

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
ROXBOROUGH VILLAGE METROPOLITAN DISTRICT
HELD
FEBRUARY 17, 2009

A regular meeting of the Board of Directors of the Roxborough Village Metropolitan District (referred to hereafter as "Board") was convened on Tuesday, February 17, 2009 at 6:30 p.m., at the Roxborough Intermediate School, Cafeteria, 7370 Village Circle East, Littleton, CO 80125. The meeting was open to the public.

ATTENDANCE

In Attendance were Directors:

Steve Sherman
Bob Clinard
Scott Pfeffer
Nadine Petersen
Lisa Lorman

Also In Attendance Were:

Bob Brooks; R.S. Wells L.L.C.
Ernie Fazekas; Folkestad Fazekas Barrick & Patoile, P.C.
Jay Jamison; The Brickman Group
Scott Barnett; Mulhern MRE, Inc.
Ron Bendall; 7541 Red Fox Ct., Littleton, CO
Rebecca Hulse; 7851 Mule Deer Pl., Littleton, CO
Debbie Prysby; 7722 Kyle Wy., Littleton, CO
Myles Prysby; 7722 Kyle Wy., Littleton, CO
Linda Goodrich; 10269 Dusk Wy., Littleton, CO
Clyde & Judi Holden; 7578 Bison Ct., Littleton, CO

CALL TO ORDER

The meeting was called to order by Director Sherman at 6:35 p.m. Upon a motion duly made by Director Clinard, seconded by Director Petersen and, upon vote, unanimously carried, the Board approved the agenda as presented.

MINUTES

After discussion, upon a motion duly made by Director Clinard, seconded by Director Petersen and, upon vote, unanimously carried, the Board approved the minutes of the January 20, 2009 special meeting as presented.

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PUBLIC COMMENT A. Discussion on Access to Maintenance / Fire Road between Blue and Red Mesa

Myles Prysby mentioned that he would like access to the Blue Mesa and Red Mesa fire access road in order to tend to birdhouses that have been installed there. Director Clinard provided Mr. Prysby with a key, as he had two keys. He reported to the Board that there were originally four keys to the gate and he has one, Mr. Prysby now has one, another director from Director Clinard's HOA has one, and there is one other key that he believes someone in The Brickman Group has. He requested that Jay Jamison follow up on locating the fourth key. Director Clinard did indicate that finding the fourth key was not imperative since the fire department doesn't need the key in case of an emergency.

B. Graffiti on Stucco at Intersection Rampart Range Road and Village Circle

Several residents had reported that a stucco panel at the northeast corner of Rampart Range Road and Village Circle has graffiti on it. Someone has attempted to remove the graffiti by painting over it, but the paint used does not match the original paint. Director Clinard believes that it may be the homeowners' responsibility. Ms. Hulse said that she had emailed Mr. Peak about it, but had not yet had a response. The Board suggested that perhaps the handyman that does repair work in the restrooms could repair the stucco in an acceptable manner.

C. 16-A HOA Landscape Renovation Plans

The HOA has provided a set of landscape plans for the area across from the Roxborough Intermediate School. The HOA has approved those plans and would like an approval from the Board prior to proceeding. The HOA intends to turn the maintenance over to the District after the upgrades have been made and they want to make sure their plans are acceptable to the Board to allow the District to accept the maintenance responsibly for the parcel. The Board requested Mr. Brooks to put this item on the next agenda.

LEGAL MATTERS A. Attorney's Report

Mr. Fazekas distributed bid documents for the skate park for the Board's review. Mr. Barnett suggested that the Board might want to consider having itemized bids rather than a lump sum bid. Board members concurred and requested that the bid documents be changed to provide for unit bid pricing.

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The Board asked Mr. Barnett about the schedule for completion of the skate park. Mr. Barnett said that they would need to solicit bids for a three to four week period after the County approves the plans. He is contacting the County on an almost daily basis trying to get them to complete their review. Mr. Barnett will prepare a schedule and present it to the Board at their next meeting. During the discussion regarding the schedule, it was concluded that the skate park construction probably would not begin as planned in April requiring Team Pain to be notified. Mr. Barnett will contact Team Pain.

