

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
ROXBOROUGH VILLAGE METROPOLITAN DISTRICT
HELD

Tuesday, May 16, 2017

A regular meeting of the Board of Directors of the Roxborough Village Metropolitan District (referred to hereafter as the "Board") was convened on Tuesday, May 16, 2017 at 6:30 p.m., at the West Metro Fire Station 15, 6220 N. Roxborough Park Road, Littleton, CO 80125. The meeting was open to the public.

ATTENDANCE

In Attendance were Directors:

Judi Holden
Calvin Brown
Ron Bendall
Bob Clinard

Also in Attendance were:

Katie James, Esq.; Folkestad Fazekas Barrick & Patoile, P.C.
Steve Smith; BrightView Landscape
Scott Barnett; Mulhern Engineering
Patrick Shannon; CliftonLarsonAllen LLP
Debbie Prysby, resident-722 Kyle Way, Littleton, CO 80125
Barbie Ellis, resident-9804 Fairwood St., Littleton, CO 80125
Scott Maynard, resident-7611 Jared Way, Littleton, CO 80125

**CALL TO ORDER
AND APPROVE
AGENDA**

The meeting was called to order at 6:30 p.m. by Director Holden.

The Board excused the absence of Director Goodrich.

Upon a motion duly made by Director Brown, seconded by Director Clinard, and upon vote unanimously carried, the Board approved the agenda as amended to move Landscape Maintenance after Financial Matters.

**PUBLIC
COMMENT and/or
GUESTS**

A. Scott Maynard – Infield Maintenance Proposal for Ballfields

Mr. Maynard presented the infield maintenance proposal for the softball field to the Board. The Board discussed the frequency of use of the softball field and amount of maintenance needed on a weekly basis. After discussion, upon a motion duly made by Director Clinard, seconded by Director Holden, and upon vote

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unanimously carried, the Board approved the infield maintenance proposal as amended, commencing with ball field usage in 2017 when fees are paid and permits are issued.

Mr. Maynard suggested performing preliminary maintenance prior to prepare the field for the softball season. The Board agreed. Mr. Maynard will perform up to an hour of work to prepare the field and present a bill to the District.

Mr. Shannon noted that he spoke with Mr. Maynard regarding repairs needed to the right field area. Mr. Maynard presented a proposal to repair right field. The Board discussed the costs related with repairing right field, as well as the feasibility of completing the project prior to the start of the softball season. Discussion ensued surrounding the liability of the District in the event of an injury in right field. Ms. James noted that no improvements to the field have been made by the District, and that the slope in the field is due to natural conditions. After further discussion, the Board tabled this item until more information is available.

The Board directed Mr. Maynard to bring a more detailed proposal to the June meeting. The Board also requested that BrightView furnish a proposal for comparison.

B. Direction Regarding Rental of Softball Fields

Mr. Shannon requested that this item be discussed in Manager Matters.

C. Discuss Request to Plant Saplings in Open Space and "Carbon Sink"

Mr. Shannon reported that Ms. Beyer received an email from a resident who is interested in planting saplings throughout the open space to create a "carbon sink." The Board directed Mr. Shannon to put the resident in contact with Mr. Sperger from Ark Ecological Services and Carrie Hanson, resident.

D. Other

Ms. Ellis asked the Board when the soccer field would be available for rental again, as she was told it would not be rented for two years. The Board informed Ms. Ellis that she received incorrect information and that the soccer field would be rented again in July. Ms. Ellis then asked why teams and referees are told to move the soccer goals. The Board explained that the soccer goals must be

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moved to maintain the condition of the field.

ADMINISTRATIVE MATTERS

A. Consider Approval of the April 18, 2017 Regular Meeting Minutes

Following discussion, upon a motion duly made by Director Clinard, seconded by Director Holden, and upon vote unanimously carried, the Board approved the April 18, 2017 Regular Meeting Minutes.

B. Other

None.

FINANCIAL MATTERS

A. Review and Accept Updated Current Cash Position

Mr. Shannon discussed the updated Current Cash Position with the Board. Director Brown asked about the bank fees and if these fees can be waived. Mr. Shannon will look into this matter. Following discussion, upon a motion duly made by Director Brown, seconded by Director Bendall, and upon vote unanimously carried, the Board accepted the Updated Current Cash Position.

B. Review and Consider Approval of Current Claims, Approve Transfer of Funds, and Ratify Payment of Autopay Claims

Mr. Shannon reviewed the Current Claims, Transfer of Funds and asked the Board to Ratify the Payment of the Autopay Claims. Following review and discussion, upon a motion duly made by Director Bendall, seconded by Director Holden, and upon vote unanimously carried, the Board approved the Current Claims, approved the Transfer of Funds, and ratified Payment of Autopay Claims.

C. Review and Consider Approval and Acceptance of District's 2016 Audit

Mr. Shannon reviewed the 2016 Draft Audit with the Board. After review, upon a motion duly made by Director Clinard, seconded by Director Brown, and upon vote unanimously carried, the Board approved and accepted the 2016 Draft Audit, subject to a clean auditor report.

D. Other

None.

