

RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
INDY OAK TOD METROPOLITAN DISTRICT
(THE “DISTRICT”)
HELD
MAY 17, 2021**

A Special Meeting of the Board of Directors of the Indy Oak TOD Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, May 17, 2021, at 6:00 p.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held by Zoom. The meeting was open to the public via Zoom.

Directors in Attendance Were:

Jonnye Phifer
Judson Connelly
John Heikes
Raymond Gilmore

Following discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the absence of Director Kristen Miller was excused.

Also, In Attendance Were:

Peggy Ripko and Jeremy Sandoval; Special District Management Services, Inc. (“SDMS”)

Elisabeth A. Cortese, Esq; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

Lisa Reynolds and Sooyung Kim; Residents

**DISCLOSURE OF
POTENTIAL
CONFLICTS OF
INTEREST**

Attorney Cortese 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 Cortese noted for the record that no disclosures were made by

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any members of the Board prior to this meeting as all Board members are residents of the District.

ADMINISTRATIVE MATTERS

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

Following discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Agenda was approved, as amended.

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 Gilmore and, upon vote, unanimously carried, the Board determined that due to concerns regarding the spread of COVID-19 and the benefit to the control of the spread of the virus by limiting in-person contact, the Board determined to conduct this meeting via teleconference 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.

Minutes: The Board reviewed the Minutes of the February 15, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved the Minutes of the February 15, 2021 Special Meeting.

2021 SDA Conference: Ms. Ripko discussed the SDA Conference with the Board, and noted the information concerning the details of the conference will be emailed to them once the information is available.

PUBLIC COMMENTS

Ms. Kim commented on trash can concerns and car break ins. Ms. Reynolds commented on landscaping issues. All comments were discussed in greater detail later in the meeting.

FINANCIAL MATTERS

Claims: Ms. Wheeler discussed with the Board the payment of claims for the period ending April 30, 2021, in the amount of \$26,779.45.

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Following discussion, upon motion duly made by Director Phifer, seconded by Director Heikes and, upon vote, unanimously carried, the Board ratified approval of the payment of claims for the period ending April 30, 2021, in the amount of \$26,779.45.

Ms. Wheeler further discussed with the Board the payment of claims for the period ending April 30, 2021, in the amount of \$11,675.30.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Heikes and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending April 30, 2021, in the amount of \$11,675.30.

Unaudited Financial Statements: Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending March 31, 2021.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending March 31, 2021.

2020 Audit: Ms. Wheeler reviewed the 2020 draft Audited Financial Statements with the Board.

Following review and discussion, upon motion duly made by Director Connelly, seconded by Director Heikes and, upon vote, unanimously carried, the Board approved the 2020 Audited Financial Statements and authorized execution of the Representations Letter, subject to final review by the Board and by legal counsel.

2020 Budget Amendment Hearing: The President opened the public hearing to consider the Resolution to Amend the 2020 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2020 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received, and the public hearing was closed.

Following review and discussion, Director Phifer moved to adopt the Resolution to Amend 2020 Budget, Director Gilmore seconded the motion and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-05-01 to Amend the 2020 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

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2022 Budget Public Hearing: The Board entered into discussion regarding setting the date for a Public Hearing to adopt the 2022 Budget. The Board determined to hold the public hearing to consider adoption of the 2022 Budget on October 18, 2021, at 6:00 p.m., at Special District Management Services, Inc, 141 Union Boulevard, Suite 151, Lakewood, CO 80228 or virtually pending COVID-19 restrictions.

LEGAL MATTERS

Resolution No. 2021-05-02 Adopting the Amended and Restated Design Guidelines and Rules and Regulations of Pearson Grove: The Board discussed Resolution No. 2021-05-02 Adopting the Amended and Restated Design Guidelines and Rules and Regulations of Pearson Grove.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-05-02 Adopting the Amended and Restated Design Guidelines and Rules and Regulations of Pearson Grove.

Resolution No. 2021-05-03 Adopting the Amended and Restated Design Guidelines and Rules and Regulations of Oak Street Townhomes: The Board discussed Resolution No. 2021-05-03 Adopting the Amended and Restated Design Guidelines and Rules and Regulations of Oak Street Townhomes.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-05-03 Adopting the Amended and Restated Design Guidelines and Rules and Regulations of Oak Street Townhomes.

The Board requested Attorney Cortese work with Century Communities to determine why patios and decks cannot be extended per covenants, and pending response, may engage a consultant to determine if deck and patio extensions are feasible.

First Amendment to Resolution No. 2017-12-11 Regarding Colorado Open Records Act Requests: The Board reviewed a First Amendment to Resolution No. 2017-12-11 Regarding Colorado Open Records Act Requests.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Connelly and, upon vote, unanimously carried, the Board approved the First Amendment to Resolution No. 2017-12-11 Regarding Colorado Open Records Act Requests.

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OPERATIONS AND MAINTENANCE MATTERS

Proposal from Crush Disposal for Trash and Recycling Services: The Board discussed a proposal from Crush Disposal for trash and recycling services and considered directing consultants to prepare a service agreement with Crush Disposal for same.

Following discussion, the Board directed Ms. Ripko to draft a survey to send to the homeowners regarding trash container storage matters to gauge community interest in potentially amending the covenants, or engaging a new service provider or both. The temporary hold on enforcement of trash can violations will be lifted. Board deferred further action.

Proposal from Winzenburg Leff Purvis & Payne, LLP to prepare Limited Amendment to the Covenants and Restrictions of Oak Street Townhomes: The Board discussed a proposal from Winzenburg Leff Purvis & Payne, LLP to prepare Limited Amendment to the Covenants and Restrictions of Oak Street Townhomes.

The Board deferred action pending the outcome of the community trash can survey.

Limited Amendment to the Covenants and Restrictions of Oak Street Townhomes: The Board deferred discussion pending the outcome of community trash can survey.

Snow Plow Damage: The Board entered into discussion regarding the snow plow damage. It was noted the repair work is complete.

Community Sign for Pearson Grove: Ms. Ripko reported she had spoken with Ms. Owings on the sign and is awaiting an update.

Rat Mitigation: The Board entered into discussion regarding the status of the rat mitigation. It was noted the mitigation is ongoing.

Vehicle Thefts in the Park: The Board entered into discussion regarding vehicle thefts in the park. Ms. Ripko will send an email blast reminding everyone to lock their cars.

Installing Solar Street Lights by the Park: The Board entered into discussion regarding the installation of solar street lights by the park.

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Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Connelly and, upon vote, unanimously carried, the Board directed Ms. Ripko to research lighting options and obtain proposals for installation of same.

COVENANT ENFORCEMENT/ DESIGN REVIEW

Landscape Matters: Ms. Ripko provided an update to the Board regarding ongoing landscape issues.

Architectural Review Committee: No action taken.

Appeal from 1158 Oak Circle Regarding Extension of the Deck: The Board deferred discussion pending Attorney Cortese's inquiry with Century Communities.

OTHER BUSINESS

The Board noted that the gulch is filled with trash and would like to know how to get it cleaned up. There is also a large dead tree causing concern. Mr. Sandoval will walk the property and contact the city, if applicable.

ADJOURNMENT

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

Respectfully submitted,

By Peggy Ripko
Secretary for the Meeting