented the Amended and Restated Residential Improvement Guidelines and Site Restrictions regarding exterior paint to the Board. Mr. Smith noted that the light reflectance value (“LRV”) should remove about 15% of color schemes. Board discussed Section 3.24, which requires \$150 review fee for outside schemes and \$75 review fee for within the schemes. Director Vernon noted he would like to have stronger language in Section 3.26.4, requiring the homeowner to stain the interior of the fence; specifically, “Metro District maintains exterior of fences including staining.” Director Plummer moved to approve the Amended and Restated Residential Improvement Guidelines and Site Restrictions. Motion failed for lack of second.

Discussion Regarding  
Maintenance Map Updates

Ms. Call engaged in discussion with the Board regarding Maintenance Map Updates. Following discussion, upon a motion duly made and seconded, the Board unanimously approved Maintenance Map Updates in an amount not exceed \$1,800 with

understanding that Ms. Call will ask about the GIS capabilities.

Discussion Regarding Board Member Assignment for Project Support Ms. Call presented her memo to the Board. Director Vernon and Director Cunningham assigned to Republic Landfill and July Washout Locations. Director Plummer and Director Ardita assigned to Wayfinding Signs. Following discussion, upon a motion duly made and seconded the Board approved the Board Member Assignments.

Discussion Regarding Pool and Clubhouse Use Policy Ms. Call presented her memo to the Board. Director Plummer moved for the change of residential rates to be \$75 and \$25 every hour after. Motion failed for lack of a second.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved an increase for non-residents to \$250 and \$50 every hour after and increased security requirement to 60 people.

Consider Appointment of Tribunal for Architectural Review Committee Appeal The Board engaged in discussion regarding the Appointment of Tribunal for Architectural Review Committee Appeal. Following discussion, upon a motion duly made and seconded, the Board unanimously appointed Director Vernon as the temporary tribunal member.

Discussion Regarding Capital Projects Mr. Smith engaged in discussion with the Board regarding Capital Projects. No Action Taken.

Other Management Matters None.

## **Legal Matters**

Discussion Regarding Clubhouse as a Voter Service and Polling Center from November 4-8 Ms. Murphy presented using the clubhouse as a voter service and polling center. Following discussion, upon a motion duly made and seconded, the Board unanimously approved to use the clubhouse as a voter service and polling center with no rental fee and a deposit to be negotiated by Mr. Smith.

Consider Approval of Independent Contractor Agreement with Buddy Holley CO d/b/a BHC Construction Services for Porter Services Ms. Murphy presented the Independent Contractor Agreement with Buddy Holley CO d/b/a BHC Construction Services for Porter Services. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Independent Contractor Agreement with Buddy Holley.

Other Legal Matters

None.

Executive Session

Upon motion of Director Vernon, seconded by Director Plummer, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 8:40 P.M. for the purpose of receiving legal advice as it relates to an Architectural Review Request for 18592 W. 87<sup>th</sup> Avenue and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations and instructing negotiators as it relates to an Architectural Review Request for 18592 W. 87<sup>th</sup> Avenue.

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of the District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

Also pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

The Board reconvened in regular session at 8:50 p.m.

Executive Session

Upon motion of Director Vernon, seconded by Director Arditia, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 8:51 P.M. for the purpose receiving legal advice as it relates to Agreement in the Nature of an Accord Concerning Infrastructure Acquisition and Reimbursement Agreements and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations and instructing negotiators as it relates to the Agreement in the Nature of an Accord Concerning Infrastructure Acquisition and Reimbursement Agreements.

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of the District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

Also pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take

formal action during execution session.

The Board reconvened in regular session at 9:13 p.m.

**Other Business**

Next meeting August 16<sup>th</sup> at 6:00 p.m.

**Adjournment**

There being no further business to come before the Board and following discussion and upon motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.



---


Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 23rd day of August, 2022.

**Attorney Statement:**

ATTORNEY STATEMENT  
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

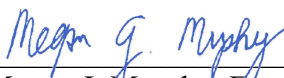
Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Leyden Rock Metropolitan District, I attended the executive session at the regular meeting of Leyden Rock Metropolitan District convened at 8:40 p.m. on July 19, 2022 for the sole purpose of receiving legal advice as it relates to an Architectural Review Request for 18592 W. 87<sup>th</sup> Avenue and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations and instructing negotiators as it relates to an Architectural Review Request for 18592 W. 87<sup>th</sup> Avenue as authorized by Section 24-6-402(4)(b), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

  
\_\_\_\_\_  
Megan J. Murphy, Esq.

**Attorney Statement:**

ATTORNEY STATEMENT  
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Leyden Rock Metropolitan District, I attended the executive session at the regular meeting of Leyden Rock Metropolitan District convened at 8:51 p.m. on July 19, 2022 for the sole purpose of as it relates to Agreement in the Nature of an Accord Concerning Infrastructure Acquisition and Reimbursement Agreements and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations and instructing negotiators as it relates to the Agreement in the Nature of an Accord Concerning Infrastructure Acquisition and Reimbursement Agreements as authorized by Section 24-6-402(4)(b), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

  
\_\_\_\_\_  
Megan J. Murphy, Esq.