

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE INDY OAK TOD METROPOLITAN DISTRICT (THE “DISTRICT”) HELD MAY 16, 2022

A Regular Meeting of the Board of Directors of the Indy Oak TOD Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, May 16, 2022, at 6:00 p.m. This District Board meeting was held by Zoom. The meeting was open to the public via Zoom.

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**Directors in Attendance Were:**

Jonnye Phifer  
Nicholas Coy  
Kristen Miller

Following discussion, upon motion duly made by Director Phifer, seconded by Director Coy and, upon vote, unanimously carried, the absence of Director Eric Knorr was excused.

**Also, In Attendance Were:**

Peggy Ripko, Special District Management Services, Inc. (“SDMS”)

Suzanne Meintzer, Esq.; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

Hunter Thompson; Jesse Zinger; Todd S.; District Residents

**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

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Attorney Meintzer noted a quorum was present and discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State and to the Board. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. Attorney Meintzer noted for the record that no disclosures were made by any members of the Board prior to this meeting as all Board members are residents of the District.

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### **ADMINISTRATIVE MATTERS**

**Agenda:** Ms. Ripko reviewed the proposed Agenda for the District's Regular Meeting with the Board.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Coy and, upon vote, unanimously carried, the Board approved the Agenda.

**Meeting Location:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, upon motion duly made by Director Phifer, seconded by Director Coy and, upon vote, unanimously carried, the Board determined to conduct this meeting via Zoom and encouraged public participation via Zoom. The Board noted that notice of this meeting and teleconference number was duly posted and that it had not received any objections to the meeting or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

**Designation of 24-Hour Posting Location:** Following discussion, upon motion duly made by Director Phifer, seconded by Director Coy, and upon vote unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted at least 24 hours prior to each meeting on the District's website at: <https://indyoaktodmd.colorado.gov/> or if posting on the website is unavailable, notice will be posted within the boundaries of the District.

**Minutes:** The Board reviewed the Minutes of the March 8, 2022 Special Meeting.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Miller and, upon vote, unanimously carried, the Board approved the Minutes of the March 8, 2022 Special Meeting.

**May 3, 2022 Regular Directors' Election:** Ms. Ripko discussed the results of the May 3, 2022 Regular Election. Ms. Ripko noted that Director Coy and Director Knorr were each elected for respective three-year terms.

**Resignation of Director:** The Board acknowledged the resignation of Director John Heikes, effective May 5, 2022.

**Board Appointment:** The Board discussed the vacancy on the Board. Eligible elector, Hunter Thompson, was nominated to serve on the Board. Following discussion, upon motion duly made by Director Phifer, seconded by Director Miller and, upon vote, unanimously carried, the Board appointed Hunter Thompson to fill the vacancy on the Board. The Oath of Office was administered.

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Director Thompson disclosed that he is an employee of Harris Kocher Engineering Group, Inc., d/b/a Harris Kocher Smith (“HKS”), and that HKS has performed or may perform certain engineering services for Century Communities, Inc. or other affiliated entities.

**Appointment of Officers:** Following discussion, upon motion duly made by Director Coy, seconded by Director Phifer and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Jonnye Phifer
Treasurer	Hunter Thompson
Secretary (non-elected)	Peggy Ripko
Assistant Secretary	Nicholas Coy
Assistant Secretary	Kristen Miller
Assistant Secretary	Eric Knorr

**SDA Conference:** Ms. Ripko reported that the Annual Conference of the Special District Association of Colorado (“SDA”) will be held on September 13, 14, and 15, 2022. Ms. Ripko asked the Board Members to advise her if they wanted more information about the conference or wished to attend.

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### **PUBLIC COMMENTS**

One of the District residents in attendance asked how to obtain a copy of the Agenda. Ms. Ripko and Ms. Phifer responded that meeting agendas are posted on the District website in advance of Board meetings.

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### **FINANCIAL MATTERS**

**Claims:** Ms. Wheeler discussed with the Board the payment of claims for the period ending May 10, 2022, in the amount of \$20,975.08.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Coy and, upon vote, unanimously carried, the Board ratified approval of the payment of claims for the period ending May 10, 2022, in the amount of \$20,975.08.

