

MINUTES OF A REGULAR MEETING OF THE
BOARD OF DIRECTORS

OF

MIDTOWN AT CLEAR CREEK METROPOLITAN
DISTRICT

Held: Tuesday, February 18, 2020 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
Stephen B. Clark
Rachel Williams

Director Sam Delp was absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present were Eve M. G. Velasco, 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; Lisa Albers, Lorrie McNamee and Matt Haley, Brookfield Residential (Colorado), LLC; and members of the public.

**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. Velasco advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Velasco reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest, if any, 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. Velasco 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 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 unanimously approved the agenda, as amended to move item 6 (Developer Report) ahead of item 5 (Committee Reports).

Public Comment

Ms. Farmer asked about the distribution of meeting minutes via email. The Board informed her that minutes and other District documents are available on the District's website

Ms. Mullin asked about the status of amending the surfaces at the dog parks. Board responded that the surfaces had been redone and the District Manager had received fewer complaints. Ms. Wingo requested that Ms. Mullin email about her concerns so she can investigate. Ms. Mullin also asked about the status of the permanent street signs. Ms. Wingo informed her that the developer has ordered them from the County, but does not have a timeline for delivery. Director Zielinski offered to bring up the subject in his discussion with the County Commissioner.

Ms. Stock asked which entity would be responsible for the sidewalk from Pecos to the RTD bus stop. Ms. Wingo was instructed to follow up on the specifics via email.

Developer Report

Ms. Albers introduced herself to the Board and informed them of Director Petro's resignation. She informed the Board about different possible park developments for the large park on the west side of the District, including a proposal from Hyland Hills Park and Recreation District to develop the park to include a public parking lot and sports fields, to be owned and operated by the Hyland Hills Park and Recreation District. Ms. Albers noted that a community meeting was being scheduled and will coordinate with the District Manager to notify District residents about the meeting when it is scheduled.

Consider Approval of
Applications for Water Supply
Licenses for Denver Water

The Board reviewed the applications for Water Supply Licenses for Denver Water. Following discussion, upon motion duly made and seconded, the Board unanimously approved the applications and authorized Director Zielinski to execute the required documents on the District's behalf.

Committee Reports

Landscape Committee

Dave Smith presented the landscape committee report. He recommended that the District hire a part time employee to work on alley snow removal. He also recommended additional letters to the community about the dog waste problem. The Committee would also like to assist with finalizing the annual planting proposal.

Garden Committee

Kate Farmer and Casey Stock presented. The Committee is determining the number and size of plots to offer this year, depending on the interest from the community. If they approve half-plots, they would like to charge a half-plot fee of \$75. Following discussion, upon motion duly made and seconded, the Board approved this potential half-plot fee unanimously.

The Committee also requested that the Committee be able to use the proceeds from the Garden Cards first, and the appropriated \$5,000 budget from the District second. Following discussion, upon motion duly made and seconded, the Board approved this proposal unanimously.

Social Committee

Ms. Wingo presented the written report of the Committee's recent events. Director Williams suggested that the Social Committee hold an event about the upcoming director election.

District Manager's Report

Ratification Items

Ms. Wingo presented the Manager's report to the Board.

The Board reviewed the ratification items. Following discussion, upon motion duly made and seconded, the Board unanimously ratified the following items:

- October Invoices
- November Invoices
- December Invoices
- Annual Fire Sprinkler Inspection Report
- January Newsletter
- Insurance Renewal

Old Business

Tree Stake Removal

Ms. Wingo informed the Board that, according to Brightview, the remaining tree stakes that the Landscape Committee was unable to remove are beginning to adversely impact tree growth. The Board instructed Ms. Wingo to seek proposals from companies to remove the remaining stakes

Lighting

Ms. Wingo informed the Board that Brookfield requested that the District approve relocation of a District-owned street light to 67th Drive. Following discussion, upon motion duly made and seconded, the Board rejected the request unanimously. Ms. Wingo informed the Board that some lighting in the medians is not working and she has contractors troubleshooting the issue.

