

MINUTES OF A SPECIAL MEETING OF THE BOARD
OF DIRECTORS

OF

MIDTOWN AT CLEAR CREEK METROPOLITAN
DISTRICT

Held: Thursday, August 18th, 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
Travis Tully

Sam Delp - *Excused*

Also present were Eve M.G. Velasco, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District general counsel; Desiree Wingo, MSI, District Manager; Kimberly Johanns, Simmons and Wheeler, P.C., District Accountant and Barrett Marrocco, Independent District Engineer Services, LLC, District Engineer.

Call to Order/Declaration of Quorum

Director Williams 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. Director Williams 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, with amendments to the addition of 9(b) Discuss Inspection of Sewer Lines at 67th and Osage and moved Section 9 to after Section 5.

Public Comment

None.

Administrative Matters

Approval of May, 19, 2020 Meeting Minutes and July 2nd, 2020 Meeting Minutes

The Board reviewed the May, 19, 2020 Meeting Minutes and July 2nd, 2020 Meeting Minutes. Following discussion, upon motion duly made and seconded, the Board approved the meeting minutes.

Infrastructure Matters

Consider transfer of irrigation billing for acquired landscaping tracts

The Board engaged in a general discussion regarding the transfer of irrigation billing for acquired landscaping tracts. Following discussion, upon motion duly made and seconded, the Board approved the transfer.

Discuss Inspection of Sewer Lined at 67th and Osage

Mr. Marrocco informed the Board about the concerns raised by Adams County that the District-owned sewer lines at the intersection of 67th and Osage may be leaking and causing the pavement of the County's right-of-way to sink. Mr. Marrocco recommended to the Board that they engage a contractor to perform a video inspection of the District-owned sewer lines to determine whether there are leaks. The Board authorized Mr. Marrocco and Ms. Wingo to engage a contractor to perform the inspection, in an amount not to exceed \$1,500.

Financial Matters

Consider Approval of Payables and Claims

The Board reviewed the Payables and Claims. Following discussion, upon motion duly made and seconded, the Board approved the payables.

Consider Acceptance of Financial Statement

The Board reviewed the Financial Statement. Following discussion, upon motion duly made and seconded, the Board accepted the Financial Statements.

Discuss CTF Revenue Report

The Board reviewed the CTF Revenue Report.

Committee Reports

Ms. Wingo presented an overview to the Board. The Garden Committee activities were noted to be running smoothly. The Social Committee anticipates being under budget this year due to cancelled events. The Landscape Committee continues to pursue tree stake removal and again recommends that the District hire a part time handyman.

Developer's Report

None.

Legal Matters

Discuss Status of Covenant Enforcement (6701 Warren Drive)

Ms. Velasco provided an update to the Board and the next steps to be taken.

Discuss Memorandum Regarding Social Media Use and Consider Adoption of Social Media Policy

Ms. Velasco presented and answered questions by the Board. Director Zielinski requested that Ms. Velasco provide guidance as to whether the District has an obligation to take action in the event that committee members make misstatements on the District's behalf. The Board determined not to implement a Social Media Policy at this point.

Consider Ratification of Right-of-Way Agreement and Permanent Utility Easement Agreement with Adams County

The Board reviewed and discussed the Right-of-Way Agreement and Permanent Utility Easement Agreement with Adams County. Following discussion, upon motion duly made and seconded, the Board ratified the agreement and easement.

District Managers Report

Financials/Checks

The Board reviewed the financials and checks. Following discussion, upon motion duly made and seconded, the Board approved the financials.

Ratification Items

The Board reviewed the invoices, following discussion, upon motion duly made and seconded, the Board approved the invoices.

The Board determined to table the mainline water break emergency repairs as no invoice had been received.

New Business

Dog Park Maintenance

Ms. Wingo presented that the Developer is incorporating rototilling into the maintenance schedule for the dog park. Director Clark raised concerns about the gate closures and warping fencing and Board instructed Ms. Wingo to raise these concerns with the Developer.

LTE Inspection and Maintenance Reports

Ms. Wingo reviewed the LTE Inspection and Maintenance Reports with the Board. Ms. Wingo also presented the proposal for 2021 services from LTE to the Board. Following discussion, the Board tabled the proposal to the year-end meeting.

Retaining Wall Concrete Repair

The Board requested Ms. Wingo to compile additional proposals for repairing the retaining wall concrete.

BrightView Site Assessment

Ms. Wingo reviewed the BrightView Site Assessment with the Board.

Reserve Study

Ms. Wingo presented the Reserve Study to the Board. The Board provided comments on the draft and instructed Ms. Wingo to relay the comments to Association Reserve to be incorporated into final draft.

Update on Completed Work and Proposals in Progress

Ms. Wingo presented and noted that there have been unexpected delays from BrightView in completing approved proposals.

Approval of Additional Landscaping Projects

The Board engaged in a general discussion. Upon motion duly made and seconded, the Board approved an additional thirty five thousand dollars (\$35,000) for landscaping improvements and authorized Ms. Wingo to approve proposals for the use of these funds, with the condition that approval for the proposals will expire if the work is not completed prior to October 15, 2020.

Work Orders & Maintenance Update

Ms. Wingo presented the work orders and maintenance update to the Board. No action was taken at this time.

Homeowner Requests/Feedback

Ms. Wingo presented the homeowner requests and feedback to the Board. No action was taken at this time.

Other Business

Next Regular Meeting – November 17, 2020

The Board confirmed the Budget Hearing to be November 17th, 2020.

The Board requested Ms. Johanns and Ms. Wingo to coordinate a budget workshop prior to the November 17th meeting.

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