

# RECORD OF PROCEEDINGS

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**MINUTES OF A SPECIAL MEETING OF THE  
BOARD OF DIRECTORS OF THE  
INDEPENDENCE OVERLAY METROPOLITAN DISTRICT,  
HELD  
April 16, 2024**

A Regular Meeting of the Board of Directors of the Independence Overlay Metropolitan District was held virtually on April 16, 2024, at 6:00 p.m. The meeting was open to the public.

**ATTENDANCE:**

In attendance were Directors:

Timothy Craft, President  
Jim Yates, Secretary/Treasurer  
Randy Roberts, Assistant Secretary (joined the meeting at 6:37 pm)  
Kevin Haughn, Assistant Secretary  
VACANCY

Also, in attendance were:

Cheryl Poteet  
Val Vagher, Front Range Recreation  
Jen Thomas, Front Range Recreation  
Eli Schlagel, Front Range Recreation  
Dianne Miller, Miller & Associates Law Offices, LLC  
Kurt Schlegel, Special District Solutions, Inc.

**CALL TO ORDER:**

Mr. Schlegel called the role and stated that a quorum of the Board was present, and Director Craft called the meeting to order at 6:01 p.m.

**CONFLICTS &  
DISCLOSURE  
STATEMENTS:**

Mr. Schlegel stated that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors prior to this meeting and no new conflicts of interest were disclosed at the meeting.

**APPROVAL OF AGENDA:**

Mr. Schlegel requested that an item be added under New Business – “Discussion regarding Appointment Process to Fill Vacancy on the District’s Board of Directors”. After review of the Agenda Director Yates moved that the Board approve the Agenda as amended. Upon a second by Director Craft a vote was taken, and the motion carried unanimously.

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**CONSENT AGENDA:**

Director Yates moved that the Board approve the Consent Agenda consisting of the following item, as presented:

1. Approval of Minutes from the Regular Meeting of January 11, 2024
2. Ratification of Payments Made through March 31, 2024
3. Recognize and Adopt Director Guerard's Resignation Effective May 1, 2024

Upon a second by Director Craft a vote was taken, and the motion carried unanimously.

**CORRESPONDENCE:**

None

**PUBLIC COMMENT:**

None

**UNFINISHED BUSINESS:**

Architectural Control Committee (ACC): Mr. Schlegel presented a proposed Resolution regarding the appointment of an Architectural Control Committee. Director Haughn stated that he does not believe this is necessary at this time and the Directors discussed process and procedure for ACC business. Following discussion Director Craft moved that the Board approve the Resolution Concerning the Appointment of Members to the Architectural Control Committee for the Independence Overlay Metropolitan District. Upon a second by Director Yates a vote was taken, and the motion carried by a vote of two (2) in favor, and one (1) opposed.

Exterior Lighting Standards: Mr. Schlegel presented a proposed amendment to the District's Design Guidelines, specifically adding wording regarding "Jelly Lights". Mr. Schlegel stated that in previous discussions with the Board he has identified several homes that have had these types of lights installed without ACC review and/or approval. Management has contacted each of these and requested that they submit variance applications for review and consideration. The Directors stated that they do not intend to have these homeowners remove existing lighting and any new applications will be closely considered. The proposed addition of language restricting the hours of use and intensity or brightness of the lights was discussed. Following discussion Director Haughn moved that the Board approve the amendment to the District's Design Guidelines as submitted. Upon a second by Director Craft a vote was taken, and the motion carried unanimously.

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Recreation Amenities Rules and Regulations: Mr. Schlegel presented an updated DRAFT of a Rules and Regulations document for the Board members to review and consider. The Directors discussed the document and references to the prohibition of the use of alcohol on District maintained properties. Following discussion Director Yates moved that the Board approve the Independence Overlay Metropolitan District Recreation Amenities Rules and Regulations as presented. Upon a second by Director Craft a vote was taken, and the motion carried unanimously.

## **NEW BUSINESS:**

Non-Resident Use of District Recreation Amenities: Mr. Schlegel requested direction for the Board regarding the use of District facilities by persons not residing or owning property in the Independence development. Ms. Miller stated that by law, the District cannot prohibit non-residents from using the facilities however the District may charge non-residents for use of District owned and maintained facilities and give priority of the use of these facilities to Independence residents. The Directors requested that Mr. Schlegel work with Ms. Miller and Front Range Recreation staff to determine an amount that will be charged to non-residents and a process for issuing credentials to non-residents for the use of District facilities.

Appointment to Fill Vacancy on the District's Board of Directors: Mr. Schlegel reminded the Directors that due to Director Guerard's resignation there exists a vacancy on the District's Board of Directors. Management will post notice of the vacancy and bring any letters of interest and resumes received to the Board for their consideration at a later date.

## **MANAGEMENT & FINANCIAL ITEMS:**

Review of Cash Position and Financial Statements: Mr. Schlegel presented the unaudited Financial Statements dated March 31, 2024, for the Board's review.

## **OTHER BUSINESS:**

Mr. Schlegel and Ms. Vagher briefed the Directors on the status of needed repairs to the swimming pool. Mr. Schlegel has been working with Waner Construction in an attempt to get the pool contractor to come back and perform needed safety repairs to the pool. The Waner Construction representative has promised that all repairs will be completed to the District's and the developer's satisfaction prior to the projected opening date of 25 May, 2024.

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Ms. Vagher stated that she has received requests from residents regarding the installation of lights in the parking lot. Mr. Schlegel will work with the Developer to investigate options.

Mr. Schlegel stated that he is in the process of obtaining estimates to remove and replace the turf next to the swimming pool and will bring options to the Board at a later date.

**NEXT MEETING:**

**The Board members determined that the next scheduled regular meeting will take place on June 14, 2024 and Special Meetings will be called as necessary.**

**ADJOURNMENT:**

There being no further business to come before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 7:42 p.m.

Respectfully Submitted:

*Kurt Schlegel*

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Secretary for the Meeting