

## RECORD OF PROCEEDINGS

---

### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE INDY OAK TOD METROPOLITAN DISTRICT (THE “DISTRICT”) HELD AUGUST 30, 2022

A Special Meeting of the Board of Directors of the Indy Oak TOD Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, August 30, 2022, at 6:00 p.m. This District Board meeting was held by Zoom. The meeting was open to the public via Zoom.

---

**Directors in Attendance Were:**

Jonnye Phifer  
Hunter Thompson  
Nicholas Coy  
Kristen Miller  
Eric Knorr

**Also In Attendance Were:**

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

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

Cathy Hamilton; Simmons & Wheeler, P.C.

**Members of the Public:**

Nora Livingston (for a portion of the meeting); Charlotte; Jon M.; and an unidentified individual.

---

**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

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; no disclosures were made during the meeting.

---

## RECORD OF PROCEEDINGS

---

### 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 Miller 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 Miller, 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 May 16, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Thompson and, upon vote, unanimously carried, the Board approved the Minutes of the May 16, 2022 Regular Meeting.

### PUBLIC COMMENTS

None.

### FINANCIAL MATTERS

**Claims:** Ms. Hamilton discussed with the Board the payment of claims for the period ending August 23, 2022, in the amount of \$62,839.93.

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 August 23, 2022, in the amount of \$62,839.93.

## RECORD OF PROCEEDINGS

---

**Unaudited Financial Statements:** Ms. Hamilton reviewed with the Board the unaudited financial statements for the period ending June 30, 2022.

Following discussion, upon motion duly made by Director Coy, seconded by Director Phifer and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2022.

### **LEGAL MATTERS**

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

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

#### **Parking Committee:**

*Motorcycle Parking Spaces:* Ms. Ripko reported that approval by the City for two motorcycle parking spaces at the Oak Street Townhomes in front of the property located at 1098 Oak Circle was pending.

*Oak Circle Parking:* The Board discussed the parking issues on Oak Circle. The Board directed Ms. Ripko to obtain the pedestrian plan.

**Architectural Review Committee:** Ms. Ripko provided an update to the Board.

*Violation Reports:* Ms. Ripko provided discussed the Violation Reports with the Board.

**Conditions of Sidewalks:** Ms. Ripko discussed the conditions of the sidewalks with the Board. It was noted that there is deterioration and spalling to the sidewalks. Ms. Ripko will determine ownership of the sidewalks and obtain concrete test results if possible.

**Mulch Replacement/Upkeep:** Ms. Ripko discussed mulch replacement and upkeep with the Board. Director Phifer noted that she would like this item to be added to 2023 landscaping services.

**Stormwater Reimbursements:** Ms. Ripko reported that certain homeowners had mistakenly received and paid certain stormwater invoices, and that she believes the homeowners who paid these invoices have been reimbursed by the District.

**1144 Garage Door:** Ms. Ripko reported that the 1144 garage door that has not yet been painted has been submitted to covenant enforcement counsel for legal action.

## RECORD OF PROCEEDINGS

---

**Late Fees on Invoices:** Ms. Ripko discussed with the Board the late fees on invoices.

\_\_\_\_\_

**OPERATIONS AND  
MAINTENANCE  
MATTERS**

**Update from Landscape Committee:**

*Oak Street Update:* Ms. Ripko provided an update to the Board regarding Oak Street; Century Homes and several entities are working to get the Xcel meter installed.

*Pearson Grove Update:* Ms. Ripko provided an update to the Board regarding Pearson Grove. It was noted that an area in Pearson Grove is missing plants. Ms. Ripko will make sure it is on the landscaping punch list.

\_\_\_\_\_

**OTHER BUSINESS**

A member of the public indemnified as “Charlotte” had questions about the removal of temporary fencing. Ms. Ripko responded that same is part of the covenant enforcement/design review process.

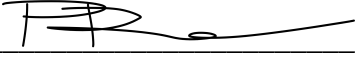
Director Coy inquired repair of the retaining wall into which a homeowner’s car crashed. Ms. Ripko responded that the homeowner’s insurance is paying for the repairs.

\_\_\_\_\_

**ADJOURNMENT**

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

Respectfully submitted,

By  \_\_\_\_\_  
Secretary for the Meeting