Drainage at North Facing Townhomes on 67th Drive

Ms. Wingo presented three proposals for corrective work for the drainage at certain North-Facing Townhomes on 67th Drive. Board instructed Ms. Wingo to work with the District Engineer to develop a scope of work and seek proposals for the same to present to the Board.

New Business

Reserve Study

Ms. Wingo presented three proposals for reserve studies to the Board. After discussion, the Board approved the proposal from Association Reserves for a “Full” Reserve Study with Site Visit and 12-week delivery timeframe, in the amount of \$2,750.

Brightview Items

Ms. Wingo informed the Board that she has received a proposal for annual flower plantings from Brightview, but was waiting on a concept plan. She will circulate the concept plan and proposal to the Board once received.

Ms. Wingo presented the Board with a proposal from Brightview to upsize the pet waste station trash receptacles. The Board instructed Ms. Wingo to seek proposals for additional pet waste stations and other pet waste maintenance services.

The Board discussed concerns with snow removal and compacted ice in the alleyways. The Board instructed Ms. Wingo to work with Brightview to refine their process and timing for snow removal in the District.

Wheelhouse Commercial Request

Ms. Wingo presented the Board with a request from

to Relocate Trash Enclosures Wheelhouse Commercial request to relocate the trash enclosures farther from seating areas. The Board instructed Ms. Wingo to seek proposals.

Homeowner Concern Regarding Alley Settling Ms. Wingo informed the Board that a homeowner notified her of a concern regarding sinking pavement in an alley. Mr. Marrocco recommended that the Board monitor the site for further settling before determining whether mediation was necessary. The Board took no further action on this item.

Waste Management Request to Change Pickup Location Ms. Wingo presented a request from Waste Management to change from alley to street pickup. Following discussion, upon motion duly made and seconded, the Board rejected the request.

Covenant Enforcement Ms. Wingo informed the Board that there is some confusion in the community regarding parking on certain driveway aprons. The Board instructed Ms. Wingo to send Ms. Velasco the related covenants to see if clarification of the governing documents is necessary.

Approval of November 19, 2019 Regular Meeting Minutes Ms. Velasco presented the November 19, 2019 meeting minutes to the Board. Following discussion, upon motion duly made and seconded, the Board approved the minutes.

Legal Matters

Consider Engineer's Cost Certification and Infrastructure Acquisition Report Mr. Marrocco presented his report to the Board. He noted that he had discovered a drainage design flaw on one of the landscaping tracts that will cause ice buildup and that he would not recommend acceptance of the improvements at this time. Ms. Velasco noted that the Warranty Agreement and performance bond were also outstanding from Midtown, LLC. Based on this, after discussion, the Board determined to table the report until the next meeting.

Consider Approval of Observation Report Mr. Marrocco presented the Observation Report to the Board. No additional action was taken.

2020 May Director Election Ms. Velasco presented an update, noting that requests for self-nomination forms had been received from residents in the community and it appeared possible that the election would proceed and be contested.

Insurance Matters

Update on Property and Liability Insurance Limits and Deductibles

Ms. Velasco informed the Board that the District consultants were working on updating the District's property and liability schedule to include the District's recently accepted and acquired properties. Legal counsel will seek an updated proposal from the SDA Property and Liability Pool and circulate the same to the Board once available.

Financial Matters

Consider Approval of Payables and Acceptance of Financials

Ms. Johanns presented the payables and year-end financial statements to the Board for consideration. Following discussion, upon motion duly made and seconded, the Board unanimously ratified the paid claims, approved the current claims, and approved the financial statements as presented.

Update regarding 2019 Audit

Ms. Johanns presented the audit proposal from Stratagem. Following discussion, upon motion duly made and seconded, the Board unanimously approved the proposal.

Other Business

Next Regular Meeting – May 19, 2020

The next meeting is to be held May 19, 2020.

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