**Unaudited Financial Statements:** Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending March 31, 2022.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Coy and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending March 31, 2022.

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**Additional Expenses for 2021 Audit Preparation:** The Board discussed authorizing an additional \$200.00 for Wipfli LLP to prepare the 2021 Audit, for a total cost of \$5,200.00.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Miller and, upon vote, unanimously carried, the Board ratified approval of an additional \$200.00 for Wipfli LLP to prepare the 2021 Audit, for a total cost of \$5,200.00.

**2021 Audit:** Ms. Wheeler reviewed the 2021 Audit with the Board. Following discussion, upon motion duly made by Director Phifer, seconded by Director Miller, and upon vote, unanimously carried, the Board approved the 2021 Audit, subject to final legal review, and authorized execution of the Representations Letter.

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### **LEGAL MATTERS**

**Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District:** There was no update.

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### **COVENANT ENFORCEMENT/ DESIGN REVIEW**

**Limited Amendment to Covenant and Restrictions of Oak Street Townhomes:** Ms. Ripko reported that the community voted in favor of the Limited Amendment to the Covenant and Restrictions of Oak Street Townhomes regarding trash bins.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Coy and, upon vote, unanimously carried, the Board approved the Limited Amendment to the Covenant and Restrictions of Oak Street Townhomes regarding trash bins.

**Amendments to Design Guidelines:** The Board discussed an amendment to the Design Guidelines regarding patio extensions. Ms. Ripko reported that the amendment would impact only the Oak Street Townhomes part of the community.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Coy and, upon vote, unanimously carried, the Board approved the amendment to the Design Guidelines regarding patio extensions.

**Parking Committee:**

**Motorcycle Parking Spaces:** The Board entered into discussion regarding the status of two motorcycle parking spaces at the Oak Street Townhomes in front of

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the property located at 1098 Oak Circle. It was noted that the committee is waiting on comments or approval from the City of Lakewood.

Oak Circle Parking: The Board discussed the parking issues on Oak Circle. No action was taken at this time.

Architectural Review Committee: Ms. Ripko provided a brief update to the Board.

Appeal from 1158 Oak Circle: Ms. Ripko reported that, given the approval of the amendment to the Design Guidelines regarding deck and patio extensions, she would notify the applicant about the amendment and ask the applicant to update the design review application if needed.

Violation Reports: Ms. Ripko provided a brief update to the Board regarding the Violation Reports, noting that the printed report was provided to the Board.

### OPERATIONS AND MAINTENANCE MATTERS

Landscape Tracts and Matters: Ms. Ripko updated the Board on outstanding landscaping matters as they relate to the District's acceptance of certain tracts from Century at Oak Street, LLC or Century at Pearson Grove, LLC, as applicable.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Miller and, upon vote, unanimously carried, the Board created a Landscape Committee and appointed Director Coy and Director Thompson to the committee to address ongoing issues and report to the Board as needed.


### OTHER BUSINESS

There was no other business.

### ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Director Phifer, seconded by Director Coy, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By   
Secretary for the Meeting

<b>TITLE</b>	INDYOAK
<b>FILE NAME</b>	002 Minutes.pdf
<b>DOCUMENT ID</b>	1525ee4c451655cea7d8c28699ed74251e6992b3
<b>AUDIT TRAIL DATE FORMAT</b>	MM / DD / YYYY
<b>STATUS</b>	● Signed

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## Document History



SENT

**09 / 16 / 2022**

09:48:54 UTC-6

Sent for signature to Peggy Ripko (pripko@sdmsi.com) from sstevens@sdmsi.com  
IP: 50.78.200.153



VIEWED

**09 / 16 / 2022**

12:07:56 UTC-6

Viewed by Peggy Ripko (pripko@sdmsi.com)  
IP: 50.78.200.153



SIGNED

**09 / 16 / 2022**

12:08:06 UTC-6

Signed by Peggy Ripko (pripko@sdmsi.com)  
IP: 50.78.200.153



COMPLETED

**09 / 16 / 2022**

12:08:06 UTC-6

The document has been completed.