

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, September 19, 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 Ardit
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; Lance Bleyhl, Verizon Wireless; 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.

Director Vernon noted that Board Members may or may not respond to public comment and this is not the time for discussion or dialogue with Board Members.

Public Comment

None.

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 August 15, 2023 Regular Meeting;
- Minutes from September 5, 2023 Special Meeting;
- Pool and Clubhouse Use Policy; and
- Requisition No. 9 Related to the District's General Obligation (Limited Tax Convertible to Unlimited Tax) Refunding and Improvement Bonds, Series 2021.

Financial Matters

Consider Approval of Payables/Financials

The Board reviewed the schedule of cash position from June 30, 2023 updated as of September 14, 2023 and claims in the amount of \$93,011.63. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the schedule of cash position and claims.

Presentation from Verizon Regarding Cell Tower

Mr. Bleyhl presented to the Board.

Director Vernon inquired about the Clubhouse being large enough for all three providers to install equipment in the area. Mr. Bleyhl noted the cell tower can be modified to fit multiple carriers but it would be larger than shown to accommodate approximately ten feet per carrier.

Director Plummer inquired about the window. Mr. Bleyhl noted options are available. Director Plummer inquired about how more radiation comes from a phone next to your ear than a cell tower. Mr. Bleyhl noted that is his understanding.

Director Cunningham inquired about the studies in the presentation. Mr. Bleyhl will send out links for the studies. Director Cunningham inquired about the antenna. Mr. Bleyhl noted the antenna would be for Verizon customers only. Director Cunningham inquired about

multiple carriers for the tower. Mr. Bleyhl noted he can only speak to the solution that Verizon would provide but the standard protocol is vertical separation of 10 feet between each carrier.

Director Cunningham inquired about lease terms. Mr. Bleyhl noted that Verizon would pay for the construction costs and would pay \$2,000 each month for the use of the property under a non-exclusive lease.

Director Ardita stated he is not in favor of a large tower in the middle of the community and inquired about other possible locations. Mr. Bleyhl noted they are looking into alternatives and have researched using Xcel Towers, however, Xcel has a rule that the carrier has to be 12 feet below the lowest power line and there is nothing that works as well as the Clubhouse for coverage.

Director Batsel Stewart inquired about Verizon pushing for the cell tower at the Clubhouse because it saves money as it is already a structure with power. Mr. Bleyhl noted this was not Verizon's reasoning as an enclosed structure is one of the more expensive options for cell towers. The best option would be near the rusty tower as it would be a fraction of the cost.

Director Vernon noted he is in favor of bringing enhanced cell coverage to residents. Director Vernon inquired about Rutherford's relationship with Verizon. Mr. Bleyhl noted they are a site acquisition agent for Verizon, not Verizon employees. Director Vernon inquired about a tower in a different location. Mr. Bleyhl noted that tower companies construct towers to serve multiple carriers but the most efficient option would be to find a carrier and have them build a tower to lease portions of the tower out to other carriers. The issue would be that the location has to work for multiple carriers. Director Vernon inquired about phone carriers building towers independently. Mr. Bleyhl noted there are tower companies who build towers like developers.

Director Plummer inquired about the amount of time cell towers have been located around homes. Mr. Bleyhl noted since at least before 1996. Director Plummer inquired about the number of Verizon customers in Leyden Rock Metropolitan District. Mr. Bleyhl noted he did not know the number of customers. Director Plummer inquired about other resources of information. Mr. Bleyhl noted none that he is aware of.

Director Vernon noted that he read information from the American Cancer Society regarding cell phone tower waves. Director Vernon

inquired about alternative locations. Mr. Bleyhl noted the engineer would have to update the map based on different locations.

Director Ardita inquired about a location near the North end of the community. Mr. Bleyhl noted the difficulty of this area due to the elevation and density.

Director Vernon noted the Clubhouse is the preferred location for the cell tower. It will provide the best coverage but there may be another location that can work. Director Vernon inquired about a different site that may not provide the best coverage but works for the community. Mr. Bleyhl noted that it is not the development cost that is driving from Verizon's perspective but about the site that provides the best coverage. A lesser site may not solve the coverage issue. Director Vernon noted this is 4G technology which is older. Mr. Bleyhl noted that every site has a 5G tower, and the 4G LTE is used to predict coverage areas in the models.

Director Plummer noted the proposed cell tower would provide coverage to about 100 homes near the Clubhouse.

Discuss Community Meeting
Regarding Verizon Cell
Tower on September 27, 2023
at 6 p.m.

The Board engaged in discussion regarding the meeting format for the September 27, 2023 meeting. Following discussion, the Board decided on an in-person meeting with recording and no legal counsel to be present.

**District Management
Matters**

District Manager Report

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

Discussion Regarding
Social Events and
Newsletters

Ms. Ahern presented social events and newsletters to the Board. The Board appointed Director Plummer and Director Ardita to work on this matter with Ms. Ahern.

Consider Approval of
2023-2024 Snow
Removal Contract

Ms. Call presented the 2023-2024 Snow Removal proposal from Keesen Landscape. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

Consider Approval of
Alternative Poolside
Grass Revitalization
Project

Ms. Call presented the Poolside Grass Revitalization Project proposals from Keesen Landscape. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal for \$38,000.

Consider Approval of Pool Security Lighting Ms. Call presented the Pool Security Lighting proposal. Following discussion, upon a motion duly made and seconded, the Board approved the proposal. Director Cunningham voted against approval of the proposal.

Consider Approval of Holiday Lighting Ms. Call presented the Holiday Lighting proposal. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

Consider Approval of Agreement with Yuanyuan Wang for Yoga Services Ms. Ahern presented the agreement with Yuanyuan Wang for Yoga Services to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Other Management Matters None.

Director's Matters

Other Director's Matters None.

Capital Projects Discussion

Discussion Regarding Landscape Committee Recommendations to Entrance Plans Director Batsel Stewart presented to the Board. Director Batsel Stewart noted they would choose more xeric/Colorado plants and tone down the entrance. The committee thinks the sod should be kept but blend in with the neighborhood.

Buckets and Priorities Ms. Call presented to the Board. The Board deferred this item.

Other Capital Project Matters Director Ardita inquired about the quote for lights in the parking lot. Ms. Call noted we are waiting on the proposal.

Legal Matters

Other Legal Matters Ms. Murphy noted the District received an invoice from Ascent Land Development.

Executive Session Deferred.

Other Business

None.

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 (Oct 20, 2023 11:19 MDT)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 17th day of October, 2023.