

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF

MOUNTAIN SHADOWS METROPOLITAN DISTRICT

Held: Monday, November 15, 2021, 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\*

\*Director Keiser joined the meeting at 4:48 p.m.

Also present: Trisha K. Harris, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Gigi Pangindian and Cass Aurich, CliftonLarsonAllen, LLP, District Accountant; Angie Sherman, MSI, LLC, District Manager; and the following members of the public: Richard Knott, Bill DeBose, James Skinner, Michael Leeper, and Peter Jensen.

**Call to Order**

It was noted that a quorum of the Board was present and the meeting was called to order at 4:34 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**

Peter Jensen discussed the possibility of exploring changing the leash rules at Beech Park to allow dogs to be off-leash. James Skinner responded with concerns regarding dogs being off-leash. No action was taken.

Richard Knott thanked the Board for the work on the roundabouts.

## **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 14, 2021 Special Meeting
- 2022 Annual Administrative Resolution
- Renewal of Property and Liability Schedule and Limits, Workers Compensation Coverage, and SDA Membership for 2022

## **Facilities Management**

### District Management Update

Update Regarding Repair at Whisper Creek Park Playground Surface and Slide Replacement

Ms. Sherman updated the Board regarding Repair at Whisper Creek Park Playground Surface and Slide Replacement. Ms. Sherman reported that the slide was delivered and has been installed. She advised the Board that the playground surface repairs still need to be completed.

Discussion Regarding Pond Maintenance Plan and Agreement with Aqua Sierra for Pond Maintenance

The Board engaged in a Discussion Regarding Pond Maintenance Plan and Agreement with Aqua Sierra for Pond Maintenance. Aqua Sierra has provided a proposal with two options. Ms. Sherman will send the proposal to the Board for review, and the matter will be added to the March agenda for consideration. No action was taken.

Discussion Regarding Vargas Maintenance Contract Extension, Review

The Board engaged in a Discussion Regarding Vargas Maintenance Contract Extension. Ms. Sherman presented the proposals to the Board.

of Landscape Maintenance  
Proposals and Approval of  
Maintenance Contract

Snow Removal

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the extension with Vargas for snow removal.

2022 Maintenance

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the extension with Vargas for 2022 maintenance.

The Board directed Ms. Sherman to obtain proposals again next year, and present them to the Board earlier in the year for consideration.

Discussion Regarding Other  
Landscape Issues

The Board engaged in a Discussion Regarding Other Landscape Issues. The Board discussed that tree replacement had been deferred pending selection of the landscape maintenance contractor for the upcoming year. There is \$70,000 in the 2022 draft budget for landscape improvements. The Board requested that a landscape improvement plan be developed and presented at the March meeting for consideration.

Following discussion, upon a motion duly made and seconded, the Boards unanimously approved a quote from Vargas in the amount of \$4,114 for detention pond clean up.

Update on Area  
Developments/Taylor  
Morrison/Irrigation System  
Separation/ Panorama Park

Director Haeger provided the Board with an Update on Area Developments, Taylor Morrison, Irrigation System Separation, and Panorama Park. Director Haeger discussed the “church” property, and that the owner approached the District about the landscaping and irrigation improvements on the property. The Districts lines and meter on that side of the property are not used by the District. Director Haeger discussed the possibility of capping the lines and abandoning the lines and meter. Vargas will provide a proposal to do so, for presentation at the March meeting.

Update on Wastewater  
Proposal from the Lokal  
Developer to the South of  
Whisper Creek

Director Haeger provided the Board with an Update on the Wastewater Proposal from the Lokal Developer to the South of Whisper Creek. Director Haeger discussed that Lokal Homes owns the property near the District, and has approached the District about running storm wastewater to one of the District’s retention ponds. Director Haeger suggested that the first step should be to approach Lokal Homes and ask them to enter into a letter agreement pursuant to which Lokal Homes would agree to

pay for a study to determine the engineering impacts of diverting storm water to the District's retention pond. Following discussion, upon a motion duly made and seconded, the Board unanimously approved having the letter agreement prepared, and authorization for Director Roboff to review and sign, and then to be ratified at the next meeting.

## **Legal Matters**

Resolution Calling the May 3, 2022 Election

Ms. Harris presented the Resolution Calling the May 3, 2022 Election to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution.

## **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.

Conduct Public Hearing on 2021 Budget Amendment and Consider Adoption of Resolution Amending 2021 Budget

Director Roboff opened the public hearing on the 2021 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. Aurich reviewed the Resolution Amending the 2021 Budget with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution amending the Debt Service Fund to \$1,635,000.

Conduct Public Hearing on 2022 Budget and Consider Adoption of Resolution Adopting 2022 Budget, Imposing Mill Levy and Appropriating Funds

Director Roboff opened the public hearing on the proposed 2022 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. There being no public comment, the hearing was closed.

Ms. Aurich reviewed the 2022 Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2022 Budget, appropriating funds therefor and certifying 13.358 mills for the General fund, 55.663 mills for the Debt Service fund, 0.000 mills for the Capital Projects Fund, and 0.000 mills for the Contractual Obligation fund.

Consider CLA Master Services Agreement

The matter was deferred to the March meeting, pending comments from legal counsel.

Consider Approval of Auditor Engagement Letter

The matter was deferred to the March meeting.

**Other Business**

Director Roboff discussed continued problems with large trucks driving over the roundabout at 87<sup>th</sup> Parkway. The Board directed Ms. Sherman to contact the City about implementing a weight limit.

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 6:06 p.m.

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

*Tadd L. Overstreet*

[Tadd L. Overstreet \(Mar 17, 2022 13:34 MDT\)](#)

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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 7<sup>th</sup> day of March, 2022.