

# RECORD OF PROCEEDINGS

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## ADOPTED MINUTES OF THE SPECIAL MEETING OF

LOVELAND MIDTOWN METROPOLITAN DISTRICT

HELD

June 20, 2012

The Board of Directors (collectively, "Board") of the Loveland Midtown Metropolitan District, ("District") held a special meeting, open to the public, at the offices of Pinnacle Consulting Group, Inc., 5110 Granite Street, Suite C, Loveland, Colorado 80538; at 10:00 am on Wednesday, June 20, 2012. Notice of the meeting has been duly posted with the Larimer County Clerk and Recorder and in three public places within the boundaries of the District.

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### ATTENDANCE

#### Directors in Attendance:

Blaine Rappe, President  
Nathan Klein, Vice President  
Randy Vinding, Secretary/Treasurer  
Eric Holsapple, Asst. Secretary/Treasurer  
Mike McNulty, Asst. Secretary/Treasurer

#### Also in Attendance:

Deborah Early, Icenogle Seaver Pogue, P.C.  
Kirsten Starman, Pinnacle Consulting Group, Inc.  
Teresa Adler, Pinnacle Consulting Group, Inc.  
Amanda Castle, Pinnacle Consulting Group, Inc.  
John Cutler, John Cutler & Associates, LLC  
Don Marostica

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### CALL TO ORDER

The meeting was called to order at 10:00 am by Director Rappe, noting that a quorum was present. The directors in attendance confirmed their qualifications to serve.

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### CONFLICT OF INTEREST DISCLOSURE

Ms. Early noted that conflicts of interest for Directors Rappe, Klein and Holsapple have been filed. Ms. Early advised the Board that pursuant to Colorado law, certain disclosures by the Board Members might be required prior to taking official action at a meeting. The Board reviewed the agenda for the meeting, following which each Board Member present confirmed the contents of the written disclosures previously made stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Additionally, the Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

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### AGENDA

The Board reviewed the agenda. Upon motion duly made by Director McNulty, and seconded by Director Klein, it was unanimously

**RESOLVED** to approve the agenda as presented.

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## APPROVAL OF AMENDED MINUTES

Ms. Starman presented the amended minutes of the April 25, 2011 meeting. Upon motion duly made by Director Klein and seconded by Director Holsapple, it was unanimously

**RESOLVED** to approve the April 25, 2011 amended minutes as presented.

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## APPROVAL OF MINUTES

Ms. Starman presented the draft minutes of the December 13, 2011 meeting. Upon motion duly made by Director Holsapple and seconded by Director Klein, it was unanimously

**RESOLVED** to approve the December 13, 2011 meeting minutes as presented.

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## ELECTION OF OFFICERS

The Board turned to the matter of electing a slate of officers. Discussion ensued and upon motion duly made by Director Klein and seconded by Director McNulty, it was unanimously

**RESOLVED** to approve the following slate of officers:

Blaine Rappe, President  
Nathan Klein, Vice President  
Randy Vinding, Secretary/Treasurer  
Eric Holsapple, Asst. Secretary/Treasurer  
Mike McNulty, Asst. Secretary/Treasurer

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## ARCHITECTURAL CONTROL COMMITTEE UPDATE

Due to the new Board members, it became necessary to update members of the Architectural Control Committee. Upon motion duly made by Director Klein and seconded by Director Rappe, it was unanimously

**RESOLVED** to appoint Randy Vinding and Mike McNulty to the Architectural Control Committee.

Discussion ensued and the Board noted that house plan approvals would continue to be reviewed by the ACC or its designated Coordinator while fence/landscaping submittals would be handled by Pinnacle Consulting Group, Inc., with all approvals ratified by the ACC at subsequent meetings of the Board.

Ms. Starman presented for ratification fence and landscape submittals as described in the attached tracking sheet. Upon motion duly made by Director Klein and seconded by Director Vinding, it was unanimously

**RESOLVED** to approve the fence and landscape submittals as described on the attached tracking sheet.

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## APPROVAL OF PAYABLES/FINANCIAL REPORT

Ms. Starman presented for ratification and approval the Check Detail dated December 6, 2011- June 15, 2012, totaling \$84,485.34, including checks #1380-1418. Upon motion duly made by Director Holsapple and seconded by Director Klein, it was unanimously

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**RESOLVED** to ratify the Check Detail dated December 6, 2011 – June 15, 2012 in the amount noted above.

