

# RECORD OF PROCEEDINGS

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## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE ROXBOROUGH VILLAGE METROPOLITAN DISTRICT HELD JULY 10, 2023

A Special Meeting of the Board of Directors (referred to hereafter as the “Board”) of Roxborough Village Metropolitan District (the “District”) was convened on Monday, the 10<sup>th</sup> day of July, 2023 at 6:00 p.m. at the Roxborough Library, 8375 N. Rampart Range Rd, Littleton, CO 80125 and via Zoom. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Mark Rubic  
Debra Prysby  
Mathew Hart  
Ephram Glass  
Travis Jensen

#### Also In Attendance Were:

None.

### CALL TO ORDER

At 6:03 p.m. the meeting was called to order.

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Mr. Rubic noted that a quorum was present and requested that members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. It was noted that there are no Disclosure Statements to be filed.

### ADMINISTRATIVE MATTERS

Agenda: Director Rubic reviewed with the Board the proposed Agenda for this Special Meeting. It was noted there were some additional items to be discussed including Audit Discussion, Mainline Repair Issue, Construction on north side Waterton Road and District Irrigation Line, Vendor Commitments for 2024. It was noted this could be discussed under item noted Other Matters.

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Following discussion, upon motion duly made by Director Jensen, seconded by Director Prysby, and, upon vote, unanimously carried, the Board approved the agenda, as presented.

PUBLIC  
COMMENTS/  
HOMEOWNERS  
REQUESTS

None.

BOARD  
DISCUSSION  
MATTERS

**Replacement of Playground Equipment:** The Board discussed the status of replacement of playground equipment including any updates from the District Engineer on accessible areas and footprint. The Board discussed the District Engineer's report prepared for Airplane Park and Community Park playground equipment replacement detailing accessibility and location configuration. The report indicated for Airplane Park that possible equipment choices would fit the location and configuration and there were no accessibility issues. For Community Park the report showed possible equipment choices would fit the configuration of the possible locations identified but none of the possible locations met accessibility standards as paths are currently constructed. The Board discussed having the District Engineer provide additional information on what would be required to make the possible playground locations accessible, including an additional site to the south of the volleyball court. The Board also discussed accessibility to other park amenities.

**Status and Review of Draft Survey:** The Board discussed seeking community response to playground styles and locations. The Board reviewed the draft survey prepared by SDMS. The Board found that the survey for the purpose of receiving community input should be shortened to receive information on possible site locations and equipment choices. The Board directed that the Operations Committee revise the survey and direct SDMS to publish and disseminate the survey for the Airplane Park playground equipment choices in order to have results for Board consideration at the July 19th meeting. The Board deferred any action on the Community Park survey pending receiving additional information from its District Engineer.

**Draft Request and Agreement for Use of Sign/Banner Posts:** The Board reviewed the draft request and Agreement for use of sign/banner posts in Roxborough Village Metropolitan District. Director Rubic noted that a draft of this document that has been reviewed by District's attorney and is included in the

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meeting packet and that the Board should be prepared to discuss and take action on the document at the July 19th meeting.

**Graffiti/Vandalism Messages:** The Board reviewed the draft graffiti/vandalism messages for placement on District website and dissemination to community. Director Rubic noted that a draft of this document included in the meeting packet has been reviewed by District's attorney and the Board should be prepared to discuss and take action on the document at the July 19th meeting.

**Landscape Performance, Upkeep and Conditions:** The Board discussed the status of landscape performance, upkeep and condition as well as any changes/alterations to the landscape contract regarding mowing scope, frequency, and criteria that may be needed. It was noted that in the past week, CDI has made meaningful progress on a number of outstanding issues, such as weed control on medians, some rock beds, and beauty band mows. The Board noted that some areas still needed to be addressed, such as additional weed control and removal, correcting improper beauty band mows, fence line mows that leave swaths of unmown grass that are less than 20 feet wide, and areas that require full beauty band mows. The Board then discussed recent communication that was received from Arrowhead Shores addressing various matters. The Board identified some issues that it will seek the District's attorney review and will then have a response prepared.

**Game-Set Match Inc. Windscreen Proposal:** The Board reviewed the Game-Set-Match Inc. updated windscreen proposal that includes cost of installation. The Board reviewed the revised proposal that eliminated the sales tax and added in the cost of installation for the windscreen. Director Rubic noted that at the June 21st meeting the Board approved the proposal but since it has now been revised the Board should make an exception to its guideline that no action be taken at these "Board-Only" and vote to approve the proposal in order for the contract to be signed and execution could commence without any further delay.

Following discussion, upon motion duly made by Director Jensen, seconded by Director Hart, and, upon vote, unanimously carried, the Board approved the proposal, subject to review by the District's attorney.

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**Turf Replacement:** The Board discussed where to perform turf replacement under approved grant (any updates on estimates from CDI). It was noted that the Board has not received any estimates from CDI. The Board deferred discussion at this time.

**Proposals for Repairing Damage at Community Park:** The Board reviewed two proposals it received for repairing damage and issues at the Community Park restroom building. It was noted the most recent proposal received did not include estimates for performing the work, which was requested, and that the vendor should be asked to provide a revised proposal in time for the Board to consider at its July 19th meeting.

**Volleyball Court:** The Board discussed fixing the volleyball court (any updates on new information/estimates). The Board has not yet received a proposal that it has requested. The Board deferred any further discussion at this time..

