MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
LINCOLN CREEK METROPOLITAN DISTRICT
HELD
TUESDAY, JULY 16, 2024

A special meeting of the Board of Directors of the Lincoln Creek Metropolitan District was convened on Tuesday, July 16, 2024 at 5:00 p.m. via Zoom virtual meeting platform.

ATTENDANCE

John "Jack" Donovan, Co-President
Ken Rastberger, Co-President
Grant Platt, Secretary/Treasurer
Richard Brewer, Director
Rodger Glick, Director

Also present were:
Colin Mielke, Esq., Seter, Vander Wall & Mielke, P.C.
Diane Wheeler, Simmons & Wheeler, P.C.
Donna LaWall, MSI, LLC
Robert Liechty, CORE Electric Cooperative
Jenn Schmidt, member of the public

CALL TO ORDER

The meeting of the Board of Directors of the Lincoln Creek Metropolitan District was called to order at 5:00 p.m.

DISCLOSURE MATTERS

The Board had been previously advised that pursuant to Colorado law, certain disclosures by the Board members might be required prior to taking official action at the meeting. The Board then reviewed the agenda for the meeting, following which each Board member affirmed their conflicts of interest, 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

Upon motion made, seconded and unanimously carried, the minutes of the May 1, 2024 special meeting were approved as presented.

FINANCIAL MATTERS/PAYMENT OF CLAIMS

Ms. Wheeler presented the District's financial report for the period ending May 31, 2024. Ms. Wheeler informed the Board that, in order to prepare monthly financial statements per the Board's request, she will need to receive claims from District management in a timelier manner.

The Board contemplated the District management's handling of overpayments for Rocky Mountain Custom Landscapes ("RML") invoices and requested to review checks issued to RML more thoroughly. Director Platt explained that because some prior RML invoices were being contested by the District, they should not have had overpayment credits applied.

Following a request from Director Donovan to confirm numbers for five checks, Ms. LaWall informed the Board that the checks in question were likely already cashed, but that she would verify after the meeting.

Additionally, Director Donovan remarked that he has rejected RML invoices for snow removal services, citing the application of incorrect rates. Ms. LaWall agreed to research this and other issues related to RML invoices further.

Director Donovan noted that the District's payment reports show many properties paying a $131 fee instead of the updated $150 fee. Ms. LaWall agreed to investigate the issue further and inform those paying $131 of their under payments.

Upon motion made, seconded and unanimously carried, the financial report was accepted as presented.

Ms. Wheeler requested that Ms. LaWall provide her with a check register prior to each meeting.

CONSIDER APPROVAL OF CORE ELECTRIC EV CHARGING STATION LEASE

The Board discussed the proposed EV Charging Station Lease with CORE Electric Cooperative ("CORE"). Mr. Liechty, a representative of CORE, was present to discuss the proposed lease and answer questions.

The Board questioned whether CORE is receiving federal grant funds for installation of the charging station. Mr. Liechty explained that while federal grants for the installation of EV charging stations may sometimes be available, CORE has not received any federal or state funding for this particular station.

Responding to an inquiry from Director Rastberger concerning profit-sharing, Mr. Liechty informed the Board that CORE's return-on-investment would likely be 15-20 years.

Director Platt then raised concerns regarding potential road wear and tear from school traffic using the EV charging station.

Addressing a question from Director Rastberger, Mr. Liechty explained that he could be open to a three-year lease, but not if the District intends to remove the charging station after the three years are up.

Mr. Liechty informed the Board that the charging station is ready to be installed pending permit approval, which is likely to occur in August. Mr. Liechty clarified that the charging stations are not noisy.

After discussion, and upon motion made, seconded and unanimously carried, the Board approved the EV charging station lease with CORE, subject to any legal modifications from District counsel. Director Brewer, having previously disclosed his employment relationship with CORE, abstained from discussion and vote on this matter.

DIRECTOR MATTERS

Discuss Map of Snow Removal Areas and Depth of Snow to Trigger
Director Donovan and Director Rastberger informed the Board that the new draft of the District's landscaping contract includes an updated map of snow removal areas and addresses the installation of three trigger rulers throughout the community.

Consider Assignment of Warranties for Landscaping Improvements from Residents
The Board discussed a resident-led effort to donate landscaping improvements and assign the associated warranties to the District. While the Board was open to the idea, Director Brewer emphasized that a formal process and policy should be put into place first, citing concerns about existing landscaping. Director Platt suggested that the Architectural Control Committee may be the best entity to review these requests. The Board tabled further discussion on the matter until a formal policy is put in place.

Fencing Proposals for Consideration
The Board considered proposals from Cowboy Fencing, MVP Fencing and Front Range Fence Company ("Front Range"). The Board discussed Front Range's proposal outlining $85,473.00 in fence replacement and staining expenses and $13,903.80 in expenses for re-staining existing fencing.

