

**RECORD OF PROCEEDINGS**

**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF**

**EBERT METROPOLITAN DISTRICT**

**HELD:** Wednesday, the 11<sup>th</sup> day of July, 2018, at 8:00 a.m., at the City and County of Denver  
Green Valley Ranch Recreation Center, 4890 Argonne Way, Denver, Colorado

**ATTENDANCE:**

A regular meeting of the Board of Directors of Ebert Metropolitan District, City and County of Denver, Colorado, was called as shown above and in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

Ebert Metropolitan District:

Sandra M. Hittman  
Christine M. Antolak  
Gregory Hatcher  
Mikel P. Moore  
Jurgen Figenser

Also present were Charles D. Foster of Foster Consulting, Ltd, District Manager; Kevin Collins of CliftonLarsonAllen LLP, District Accountant; Matthew Dalton of Spencer Fane LLP, General Counsel; Ben Biesendorf of Management Specialists, Inc.; and various members of the public.

**CALL TO ORDER/QUORUM:**

Mr. Collins noted that a quorum was present for the Board of the Ebert Metropolitan District for the purpose of conducting a regular meeting. The regular meeting of the Board of Directors of the Ebert Metropolitan District was called to order.

**INTRODUCTION OF NEW DIRECTORS:**

Mr. Dalton introduced Christine M. Antolak, Gregory Hatcher and Jurgen Figenser as new members of the Board of Directors of Ebert Metropolitan District. Mr. Dalton noted that Ms. Antolak, Mr. Hatcher and Mr. Figenser were elected to 4-year terms to serve until 2022.

**DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST:**

The Board noted that general disclosure statements had been filed on behalf of certain members of the Board of Directors with the Office of the Colorado Secretary of State and with the Secretary of the Districts. The Board directed that said disclosures be incorporated herein. The

## **RECORD OF PROCEEDINGS**

Ebert Metropolitan District  
July 11, 2018  
Page 2

Board further noted that transactional disclosures had been filed with the office of the Colorado Secretary of State regarding agenda items for this meeting. Upon motion duly made, seconded and unanimously carried, the Board directed that said disclosures be incorporated herein.

### **ELECTION OF OFFICERS:**

Following discussion, upon motion duly made, seconded and unanimously carried, the Board elected the following Officers to serve on the Board of Directors:

Sandra M. Hittman – President – term 2018-2020  
Christine M. Antolak – Treasurer – term 2018-2022  
Gregory Hatcher – Secretary – term 2018-2022  
Mikel P. Moore – Assistant Secretary – term 2016-2020  
Jurgen Figenser – Assistant Secretary – term 2018-2022

### **APPROVAL OF MINUTES:**

The Board of Directors reviewed the draft minutes of the regular meeting of the Boards of Directors held on April 11, 2018. Following discussion and upon motion duly made, seconded and unanimously carried, the Board approved the minutes, as amended, and authorized the Secretary of each Board to sign the minutes as constituting true and correct records of the proceedings of the meeting.

### **FINANCIAL MATTERS:**

Financial Report. Mr. Collins presented the May 31, 2018 Financial Statements and Cash Position Statement updated through July 10, 2018. Mr. Collins noted that the District is essentially on Budget. Following review and discussion, upon motion duly made, seconded and unanimously carried, the Board accepted the Financial Statement and Cash Position Statement.

2017 Audit. Mr. Collins presented the draft 2017 Audit to the Board. Following review and discussion, upon motion duly made, seconded and unanimously carried, the Board accepted the Audited Financial Report for the fiscal year ending December 31, 2017, and directed that the report be filed with the State Auditor as required by state statutes.

### **DIRECTOR ITEMS:**

Mr. Figenser discussed the need for more Board meetings to hear and address ongoing issues within the District. The Board also discussed the purpose and authority of the Board, including how meetings are called and held. Following discussion, upon motion duly made, seconded and unanimously carried, the Board authorized a monthly meeting starting in August of 2018 with Mr. Dalton present, a minimum of two Board members present and one Board member present via telephone. The dates and times are to be determined at a later date, as well as meeting format and details. These monthly meetings will be in addition to the quarterly meetings already

## **RECORD OF PROCEEDINGS**

Ebert Metropolitan District

July 11, 2018

Page 3

scheduled. Ms. Antolak and Mr. Moore will formulate a meeting format and details for the first two meetings.

Ms. Antolak inquired about the District's ability to access City property in order to deal with the drainage and mosquito issues. A representative of Councilwoman Gilmore stated that she would meet with Ms. Antolak to review the possibilities.

Ms. Antolak inquired about updated covenants to prohibit Airbnb and other short term housing. Mr. Collins will look into the matter and report back to the Board at a future meeting.

Mr. Figenser suggested that he do a ride-along with Management Specialists, Inc. to review the outstanding issues. He will discuss further with Mr. Biesendorf.

### **ATTORNEY'S ITEMS:**

Foreclosure Update. Mr. Dalton reported on the updated enforcement activity regarding covenant violations.

### **MANAGER'S ITEMS:**

Introduction of Community Manager. Ben Biesendorf introduced himself as the Manager at Management Specialists, Inc.

Community Manager's Report. Mr. Biesendorf reviewed the community report with the Board.

District Manager's Report. Mr. Foster reviewed the Manager's report with the Board.

### **OTHER BUSINESS:**

None.

### **PUBLIC COMMENTS:**

Councilwoman Gilmore's representative updated the public on certain activities and projects in the District.

A member of the public commented on the fact that the Board is the only body he's allowed to elect. A member asked for more information regarding Board members and asked that public hearing notices be posted to the District website. Two members asked the Board to pay particular attention to the 2021 refinance of the District's debt when considering the budget.

Two members inquired about moving the comments portion to the beginning of the Board meetings as well as the process of retaining management companies. One member had complaints about the appearance of medians and Dunkirk.

**RECORD OF PROCEEDINGS**

Ebert Metropolitan District

July 11, 2018

Page 4

Some members questioned Management Specialists, Inc.'s efforts in enforcement of covenants. Mr. Biesendorf introduced himself as the new Manager and discussed new efforts.

**EXECUTIVE SESSION AS NEEDED TO HEAR LEGAL ADVICE FROM COUNSEL PURSUANT TO C.R.S. SECTION 24-6-502(4)(B):**

None.

**ADJOURNMENT OF MEETING:**

There being no further business to come before the Board and upon motion duly made, seconded and unanimously carried, the meeting was adjourned. The Boards noted that the next regular meeting of the Board is scheduled for 8:00 a.m. on Wednesday, November 14, 2018, at the City and County of Denver Green Valley Ranch Recreation Center, 4890 Argonne Way, Denver, Colorado.

The foregoing minutes constitutes a true and correct copy of the proceedings of the above-referenced meeting and were approved by the Board of Directors of Ebert Metropolitan District,.

  
Secretary of the Ebert Metropolitan District