

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, August 15, 2023 at 6:00 P.M. via  
Teleconference

**Attendance**

The regular meeting of the Board of Directors of the Leyden Rock Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve on the Board, were in attendance:

Brett Vernon  
Scott Plummer  
Jeff Cunningham  
Christian Ardita  
Tanis Batsel-Stewart

Also present: Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Katie Call and Christine Ahern, AdvanceHOA, District Management; Alex Fink, CliftonLarsonAllen, LLP, District Accountant; Angie Sherman, Keesen Landscape Management, Inc.; John Firouzi, Lisa Morey, Alyssa Pepper, Lorie Gillis, Don Wick, Jacqueline Rhoades, Nate Adams, and Brent Hypnarowski, City of Arvada; Katie Cooley, Ascent Land Development; Lesanne Dominguez, The Architerra Group; and members of the public.

**Call to Order**

It was noted that a quorum of the Board was present and the meeting was called to order.

**Conflict of Interest  
Disclosures**

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors with 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. Murphy noted that a quorum was present and 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.

**Agenda**

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

**Public Comment**

None.

**Presentation from City of Arvada regarding Emergency Preparedness Plan**

Mr. Firouzi and City staff and consultants presented the City's Emergency Preparedness Plan to the Board. The Board discussed the presentation. No action taken.

**Update from Architerra and Ascent Land**

Ms. Dominguez and Ms. Cooley provided a capital project update to the Board. Ms. Dominguez and Ms. Cooley noted they are working on the entryway monument plans, they are reviewing trail connections and creating a primitive plan, and a civil engineer and engineer conducted a site visit for the Drainage Project and are working on a narrative of the issues.

Director Cunningham inquired about updates by October 3, 2023. Ms. Dominguez noted that the trails master plan and cost estimate will be available before October 3, 2023, and she will provide the trails master plan and cost estimate once they are available.

Director Plummer inquired about definitive project deliverable dates. Ms. Dominguez noted that construction is generally following the schedule she previously provided to the Board except for a delay in obtaining a survey due to limited surveyor availability.

Ms. Dominguez and Ms. Cooley will provide a revised cost estimate for the October 3, 2023 meeting.

**Consent Agenda**

Following a summary by Ms. Murphy, the items on the consent agenda were ratified, approved or accepted in one motion duly made and seconded and unanimously carried:

- Minutes from July 18, 2023 Regular Meeting;

**Financial Matters**

**Consider Approval of Payables/Financials**

The Board reviewed the financial statements from June 30, 2023 and claims in the amount of \$83,051.77. Following discussion, upon a motion duly made and seconded, the Board unanimously approved

the financial statements and claims.

**District Management Matters**

District Manager Report Ms. Call presented the District Manger Report to the Board.

Ms. Ahern updated the Board on Ore Carts noting that they would be manufactured from scratch for a total of \$12,000 per 4-foot ore cart. These would be delivered in 3-6 months with a total cost of \$120,000.

Consider Approval of Proposal #98557 Essential G Application Round #2 Ms. Call presented Proposal #98557 to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

Consider Approval of Proposal #92571 Poolside Grass Revitalization Ms. Call presented Proposal #92571 to the Board, noting installation is planned for mid-September. The Board directed Keesen Landscape to repair the existing sod.

Consider Approval of 2023-2024 Snow Removal Contract Ms. Call presented the Snow Removal Contract to the Board. Director Vernon inquired about the amount of work in each category. The Board deferred this matter.

Discussion on Budget Committee and Budget Meeting Dates Director Cunningham and Director Vernon will coordinate the Budget Committee meeting.

Other Management Matters None.

**Director's Matters**

Other Director's Matters Director Ardita requested Ms. Call to direct Keesen Landscape to look at watering timers on the medians on 82<sup>nd</sup> to ensure watering is occurring after 6 p.m. Director Ardita inquired about an end of year meeting with PeakOne.

**Capital Projects Discussion**

Discussion about Ms. Call suggested electricity installation at the two entrances now  
Entrance Project, in preparation for holiday lighting. Ms. Call will work with Ms.  
Electricity Dominguez.

Other Capital Project None.  
Matters

### **Legal Matters**

Discussion Regarding Ms. Murphy engaged in discussion with the Board regarding the  
Town Hall Meeting Town Hall Meeting required by SB23-110. The Board decided to  
Required by SB23-110 hold the Town Hall Meeting before the October or November  
meeting.

Consider Approval of Director Batsel-Stewart presented the Second Amended and  
Second Amended and Restated Resolution Establishing a Landscape Committee to the  
Restated Resolution Board, noting the committee should have 10 members total.  
Establishing a Landscape Following discussion, upon a motion duly made and seconded, the  
Committee Board unanimously approved the resolution subject to final legal  
review.

Consider Approval of Ms. Call presented the Second Amendment to the Independent  
Second Amendment to Contractor Agreement with Mile High Pools to the Board. Following  
Independent Contractor discussion, upon a motion duly made and seconded, the Board  
Agreement with Mile unanimously approved the second amendment, subject to Ms. Call's  
High Pools for Pool Gate final approval with monitors for September 5, 2023 through  
Monitor September 24, 2023.

Other Legal Matters None.

### **Executive Session**

Upon motion of Director Vernon, seconded by Director Batsel-Stewart, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session 9:28 P.M. for the purpose of receiving legal advice pursuant to §24-6-402(4)(b), C.R.S. as it relates to the Independent Contractor Agreement with Ascent Land Development, LLC and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to the Independent Contractor Agreement with Ascent Land Development, LLC.

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., no record was kept of the portion of this executive session that, in the opinion of the

District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

Also pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

The Board reconvened in regular session at 9:32 P.M.

**Other Business**

Ms. Call noted that Keesen Landscape would like to make a donation to the community for the annual holiday party.

**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.

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

*Scott J Plummer*  
Scott J Plummer (Sep 27, 2023 17:33 MDT)

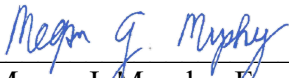
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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 19<sup>th</sup> day of September, 2023.

**ATTORNEY STATEMENT  
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Leyden Rock Metropolitan District, I attended the executive session meeting Leyden Rock Metropolitan District convened at 9:28 P.M. on August 15, 2023 for the sole purpose of receiving legal advice as it relates to the Independent Contractor Agreement with Ascent Land Development, LLC and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to the Independent Contractor Agreement with Ascent Land Development, LLC. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

  
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Megan J. Murphy, Esq.