Director Brewer pointed out that while the District's bid was for $95,000, only $22,000 was budgeted for fencing for the year. Mr. Mielke then explained TABOR restrictions on multi-year contracts, confirming that the District cannot spread out a contract over multiple years.

The Board agreed to a portion of the Front Range proposal with a not-to-exceed amount of $23,000.00 and tabled further discussion until later in the meeting to allow for one of the bids to be revised.

The Board revisited the Front Range proposal later in the meeting. After discussion, and upon motion made, seconded and unanimously carried, the Board approved the Front Range proposal,

subject to legal review, with a not-to-exceed amount of $23,000.00 and a period of one year. Director Rastberger agreed to obtain an updated proposal.

Update from Meeting with Homeowners regarding Landscaping Concerns
Director Donovan, Director Rastberger and Mr. Mielke provided an overview of the recent meeting with homeowners to discuss landscaping concerns. Mr. Mielke then agreed to review Director Donovan's proposal and prepare comments for the Board to review before finalizing and transmitting to the applicable homeowners.

Otto Enterprises Proposals for Consideration
The Board reviewed proposals from Otto Enterprises for various landscaping activities. The Board decided to table action on the sod replacement proposal in the amount of $8,450.00, citing a lack of funding.

In an effort to save money, the Board determined to reduce the scope of work outlined in the irrigation zone abandonment proposal to only include truncating the line. Director Rastberger then agreed to obtain an updated proposal from Otto Enterprises with the narrower scope. The Board authorized Director Rastberger to proceed with the updated proposal if it is less than $800.00 and can be accomplished within the Board President's authorization to complete work for a particular month. If the updated proposal exceeds $800, however, Director Platt and Director Rastberger noted their willingness to perform the work themselves.

Following discussion, and upon motion made, seconded and unanimously carried, the Board approved the Otto Enterprises proposal to provide pond draining and cleaning services in the amount of $2,675.00. Additionally, Director Rastberger agreed to obtain a biannual maintenance package for the Board to review at a following meeting.

Consider Updated Rocky Mountain Custom Landscapes Irrigation Startup Proposal
After review and discussion, and upon motion made, seconded and unanimously carried, the Board approved a proposal from Rocky Mountain Custom Landscapes regarding townhome-side irrigation modifications to prevent grass from dying at the top of the community.

MANAGER REPORT

Ms. LaWall presented the manager's report. Director Rastberger remarked that there are approximately ten homes with dead grass that should be issued violation notices.

The Board then discussed the District's updated form of contract for landscaping, snow removal and irrigation services sent to Mr. Mielke for review.

Ratification of 2024 MSI Amendment to District Management Services Agreement
The Board tabled ratification of the updated MSI district management contract.

The Board then discussed various management concerns, including the need for financials to be provided monthly and for office supplies to be provided at cost. The Board questioned if the

coupon books referred to in Exhibit A of the updated management agreement with MSI could be provided to residents on an "opt-in" basis. Ms. LaWall informed the Board that MSI can provide an opt-out option for residents who do not want coupon books, but would not be able to send coupon books only if residents opt-in to receive them.

Following an inquiry from Ms. LaWall, the Board authorized MSI to send email blasts to residents without needing prior Board approval.

LEGAL MATTERS

Discuss New Limitations on Gas-Powered Landscaping Equipment
Mr. Mielke provided an overview of new limitations on gas-powered landscaping equipment. Mr. Mielke agreed to research whether beauty bands constitute fire mitigation.

Update Regarding Responsibility for Cardel Street Lights
Mr. Mielke updated the Board on the status of Cardel street light responsibility matters. The Board discussed the possibility of obtaining a payment for the cost to install street lights rather than relying on Cardel to complete the installations in order to more timely address the situation.

Consider Approval of Resolution Adopting an Accessibility Policy and Designating a Compliance Coordinator
After discussion, and upon motion made, seconded and unanimously carried, the Board approved the resolution adopting an accessibility policy and designating a compliance coordinator.

OTHER MATTERS

Director Brewer expressed his desire for the Board to be more efficient in meetings, citing the District's need to save money.

PUBLIC COMMENT

Ms. Jenn Schmidt reported that while social event sponsors have been good this year, the District should budget more for social events. The Board contemplated how best to coordinate funding for social events with the neighboring metropolitan district. Director Platt explained that because MSI serves as the neighboring district's manager too, it may be best for MSI to foster coordination between the districts.

ADJOURNMENT

There being no further business to come before the Board, and upon motion duly made and unanimously carried, the meeting was adjourned at 9:00 p.m.

Grant Platt (Sep 13, 2024 13:34 MDT)

Secretary for the Meeting

07.16.2024 Special Meeting Minutes (00748947).DOCX

Final Audit Report 2024-09-13

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