

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, June 20, 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, Christine Ahern, Jackie Casas, AdvanceHOA, District Management; Alex Fink, CliftonLarsonAllen, LLP, District Accountant; Katie Cooley, Ascent Land Management; Brian Peck, Keesen Landscape Management, Inc., 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.

**Keesen Landscaping Presentation**

Consider Approval of Mr. Peck and Ms. Call presented Proposal #95709 to the Board. Keesen Landscape Following discussion, upon a motion duly made and seconded, the Proposal #95709 Antero Board unanimously approved proposal #95709 in the amount of \$44, Court & W 83<sup>rd</sup> Path 012.34. Drainage Correction

Consider Approval of Mr. Peck and Ms. Call presented Proposal #95700 to the Keesen Landscape Board. Following discussion, upon a motion duly made and Proposal #95700 Vista seconded, the Board unanimously approved proposal #95700 in Location Restore the amount of \$5,680.00. Landscape and Trail (Near 17512/17492 W 83<sup>rd</sup> Pl)

Consider Approval of Director Vernon presented Proposal #96997 to the Board noting this Keesen Landscape would extend the existing French drain to remove water. Following Proposal #96997 Proposal discussion, upon a motion duly made and seconded, the Board for Drainage Repairs on unanimously approved proposal #96997 in the amount of W 85<sup>th</sup> Bluff and Leyden \$17,980.00. Rock Dr

Consider Approval of Mr. Peck and Ms. Call presented Proposal #95767 to the Board. Keesen Landscape Following discussion, upon a motion duly made and seconded, the Proposal #95767 2023 Board unanimously approved proposal #95767 in the amount of Drain Pan Cleaning \$60,415.00.

Consider Approval of Mr. Peck and Ms. Call presented Proposal #96568 to the Board. Keesen Landscape Following discussion, upon a motion duly made and seconded, the Proposal #96568 for Board unanimously approved proposal #96568 in the amount of Master Pool Sod Repair of \$2,662.50.

. Mr. Peck and Ms. Call presented Proposal #96994 to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved proposal #96994 in the amount of \$18,460.00.

The Board determined the following proposals will be eligible for

capital project funding: #95709 in the amount of \$44,012.34, #96997 in the amount of \$17,980.00, and #96994 in the amount of \$18,460.00.

The Board determined following proposals will be eligible for funding from the general fund: #95700 in the amount of \$5,680.00, #95767 in the amount of \$60,415.00; and #96568 in the amount of \$2,662.50.

Consider Approval of Proposal for Jefferson Parkway Trail Repairs

The Board engaged in discussion regarding sitting water in this area. Keesen Landscape noted a French drain was installed and a new French drain connected to the existing one would solve the problem of sitting water. The new French drain would cost approximately \$18,000.

Director Vernon stated there is discussion about improvements to the south side of Leyden Rock Drive and he is working on a proposal with Keesen Landscape.

**Consider Approval of Independent Contractor Agreement with The Architerra Group for Revised Task and Fee Proposal**

Ms. Cooley presented a revised proposal from The Architerra Group to draft design documents through sketch plan to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the revised proposal and authorized legal counsel to draft an agreement.

**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:

- Requisition No. 5 Related to the District's General Obligation (Limited Tax Convertible to Unlimited Tax) Refunding and Improvement Bonds, Series 2021;
- Requisition No. 7 Related to the District's General Obligation (Limited Tax Convertible to Unlimited Tax) Refunding and Improvement Bonds, Series 2021;
- Minutes from May 16, 2023 Regular Meeting;
- 2022 Annual Report;
- Contract with Rock Solid Services, LLC for July 4, 2023;
- Contract with Sherri MacLean for July 4, 2023 event; and
- Contract with Neslen Enterprises for Movie Night.

## **Financial Matters**

Consider Approval of Payables/Financials Mr. Fink presented to the Board the schedule of cash position from March 31, 2023 updated as of June 8, 2023 and claims in the amount of \$47,084.84. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the financial statements, schedule of cash position, and claims.

