# RECORD OF PROCEEDINGS

MINUTES OF SPECIAL BOARD MEETING
OF THE BOARD OF DIRECTORS OF THE
SPRING MESA METROPOLITAN DISTRICT
HELD
AUGUST 28, 2014

The special meeting of the Board of Directors of the Spring Mesa Metropolitan District was held on August 28, 2014 at 6:00 p.m., at the YMCA, 6350 Eldridge Street, Arvada, Colorado 80004. The meeting was open to the public.

**Attendance**

In attendance were Directors:

Jo Gentry
Richard K. Wallace
Devon Ostendorf
Sharon Miner
Mark Entman

Also in attendance were:

Matthew Mendisco; CliftonLarsonAllen LLP
Rick Kron, Esq.; Spencer Fane Britt & Browne LLP
Jerry Gentry; 7672 Yule Court
Chris Pletcher; Ayres Associates
Wayne Harris; 7602 Yule Court
Chris Beery; 17932 W. 77th Drive

**Call to Order**

Director Gentry declared a quorum and called the meeting to order at 6:02 p.m.

**Disclosure of Potential Conflicts of Interest**

Director Wallace disclosed that he was a Board Member on the Spring Mesa HOA, but had no conflicts of interest related to the items on the agenda.

**Community Comment**

None.

**Approval of Agenda**

Upon a motion duly made by Director Ostendorf, seconded by Director Wallace and, upon vote, unanimously carried, the Board approved the agenda as amended to include a tree replacement discussion.

**Consent Agenda**

A. Review and Consider Approval of the May 21, 2014 Regular Meeting Minutes, the July 10, 2014 Special Meeting Minutes, and the August 8, 2014 Special Meeting Minutes

B. Review and Ratify Approval of Claims Totaling $88,414.18, Represented by Check Numbers 1751 through 1783

C. Review and Consider Approval of Unaudited Financial Statement as of June 30, 2014

D. Review and Consider Adoption of Resolution 2014-08-01 Adopting Policies and Fee Schedule for the Handling of Record Requests Under the Colorado Open Records Act ("CORA")

Following review and discussion, upon a motion duly made by Director Entman, seconded by Director Miner and, upon vote, unanimously carried, the Board approved the items reviewed as part of the Consent Agenda.

**Legal Matters**

A. Review Legal Counsel Opinion Regarding Drain Liability of the District – Rick Kron

Attorney Kron addressed the Board stating that he had reviewed the drain issue and had two conclusions:

- The HOA does have responsibility for the drain maintenance.
- The District would have liability risk because some of the drains are located on District Property. The HOA's contract with the District has addressed the issue of maintenance and the District is only obligated to maintain what is in the ground and is not required to upgrade the facilities.

The Board thanked Attorney Kron for his report.

**Director Items**

A. Toe and Interceptor Drain Items:

1. Toe and Interceptor Drain Presentation by Ayres Associates – Chris Pletcher

Mr. Pletcher made his presentation to the Board. Following discussion, the Board approved moving forward with the proposal as presented, with an amount not to exceed $60,000.

2. Discuss and Consider Motion to Move Forward on Drain Proposal Application with the City of Arvada

Following discussion, upon a motion duly made by Director Wallace, seconded by Director Ostendorf and, upon vote, unanimously carried, the Board approved moving forward with the application with the City of Arvada.

3. Approval of Funds for the Construction of the Drain Modifications (based on Ayres Associates' presentation) and Potentially Three Additional Cleanouts

This was not needed.

4. Landscape Notes from Newsletter Request

Director Gentry addressed the Board stating that all correspondence had been included in the packet. Director Wallace stated that he would like to see tree replacement for this year with a budget for next year on possible entrance improvements. Following discussion, upon a motion duly made by Director Wallace, seconded by Director Miner and, upon vote, unanimously carried, the Board approved a not to exceed amount of $20,000 for tree replacement.

B. Landscape Status

1. Discussion Regarding December 1, 2014 through November 30, 2015 Landscape Contract

Mr. Mendisco stated that management was bidding out the contract and would have results at the next meeting.

2. Re-Vegetation Proposals

Directory Gentry stated that this was moving forward due to non-compliance of the area and homeowner.

**Manager Items**

A. Builder / Residential Lot Ratio – 8 Builder Owned / 264 Residential

Mr. Mendisco reviewed with the Board.

B. 17747 W. 78th Drive Landscape Issues

This item was covered in Item B.2.

C. Additional Concrete Work

The Board discussed the proposal for additional concrete work. Following discussion, upon a motion duly made by Director Miner, seconded by Director Wallace and, upon vote, unanimously carried, the Board approved the additional concrete work as presented, and authorized an additional $2,500 for extra mail box work.

D. Proposed Fence Installation

This item was tabled.

E. Discuss 2015 Budget Process and Critical Issues for 2015

Mr. Mendisco discussed the process with the Board and stated that he would be submitting a draft budget to the Board by October 15th. The budget would also be presented at the next meeting.

**Other Business**

A. Confirm Quorum for Next Board Meeting – Monday, October 20, 2014 at 6:00 p.m. at the YMCA, 6350 Eldridge Street, Arvada, CO 80004

Director Wallace stated that he felt more people would attend the meeting if they held it at the West Woods Golf Club. Following discussion, upon a vote of 3 for and 2 against, the Board agreed to not move the meeting to the West Woods Golf Club on October 20th.

The Board confirmed a quorum for the next board meeting – October 20, 2014 at 6:00 p.m. at the YMCA, 6350 Eldridge Street, Arvada, Colorado 80004.

**Adjournment**

There being no further business to come before the Board, upon a motion duly made by Director Gentry, seconded by Director Wallace and, upon vote, unanimously carried, the Board adjourned the meeting at 8:14 p.m.

Respectfully submitted,

Secretary for the Meeting