

MINUTES OF SPECIAL MEETING OF THE BOARD  
OF DIRECTORS

OF

MIDTOWN AT CLEAR CREEK METROPOLITAN  
DISTRICT

Held: Tuesday, September 17, 2019 at 6:00 p.m.  
The Shed at Midtown, 1625 W. 67<sup>th</sup> 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  
Stephen B. Clark  
Rachel Williams

Also present were Eve M. Grina, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District general counsel; Kimberly Johanns, Simmons & Wheeler, District accountant; Desiree Wingo, MSI, District Manager; Barrett Marrocco, IDES, LLC, District Engineer; Amanda Fitzjarrald (resident)

Please see the attached sign in sheet for additional attendees.

**Call to Order/Declaration of  
Quorum**

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

**Director Disclosures**

Ms. Grina advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Grina 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. Zielinski 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**

The Board reviewed the agenda. Following discussion, upon motion duly made and seconded, the Board approved the agenda, as amended to add Item 4-A Consider Approval of Planned Unit Development, Final Development Plan Filing Eleven Amendment No. 1 and Applications for Water Supply Licenses for Denver Water.

**Public Comment**

Ms. Fitzjarrald presented the Board with a proposal for Little Free Libraries in the District. The Board engaged in a discussion with Ms. Fitzjarrald and determined to add a discussion of the project to the November Agenda.

Consider Approval of Planned Unit Development, Final Development Plan Filing Eleven Amendment No. 1 and Applications for Water Supply Licenses for Denver Water

Ms. Grina presented the documents received from Midtown, LLC to the Board for consideration. After discussion, the Board elected to table the matter to the November meeting to provide Midtown, LLC with an opportunity to answer Board questions regarding the documents.

**District Engineer's Report**

Mr. Marrocco presented the Engineer's Report to the Board concerning the status of improvements initially accepted on July 26, 2017. Mr. Marrocco informed the Board that he recommended final acceptance of the improvements.

Consider Final Acceptance of Improvements for Costs Accepted under Infrastructure Acquisition Report No. 2 and Release of Warranty Bonds Related to the Same

The Board engaged in a general discussion. Following discussion, upon motion duly made and seconded, the Board determined to release the Warranty Bonds and grant final acceptance of the Improvements initially approved on July 26, 2017, subject to final inspection of the lighting improvements by a Director and correction of any issues identified in the final inspection.

**District Manager's Report**

Ms. Wingo presented the Manager's report to the Board. Following discussion, upon motion duly made and seconded, the Board approved the seasonal shutdown of the District water features and the proposal for holiday lighting from Ray Ramelow Management in the amount of \$2,035.

Consider Approval of Landscape Proposals

The Board engaged in a general discussion. Following discussion, upon motion duly made and seconded, the Board approved the proposal from Brightview in the amount of \$11,431.44 for tree replacement.

**Approval of August 20, 2019  
Special Meeting Minutes**

Ms. Grina presented the August 20, 2019 meeting minutes to the Board. Following discussion, upon motion duly made and seconded, the Board unanimously approved the minutes.

**Legal Matters**

None.

**Financial Matters**

Consider Approval of Payables and Acceptance of Financials

Ms. Johanns presented the current claims to the Board for consideration. Following discussion, upon motion made and seconded, the Board ratified the claims.

Ms. Johanns presented the current financial statements. The Board took no action on the financial statements presented.

2020 Budget Workshop

The Board engaged in discussion of the 2020 draft budget. Director Williams requested that Ms. Wingo provide proposals for a reserve study to aid in budget discussions.

**Additional Landscaping  
Approved**

The Board authorized Ms. Wingo to work with Brightview to replace dead shrubs and trees with similar plant material, best suited to the conditions throughout the District, with the condition that no new honey locust trees should be planted, for an amount not to exceed \$29,500.

**Other Business**

Director Zielinski addressed the Board regarding the letter he had received regarding his attendance and requested that the other Directors attend the District meetings and arrive on time for such meetings

**Adjourn**

There being no further business to come before the Board and upon motion duly made and seconded, 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