Ms. Starman presented for approval the Check Detail dated December 6, 2011 – June 15, 2012 totaling \$12,736.17, including checks #1419-1423. Upon motion duly made by Director Holsapple and seconded by Director Klein, it was unanimously

**RESOLVED** to approve the Check Detail dated December 6, 2011 – June 15, 2012 in the amount noted above.

Ms. Adler reviewed the Balance Sheet and Statement of Revenues and Expenditures through May 31, 2012.

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## APPROVAL OF 2011 AUDIT

Ms. Adler introduced John Cutler of John Cutler and Associates, preparer of the 2011 Audit, who presented for review and approval the 2011 Audit. He stated that it contained a clean, unqualified opinion. Additionally, he stated the District showed an increase in net assets and all budgets came in under budget. Upon motion duly made by Director Holsapple and seconded by Director McNulty, it was unanimously

**RESOLVED** to direct Pinnacle Consulting Group, Inc. to file the Audit with the State Auditor after receiving the unqualified opinion letter from the auditor and final approval from Pinnacle Consulting Group, Inc. and Deborah Early.

A signed copy will be provided to all Board members.

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## ITEMS FROM LEGAL COUNSEL

Ms. Early advised the Board that she will be circulating a memorandum to all Board members in July that summarizes new legislation passed this year that may directly or indirectly impact special districts. Board members were advised to contact Ms. Early if they had any questions regarding the new legislation upon review of the memorandum.

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## ITEMS FROM THE DISTRICT MANAGER

Ms. Starman presented to the Board for ratification a professional service agreement with ValleyCrest Landscape Maintenance dated March 1, 2012 for purposes of providing landscape maintenance services for public landscaping. Upon motion duly made by Director Holsapple and seconded by Director Vinding, it was unanimously

**RESOLVED** to ratify the Professional Service Agreement with ValleyCrest Landscape Maintenance as presented.

Ms. Starman presented to the Board for ratification a professional service agreement with JJ Fencing for purposes of installation, construction, and/or maintenance of Public Fencing located within the District. Upon motion duly made by Director Holsapple and seconded by Director Vinding, it was unanimously

**RESOLVED** to ratify the Professional Service Agreement with JJ Fencing as presented.

Ms. Starman presented to the Board a proposal for the procurement and installation of four (4) dog waste stations throughout the development. Upon motion duly made by Director Holsapple and seconded by Director Klein, it was unanimously

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**RESOLVED** to approve procurement and installation of four (4) dog waste stations.

Ms. Starman reported that she had received an inquiry from a resident asking about the establishment of a community garden area in the open space located at the northeast corner of Boise and 11<sup>th</sup>. Discussion ensued and the Board requested that inquiries regarding the same be tracked in an effort to gauge its level of popularity.

Ms. Starman reported that she would be creating a fence staining program detailing the timing, cost and schedule for re-staining of the cedar perimeter fencing over the course of the next few years.

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## PUBLIC COMMENTS

The Board opened the meeting to Public Comments.

Director McNulty stated that the train whistle noise from the Great Western rail line south of the development seemed to be occurring more often than in the past and at an unusually high level. Ms. Starman stated she would contact Great Western and inquire regarding this specific concern and report her findings back to the Board

Upon receiving no further comments, the public comment portion of the meeting was closed.

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## ANY OTHER MATTERS TO COME BEFORE THE BOARD

The Board discussed the schedule for upcoming meetings and tentatively agreed to hold the next Board meeting on October 17, 2012 at 10:00 am at the offices of Pinnacle Consulting Group. They directed Ms. Starman to schedule a neighborhood meeting the week prior on October 10, 2012 at 6:00 pm, location to be determined

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## ADJOURNMENT

There being no further business to come before the Board, and upon motion duly made by Director Holsapple and seconded by Director Vinding, the meeting was adjourned.

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

Respectfully submitted,

  
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Kirsten L. Starman, Secretary for the Meeting