

# RECORD OF PROCEEDINGS

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## MINUTES OF THE SPECIAL MEETING OF

### LOVELAND MIDTOWN METROPOLITAN DISTRICT

#### HELD

April 29, 2015

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., 1627 E. 18th Street, Loveland, Colorado 80538; at 10:00 a.m. on Wednesday, April 29, 2015. Notice of the meeting was duly posted with the Larimer County Clerk and Recorder and in three public places within the boundaries of the District.

#### ATTENDANCE

##### Directors in Attendance:

Blaine Rappe, President (Arrived at 10:05 a.m.)  
Nathan Klein, Vice President  
Randy Vinding, Director (Arrived at 10:12 a.m.)  
Eric Holsapple, Director  
Curtis D. Zimmerman, Secretary/Treasurer

##### Also in Attendance:

Deborah Early, Esq.; Icenogle Seaver Pogue, P.C. (Via Telephone)  
Kammy Tinney, Crystal Bidwell, and Amanda Castle (Via Telephone);  
Pinnacle Consulting Group, Inc.

#### CALL TO ORDER

The meeting was called to order at 10:03 a.m. by Director Klein, noting that a quorum was present. The directors in attendance confirmed their qualifications to serve.

#### CONFLICTS 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.

## RECORD OF PROCEEDINGS

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### APPROVAL OF AGENDA

Ms. Tinney distributed for the Board's review and approval a proposed agenda for the meeting. Following review, upon motion duly made by Director Holsapple, seconded by Director Zimmerman and, upon vote, unanimously carried, it was

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

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### APPROVAL OF MINUTES

The Board reviewed the minutes of the October 29, 2014 special meeting. Following review, upon motion duly made by Director Holsapple, seconded by Director Zimmerman and, upon vote, unanimously carried, it was

**RESOLVED** to approve the October 29, 2014 minutes, as presented.

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### PUBLIC COMMENT ON NON-AGENDA ITEMS

There were no members of the public in attendance.

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### FINANCIAL MATTERS

Ratify Previous Claims Presented for Payment: Ms. Castle presented the check detail for the period October 25, 2014 through April 23, 2015, totaling \$57,130.73, which includes check numbers 1574 – 1604, for Board review and consideration of ratification and approval.

Director Holsapple inquired about the payment to Black Eagle Fence, Inc. Ms. Tinney reported that in 2014, \$5,000 was budgeted for repairs and staining of the District's fence. Black Eagle Fence, Inc. completed repairs and staining within the \$5,000 budget, a portion of which was completed and invoiced in 2014, and a portion of which was completed and invoiced in the first quarter of 2015. In 2015, \$2,500 was allocated to repairs and staining of the District's fence. Black Eagle Fence identified some structural issues, including seven posts that needed replacement. Those repairs were completed in April; the cost is approximately \$4,000. The District should receive an invoice in May. Monies from the landscape and maintenance budget have been allocated to help offset the cost to repair the posts.

Following review and discussion, upon motion duly made by Director Holsapple, seconded by Director Zimmerman and, upon vote, unanimously carried, it was

**RESOLVED** to ratify approval of the claims in the amounts and for the check numbers listed above.

## RECORD OF PROCEEDINGS

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Financial Report: Ms. Castle reviewed with the Board the unaudited Financial Statements setting forth the cash deposits, investments, budget analysis, and accounts payable vouchers for the period ending March 31, 2015. Following review and discussion, upon motion duly made by Director Holsapple, seconded by Director Zimmerman and, upon vote, unanimously carried, it was

**RESOLVED** to accept the unaudited financial Statements for the period ending March 31, 2015 as presented.

Application for Exemption from Audit: Ms. Castle reported to the Board that the Application for Exemption from Audit for 2014 was previously distributed via email for review, and filed with the Office of the State auditor on behalf of the District prior to the March 31, 2015 deadline. Following review and discussion, upon motion duly made by Director Holsapple, seconded by Director Vinding and, upon vote, unanimously carried, it was

**RESOLVED** to ratify approval of Application for Exemption from Audit for the fiscal year ended December 31, 2014.

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### MANAGEMENT MATTERS

Architectural Control Committee Update: Ms. Tinney introduced Ms. Bidwell to the Board and recognized her efforts in performing routine site visits, covenant control review, and communication with property owners and residents of the District. Ms. Tinney reviewed with the Board the Architectural Control Review report, noting that the majority of the property owners are maintaining their landscape and adhering to the Covenants, with the exception of two property owners. Currently, she is working with a property owner who installed a fence without prior approval, and hopes to receive a completed application detailing the dimensions of the fence within the next ten days. The second property that remains in violation has recently transferred ownership, and the landscaping violations occurred prior to the transfer of ownership. Ms. Tinney sent a welcome letter and acknowledged the issues have been present prior to the new ownership. Ms. Tinney requested a meeting with the new property owners to discuss rectifying the landscape violations which include an improperly stored trailer and an all-rock landscape, which is not permitted. She will continue to keep the Board informed via the monthly reports.

2015 Landscape Maintenance Contract: Ms. Tinney presented a memo prepared by the District's Facilities Manager, Ms. Kirsten Starman, detailing the status of the 2015 landscape maintenance services to the District. Ms. Tinney, Ms. Starman, and Steven Mill (Mill Brothers Landscape Maintenance) completed a site inspection earlier this month.

## RECORD OF PROCEEDINGS

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Ms. Tinney reported Mill Brothers is doing a great job, and no calls have been received from property owners regarding any landscape or maintenance issues, including the doggie waste stations or trash in the District.

During the site visit Ms. Tinney and Ms. Starman discovered broken pickets on portions of the District's fence that is shared with property owners. It appears the pickets were broken from the property owner's side of the fence, and these broken pickets are found randomly throughout the District. Ms. Tinney asked the Board how they would like to proceed regarding replacement of the pickets and the costs associated with replacing them.

The Board directed Ms. Tinney to notify the property owners that they are responsible for replacing the pickets at their expense. In the event the property owners do not replace the pickets, the District will do so, and will seek reimbursement by backcharging the property owner, and/or assessing a lien against the property.

2015 Fence Maintenance Contract: Ms. Tinney referred to the report prepared by Ms. Starman. Director Holsapple requested that an estimate of needed repairs/replacement to the District's fencing be included in the draft budget for discussion at the next regular meeting in October.

Review Newsletter/ Information Card: Ms. Tinney reviewed the draft newsletter/ information card to residents and property owners with the Board. Director Holsapple requested that information regarding property owner's responsibility to replace the broken fence pickets along with the policy if the property owner fails to do so be added to the newsletter.

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### DIRECTOR'S ITEMS

There were no additional items brought by the Directors for consideration.

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### LEGAL MATTERS

There were no legal matters brought before the Board for consideration.

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### OTHER BUSINESS

There was no other business brought before the Board for consideration.

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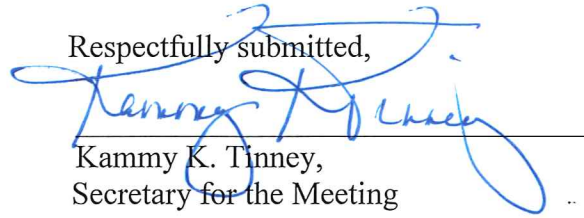
### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Rappe, seconded by Director Holsapple, and upon unanimous vote, the meeting was adjourned at 10:35 a.m.

## RECORD OF PROCEEDINGS

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Respectfully submitted,



Kammy K. Tinney,  
Secretary for the Meeting