

MINUTES OF A SPECIAL MEETING OF THE BOARD  
OF DIRECTORS

OF

MIDTOWN AT CLEAR CREEK METROPOLITAN  
DISTRICT

Held: Wednesday, November 17<sup>th</sup>, 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

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; Barrett Marrocco and Andrew Gaittens, Independent District Engineering Services, LLC, District Engineer and Lisa Albers, Brookfield Residential.

**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 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 approved the agenda as amended to move the Developer's Report and Infrastructure Matters up ahead of Administrative Matters.

### **Public Comment**

Mr. Chad Wagner, resident, raised the issue of decorative lighting that is not working in the median on the boulevard and asked the Board to work towards correcting the issue. The Board requested that Ms. Wingo investigate and provide an update.

### **Developer's Report**

Ms. Albers provided an update on development and homebuilding in the District. She noted that the sales office has opened for Filing 11. A community meeting has occurred for Filing 12, which is still in the planning phase. She provided an update on the discussions with Hyland Hills Park and Recreation District regarding the planned neighborhood park, noting that the proposed mill levy had been approved at the election and the next step will be to set up a meeting with both Districts to discuss planning.

### **Infrastructure Matters**

Discuss Infrastructure Acquisition Report #5

Mr. Marrocco reviewed the Report with the Board and answered questions. Mr. Marrocco recommended that the Board grant initial acceptance of the improvements covered in the Report.

Consider Adoption of Resolution Regarding Initial Acceptance of Public Improvements (IA Report #5)

Ms. Velasco presented the Resolution to the Board and went over the related warranty provisions. Ms. Velasco recommended the Board grant initial acceptance of the described improvements. Board adopted Resolution

### **Administrative Matters**

Approval of August 18, 2020 Meeting Minutes

The Board reviewed the August 18, 2020 Meeting Minutes. Following discussion, upon motion duly made and seconded, the Board approved the meeting minutes.

Consider Approval of Property and Liability Insurance Limits and Deductibles

The Board engaged in a general discussion. Following discussion, upon motion duly made and seconded, the Board approved the Property and Liability Insurance Limits and

Deductibles, subject to final review by the Board once proposals are received.

Consider Adoption of 2021 Annual Administrative Resolution The Board engaged in a general discussion. Following discussion, upon motion duly made and seconded, the Board adopted the 2021 Annual Administrative Resolution.

**Financial Matters**

Consider Approval of Payables and Claims Ms. Johanns reviewed the Payables and Claims with the Board. Following discussion, upon motion duly made and seconded, the Board approved the payables.

Consider Acceptance of Financial Statement Ms. Johanns reviewed the Financial Statements with the Board. Following discussion, upon motion duly made and seconded, the Board accepted the Financial Statements.

Discuss CTF Revenue Report Ms. Johanns reviewed the CTF Revenue Report with the Board and the Board took this under advisement.

Discuss Bill.com Ms. Johanns presented and discussed the use of Bill.com with the Board. Following discussion, upon motion duly made and seconded, the Board approved utilizing Bill.com.

Consider Approval of 2020 Audit Proposal from Wipfli Ms. Johanns reviewed the 2020 audit proposal from Wipfli. Following discussion, upon motion duly made and seconded, the Board engaged Wipfli for the 2020 audit.

2020 Budget Amendment Hearing Director Williams opened the public hearing on the 2020 Budget Amendment. Ms. Velasco noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

2020 Amended Budget Hearing Consider Adoption of Resolution Amending 2020 Budget Ms. Johanns reviewed the amendment to the 2020 Capital Fund Budget with the Board. Director Williams opened the public hearing on the proposed 2021 Budget. Ms. Velasco noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed. Ms. Velasco reviewed the Resolution Amending the 2020 Budget with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution amending the Capital Fund to \$4,350,000.

2021 Budget Hearing  
Consider Adoption of 2021  
Budget Resolution

Director Williams opened the public hearing on the proposed 2021 Budget. Ms. Velasco noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Johanns reviewed the 2021 Budget with the Board and answered questions. Ms. Velasco presented the 2021 Budget Resolution to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the Resolution adopting the 2021 Budget as revised, appropriating funds therefor and certifying 5.505 mills for the General fund and 49.558 mills for the Debt Service fund.

**Committee Reports**

None

**Legal Matters**

Consider Approval of Goncalves  
Whitney and Guerrero-Watkins  
Access and Maintenance  
Easement Agreements

The Board reviewed the Goncalves Whitney and Guerrero-Watkins Access and Maintenance Easement Agreements. Following discussion, upon a motion duly made and seconded, the Board approved the agreements.

Discuss Request from Bruz Beers  
and Bon Bons to Lease The Shed

The Board discussed the request from Bruz Beers and Bon Bons to utilize the Shed and noted that the requested terms would constitute a donation in aid of a private corporation in violation of the Colorado Constitution. In light of this, the Board determined that the District could not grant the request.

