

MINUTES OF A WORK SESSION OF THE BOARD OF DIRECTORS

OF

MIDTOWN AT CLEAR CREEK METROPOLITAN DISTRICT

Held: Tuesday, October 19, 2021 at 6:00 p.m. via Zoom Teleconference

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 (WBA), District general counsel; Desiree Wingo, MSI, District Manager; Kimberly Johanns, Simmons & Wheeler P.C., District Accountant; Barrett Marrocco and Chase Hanusa, IDES, District Engineer; and David Smith, Michael Piper, Kate Farmer and various members of the public.

Administrative Matters

Call to Order/Declaration of Quorum

Director Williams noted that a quorum of the 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 WBA 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 August 17, 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

David Smith commented on landscaping matters, noting some failures of BrightView performing up to the contract requirements, presenting ideas regarding usage of saline-contaminated wells for District irrigation and recommending shade sails in the parks rather than permanent structures. He noted that he is in favor of raising operations fees.

Director Clark asked about current well ownership and the Board noted that the wells were not currently owned by the District.

Kate Farmer presented budget requests from Garden Committee for 2022. She also requested that the Board approve additional funding for 2021 in the amount of \$4,200 to cover replacement of the spigots for the garden plots.

The Board discussed the request. Following discussion, upon a motion duly made and seconded, the Board approved the request with Director Williams and Director Zielinski abstaining from voting.

Engineer's Update

Mr. Hanusa and Mr. Marrocco presented updates on upcoming infrastructure acquisition applications and areas of infrastructure that will be turned over to the District in 2022. He answered questions about infrastructure and capital reserve reviews. Director Clark commented on the option of including additional bonds in the refinancing considerations for next year.

Legal Matters

Discuss Engagement of Special Counsel for Foreclosure Cases and Consider Proposals

Ms. Velasco informed the Board that WBA would no longer provide foreclosure legal services and noted that the District received several proposals for foreclosure legal services. The Board requested that Ms. Velasco obtain a proposal from Winzenburg Leff Purvis and Payne to provide all collections legal services in addition to the covenant enforcement work for review at November 16th meeting.

Financial Matters

Discuss 2022 Budget

The Board discussed trends of revenues and expenditures. Board reviewed expenditure line items and asked questions of Ms. Wingo and Ms. Johanns. The Board discussed potential increase to Operations Fee and Development Fee.

Manager's Report

The Board engaged in a general discussion. Following discussion, upon a motion duly made and seconded, the Board ratified approval of holiday lighting proposal and approved proposal for BR&D for 2022 water feature maintenance.

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 (Nov 30, 2021 16:49 MST)

Secretary for the Meeting