Other Financial Matters None.

## **District Management Matters**

District Manager Report Ms. Call provided an update on the transition from CCMC to AdvanceHOA. Director Vernon noted that Ms. Call and Ms. Ahern are doing a great job with the transition. The Board engaged in discussion regarding the vending machine that has been installed at the pool.

Consider Approval of Pool and Clubhouse Use Policy

Discussion Regarding Pool Hours Ms. Call presented the revised pool hours to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved changing the pool hours to 5:00 a.m. lap swim.

Discussion Regarding Large Inflatables in Pool Ms. Call presented the existing rules to the Board. The Board engaged in discussion and determined not to change the rules.

Consider Approval of Mile High Pools Request for Swim Lessons Time Expansion Ms. Call presented a request for extended swim lessons time. Following discussion, upon a motion duly made and seconded, the Board unanimously approved extended swim lessons times as discussed.

Consider Approval of First Amendment to Amended and Restated Residential Improvement Guidelines and Site Restrictions Ms. Murphy presented the First Amendment to Amended and Restated Residential Improvement Guidelines and Site Restrictions to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the guidelines.

Consider Approval of Ms. Murphy presented the Third Amended and Restated Resolution

Third Amended and Restated Resolution Concerning the Imposition of an Operations Fee Concerning the Imposition of an Operations Fee  
Concerning the Imposition of an Operations Fee to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the third amendment.

Consider Approval of Peak One Proposal #4739 Replacing Lights to LED  
Ms. Call presented the Peak One Proposal #4739 to the Board. This item was deferred.

Consider Approval of Resident Reimbursement  
Ms. Call presented a request for resident reimbursement to the Board for the purchase of flowers for the pool deck. Following discussion, upon a motion duly made and seconded, the Board approved the reimbursement. Director Batsel Stewart abstained from voting on the matter.

Other Management Matters  
None.

### **Director's Matters**

Discussion Regarding Sidewalk Boarding Leyden Rock Drive  
Deferred.

Director Vernon  
Director Vernon thanked Ms. Call for obtaining rocks to go over the electrical stubs. Director Vernon is going to work with Ms. Call regarding tone on covenant enforcement drives.

Director Vernon and Director Cunningham met with bond counsel regarding utilization of bond proceeds within the 3-years of issuance. Bond counsel informed the Board they need to be making reasonable progress towards expending the proceeds and there is no filing required at this time. Director Cunningham clarified that there is an audit risk if the bonds were to be audited.

Tree Survey Meeting  
Director Batsel Stewart noted the meeting with Tree Care Preservation Specialist is on July 12, 2023

Other Director's Matters  
None.

### **Capital Projects Discussion**

Discuss and Consider The Board engaged in discussion regarding the location for ore carts, Public Bidding Process the cost of shipping, and storage prior to installation. for Ore Carts

Other Capital Project None. Matters

**Legal Matters**

Other Legal Matters None.

**Executive Session**

Upon a motion duly made and seconded, followed by an affirmative vote of at least two-thirds of the quorum present, the Board enter into executive session at 8:25 p.m. for the purpose of receiving legal advice as it relates to Residential Improvement Guidelines 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 strategy for negotiations, instructing negotiators related to Residential Improvement Guidelines pursuant to Section 24-6-402(4)(b), C.R.S.

Pursuant to Section 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 legal counsel to the District(s), constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

**Other Business** None.

**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.

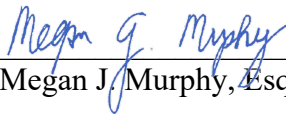
The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Scott J Plummer  
Scott J Plummer (Jul 26, 2023 13:36 MDT)  
Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 18<sup>th</sup> day of July 2023.

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 8:25 p.m. on June 20, 2023 for the sole purpose of discussing Residential Improvement Guidelines 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 strategy for negotiations, instructing negotiators related to Residential Improvement Guidelines 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.

  
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Megan J. Murphy, Esq.