2021 Contracts

*Consider Approval of First  
Addendum to Agreement with  
BrightView for Snow Removal  
Services*

The Board reviewed the First Addendum to Agreement with BrightView for Snow Removal Services. Following discussion, upon a motion duly made and seconded, the Board approved the agreement.

*Consider Approval of Agreement  
with BrightView for Landscaping  
Maintenance Services*

The Board reviewed the First Addendum to Agreement with BrightView for Landscaping Maintenance Services. Following discussion, upon a motion duly made and seconded, the Board approved the Addendum.

*Consider Approval of Agreement with BR&D Landscape Inc. for Water Feature Maintenance Services*

The Board reviewed the First Addendum to Agreement with BR&D Landscape Inc. for Water Feature Maintenance Services. Following discussion, upon a motion duly made and seconded, the Board approved the Addendum.

*Consider Approval of Agreement with Orkin for Pest Control Services*

The Board reviewed the First Addendum to Agreement with Orkin for Pest Control Services. Following discussion, upon a motion duly made and seconded, the Board approved the Addendum.

*Consider Approval of Agreement with Dogwood Poop and Scoop for Pet Waste Services*

The Board reviewed the Agreement with Dogwood Poop and Scoop for Pet Waste Services. Following discussion, upon a motion duly made and seconded, the Board approved the agreement including Option B for the scope of services.

*Consider Approval of Agreement with Diversified Underground for Utility Location Services*

The Board reviewed the Agreement with Diversified Underground for Utility Location Services. Following discussion, upon a motion duly made and seconded, the Board approved the agreement.

*Consider Approval of Independent Contract Agreement with LT Environmental for Detention Pond Inspection and Maintenance Services*

The Board reviewed the Independent Contract Agreement with LT Environmental for Detention Pond Inspection and Maintenance Services. Following discussion, the Board determined to table the agreement pending updated scope and vendor name change.

*Consider Approval of Independent Contract Agreement with Ramey Environmental Compliance for Sewer Maintenance Services*

The Board reviewed the Independent Contract Agreement with Ramey Environmental Compliance for Sewer Maintenance Services. Following discussion, the Board determined to table the agreement pending the investigation of recent charges.

### **District Managers Report**

Ratification Items

The Board reviewed and ratified the July-October invoices, the water feature tile repair, sewer line emergency repair (in the amount of \$6,066.80), and the Grant Variance for Landscape installation.

New Business

*Reserve Study*

Ms. Wingo presented the open revision requests from the Board and Board finalized the requested revisions. The Board instructed Ms. Wingo to relay the requested revisions to the vendor.

Homeowner Requests/Feedback

Mr. Delp informed the Board that he had received requests for the Amazon Lockers. He will review further.

Ms. Wingo informed the Board that a homeowner has an irrigation leak on their property and is unable to determine the source. Ms. Wingo has had the District water and sewer lines inspected and no leak was found, so this appears to be originating from another source.

Ms. Wingo provided an updated regarding the East Side Park Tree Replacements.

Ms. Wingo provided an update on the progress regarding the lighting throughout the community.

**Other Business**

Next Regular Meeting – February 16<sup>th</sup>, 2021

The Board confirmed the Budget Hearing to be February 16<sup>th</sup>, 2021.

**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.

*Travis Tully*  
Travis Tully (Feb 18, 2021 18:11 MST)

Secretary for the Meeting









# 2021-02-16 Midtown at Clear Creek Meeting Signature Packet

Final Audit Report

2021-02-19

Created:	2021-02-18
By:	Maudie Johns (mjohns@wbapc.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAR6MZ1Ar_yuGwR5evcthC6qSxfHgOwVTp

## "2021-02-16 Midtown at Clear Creek Meeting Signature Packet" History

-  Document created by Maudie Johns (mjohns@wbapc.com)  
2021-02-18 - 5:09:19 PM GMT- IP address: 50.209.233.181
-  Document emailed to Rachel Williams (rew74@yahoo.com) for signature  
2021-02-18 - 5:13:59 PM GMT
-  Document emailed to Travis Tully (travisntully@gmail.com) for signature  
2021-02-18 - 5:13:59 PM GMT
-  Email viewed by Rachel Williams (rew74@yahoo.com)  
2021-02-18 - 6:42:09 PM GMT- IP address: 67.195.51.210
-  Document e-signed by Rachel Williams (rew74@yahoo.com)  
Signature Date: 2021-02-18 - 6:42:58 PM GMT - Time Source: server- IP address: 184.96.156.231
-  Email viewed by Travis Tully (travisntully@gmail.com)  
2021-02-19 - 1:09:31 AM GMT- IP address: 97.118.12.107
-  Document e-signed by Travis Tully (travisntully@gmail.com)  
Signature Date: 2021-02-19 - 1:11:09 AM GMT - Time Source: server- IP address: 97.118.12.107
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