

MINUTES OF THE REGULAR MEETING OF THE BOARD OF
DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, October 17, 2023, at 6:00 P.M. via teleconference

Attendance

The regular 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., White Bear Ankele Tanaka & Waldron, District General Counsel; Katie Call and Christine Ahern, AdvanceHOA, District Management; Alex Fink, CliftonLarsonAllen, LLP, District Accountant; Katie Cooley, Ascent Land Development, LLC; and members of the public.

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. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda

as amended.

Public Comment

None.

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 September 19, 2023 Regular Meeting;
- Minutes from September 27, 2023 Special Meeting;
- Minutes from October 3, 2023 Special Meeting;
- Amended and Restated Residential Improvement Guidelines and Site Restrictions; and
- Requisition No. 10 Related to the District's General Obligation (Limited Tax Convertible to Unlimited Tax) Refunding and Improvement Bonds, Series 2021.

Financial Matters

Consider Approval of Payables/Financials

Mr. Fink presented an update to the Board regarding Proposition HH. Director Cunningham noted the Board is researching lowering the General Mill Levy. The Board reviewed the schedule of cash position from June 30, 2023, updated as of October 11, 2023, and claims in the amount of \$217,869.40. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the schedule of cash position and claims.

Capital Projects Discussion

Discussion and Approval of Proposals for Winter Rock

Ms. Call presented the Winter Rock proposals from Keesen Landscaping to the Board. Following discussion, upon a motion duly made and seconded, the Board directed legal counsel to publish a notice of bid for the work in the Denver Daily Journal. Director Plummer noted he would like to do more than publish a notice to bid to seek additional bids for this scope of work.

Discussion Regarding Electrical Installation at Entrances

Ms. Cooley presented a proposal for electrical installation to connect to the entrances in the amount of \$28,689.20 to the Board. The contractor will coordinate installation with Xcel and obtain all necessary permits. Following discussion, upon a motion duly made and seconded, the Board approved a portion of the proposal, pending approval of Xcel's proposal not to exceed \$2,500. Director Plummer voted against approval of the proposal and requested to seek additional proposals.

Discussion and Presentation Regarding Trails Director Cunningham presented The Architerra Group’s proposal to design trails with a total estimated cost of \$770,000. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized The Architerra Group to begin designing the trails.

Other Capital Project Matters None.

Discussion Regarding Grant Investigation Director Vernon noted that he is working with a resident in the community to investigate the possibility of the District using grant funds for capital improvement projects. Ms. Murphy noted there is a provision in the District’s Service Plan provision that requires that an Intergovernmental Agreement with the City be put in place before the District can apply for grant funds if the City can also apply for the same grant funds. Following discussion, upon a motion duly made and seconded, the Board approved entering into an agreement with Ms. Fetterhoff for this work and that Ms. Fetterhoff would provide a memorandum to the Board by November 30, 2023.

District Management Matters

Discussion Regarding Verizon Cell Tower The Board engaged in general discussion regarding the Verizon Cell Tower.

Director Vernon noted: he has considered the input from Verizon and the community; the community needs better coverage but he does not believe this is the right way to achieve the goal; Verizon is not willing to consider other locations and this installation will only benefit a portion of the community; he would prefer to use text messages during an emergency and does not accept the blanket statement that there are no health concerns; and the biggest decision is the presumption of risk because current residents near the clubhouse did not purchase homes near a cell phone tower.

Director Plummer noted: over 10% of the community is against the proposal; he does not agree with the reduction in home values or that there are health risks; and that homeowners did not anticipate this coming to the neighborhood and they do not want it.

Director Cunningham thanked residents for their emails and comments and noted: the District is not interested in locating the cell tower on non-District property; if more cell phone companies

wanted to use the tower, additional infrastructure would need to be constructed; there was no evidence to support health concerns; he has researched property values and cell phone towers, and the results are inconclusive; he represents the residents of Leyden Rock and will try to do what is best for the majority; and he does not support the proposal in its current format.

Director Ardita agreed with Directors Cunningham, Vernon, and Plummer regarding the residents' opinions on the cell phone tower. Director Ardita noted if there was a different location not as close to residents that would be an open discussion.

Director Batsel Stewart noted that she will be voting based on the desire of the community. She said would reconsider the matter in the future based on increased evidence of safety and the ability to provide improved coverage for the entire community.

Consider Approval of Memorandum of Land, Building and Rooftop Lease Agreement with Verizon Wireless Ms. Murphy presented the memorandum to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously determined not to approve the memorandum. Based on a role call vote, each director's votes were as follows:
Director Vernon: No;
Director Plummer: No;
Director Cunningham: No;
Director Ardita: No; and
Director Batsel Stewart: No.

District Manager's Report Ms. Call presented the Manager's Report to the Board.

Consider Approval of Adults Night Out Beverage Choice Ms. Ahern requested Board approval for an alcoholic shot at the Halloween party. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the alcoholic shot.

Consider Approval of 2024 Community Sponsorship Program Ms. Ahern presented 2024 Community Sponsorship Program to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the program.

Consider Approval of Account Balance Removal Ms. Call presented a report to the Board. The late fee/interest/warning letters would be in the amount of \$496.12. Following discussion, upon a motion duly made and seconded, the Board unanimously approved account balance removal.

Consider Approval of Retaining Wall Repair Ms. Call presented a retaining wall repair proposal to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal in the amount of \$2,500.

Discussion and Consider Approval of Tree Care Services Ms. Call presented tree care service proposals to the Board. Director Vernon noted, after reviewing both proposals, that he recommends the Preservation Tree Care proposal due to their expertise. This item was deferred to the next meeting.

Discuss Proposed 2024 Services, Regarding Operating Budget The Board engaged in discussion. No action was taken.

Discuss and Consider Approval of Proposed 2023 Services The Board deferred this matter.

Discussion on 2024 Board Meeting Dates The Board engaged in discussion regarding regular meeting dates. The Board determined to keep regular meetings on the Third Tuesday of the month at 6 p.m. with the Capital Projects meeting on the First Tuesday of the month at 6 p.m.

Other Management Matters Director Cunningham and Director Vernon have met with Ms. Call regarding the 2024 budget and intend to finalize it for approval by the Board in November.

Director's Matters

Discussion Regarding Security Light Proposal Director Vernon noted he advocated for this proposal with the assumption that timers were included. Following discussion, upon a motion duly made and seconded, the Board unanimously rescinded approval of the proposal.

Other Director's Matters None.

Legal Matters

Other Legal Matters None.

Executive Session Deferred.

Other Business

Town Hall Meeting on November 7, 2023 at 6 pm The Board confirmed the Town Hall Meeting date and time.

Special Meeting on The Board confirmed the Special Meeting date and time.
November 7, 2023 at
6:30 pm

Regular Meeting on The Board engaged in discussion and moved this meeting to
November 21, 2023 at 6 November 20, 2023 at 6 pm.
pm

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 (Nov 30, 2023 12:40 MST)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 20th day of November 2023.