

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
LITTLETON VILLAGE METROPOLITAN DISTRICT NO. 2
HELD
APRIL 16, 2024

A special meeting of the Board of Directors (the “Board”) of the Littleton Village Metropolitan District No. 2 (the “District”) was convened on Tuesday, April 16, 2024, at 5:30 p.m. via Zoom. The meeting was open to the public.

ATTENDANCE

Directors In Attendance:

Jim Bowlby, Jr., President
Zach Tedeschi, Secretary
Thomas Browning, Assistant Secretary

Following review, upon a motion made by Director Tedeschi seconded by Director Browning and, upon vote, unanimously carried, the absence of Director Briones-Siria was excused.

Also In Attendance:

AJ Beckman, Mark McGarey and Darci Armstrong; Public Alliance
Joan Fritsche, Esq.; Fritsche Law, LLC
Mike Bakarich; Morain Bakarich, CPAs
Chris Dods; BrightView
Amy Weber and Ben Lee, AMLI
Lynn Christensen, Lynn Grover, Sean McAfee, Mitch Krauss, Delany Dill,
William Hayes and Matt Burton, Members of the Public

ADMINISTRATIVE MATTERS

Call to order and approval of agenda: Mr. Beckman called the meeting to order at 5:32 p.m.

Following review, upon a motion made by Director Bowlby seconded by Director Tedeschi and, upon vote, unanimously carried, the Board approved the agenda, as amended.

Quorum, location of meeting and posting of meeting notices: A quorum of the Board was present, and the meeting location (Zoom) and meeting notice posting were confirmed.

Disclosures of potential conflicts of interest: None.

Board Vacancy: Director Bowlby advised the Board that he and Director Tedeschi previously met with Mr. Burton and recommended appointing him to the Board. Mr. Burton discussed his interest in serving on the Board. He explained

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that he has worked as a commercial real estate agent with extensive experience in property management and development. Ms. Fritsche explained he could be appointed subject to verification of qualifications. He would not be able to take any action at tonight's Board meeting.

Following discussion, upon a motion made by Director Bowlby seconded by Director Tedeschi and, upon vote, unanimously carried, the Board appointed Matt Burton to the Board of Directors, subject to verification of qualification.

CONSENT AGENDA **Minutes of the January 16, 2024 Regular Board Meeting and the March 26, 2024 Special Meeting:** Following discussion, upon a motion made by Director Bowlby, seconded by Director Tedeschi and, upon vote, unanimously carried, the Board approved the Minutes of the January 16, 2024 Regular Board Meeting and the March 26, 2024 Special Meeting, as presented.

FINANCIAL MATTERS **Accounts Payable dated January 15, 2024 through April 16, 2024, Cash Sheet and Property Tax Schedule:** Mr. Bakarich presented the list of accounts payable. Following review and discussion, upon a motion duly made by Director Tedeschi, seconded by Director Bowlby and, upon vote, unanimously carried, the Board ratified approval of the accounts payable dated January 15, 2024 through April 16, 2024, in the amount of \$155,028.99.

Financial Statements: Mr. Bakarich reviewed the unaudited financial statements for the period ending March 31, 2024. Following review and discussion, upon a motion duly made by Director Bowlby, seconded by Director Browning and, upon vote, unanimously carried, the Board approved the unaudited financial statements for the period ending March 31, 2024.

MANAGEMENT MATTERS **Manager Report:** Mr. Beckman reviewed the Manager's Report with the Board (attached hereto and incorporated herein by this reference).

Follow up items from Prior Board Meetings:

Grant Funding Opportunities: Ms. Armstrong reported that the District has received four grants of \$500 each for the events. Mr. Beckman further reported that grants for community projects of up to \$10,000 are also available, however the steps necessary include initial investment by the District.

Letters to Townhome Owners: Mr. Beckman reported that the letters to clarifying maintenance responsibilities for individual townhome owners was sent to all townhome owners in 2023.

Dog Park Gate Latch Repairs: Mr. Beckman reported that the latch has once again failed following a recent repair. Public Alliance will obtain proposals for a more robust repair.