Amended License Agreement – Roxborough Village Filing 16-A: Mr. Fazekas reported to the Board that an amended license agreement had been sent to the previous attorney, not knowing that the attorney had changed. The current attorney recently called Mr. Fazekas with several questions, to which Mr. Fazekas has responded.

LANDSCAPE MAINTENANCE

A. Review Landscape Maintenance Monthly Report

Mr. Jamison presented the landscape maintenance report to the Board.

Turf: Turf is dormant for the winter.

Shrub Beds: Shrub beds are being policed for trash and debris.

Trees: Trees are monitored for low hanging and broken branches, especially after snow events.

Irrigation: Mr. Barnett and Mr. Jamison have prepared an electronic map on 2/11/09 with as much information as possible.

Open Space: Crews have been picking up visible trash and other debris as seen from the roads and trails.

Site Policing: Trash was policed weekly and the Dog-I-Pot stations were checked at the same interval. Trash cans were emptied and checked once per week and the ponds have been checked for debris. Dog-I-Pots are being monitored to see if there's a need for relocation or additions.

Overall Site: Winter watering is occurring this winter during dry periods, especially on the new plant material in the median.

Mr. Jamison also reported that he had met with Xcel Energy and they were going to be removing some trees under power lines. The number of trees to be removed are in the neighborhood of 10 to 12 trees. They are concerned that they are growing too close to the power lines and would either have to be trimmed leaving an unsightly appearance or removed. Mr. Jamison will be on sight when the trees are removed to monitor the work. This will be done at Xcel Energy's expense.

Mr. Jamison also mentioned in a letter that he distributed, because of the continuing poor state of the economy, many of their vendors are actually providing cost savings and he's passing these savings on through their

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maintenance contract, creating savings for the District. The savings will be realized in the bid for pre-emergent applications and should result in an approximate \$3,300 and \$832 reductions for the District and Chatfield Farms, respectively. He also expects to see future savings in ice melting chemicals.

B. Review and Consider Approval of Work Orders from The Brickman Group:

1. North Rampart Range Road Median / \$55,600.
2. Remove Mulch / Add Rock / \$23,550.
3. Install 4"/8" White Cobble in Six Tree Cut Outs / \$1,050.
4. Install 1 1/2" River Rock in Raised Planter / \$1,370.
5. Install Rain Sensors / \$1,584.

Mr. Jamison presented the above listed work orders to the Board for consideration. There was some discussion concerning specific items included in the work orders. Mr. Jamison said that if the Board would approve work orders numbers one through four, he would eliminate the supervision and mobilization charges on numbers two, three and four, for an estimated cost savings of \$1,460. Additionally, Mr. Jamison offered an additional two percent discount if approved during the meeting.

Upon a motion duly made by Director Pfeffer, seconded by Director Lorman and, upon a vote of 3 to 2, the Board approved work orders number one, two, three and four in a total amount of \$75,852.

The Board discussed work order number 5, which consisted of installation of rain sensors in the amount of \$1,584. There was discussion among Board members and public in attendance about the reliability and maintenance required for rain sensors. The Board requested Mr. Jamison to return with more detail on the reliability and maintenance of rain sensors. The Board tabled this work order.

ENGINEERING MATTERS

A. Update on Skate Park

Mr. Barnett indicated that most of his update on the skate park was discussed under attorney items when the Board was discussing bid documents. He will provide a schedule to the Board at the next meeting.

The Board also asked that Mr. Peak provide a monthly report of accrued skate park costs that have been incurred to date. Mr. Brooks said he would relay that request to Mr. Peak.

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B. Review and Consider Approval of Estimated Proposal from Ground Engineering for Materials Testing on the Skate Park Construction

Mr. Barnett reported that he has worked with Ground Engineering on a number of occasions and that they do good work at a reasonable price. He also said he would discuss issues brought up by the Board with Ground Engineering and provide an amended proposal for consideration by the Board at the next meeting.

