

MINUTES OF A SPECIAL MEETING OF THE BOARD  
OF DIRECTORS

OF

MIDTOWN AT CLEAR CREEK METROPOLITAN  
DISTRICT

Held: Tuesday, August 17, 2021 at 6:00 p.m.  
1675 W. 67<sup>th</sup> Avenue, Denver CO 80221.

**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:

Rachel Williams  
Sam Delp  
Stephen B. Clark  
Travis Tully  
Matthew Zielinski

Also present was Eve M.G. Velasco, Esq., White Bear Ankele Tanaka & Waldron, District general counsel; Desiree Wingo, MSI, District Manager; Kimberly Johanns, Simmons & Wheeler P.C., District Accountant.

**Administrative Matters**

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 Conflict of Interest  
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 and approved the agenda as presented.

Approval of May 18, 2021 Meeting Minutes

Ms. Velasco presented the May 18, 2021 Meeting Minutes. Following discussion, upon a motion duly made and seconded, the Board approved the minutes.

**Public Comment**

None.

**Committee Reports**

Social Committee

Director Williams noted the social committee enclosure.

Landscape Committee

Ms. Wingo noted that the committee's report was sent out as a supplement to the packet. It was noted that concerns were raised by Committee members, including weeds and plant encroachment onto sidewalks. The Board noted some concerns with BrightView performance.

Communications Committee

Director Williams noted the communications committee enclosure. Following discussion, upon a motion duly made and seconded, the Board approved the newsletter.

Garden Committee

Ms. Wingo noted that there was no update from the Garden Committee.

**Financial Matters**

Consider Approval of Payables and Claims

Ms. Johanns presented the payables and claims to the Board and noted that there may be additional duplicate development fee payments needing reconciliation. Following discussion, upon a motion duly made and seconded, the Board approved the payables and claims.

Consider Acceptance of Financial Statements

Ms. Johanns presented the financial statements to the Board and noted the outstanding balance owed to the District by Brookfield. Ms. Wingo and Ms. Johanns answered questions from the Board. Following discussion, upon a motion duly made and seconded, the Board accepted the financial statements.

Ratify 2020 Audit

Ms. Johanns presented the 2020 audit. Following discussion, upon a motion duly made and seconded, the Board ratified the audit.

**Developer's Report**

None.

**Infrastructure Matters**

Ms. Velasco presented update from Mr. Marrocco on the timeline for initial acceptance and upcoming final acceptance packages.

**Legal Matters**

Consider Approval of Agreement with IDES for General Engineering Services

The Board reviewed the Agreement with IDES for General Engineering Services. Following discussion, upon a motion duly made and seconded, the Board approved the agreement.

Resolution Regarding Designation of the Location of Regular Meetings

The Board reviewed the Resolution Regarding Designation of the Location of Regular Meetings. Following discussion, upon a motion duly made and seconded, the Board adopted the resolution.

Discuss Maintenance of Tree Lawns around School Property

Ms. Velasco informed the Board of the School District's request that the District maintain the tree lawn bordering the School property to the north and presented options for proceeding. The Board requested clarification on what maintenance would be desired by the School District and requested that Ms. Velasco clarify for the School District that the District only provides mowing during growing season for residential property tree lawns. The Board requested that Ms. Wingo obtain an estimate of cost to maintain the School District's tree lawn from BrightView.

Update on Discussions Concerning Filing 12 Park

Director Clark and Director Tully presented an update. There was consensus regarding the planned amenities (nature trails, large turf field beside school parking lot) and Brookfield was to provide an updated cost estimate to the Committee and County. In regards to parking, Director Clark noted that the County may agree to re-vamp 70th to provide street parking so the Park would not need additional parking. The District and School District are also considering an agreement to allow park users to park in the school parking lot in exchange for school using the turf field. The Directors noted that the plans for the Park include no organized sports, no lights, no and camping.

## **District Manager's Report**

### Financials and Payables

The Board reviewed the April, May and June check registers and financials. Following discussion, upon a motion duly made and seconded, the Board approved the check registers and financials.

