

MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, September 20, 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
Scott Plummer
Jeff Cunningham
Christian Ardita
Tanis Batsel-Stewart

Also present: Megan J. Murphy, Esq. and Erin K. Stutz, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Ben Smith, District Manager and Jeremy McClain, 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.

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 August 23, 2022 Special Meeting;
- Minutes from September 11, 2022 Special Meeting;
- Contract with Diann Smith d/b/a The Smithstonians for September 17, 2022;
- Contract with Sherri MacLean d/b/a Fantastic Facepainting for September 24, 2022;
- Contract with Master Events & Gamin LLC d/b/a Casino Party USA for October 8, 2022; and
- Contract with Equalized Productions, LLC for December 9, 2022 and December 11, 2022

Public Comment

Director Ardita thanked Director Vernon for participating in the City Council meeting for emergency exits.

Committee Reports

Landscape Committee Report

Director Batsel-Stewart reported a bid to plant twelve trees is roughly \$5,600 without a warranty; a one-year warranty costs an additional \$1,600. The Landscape Committee is currently waiting on a response from Xcel in regards to their powerline easement to determine acceptable tree heights to plant.

Director Matters

None.

Financial Matters

Consider Approval of Schedule of Cash Position and Claims

Mr. Fink presented the Schedule of Cash Position updated as of September 15, 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 \$14,988.16. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Claims.

District Management Matters

District Manager Report	Mr. Smith presented the Report to the Board. Director Plummer requested Weed Wranglers provide notice for where they plan to spray in the community. Mr. Smith will inquire.
Discussion Regarding Bond Proceed Project Payments	Mr. Smith inquired about a process to approve bond proceed project payments as opposed to payments from the operations fund. Director Vernon asked for a schedule to be presented at each board meeting showing which items are eligible.
Consider Approval of Pool Fob Access Proposal	Mr. Smith presented to the Board the Pool Fob Access Proposal. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal to be paid from the Project Fund.
Consider Approval of Snow Removal Proposal	Mr. Smith presented to the Board the Snow Removal Proposal. Following discussion, upon a motion duly made and seconded, the Board approved the proposal.
Discussion Regarding Patios Home HOA Paint Process	Mr. Smith presented to the Board. The HOAs within the District have more restrictive paint schemes and would like to meet with the District to discuss the review process.
Discussion Regarding Resident Access to Open Space	Mr. Smith presented to the Board. A resident of the District requested access to their backyard through the open space for a large construction project. The Board engaged in discussion and determined to not grant access.
Consider Approval of 2023 Community Sponsorship Program	Deferred.
Consider Approval of Additional Fence Line Mow	Mr. Smith presented to the Board. The City of Arvada Fire Department recommends another fence line mow. This would cost roughly \$15,000 and the funds are available in the budget. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the additional fence line mow.
Discussion Regarding Trash Enclosure at the Clubhouse	Mr. Smith presented to the Board. CCMC met with Republic regarding cost to change six bins to two dumpsters in the Clubhouse trash enclosure, which would require a new enclosure. Republic will provide a new proposal.

Discussion Regarding Mr. Smith presented to the Board. Director Vernon inquired about
Capital Projects having residents discuss a vision for trails to bring in community
involvement.

Discussion of Project Mr. Smith presented to the Board the proposal from Ascent Land
Management Proposal Development. The Board engaged in discussion regarding the
proposal. Ms. Call will provide deadlines in regards to the
entrance monuments, rumination of mudflood, and parcels of land
on 88th underneath the powerlines. No action taken.

Discussion Regarding None.
Management of
Improvements and Progress
by Architerra

Other Management Matters None.

Legal Matters

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
7:46 P.M. to conference with an attorney for the District for the
purposes of receiving legal advice regarding Amended Notice,
Claim, and Summons to Appear for Trial entitled Kostner,
Michelle and Russell v. Leyden Rock Metro District, filed on
September 8, 2022.

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 8:08 p.m.

Other Business

Next meeting October 18th 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.

Scott J Plummer

[Scott J Plummer \(Oct 25, 2022 19:46 MDT\)](#)

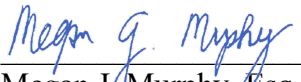
Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 18th day of October, 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 7:46 p.m. on September 20, 2022 for the sole purpose to conference with an attorney for the District for the purposes of receiving legal advice regarding Amended Notice, Claim, and Summons to Appear for Trial entitled Kostner, Michelle and Russell v. Leyden Rock Metro District, filed on September 8, 2022. 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.