C. Discuss and Consider Approval of Agreement with American West Construction

Mr. Barnett mentioned that he had visited with American West Construction regarding re-grouting of the boulders and the drop structures at the ponds and they have provided a cost estimate of \$7,250 to replace and grout boulders and re-grout the perimeter of the dock structure. Upon a motion duly made by Director Clinard, seconded by Director Petersen and, upon vote, unanimously carried, the Board approved the agreement with American West Construction for an amount not to exceed \$7,250, subject to review by legal counsel approving the final form.

D. Snow Removal Map / Final Exhibit

Mr. Barnett distributed a final version of snow removal map in connection with 2009 Agreement for Landscape Maintenance Services, Snow Removal Services, and Service Performed Under Work Orders with The Brickman Group to the Board.

FINANCIALS

A. Review and Approve Claims through January 2009

Mr. Brooks reviewed the claims through January 2009 totaling \$48,826.01 represented by check numbers 4039 through 4055. Upon a motion duly made by Director Clinard, seconded by Director Lorman and, upon vote, unanimously carried, the Board approved the claims and the transfer of funds from COLOTRUST in the amount of \$48,826.01 into the District's checking account to pay the claims. The Board instructed Mr. Brooks to hold check number 4054 that includes an amount for holiday lighting in the amount of \$910 to The Brickman Group and to verify that both installation and removal of the holiday lighting was not paid for previously. The Board also asked Mr. Brooks to verify the amount of \$5,200 included on The Brickman Group check for signage and what it included. Mr. Brooks said he would verify the items on this check before mailing.

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B. Review and Accept Unaudited Financial Statements as of December 31, 2008

Mr. Brooks presented the unaudited financial statements as of December 31, 2008 to the Board. Following review, the Board acknowledged receipt of the unaudited financial statements as presented.

DIRECTOR ITEMS

A. Review District Projects and Schedule Lists

Mr. Brooks distributed the District Projects and Schedule List for review by the Board. Director Sherman stated that there were several items that should be updated as they have been completed. The Board would like to add an item for the split rail fence along the trail, noting that it requires maintenance from time to time.

B. Consider Request for Contribution for 19th Annual Easter Egg Hunt

Following review and discussion, upon a motion duly made by Director Clinard, seconded by Director Pfeffer and, upon vote, unanimously carried, the Board approved the requested \$200 donation for the 19th Annual Easter Egg Hunt.

C. Discuss Sports Field Reservations for 2009

Mr. Brooks presented a draft field reservation form to the Board. He noted that the form did not include Sundays, as the plan for Sundays would be for open field time on first come, first serve basis. The Board concurred with leaving Sundays open. Mr. Brooks also pointed out that there was a release of waiver attached to the request, which would require the coach's signature and a date. He also mentioned that as field reservations are made, the Board would be informed so they would know who is using the sports field. The Board also asked if these forms would be available on the website and Mr. Brooks said he would follow up with Mr. Peak. The Board also requested that the rules and regulations for field usage be posted on the website and asked Mr. Peak to follow up on that as well.

OTHER BUSINESS

A. Confirm Quorum for March 17, 2009 Meeting

The Board confirmed that a quorum would be present for the March 17, 2009 meeting to be held at the Roxborough Intermediate School cafeteria.

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B. Review and Consider Approval of Agency Services Agreement With T. Charles Wilson Insurance Service

Following review, upon a motion duly made by Director Petersen, seconded by Director Clinard and, upon vote, unanimously carried, the Board approved the Agency Services Agreement with T. Charles Wilson Insurance Service to act as insurance agent for 2009.

C. Informational Items

Mr. Brooks brought to the Board's attention that the Colorado Special Districts Property and Liability Pool had made a payment (copy of check enclosed) for a claim filed against the District.

ADJOURNMENT

There being no other business to come before the Board, upon a motion duly made by Director Sherman, seconded by Director Petersen and, upon vote, unanimously carried, the Board adjourned the meeting at 8:50 p.m.

Respectfully submitted,

By: David Penk
Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL FEBRUARY 17, 2009 MINUTES OF THE ROXBOROUGH VILLAGE METROPOLITAN DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

Lisa Lorman
Lisa Lorman

Steve Sherman
Steve Sherman

Nadine F. Petersen
Nadine Petersen

Scott Pfeiffer
Scott Pfeiffer

Bob Clinard
Bob Clinard