RECORD OF PROCEEDINGS

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

Held: Thursday, March 2, 2023 at 5:00 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:

Christina Reynolds
John Donovan
Richard Brewer
Jennifer Schmidt
James Ballard (*arrives where indicated)

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

Declaration of Quorum

Director Reynolds noted that a quorum of the Board was present and therefore called the meeting of the Board of Directors of the Lincoln Creek Metropolitan District 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 reviewed the minutes for the December 12, 2022 and November 17, 2022 board meetings. After review and discussion, and upon motion made, seconded and unanimously carried, the Board approved the minutes as presented.

Public Comment

Director Reynolds opened up the meeting for public comment.

Ken Ratsenberger indicated his desire to be appointed to the Board. He also offered to install frisbee golf infrastructure within the community at no charge to the District if the District agreed to purchase the materials. Mr. Ratsenberger additionally noted that he would not like the District to increase its fees.

Teri Vogel addressed the Board regarding her belief that service levels have decreased over the past two years, and she therefore does not support an increase in District fees. Ms. Vogel also addressed the Board regarding her belief that BrightView's snow removal practices create buildup that creates a hazard in the community. Ms. Star explained that buildup is due to the county's snow plowing procedures.

Rick Eich also expressed concern regarding snow removal and noted his opposition to increased fees.

Sarah Sarni also noted her dissatisfaction with the services provided and opposes an increase in the District's fees. She also expressed a desire that the Board take a more collaborative approach with the community.

Dominique Marcus requested the District to provide a breakdown of spending related to any increase in District fees.

Grant Platt also asked for a breakdown of costs, including fence repairs. He also asked requested an estimate of outstanding delinquent amounts owed to the District, which the Board confirmed was approximately $9,000 at the end of 2022.

Corey Schmidt objected to an increase in fees without an increase in services.

Paula Gibbs raised concern over dog waste cleanup in the community, and asked whether there were repercussions for not cleaning up after dogs. She suggested hiring someone to perform dog waste cleanup services within the community.

Mr. Platt addressed the Board again, asking whether the District could drill a well to cut down on water costs, which make up a substantial amount of the budget. Mr. Mielke noted that there

are likely water rights considerations and Parker Water and Sanitation District regulations that would preclude the District from drilling a well.

Bailey Davis addressed the Board regarding speeding within the neighborhood, and Ms. Reynolds stated that issues with speeding need to be addressed with the county.

Rick Eich addressed the Board again and asked whether the District could solicit community members to help obtain cheaper bids/services. He also noted that there are a lot of things within the community that need repair.

There being no further public comment, the public comment period was closed at 6 p.m.

Financials

- Financial Report

Ms. Wheeler presented the Board with the 2022 year-end financial statements. Ms. Wheeler discussed the Board request for monthly financial statements in 2023, noting that the District's management company will need to deliver claims to her office more timely in order to prepare monthly statements. After review and discussion, and upon motion made, seconded and unanimously carried, the Board accepted the report as presented.

- Fee Increase Discussion

The Board discussed the District's finances and determined to table any consideration of a fee increase to a future Board meeting.

Legal Matters

- Updates regarding CoCal Alleyway Project

Mr. Mielke updated the Board regarding the CoCal Alleyway Project. The Board discussed that sprinkler heads had originally been placed in front of backyard gates, and that CoCal has agree to place them in a different location.

- Update regarding May 2, 2023 Special Election

Mr. Mielke reminded the Board that because there were not more self-nominations than open Board seats, the May 2, 2023 special election was cancelled. Mr. Ratsenberger renewed his desire to serve on the Board once a vacancy occurs after the May 2, 2023 election date. Director Schmidt stated she would agree to resign immediately to allow Mr. Ratsenberger to begin his term earlier if the Board would like to appoint him to her

position. Following discussion, Director Schmidt resigned from the Board, effective immediately. Upon motion made, seconded and unanimously carried, the Board appointed Mr. Ratsenberger to the vacant position, subject to confirmation of his qualification to serve on the Board and taking and filing his oath of office.

- Discussion regarding Proposals for Collection Services

Mr. Mielke informed the Board that White Bear Ankele Tanaka & Waldron ("WBA") is no longer providing delinquent payment colletion services. WBA provided three proposals form other law firms that can provide those services going forward. After review and discussion, and upon motion made, seconded, and unanimously carried, the Board chose Winzenburg, Leff, Purvis & Payne, LLP, for provision of collection and covenant enforcement services.

- Update regarding Backyard Maintenance

Mr. Mielke informed the Board that research into the matter is ongoing.

Manager's Report

Ms. Star updated the Board on bids pending for fence repairs around the community. Site visits are expected to occur in the spring.

Ms. Star also discussed the Board's recent meeting with Brightview regarding a potential project to fix the front median.

Ms. Star next updated the Board on the cost of installing a Retention Waste Station, which is $395 for materials and $45 for installation. She agreed to confirm responsibility for emptying waste stations with Brightview.

The Board discussed with Ms. Star the desire to remove and replace dead trees in the District, plant native grasses, and install a dog waste station. The Board reviewed a proposal to remove 80 trees and replace 50 of the trees for $52,400, with a one-year warranty on newly planted trees. It was noted that the District would not be performing grub or mite control in 2023. The Board, following discussion and upon motion made and seconded, approved all costs related to tree maintenance, native grass planting, and installation of the dog station with a vote of three in favor and Director Brewer voting in opposition.

Other Business

Director Brewer briefed the Board on the Retention Pond and

explained that it needs to be aerated with a fountain or a pump. Director Brewer noted that the aeration is not within the District's budget at this time because it would require installation of electricity near the pond.

Director Donovan then updated the Board regarding his research into covenants. He provided an overview of covenants and rules he believes would be worth reviewing and potentially changing. As a next step, Director Donovan agreed to send his proposal to Ms. Star, who will send it to the Board and legal counsel for discussion. Director Reynolds noted her desire to have parking covenants updated. She relayed her conversations with Douglas County, who confirmed that the District is authorized to tow vehicles because it is responsible for maintaining its roads.

The Board next discussed the cost of installing frisbee golf facilities at a cost of $1,866.66. Upon discussion, motion made, and seconded, the Board voted unanimously to approved the expenditure.

The Board next discussed upgrades to the parking lot near the park. Director Brewer's employer, CORE Electric, may be interested in funding parking lot repairs and ADA upgrades at the parking lot in exchange for authorizing CORE Electric to install and operate an electric vehicle charging station at the parking lot. Director Brewer will obtain an estimate from CORE Electric and Director Ballard confirmed he will contact the school to discuss parking lot repairs in exchange for a lease of parking lot spaces.

Executive Session

At approximately 8 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 and to receive legal advice regarding the District's Declaration of Supplemental Covenants. 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 8:45 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 8:45 p.m.

christy reynolds (Jun 6, 2023 16:16 MDT)

Secretary for the Meeting

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Final Audit Report 2023-06-06

Created:	2023-04-26
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