RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE LINCOLN CREEK METROPOLITAN DISTRICT

Held: Wednesday, September 6, 2023 at 3:30 p.m. via Zoom virtual meeting platform.

Attendance

A special meeting of the Board of Directors of the Lincoln Creek Metropolitan District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Directors, having confirmed their continued qualification to serve on the Board, were in attendance:

Ken Rastberger
John "Jack" Donovan
Richard Brewer
Grant Platt

Also present were: Colin B. Mielke and Marissa Peck, Seter & Vander Wall, P.C; Heather Star, MSI, LLC; Diane Wheeler, Simmons & Wheeler, P.C.; and members of the public.

Declaration of Quorum

It was noted that a quorum of the Board was present and therefore the meeting of the Board of Directors of the Lincoln Creek Metropolitan District was called to order.

Disclosures

The Board had been previously advised that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member confirmed the contents of any written disclosure previously made, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

Approval of Minutes

The Board tabled review of the June 6, 2023 special meeting minutes to a future meeting.

Manager Report

Ms. Heather Star presented her written report and answered questions from the Board.

- BrightView Insect Infestation Recommendation	Director Platt confirmed that the insect infestation is merely cosmetic, and thus that no remediation efforts are necessary.
- Discuss Status of Irrigation System and WeatherTrak System	Landscapers recommend upgrading and installing the WeatherTrak system, with a cost of $375 per controller. The Board discussed the possibility of making these replacements as needed, not in lump sum. Ms. Star agreed to obtain a quote for "as-needed" replacements, to present to the Board at a future meeting.
- Discuss and Consider BrightView Landscape Proposals for Irrigation Repair	The Board determined further irrigation repairs are not urgent at this time, and determined to not take action on BrightView's irrigation repair proposal.
- Discuss Parker Water & Sanitation District ("PWSD") Irrigation Leak Invoice	The Board discussed the irrigation water leak that occurred over the summer. Ms. Star confirmed that the invoice from PWSD was reduced from $66,000 to $22,000. Director Platt noted that he is receiving conflicting reports from BrightView and the Aquahawk irrigation monitoring system. Director Platt noted that BrightView informed him watering is happening three days per week, but Aquahawk's data shows that watering is happening every night. Director Platt recommended withholding all payments to BrightView following the overwatering and asked Mr. Mielke to look into the terms of the contract to determine what remedies are available to the District. Director Donovan noted that Brightview has received conflicting instructions from various District representatives and it has caused inconsistency in the delivery of their services.
- Discuss 2023-2024 Landscape & Snow Removal Proposals	Following discussion regarding the bids for landscaping and snow removal, the Board moved to approve the Rocky Mountain Landscape bid, subject to Director Rastberger, Director Donovan, and Ms. Star negotiating it further.
- Discuss Tree Trimming in District	Following questions from a resident about who is responsible for trimming the trees on the driveways of Cardel Townhomes, the Board agreed to look into the MSI bid package to determine the trimming and maintenance requirements in further detail.
Director Matters - Director Appointments	The Board tabled the appointment of new Directors until the following meeting so candidates can be in attendance.

- Officer Positions	The Board appointed Director Platt to the Treasurer position. Appointment of the president was tabled until the next meeting.
Financials	
- Financial Report	Ms. Wheeler presented the Board with financial statements through July 31, 2023 and gave a general update on property tax payments. After review and discussion, and upon motion made, seconded and unanimously carried, the Board accepted the report as presented. Ms. Wheeler further informed the Board that she has begun work on the 2024 budget.
- Parking Lot Repair & ADA Compliance	The Board discussed the status of the parking lot that is closed due to non-compliance with ADA requirements. No official Board action was taken.
- Creation of District Priority List	Following a suggestion from Mr. Mielke, the Board agreed to split into pairs to create priority lists for dealing with the long list of Director's items. Once these lists are drafted, the Board will send the lists to Ms. Star, who will create a master priority list for Board discussion and action at future meetings.
- Dog Stations	Director Rastberger suggested moving two dog stations to areas where they will be better utilized. The cost of moving these stations is around $900 each, and not all homeowners are aligned on the best placement for these stations. Following discussion, motion, and second, the Board voted unanimously to table discussion of the dog stations to a future meeting.
- ARC Committee	The Board discussed participation in the ARC Committee. Mr. Ross O'Donnell indicated his desire to join the Committee. Following discussion, motion, and second, the Board voted unanimously to appoint Mr. O'Donnell to the Committee to serve along existing committee members.
- Landscaping Updates	Director Platt provided the Board with various updates on repairs for the detention ponds and landscaping within the District.
- Discussion regarding Aspen Brook Properties	The Board discussed the fees paid by Aspen Brook properties, noting they are lower than other properties in the District because Aspen Brook property owners pay dues to their own HOA for certain maintenance activities.
Legal Matters	

