

MINUTES OF SPECIAL MEETING OF THE BOARD
OF DIRECTORS

OF

MIDTOWN AT CLEAR CREEK METROPOLITAN
DISTRICT

Held: Tuesday, March 26, 2019 at 6:00 p.m.
The Shed at Midtown, 1625 W. 67th Ave., Denver,
Colorado.

Attendance

The meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following Directors were in attendance:

Matthew Zielinski - *absent*
Sam Delp
Stephen B. Clark
Rachel Williams
Chris Petro - *absent*

Also present were Casey Lekahal, White Bear Ankele Tanaka & Waldron, Attorneys at Law, District general counsel; Kimberly Johanns, Simmons & Wheeler, District accountant; and Desiree Wingo, MSI, District Manager.

Please see the attached sign in sheet for additional attendees.

Call to Order/Declaration of Quorum

Mr. Lekahal noted that a quorum of each Board was present and therefore called the meeting to order.

Director Disclosures

Mr. Lekahal advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Lekahal 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. Mr. Lekahal 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. The Board determined that the

participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda

Director Delp presented to the Board the proposed agenda for the meeting. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda.

District Manager's Report

Financials/Checks

Ms. Wingo reviewed the February check register with the Board. Following discussion, upon a motion duly made and seconded, the Boards approved the checks.

Ratification Items

Ms. Wingo reviewed the February invoices with the Board. Following discussion, upon a motion duly made and seconded, the Boards ratified the invoices.

Management Items

Ms. Wingo presented the newsletter to the Board. Following discussion, upon a motion duly made and seconded, the Board approved the newsletter.

Ms. Wingo presented the flower maintenance proposal for \$5,250, the flower bed proposal for \$13,651.31 and the flower pot proposal for \$1,477.19 to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board approved the proposals as presented.

Ms. Wingo presented the Aquatic Chemical Solutions proposal for \$2,985.00, the Cascade Water Features proposal for \$18,200.00, the B R & D Landscape proposal for \$13,320.00 and the Art of the Yard proposal for operation and maintenance of the water feature. Following discussion, upon a motion duly made and seconded, the Boards approved the B R & D Landscape proposal as presented.

Ms. Wingo reviewed the janitorial contract for 2019. The Board directed Ms. Wingo to request a modified proposal which calls for clean-up of the Shed after every event.

Homeowner Requests/Feedback

Ms. Wingo reviewed certain homeowner requests/complaints with the Board. A certain homeowner is concerned with the lack of no parking signs on 66th, a certain vehicle which is parked on 66th, a certain

homeowner who leaves their garage door open, a dead tree on 66th and use of a certain house for short term rentals. The Board directed Ms. Wingo to inform the homeowner that the County is responsible for signage on 66th. It was also noted that Mr. Lekahal will research declarations with regard to governance of vehicles in ROW and short term leasing.

Work Orders/Maintenance Update

Ms. Wingo provided updates, no action was taken.

Architectural and Maintenance Update

Ms. Wingo provided updates, no action was taken.

Covenant Enforcement

Ms. Ms. Wingo provided updates, no action was taken.

Committee Reports

There were no committee members present for discussion. Ms. Wingo presented the requests on behalf of the garden committee. Following discussion, upon motion duly made and seconded, the Board approved garden committee spending \$8,000, subject to collection of at least \$3,000 in fees from plot rentals. It was noted that if the committee collects additional revenue, they can direct such spending with Board approval.

Approval of February 26, 2019 Meeting Minutes

Director Delp presented the February 26, 2019 special meeting minutes to the Board. Following discussion, upon motion duly made and seconded, the Board approved the minutes.

Public Comment

None.

Legal Matters

Discuss Developer Report Process

Mr. Lekahal discussed with the Board that Director Petro will no longer be acting as a developer representative at the meetings. It was noted that a Brookfield employee who is not associated with the Board will make presentations during the regular meetings.

Consider Approval of Letter

Mr. Lekahal presented and discussed the letter agreement

Agreement with Midtown LLC regarding Financing of Capital Costs and Administrative Costs related to the Acquisition of Property Interests

with Midtown LLC regarding financing of capital costs and administrative costs related to the acquisition of property interests. Mr. Lekahal discussed the financing arrangement with Midtown LLC, but noted there were still outstanding issues. No action was taken at this time.

Consider Approval of Form of Landscape Maintenance Easement and District Letter – Filing 8

Mr. Lekahal discussed and presented the form of landscape maintenance easement and District letter for Filing 8 to the Board. Mr. Lekahal also noted the need to enter into a funding agreement with Century Homes. No action was taken at this time.

Discuss Request for Filing 10 Easements from Respective Property Owners to North Pecos Water and Sanitation District

Mr. Lekahal discussed and presented the request for filing 10 easements from respective property owners to North Pecos Water and Sanitation District. Following discussion, upon motion duly made and seconded, the Board approved the filing 10 easements and the form letter.

Financial Matters

Consider Approval of Payables

Ms. Johans presented the payables to the Board. Following discussion, upon motion duly made and seconded, the Board approved the payables as presented.

Conduct Public Hearing on 2018 Budget Amendment and Consider Adoption of Resolution Amending 2018 Budget

Mr. Lekahal reported that the notice of the Budget amendment hearing was provided in accordance with the statute. The Board opened the 2018 Budget amendment hearing. There being no public comment, the Board closed the hearing. Ms. Johans presented the 2018 Budget Amendment Resolution to the Board. Following discussion, upon motion duly made and seconded, the Board adopted the resolution.

Other Business

None.

Adjourn

There being no further business to come before the Board and upon motion duly made, seconded, and unanimously carried, the meeting was adjourned.

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


Secretary for the Meeting

MIDTOWN AT CLEAR CREEK METROPOLITAN DISTRICT

Board Meeting Attendance

March 26, 2019

NAME	ADDRESS	TELEPHONE	EMAIL	Would you like to speak? (Y/N)
Tom MoB	1961 W. 67 th St.			N
Scott Shedd	401 W 67 th Ave	303-596-2698		Y
Sherry Selverge	1735 W 46 th Ave	720-253-5944	Levations Promotions@gmail.com	N
Aura Leathers				