

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF

MOUNTAIN SHADOWS METROPOLITAN DISTRICT

Held: Monday, September 12, 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

Also present: Trisha K. Harris, Esq. and Carey S. Smith, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Gigi Pangindian and Alisha Williams, CliftonLarsonAllen, LLP, District Accountant; Angie Sherman, MSI, LLC, District Manager; and the following members of the public: Amy Read and Marcia Wright.

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 as amended.

Public Comment

None.

**Discussion of Board
Vacancy**

Ms. Harris discussed the board vacancy with the Board. It was noted that no electors have responded to communications about the vacancy expressing an interest. No action taken.

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 June 20, 2022 Special Meeting

Facilities Management

District Management Update

Ms. Sherman presented the District management update with the Board. It was noted that many trees have been removed or replaced, the tennis court nets have been repaired, some masonry work was required at the pavilions, and the drinking fountain at Whisper Creek Park has been repaired.

The Board engaged in a discussion regarding fence posts that need to be repaired. Following discussion, upon a motion duly made and seconded, the Board unanimously approved up to \$2,000 to accomplish the needed repairs, plus an additional amount to repair any cross posts that are in need of repair.

The Board engaged in a discussion regarding the maintenance agreement between the District and Jefferson Center Metropolitan District No. 1 for the maintenance of the common landscaping around the patio homes. Director Haeger discussed with the HOA that the amount remitted under the agreement is not sufficient and has requested that the HOA discuss with Jefferson Center Metropolitan District No. 1 regarding increasing the amount paid to the District. Ms. Harris will review the agreement and work with Director Haeger on this matter further.

Landscaping

Review and Consider
Proposals for Landscape
Maintenance Contract

Ms. Sherman presented the proposals for landscape maintenance to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved Directors Roboff and Haeger and Ms. Sherman to continue further negotiations with Keesen and CoCal, and authorized the same to make a decision regarding the selection of a new landscaping contract, with the contract being subject to legal review.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the termination of the existing Vargas Landscape contract, with a 30-day termination notice to be sent once the start date for the new landscaping contractor has been determined.

Review and Consider Approval of Agreement with Keesen Landscape Management for Tree Removal and Replacement

Ms. Harris presented the agreement with Keesen Landscape Management for tree removal and replacement with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Review and Consider Ratification of Amendment to Vargas Agreement regarding Tree Removal

Ms. Harris presented the agreement with Vargas regarding tree removal. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the agreement.

Review and Consider Approval of Proposal from Aqua Sierra Inc., for Long Term Detention Pond Maintenance

No action taken.

Other

None.

Financial Matters

Review and Consider Acceptance of Unaudited Financials

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

Review and Consider Approval of Claims

Ms. Pangindian presented the claims with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the claims.

Review and Consider Approval of Amendment to MSI HOA Pricing Changes

Ms. Sherman presented the Amendment to the MSI HOA Pricing Change with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the amendment.

Public Hearing on 2022 Budget Amendment

Director Roboff opened the public hearing on the 2022 Budget Amendment. Mr. Smith noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections have been received prior to the meeting. There being

no public comment, the hearing was closed.

Ms. Pangindian reviewed the Resolution Amending the 2022 Budget with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution amending the General Fund to \$480,000.

Other Business

The Board engaged in a discussion regarding a resident concern of a broken fence on the boundary to her property. Ms. Sherman is to address the issue.

The Board engaged in an additional discussion regarding a resident concern regarding a fire pit located on private property. Following discussion, the Board deemed the fire pit complies with code. No action taken.

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 6:04 p.m.

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


Tadd Overstreet (Nov 30, 2022 14:22 MST)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 14th day of November, 2022.