

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE INDY OAK TOD METROPOLITAN DISTRICT (THE “DISTRICT”) HELD OCTOBER 18, 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, October 18, 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.

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**Directors in Attendance Were:**

Jonnye Phifer  
Judson Connelly  
John Heikes  
Kristen Miller  
Raymond Gilmore

**Also, In Attendance Were:**

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

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

Diane Wheeler; Simmons & Wheeler, P.C.

Ben Cary, Todd Gearhart, Allysén Goff, Vincent Luparell, Jon M., Charlotte Salerna and Jillian; Residents

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**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 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 Special Meeting with the Board.

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

**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 August 16, 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 August 16, 2021 Special Meeting.

**Resolution No. 2021-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** Ms. Ripko discussed with the Board Resolution No. 2021-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board determined to meet at 6:00 p.m. on February 21, May 16, August 15 and October 17, 2022 via Zoom.

Following discussion, upon motion duly made by Director Connelly, seconded by Director Gilmore and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-01; Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

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**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2023:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2023 and directed staff to post the Transparency Notice on the Special District Association's website and the District's website.

### **PUBLIC COMMENTS**

Mr. Luparell reported to the Board that there is banging in the walls in Building 3 and he would like Century to help.

Homeowner asked about internet issues.

### **FINANCIAL MATTERS**

**Claims:** Ms. Wheeler discussed with the Board the payment of claims for the period ending October 7, 2021, in the amount of \$45,784.31.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board ratified approval of the payment of claims for the period ending October 7, 2021, in the amount of \$45,784.31.

**Unaudited Financial Statements:** Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending September 30, 2021.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Connelly and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending September 30, 2021.

**2022 Audit:** The Board reviewed the proposal from Wipfli LLP to perform the 2022 Audit.

Following discussion, upon motion duly made by Director Peterson, seconded by Director Levin and, upon vote, unanimously carried, the Board approved the engagement of Wipfli LLP to perform the 2022 Audit, for an amount not to exceed \$5,000.

**2021 Budget Amendment Hearing:** Ms. Ripko opened the public hearing to consider the Resolution to Amend the 2021 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 2021 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within

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the District. No written objections were received prior to this public hearing. No public comments were received, and the public hearing was closed.

Ms. Wheeler reviewed the 2021 Budget Amendment with the Board.

Following review and discussion, Director Gilmore moved to adopt the Resolution to Amend 2021 Budget, Director Phifer seconded the motion and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-02 to Amend the 2021 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**2022 Budget Hearing:** Ms. Ripko opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that Notice stating that the Board would consider adoption of the 2022 Budget and the date, time and place of the public hearing was published in a newspaper having general circulation within the District, in accordance with statutory requirements. No written objections were received prior to the public hearing. No public comments were received, and the public hearing was closed.

Ms. Wheeler reviewed the estimated 2021 expenditures and the proposed 2022 expenditures with the Board.

Following discussion, the Board considered the adoption of Resolution No. 2021-10-03; Resolution to Adopt the 2022 Budget and Appropriate Sums of Money and Resolution No. 2021-10-04; Resolution to Set Mill Levies (for the General Fund at 56.611 mills, the Debt Service Fund at 55.664 mills, and the Other Fund(s) at 0.000 mills, for a total mill levy of 112.275 mills). Upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2021. Ms. Ripko was authorized to transmit the Certification of Mill Levy to the Board of County Commissioners of Jefferson County, not later than December 15, 2021. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022. Copies of the adopted Resolutions are attached hereto and incorporated herein by this reference.

**DLG-70 Mill Levy Certification Form:** The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

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Following discussion, upon motion duly made Director Gilmore and seconded by Director Phifer and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

**Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan:** The Board reviewed Resolution No. 2021-10-05, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-05, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan. A copy of the adopted Resolution is attached to these minutes and incorporated herein by this reference.

**Preparation of 2023 Budget:** The Board discussed appointment of the District Accountant to prepare 2023 Budget.

Following discussion, upon motion duly made by Director Gilmore, seconded by Director Phifer and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare 2023 budget and directed that the draft 2023 budget be the same as the adopted 2022 Budget unless a Board member provides input to otherwise adjust those assumptions.

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### **LEGAL MATTERS**

**Resolution to Call the May 3, 2022 Regular Election:** Attorney Cortese presented to the Board Resolution No. 2021-10-06 to Call the May 3, 2022 Election and explained the new legislative requirements.

Following discussion, upon motion duly made by Director Gilmore, seconded by Director Phifer and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-06 to Call the May 3, 2022 Election and appointed Peggy Ripko as the Designated Election Official and authorized him to perform all tasks required for the May 3, 2022 Regular Election of the Board of Directors for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District:** Attorney Cortese provided the Board an update on the Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District.

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**Disclosure to Purchasers:** The Board entered into discussion regarding necessary changes to the Disclosure to Purchasers. No action was taken by the Board.

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

**Limited Amendment to Covenant and Restrictions of Oak Street Townhomes and Pearson Grove:** The Board entered into discussion regarding the status of the Limited Amendment to Covenant and Restrictions of Oak Street Townhomes and Pearson Grove. Due to the product type at Pearson Grove, an amendment for the purposes being proposed at this time is not necessary.

The Board reviewed the proposed Limited Amendment to the Covenants and Restrictions of Oak Street Townhomes and upon motion duly made by Director Phifer, seconded by Director Connelly and, upon vote, unanimously carried, the Board approved the form of the Limited Amendment and authorized Staff to proceed with the necessary steps to conduct a vote as required pursuant to Article 5, Section 5.6.1 of the Covenants and Restrictions of Oak Street Townhomes.

**Parking Enforcement and Update from Parking Committee:** The Board entered into discussion regarding parking enforcement. The Parking Committee further provided an update to the Board on the parking enforcement.

Following discussion, upon motion duly made by Director Connelly, seconded by Director Phifer and, upon vote, with Directors Heikes and Gilmore opposed, the motion carried and the Board voted to discontinue towing services in the community.

**Two Motorcycle Parking Spaces at the Oak Street Townhomes:** The Board entered into discussion regarding adding two motorcycle parking spaces at the Oak Street Townhomes in front of the property located at 1098 Oak Circle.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved adding two motorcycle parking spaces at the Oak Street Townhomes in front of the property located at 1098 Oak Circle.

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

**Appeal from 1158 Oak Circle Regarding Extension of the Deck:** The Board determined to put this matter on hold pending the covenant amendment. The Board will provide the homeowner with an update.

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**Violation Reports:** Ms. Ripko provided an update to the Board regarding the Violation Reports.

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**OPERATIONS AND  
MAINTENANCE  
MATTERS**

**Landscape Matters:** Ms. Ripko provided an update.

**Solar Street Lights by the Park:** The Board entered into discussion regarding the status of the installation of solar streetlights by the park. It was noted the lights were received and will be installed soon.

**Proposal from Hartco, Inc. d/b/a CAM Services for Parking Lot Striping:** The Board reviewed a proposal from or Hartco, Inc. d/b/a CAM Services for parking lot striping.

Following discussion, upon motion duly made by Director Gilmore, seconded by Director Phifer and, upon vote, unanimously carried, the Board approved the proposal from Hartco, Inc. d/b/a CAM Services for parking lot striping and authorized District Counsel to prepare a Service Agreement.

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**OTHER BUSINESS**


There is no other business at this time.

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**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  Secretary for the Meeting