- Discuss Status of Fence Installation at Lincoln Creek Towns	Mr. Mielke provided the Board with an update regarding the status of fencing repairs and maintenance requirements. The interior of all perimeter fencing must be maintained by the homeowner, but replacement and exterior maintenance is the District's responsibility. The Board next discussed a request from Cardel on whether the District would like a fence installed adjacent to a property that had encroached on the fence line easement. Following discussion, the Board moved to decline installation of fencing adjacent to the Cardel home at issue and instead request an equivalent amount of funds from Cardel to use on another public project. The motion was seconded and unanimously approved.
- Update regarding Cardel Landscaping Transfer	Director Platt and Director Donovan will schedule a walk through of Cardel landscaping to determine if the landscaping is ready for acceptance by the District.
- Foreclosure Notices	Mr. Mielke informed the Board of a request by WLPP to issue foreclosure notices to properties that had not responded to numerous delinquent fee payment letters. Upon motion made, seconded and unanimously carried, the Board approved the request from WLPP.
Other Business	
- Discussion regarding Driveway Responsibilities in Cardel	The Board discussed and noted that driveway maintenance for the Cardel homes is the property owner's responsibility, from the home to the street.
- Discussion regarding Speeding on District roads	Director Donovan discussed his recent experience of almost being hit by a car that was speeding and ran a stop sign. Director Rastberger noted he is in communication with Douglas County regarding the installation of additional traffic control signs.
Public Comment	The Board opened the meeting for public comment. Christy Reynolds addressed the Board and requested that the Board create a committee dedicated to traffic safety matters. She requested that this committee work with Parker Core Knowledge and the Sheriff's Office. She highlighted an especially dangerous situation where kids are being released

from school directly onto a one-way County Road. Director Platt agreed to work with her on these matters. Ms. Reynolds also had questions about why BrightView was trimming trees when tree-trimming is not their responsibility. Director Platt explained that he did ask BrightView to do this work, and that it did not come at any additional cost. In response to a question regarding dead grass in the community, Director Rastberger explained that BrightView is failing to maintain sprinklers in certain areas. Lastly, Ms. Reynolds asked about the maintenance responsibilities for all fencing surrounding Parker Core Knowledge and nearby columns and fencing. It was noted that the District has been maintaining these facilities but it is believed they are actually located on Parker Core Knowledge property.

There being no further public comment, the public comment period was closed.

Executive Session

At approximately 6:30 p.m., Director Reynolds moved that pursuant to section 24-6-402(4)(b) C.R.S. and upon an affirmative vote of at least two-thirds of the board members present for the motion, the Board enter into executive session for the purpose of receiving legal advice regarding Douglas County District Court Case No. 2022CV30644 between the District and WilliamMrk Homes, LLC. Upon second and unanimous vote, the Board passed the motion to enter into executive session for the above-stated purposes.

The Board reconvened from executive session at approximately 6:55 p.m. and affirmed that no actions had been taken during executive session.

Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at approximately 7:00 p.m.

Grant Platt (Dec 28, 2023 20:32 MST)

Secretary for the Meeting

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Final Audit Report 2023-12-29

Created:	2023-12-27
By:	Catherine Bright (cbright@svwpc.com)
Status:	Signed
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Signer grantplatt@gmail.com entered name at signing as Grant Platt
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