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LANDSCAPE
MAINTENANCE

A. BrightView Landscape Report for May

Mr. Smith presented the May Landscape Report, noting that BrightView is assessing the damage caused from the recent hail storm. Mr. Smith provided a proposal for aerial pruning of trees, focused primarily on pedestrian walkways and playgrounds. Mr. Smith also mentioned that outside of the proposal, BrightView would be cleaning up hanging branches that could be reached from the ground.

Mr. Smith advised the Board that the annual agreement for BrightView includes one power-wash of the tennis courts and the skate park. Director Clinard asked that the power-washing of the tennis courts be removed from BrightView's contract for next year, as the District contracts Game-Set-Match to maintain the tennis courts.

Mr. Smith noted that BrightView will be starting native meadow mows this month.

Director Holden that she did not see snow removal until around 2 p.m. during the recent snow storm. Mr. Smith reported that snow removal began around 9 a.m.

Director Clinard noted that the area south of Red Mesa Way should be mowed from curb to fence, not just a beauty band.

Director Clinard noted that the gutters on Village Circle West are full of branches and storm debris from District trees and asked if BrightView can clean up the debris. Mr. Smith said that BrightView should be able to clean up the debris as long as it is not too much.

B. Other

None.

DIRECTOR ITEMS

A. Other

Director Bendall reported that he was instructed to post for the May Board Meeting by CLA. Ms. James explained that she advises Districts to post at the beginning of the year for all regular meetings. Mr. Shannon noted that CLA understands and will not request for additional posting of regular meetings.

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LEGAL MATTERS

- A. Update Regarding Final Water Due Diligence Filing and Executive Session Pursuant To C.R.S., Section 24-6-402(4)(B) and for the Purposes of Receiving Legal Advice on Specific Legal Questions, if requested

Ms. James reported that the decree could be soon. Once it is signed, Mr. Cryan to meet with Mr. Barnett, Ms. Beyer and Ms. James and return to the Board with a plan for next steps.

- B. Review and Consider Ratification of Services Agreement with Moore Preferred Cleaning, Inc. for Restroom Maintenance (enclosed)

After review, upon a motion duly made by Director Clinard, seconded by Director Holden, and upon vote unanimously carried, the Board ratified the services agreement with Moore Preferred Cleaning Services for restroom maintenance.

- C. Review and Consider Approval of Resolution and Services Agreement for Infield Maintenance by Scott Maynard

This item was previously discussed and approved under "Public Comments" Section A..

- D. Review and Consider Approval of Resolution for Services Agreement with Ark Ecological Services, LLC for 2017 Weed and Native Plant Management Program

After review, upon a motion duly made by Director Clinard, seconded by Director Brown, and upon vote unanimously carried, the Board approved the resolution for services agreement with Ark Ecological Services, LLC for 2017 Weed and Native Plant Management Program

- E. Review and Consider Approval of Resolution and Services Agreement for Planet Scuba

After review, upon a motion duly made by Director Clinard, seconded by Director Bendall, and upon vote unanimously carried, the Board approved the resolution for services agreement for Planet Scuba.

- F. Update on Ball Field Insurance Discussion

Ms. James reviewed case law related to governmental immunity as

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it pertains to public facilities. Ms. James explained that the softball field most likely does not present dangerous conditions. Ms. James recommended having the head of the organization renting the field sign an agreement indemnifying the District from responsibility, and having the organization make its players sign waivers.

G. Discussion on Approval Process and Amount for Emergency Expenditures

Ms. James asked that the Board consider allowing the District President the power to authorize a limited amount of money for emergency expenditures. Ms. James will look into District policies to see if the President was granted spending authorization in the past.

H. Other

Ms. James requested that the Board ratify the services agreement with Game-Set-Match. Upon a motion duly made by director Bendall, seconded by Director Clinard, and upon vote unanimously carried, the Board ratified the services agreement with Game-Set-Match.

ENGINEERING
MATTERS

A. 7 Acre Pond Update

Mr. Barnett reported that irrigation was installed by BrightView.

B. Irrigation Pump Station Update

Mr. Barnett reported that the irrigation pump station started on schedule.

C. Other

None.

MANAGER
MATTERS

A. Research on Outfields of Ballfields for Proposal

This item was previously discussed during public comment.

B. Review and Consider Approval of Proposal from Game-Set-Match for Removal and Installation of Net - \$615.17

After review, upon a motion duly made by Director Holden, seconded by Director Clinard, and upon vote unanimously carried, the Board approved the proposal from Game-Set-Match for

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removal and installation of net.

C. Other

Mr. Shannon presented an analysis of sports field fees, recommending that fees be set on a per player basis for organized sports and daily and hourly fee for other rentals. Director Clinard suggested that fees be set per team rather than per player. Mr. Shannon will revisit the analysis and present to the Board at the next meeting.

OTHER BUSINESS

None.

ADJOURNMENT

Upon a motion duly made by Director Holden, seconded by Director Brown, and upon vote unanimously carried, the Board adjourned the meeting at 9:12 p.m.

Respectfully submitted,

By: R. E. Clinard
~~Ronald E. Bendall~~ Secretary for the Meeting
Asst.