### Ratification Items

The Board reviewed the May, June and July invoices. Following discussion, upon a motion duly made and seconded, the Board ratified the invoices.

### Contract Renewal 2022

#### *District Landscape Maintenance and Snow Removal*

The Board reviewed landscaping proposal from Brightview and discussed possibility of seeking additional bids. The Board approved snow removal proposal, including staking, and tabled landscaping proposals to the next meeting. The Board discussed battery operated sprinklers and the possibility of limiting that use in the future. The Board discussed updating mapping of landscaping and snow removal.

#### *Retail Area Cost Share Landscape Maintenance and Snow Removal*

The Board reviewed and approved the snow removal proposal from Brightview, including staking, and tabled landscaping.

#### *Water Feature Maintenance*

Ms. Wingo presented the annual service proposal and previewed repairs the contractor recommends during winterization. Ms. Wingo noted the vandalism issues related to the water feature. The Board requested a notice to be added to the Newsletter noting the concerns. Following discussion, upon a motion duly made and seconded (with Director Zielinski's opposition), the Board determined to extend the open season through September.

#### *Janitorial Services*

The Board engaged in a general discussion regarding janitorial services. The Board determined to change contractor to F/M Services for \$250 per week starting immediately.

#### *Sewer Maintenance*

Ms. Wingo presented update from the sewer maintenance contractor. The Board took under advisement.

#### *Detention Pond*

Ms. Wingo recommended changing the pond maintenance contractor and seeking bids for 2022 in regards to the Detention Pond.

Grounds Update	Ms. Wingo provided a summary and presented her recommended proposals for repairs. The Board discussed remaining appropriated funds and expenditures year to date. The Board discussed future funding needs as well and the possibility of increasing the operations fees for 2022.
<i>Proposals for Grounds Improvements</i>	The Board reviewed grounds improvement proposals. Following discussion, upon motion duly made and seconded, the Board approved \$90,000 for the landscaping repair/replacement projects that Ms. Wingo identified in her report for completion in 2021.
Shade Structure	The Board engaged in a general discussion regarding the cost of installing a shade structure. The Board requested Ms. Wingo solicit a proposal from Norris Design for 3 shade structures.
Lighting Concerns	Ms. Wingo presented proposals for 2022 budget consideration.
Reclaimed Water Sprinkler Heads/Box Switch Out - Crestview Request	Ms. Wingo noted the request received from Crestview Water and Sanitation District to replace purple non-potable sprinkler heads and valve box covers and informed the Board that she is working with Brookfield to determine why the non-potable heads and covers were installed. Director Clark provided background and noted that this was based on a Brookfield plan that was abandoned. The Board determined to approach Brookfield to replace the heads and covers.
Montessori Spigot Access for Playtime	Ms. Wingo noted the request from the Montessori School to use irrigation water for playtime. The Board rejected request and noted that the Montessori school should discuss water usage with its landlord.
Shed Events	Ms. Wingo noted the maintenance issues that are arising due to use of the Shed, as well as general aging of the amenity. She noted the Board may want to increase the rental fee for the Shed to cover the increased costs.
Homeowner Requests/Feedback	Ms. Wingo provided an overview of homeowner communications received.
Drainage/Landscape/Concrete Concerns Filing 6	Ms. Wingo provided update that Brookfield is funding the maintenance of these improvements through a contract with Brightview.

Work Orders/Maintenance Update

Ms. Wingo provided an overview of approved work orders.

Homeowner Applicants to AMC

Ms. Wingo provided an update on the shortened review time for the AMC and noted that several residents submitted letters of interest to be appointed to the AMC. The Board requested that Ms. Wingo follow up with Brookfield and note that the Board would prefer that AMC appoint as many resident applicants as possible.

Covenant Enforcement Yard Maintenance

Ms. Wingo provided an update on the condition of the property at issue, which has been improved and the previous violations resolved, but without an approved design. The Board requested that Ms. Wingo confirm all fees have been paid and instructed Ms. Wingo to close out the prior violations and send a notice to comply and submit design application to AMC.

**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 (Oct 25, 2021 19:13 MDT)

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Secretary for the Meeting