**Project/Repairs to Existing District Facilities/Infrastructure:** The Board discussed any potential projects/repairs to existing District facilities/infrastructure to undertake by end of fiscal year, including Community Park parking lots repair/recoating/restriping, repairs to concrete sections, new bollards, painting of gazebo/restroom buildings, drainage at basketball court, skate park cracks. Director Rubic noted that at the July 19th meeting the Board will begin preliminary discussions regarding the 2024 budget and the Board as part of that may want to discuss what, if any, other matters the Board would like to have done this fiscal year. Director Jensen noted that there are items that could be pursued but the Board should be careful not to undertake matters that may detract from ongoing matters such as the playground replacements. It was noted that repairing unsafe concrete paths should be prioritized and would not detract from ongoing efforts because it would be using a separate contractor.

**Chatfield Agreements/Update:** The Board noted that it has not yet received any drafts or information from the District's attorney. The Board deferred discussion at this time.

**Safety Concerns Along Waterton Road:** Director Hart noted that Director Glass just provided the Board a copy of the police report on this incident. The Board discussed the merits of starting a dialogue with the county about pedestrian/cyclist

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safety at this area/crossing as well as others in the District and will have SDMS reach out to our area's County Commissioner to start the engagement.

**Tree Care Proposal from SavATree:** The Board reviewed the updated proposal from SavATree. Director Rubic noted that he has found a number of issues in the proposal, such as duplicate cost estimated for tree services, identification of trees, and omission or removal of trees. Director Glass noted there are a number of tree service estimates that the District may not want to perform since they do not present any safety issues and residents may not wish certain trees to be trimmed. The Board directed the Operating Committee to have SavATree revise their proposal based on the corrections identified.

**Supervision Zones:** The Board discussed the Supervision Zones to include publicizing such zones and seeking community volunteers to assist Board zone assignments. The Board discussed the plan to have District walk-throughs in August. August 6th and 30th were identified as possible dates with a third unidentified date. It was determined that the August 6th walk-through would cover the area east of Rampart Range Rd and two electric carts would be rented. If only one cart is deemed needed, the subsequent walk-throughs would only have one cart rented. Director Glass will continue to work with SDMS to identify dates and times and postings for these meetings.

**Current Approved and Requested Community Permits:** The Board reviewed the lists of current approved and requested community permits (Sports Field Use, Park Areas & Gazebo, Food Truck Vendors, etc.). The Board discussed the request and uses to access park green spaces with vehicles to set up or transport equipment. The Board reiterated that in order to protect green spaces and grass areas and sprinkler heads no vehicles are permitted. The Board expressed that a small ATV may be utilized as long as it traverses along paved paths to the greatest extent possible and not be used at all if the green space fields or areas are wet/soggy with water or precipitation. The Board also noted any permit requesters considering food truck or refreshment vendors need to ensure that such vendors have a current District permit. Director Hart asked about permit requesters planning movie nights whether they have or may be required to have a copyright license for such a use and if they do not what if any legal consequences the District may have. The Board will request the District's attorney to review this question.

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**Noxious Weed Removal Grant:** Director Glass notified the Board that there are grants available for removal of noxious weeds. The Board agreed that Director Glass should continue to work with SDMS to identify and pursue these grant opportunities.

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### **LEGAL MATTERS**

**Resolution Establishing Environmental Committee:** The Board reviewed the Resolution Establishing Environmental Committee.

Following discussion, upon motion duly made by Director Glass, seconded by Director Rubic, and unanimously carried, the Board adopted the Resolution Establishing Environmental Committee.

**Maintenance Agreements for Medians:** The Board determined that additional research into the plats and other agreements was needed in order to move forward with requesting/pursuing agreements. Director Prysby and Attorney Ross will review plats and report back to the Board.

**District Account on Local Community Facebook Forum:** The Board deferred discussion.

**Other:** There were no other legal matters to discuss.

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### **OTHER MATTERS**

**2022 Audit Discussion:** Director Rubic informed the Board that Colorado CPA who was selected to perform our audit has objected to the changes of its engagement letter that the District's attorney has advised. The District's attorney provided: "I cannot recommend that the District sign the letter; however, I recognize that the District is in a difficult spot because it must have the audit completed and it would be difficult, if not impossible, to locate and engage another auditor. On balance, and recognizing all of the issues and risks discussed above, it is probably more important to ensure it complies with the statutory requirement to have the annual audit completed. At the end of the day, the District will need to make a business decision on whether to go forward with this auditor." After a discussion, the Board's determination was that it should continue to go forward with this vendor.

**Mainline Repair Issue:** Director Rubic informed the Board that the recent mainline irrigation repair along Rampart Range Road near the skate park is once again leaking. The hole that was dug is full of water and it is running down the hillside. He stated that he noticed it on Friday morning and requested CDI be notified. As of the time of the meeting he has not received any updates from CDI but will continue to request information.

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**Construction on North Side Waterton Road and District Irrigation Line:**

Director Rubic informed the Board he will be meeting with CDI and the construction firm on the project to review a concern about the District's irrigation mainline and/or valve that is located at or near the location where the construction firm is intending to construct a retaining wall. The meeting is scheduled for Tuesday at 10:30 am at the construction site.

**Vendor Commitments for 2024:** Director Rubic noted that the Board may want to consider, since we will begin 2024 budget planning, requesting that its current vendors (management, landscape, snow removal, engineer, and attorney) note their intention as providing services for the district in 2024 and, if so, to prepare new proposals as necessary.

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**ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director Prysby, seconded by Director Jensen, and upon vote, unanimously carried, the Regular Meeting was adjourned at 8:02 p.m.

Respectfully submitted,

By: Travis C Jensen  
Secretary for the Meeting