

MINUTES OF A SPECIAL MEETING OF THE BOARD
OF DIRECTORS

OF

MIDTOWN AT CLEAR CREEK METROPOLITAN
DISTRICT

Held: Tuesday, May 19, 2020 at 6:00 p.m.
Via Zoom Video Conferencing.

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
Sam Delp
Travis Tully

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, Independent District Engineering Services, District Engineer; Matt Haley, Midtown LLC; David Smith and Dittiman Singh, residents.

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. 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

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 presented.

Public Comment

Mr. Singh presented concerns regarding dead trees on District property behind his home and asked whether he would be able to plant replacement trees himself. The Board informed him that they are working on replacing dead plants throughout the District and will discuss plans during the meeting and informed him that he would not be permitted to plant trees on District property.

Administrative Matters

Election of Officers

The Board engaged in a general discussion. Following discussion, upon a motion duly made and seconded, the Board unanimously elected the following officers:

President: Rachel Williams
Vice President: Sam Delp
Secretary: Travis Tully
Treasurer: Stephen B. Clark
Assistant Secretary: Matthew Zielinski

Approval of February 18, 2020 Regular Meeting Minutes and April 9, 2020 Special Meeting Minutes

The February 18, 2020 Regular Meeting Minutes and April 9, 2020 Special Meeting Minutes were presented to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the February 18, 2020 Regular Meeting Minutes and April 9, 2020 Special Meeting Minutes.

Financial Matters

Consider Approval of Payables and Claims

Ms. Johannis presented the payables and claims to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the payables and claims.

Consider Acceptance of Financial Statement

Ms. Johannis presented the March 31, 2020 financial statements to the Board and answered questions from the Board, including about the potential financial impact of the COVID-19 pandemic. Following discussion, upon a motion

duly made and seconded, the Board unanimously approved the March 31, 2020 financial statement.

Consider Approval of 2019 Draft Audit and Client Representative Letter Ms. Johanns presented the 2019 Draft Audit and Client Representative Letter to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the 2019 Draft Audit and Client Representative Letter.

Discuss Conservation Trust Fund Distribution and Eligible Expenditures Ms. Johanns informed the Board that the District had received a distribution of \$1,279.33 from the Conservation Trust Fund and presented the Board with information regarding the use of those funds. No additional action was taken.

Committee Reports

Landscape Committee Mr. Smith requested that the Board take additional action to encourage homeowners to replace dead trees on their property. He informed the Board that the Landscape Committee recommends the Board approve the flower planting proposal from Brightview. He also recommended that the Board approve a proposal to have the remaining tree stakes removed professionally.

Garden Committee Ms. Wingo informed the Board that the Garden Committee had assigned all the available plots to interested residents and had collected all but four payments.

Social Committee Ms. Wingo presented the Social Committee's request for guidance on event planning to the Board. The Board noted that State and County guidelines needed to be followed and the Shed is closed to the public for now. As the Board does not have information on how the guidelines will evolve over the next few months, the Board recommended holding off on planning events until more is known.

District Manager's Report

Financials/Checks Ms. Wingo presented the financial reports and January, February and March checks to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the January, February and March checks.

Ratification Items

Ms. Wingo presented the January, February and March invoices to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the January, February and March invoices.

New Business

LTE Inspection and Maintenance Reports

Ms. Wingo presented the Inspection and Maintenance Reports from LTE to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal for recommended work in the amount of \$6,021.92.

Brightview Site Assessment

Ms. Wingo presented the Brightview Site Assessment to the Board for review. The Board engaged in a general discussion of landscaping priorities and associated budgeted amounts.

Trash Can and Pet Waste Proposals

Ms. Wingo presented proposals for the installation of a trash can and six additional pet waste stations. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Brightview proposals to install an additional trash can, in the amount of \$2,713.32, and six additional pet waste stations, in the amount of \$1,552.11, and the purchase of the six pet waste stations in the amount of \$169.00 each.

Flowers

Ms. Wingo presented several proposals for planting and maintaining flower beds to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal from Brightview to install the annual and perennial plantings in the amount of \$12,852.81 and the Brightview proposal for maintenance of the same in the amount of \$4,238.54.

Tree Stake Removal

Ms. Wingo presented several proposals for removing tree stakes throughout the community to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal from Arrowhead to remove the remaining tree stakes in the amount of \$1,234.39.

Other Landscaping Projects

The Board engaged in a general discussion regarding landscaping priorities and available budgeted funds. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized Ms. Wingo to approve proposals to replace dead trees and shrubs on District

property, as prioritized by the Manager, in an amount not to exceed \$35,000.

Water Features Update

Following discussion, the Board determined to postpone start-up maintenance on the splash park until additional guidance is issued by the State and County.

Power Source to East Side Irrigation Controllers/Lighting

Mw. Wingo informed the Board that a temporary repair had been completed to provide power and water to the East Side landscaping. She also informed the Board that Brightview is confident that the sod will recover with regular watering and the developer would replace affected plantings if necessary.

Drainage at North Facing Townhomes on 67th

Mr. Marrocco presented the results of his review of the grading and options for addressing the ice buildup on northern facing sidewalks. He recommended that the Board mark these areas as needing additional snow removal and ice-melt to address the freezing of runoff on the sidewalks and to add signage warning residents of possible ice. The Board instructed legal counsel to look into language for signage and report back to the Board.

Lighting

Ms. Wingo informed the board that certain lighting issues were being investigated and a possible break was identified within the community garden. The Board instructed Desiree to continue investigating the issue and possible solutions. The Board also instructed Desiree to look into the possibility of locating District-owned utilities that may be within the community garden.

Developer's Report

None.

Engineer's Report

Mr. Marrocco reviewed his report with the Board. He also presented an updated task order. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the task order, contingent on confirmation that the developer will continue to pay the capital costs associated with infrastructure acquisition.

Consider Engineer's Cost Certification and Infrastructure Acquisition Report No. 4

Mr. Marrocco reviewed the Cost Certification and Infrastructure Acquisition Report No. 4 with the Board and answered questions. Mr. Marrocco recommended initial acceptance of the identified improvements.

Legal Matters

Consider Adoption of Resolution Regarding Initial Acceptance and Acquisition of Public Improvements (Cost Certification and Infrastructure Acquisition Report No. 4)

Ms. Velasco reviewed the Resolution Regarding Initial Acceptance and Acquisition of Public Improvements (Cost Certification and Infrastructure Acquisition Report No. 4) with the Board and recommended approval of the Resolution and Initial Acceptance conditioned on the following: (1) Finalization and execution of Warranty Agreement with exhibit detailing the maintenance and repair plan for Filing 6, Tract B and the alley tracts during the warranty period; (2) Execution of the Bill of Sale; (3) Provision of the Warranty Bond; and (4) with the two-year warranty period to run from the time that these conditions have been met. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Resolution with the recommended conditions.

Discuss Pending Reservations of the Shed

Following discussion, the Board determined to keep the Shed closed to the public and cancel pending reservations. No reservations will be accepted until the Board re-opens the Shed.

Other Business

None.

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









Midtown at Clear Creek MD - 2020-08-18 Meeting Packet

Final Audit Report

2020-09-10

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