

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF

MOUNTAIN SHADOWS METROPOLITAN DISTRICT

Held: Monday, March 7, 2022, at 4:30 p.m. via  
teleconference

**Attendance**

The regular meeting of the Board of Directors of the Mountain Shadows Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors were in attendance:

Steve Roboff  
Kurt Haeger  
Tadd Overstreet  
Tom Lynch  
Toni Keiser

Also present: Trisha K. Harris, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Cass Aurich, CliftonLarsonAllen, LLP, District Accountant; Angie Sherman, MSI, LLC, District Manager; and the following members of the public: Scott Bristol.

**Call to Order**

It was noted that a quorum of the Board was present and the meeting was called to order at 4:32 p.m.

**Conflict of Interest  
Disclosures**

Ms. Harris reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of 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. Harris 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. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

**Agenda**

The Board reviewed the proposed agenda. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda.

**Public Comment**

Scott Bristol addressed the Board regarding concerns over dogs being off leash in Beech Park.

## Consent Agenda

Ms. Harris reviewed the items on the consent agenda with the Board. Ms. Harris advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Following discussion, upon a motion duly made and seconded, the following item on the consent agenda was unanimously approved:

- Minutes from the November 15, 2021 Special Meeting
- Consider Adoption of Resolution Designating the District's 24-Hour Posting Location

## Facilities Management

District Management Update None.

### Landscaping

Tree Removal – Rocky Mountain Tree Service Care Proposal

Director Haeger presented the proposal from Rocky Mountain tree Service Care for the removal of trees around the ponds. Following discussion, upon a motion duly made and seconded, the Board unanimously approved to the.

Tree Planting – Vargas Proposal

Director Haeger presented the proposal from Vargas for tree removal and replacement. The Board approved an expense of \$50,000 for tree removal and replacement, consisting of an agreement with Vargas for the removal and replacement of 40 trees, at a cost of \$1,135 each, and the balance to be spent on tree removal, without replacement. The Board will solicit a bid for the tree removal without replacement from Rocky Mountain Tree Care in addition to the one already received from Vargas. In the spring, those trees that are to be removed and not replaced will be identified.

Panorama Park Mulch Spread – Vargas Proposal

Following discussion, upon a motion duly made and seconded, the Board unanimously approved up to four hours of work for mulch spreading.

Detention Pond Maintenance – Aqua Sierra Proposals

The Board discussed the proposal for annual pond maintenance from Aqua Sierra. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the option for 5 maintenance visits.

The Board discussed the longer term plan regarding aeration systems. This matter was tabled.

Flowers and Entrance Way work	Following discussion, upon a motion duly made and seconded, the Board unanimously approved an amount to not exceed \$10,000 for cleanup of the existing flower bed and planting of new flowers.
Separating Irrigation System from Church Property – Vargas Proposal	The matter was tabled.
Irrigation Repair Process	The Board discussed issues that are occurring with Vargas not submitting invoices for irrigation repairs in a timely matter as well as not obtaining pre-approval for repairs over \$500, as required by contract. The Board directed Ms. Sherman to follow up with Vargas.
Discussion of Truck Traffic on 87 <sup>th</sup> Parkway	Ms. Sherman provided an update to the Board that she spoke with the City of Arvada and they advised that there is not anything that can be done. The Board directed Ms. Sherman to contact the City of Arvada about the possibility of imposing a weight limit on the vehicles that can drive on 87 <sup>th</sup> Parkway as well as the snow plows driving into and over the roundabouts.
Other	The Board engaged in discussion regarding dogs being off leash at Beech Park. The District’s rules do not speak to dogs being on leash, but the City’s ordinances do require the same. Upon motion duly made and seconded, the Board determined to order signs to post at Beech Park referencing the City’s leash laws, to have the District’s manager communicate with residents via the newsletter and website regarding the same, and to have the District’s legal counsel explore the possibility of enforcement through the Association or similar.

**Legal Matters**

Discussion Discharge of Storm Water from Lokal Homes Property into the District’s Detention Ponds	Director Haeger provided an update to the Board about discussion with Lokal Homes representatives as well as with the City of Arvada about drainage of storm water from the Lokal Homes property to the District’s detention ponds. Lokal Homes had its engineer review the matter, but would not agree to pay for the District to consult a third party engineer. The City of Arvada indicated that the original plan for Lokal Homes’ property was for the storm water to drain to 86 <sup>th</sup> and Alkire. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted to not allow the discharge of storm water from Lokal Homes’ property to drain into the District’s detention ponds.
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## **Financial Matters**

Acceptance of Unaudited Financials and Approval of Claims

Ms. Aurich presented the Unaudited Financials and Claims statements to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the financials and claims.

Discussion: Budget Status (budget to actual)

Ms. Aurich presented the budget status as part of the discussion on the financials.

Consider Approval of Auditor Engagement Letter

Ms. Aurich presented the Auditor Engagement Letter from Fiscal Focus Partners. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Auditor Engagement Letter.

Consider Approval CLA Master Services Agreement

Ms. Harris provided an update to the Board that WBA is currently still working on the Master Agreement with CliftonLarsonAllen. This matter was tabled.

## **Other Business**

The Board engaged in a discussion regarding the possibility of refinancing the bonds later in the year. This matter was tabled until the next meeting pending further research.

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 at 6:40 p.m.

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

*Tadd L Overstreet*

[Tadd L Overstreet \(Jun 21, 2022 12:15 MDT\)](#)

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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 20<sup>th</sup> day of June, 2022.