

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF

MOUNTAIN SHADOWS METROPOLITAN DISTRICT

Held: Monday, November 14, 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., 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: Mike O, Joe Flygare, James Skinner, Greg Rutz, Michael Leeper, Peter Jensen, Bill DuBose and Richard.

CALL TO ORDER

It was noted that a quorum of the Board was present, and the meeting was called to order at 4:31 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

Mr. Jenson addressed the Board regarding allowing dogs off leash and proposed that the District allow residents to have dogs off leash at Beech Park when no others are present.

Mr. Rutz addressed the Board regarding allowing dogs off leash at Beech Park and noted that the City of Arvada has an ordinance pursuant to which it allows property owners to allow exceptions to the leash rule on the property owner's property.

Mr. Skinner addressed the Board regarding objecting to the Board spending any additional funds on signs regarding dogs and inquired about allowing landscaping along the 86th Parkway to be native landscaping to reduce the amount of irrigated landscaping.

Mr. Flygare addressed the Board regarding sharing the view of Mr. Jenson and Mr. Rutz.

DISCUSSION OF BOARD VACANCY

Ms. Harris discussed the board vacancy with the Board. It was noted that there are several residents who have expressed an interest in serving on the Board. No was action taken to allow the vacancy to be filled for the full term in the upcoming May Election.

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 September 12, 2022 Special Meeting
- 2023 Annual Administrative Resolution
- Resolution Calling the May 2, 2023 Election
- Property and Liability Schedule and Limits

FINANCIAL MATTERS

Review and Consider
Acceptance of Unaudited
Financials

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

Conduct Public Hearing on 2022 Budget Amendment and Consider Adoption of Resolution Amending 2022 Budget

Director Roboff opened the public hearing on the 2022 Budget Amendment. Ms. Harris 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. Williams 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 Capital Projects Fund to \$3,255, Debt Service Fund to \$1,721,000 and the C-2 TIF Fund to \$105,000.

Conduct Public Hearing on 2023 Budget and Consider Adoption of Resolution Adopting 2023 Budget, Imposing Mill Levy and Appropriating Funds

Director Roboff opened the public hearing on the proposed 2023 Budget. Ms. Harris noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. Mr. Skinner and Mike O. addressed the Board stating it would have been helpful to have the budget available prior to the meeting, and Mr. Flygare commented regarding the tree replacement expenses for 2022. The hearing was closed.

Ms. Williams reviewed the 2023 Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2023 Budget, appropriating funds therefor and certifying mills for the General Operating Fund, and mills for the Debt Service Fund, as shown in the 2023 Budget, subject to receipt of final assessed valuation.

OTHER BUSINESS

District Manager Update

Mr. Haeger and Ms. Sherman provided a District update with the Board. It was noted that many trees were cleaned out of the detention ponds, the tennis court net has been repaired and part of the drinking fountain has been fixed. The Board engaged in a general discussion regarding the slow billing from Vargas. Ms. Sherman noted that there are two old invoices submitted recently that will not be paid as they were submitted beyond the time required by the contract.

The Board engaged in a general discussion regarding winter watering for the trees. Following discussion, upon a motion duly made and seconded, the Board unanimously approved up to \$5,500 for winter watering. Ms. Sherman to obtain bids from landscaping companies.

Consider Approval of CLA
Statement of Work

The Board engaged in a general discussion regarding the CLA Statement of Work. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Patio Homes Maintenance Update

Mr. Roboff inquired about an update regarding the maintenance of the patio homes area. Mr. Haeger reported that he has not discussed this with the HOA yet. No action at this time, but further research to be done regarding the termination of the agreement pursuant to which the District maintains the patio homes area.

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 6:23 p.m.

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



[Tadd Overstreet \(Mar 8, 2023 16:15 MST\)](#)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 6th day of March 2023.