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Concrete Sidewalks and Driveway Plans on file with the City: Mr. McGarey reported that he has been advised by the City of Littleton that concrete work does not undergo the typical permitting process, however the standard thickness is between six and eight inches.

City of Littleton (“the City”) Street Repairs Planned for 2024: Mr. Beckman reviewed the email with the Board noting that the City is preparing a list of repairs for 2024. It is unclear if the District’s repairs are included on the City’s list.

City Communication Channels for Street and Right of Way Repairs: Director Bowlby encouraged residents to reach out to the City via any or all of the communication channels provided.

- i. SeeClikFix.com
- ii. Brent Soderlin, Public Works: bsoderlin@littletongov.org
- iii. City Council Representative, Steve Barr: sbarr@littletongov.org

Republic Services Contract and Quality of Service: Mr. Beckman discussed the failure of Republic Services to provide services on their scheduled pickup day on March 15, 2024 due to a snow event. The Board requested that Public Alliance request credit for the missed service and check on the contract termination date. In addition, the board requested that Public Alliance obtain bids from other contractors to provide trash service.

Community Dumpster Day, August 17, 2024: Ms. Armstrong noted that she will work on coordinating food and beverages for the event.

Concrete Sidewalk and Alleyway Assessment Letter by Schedio Group: Mr. Beckman reviewed with the Board. The Board discussed pursuing the Priority 1 and Priority 2 repairs and considering the Priority 3 repairs at a later date.

Following review and discussion, upon a motion duly made by Director Tedeschi, seconded by Director Bowlby and, upon vote, unanimously carried, the Board authorized expenditures of up to \$10,000 to pursue Priority 1 and 2 improvements.

Pet Cleanup Responsibilities and Areas of Concern: The Board determined to take no action at this time.

2024 Events Update: Ms. Armstrong reported that the Spring Fling was a big success with over 80 children and adults in attendance. She discussed upcoming events and encouraged community participation.

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Agreement with S-Star Electric, Ltd. for Installation of Outlets for Events: The Board reviewed the Agreement with S-Star Electric, Ltd. for installation of outlets needed for events. Following review and discussion, upon a motion duly made by Director Bowlby, seconded by Director Tedeschi and, upon vote, unanimously carried, the Board ratified approval of the Agreement with S-Star Electric, Ltd. for installation of outlets needed for events.

Brightview Landscape Agreement with Addendum: The Board reviewed the Brightview Landscape Agreement with Addendum. Following review and discussion, upon a motion duly made by Director Bowlby, seconded by Director Tedeschi and, upon vote, unanimously carried, the Board approved the Brightview Landscape Agreement with Addendum.

Report by BrightView Landscaping Services, Inc.: Mr. Dods reviewed the landscaping report with the Board.

Cost Benefit Analysis for Water Conservation Plan Prepared by BrightView: Mr. Dods reported that if the District proceeded with the landscaping renovations previously proposed, BrightView estimates a reduction in water consumption of 35% to 40% in the first year, and up to 65% in subsequent years. In addition, a reduction in landscaping maintenance of up to 25% could be achieved.

Tree Inspection, Condition of New Plantings, and Replacements for 2024: Mr. Dods reported that it is too early in the season to assess the health of the trees under warranty.

Proposal for Installation of Short Section of Split Rail Fencing: Mr. Dods reviewed the proposal with the Board.

Following review and discussion, upon a motion duly made by Director Bowlby, seconded by Director Tedeschi and, upon vote, unanimously carried, the Board approved the proposal for installation of short section of split rail fencing in the amount of \$2,595.78.

Proposal for Weed Control Treatment in Turf Areas: Mr. Dods reported that the service contract already includes treatments, therefore the additional work isn't necessary.

Proposal for Tree Health Care Services: Mr. Dods reviewed with the Board. No action was taken at this time.

Proposal for Additional Mulch in Certain Planted Beds: Mr. Dods reviewed the proposal with the Board. He explained that in addition to adding new mulch the existing mulch will be raked and turned.

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Following review and discussion, upon a motion duly made by Director Bowlby, seconded by Director Browning and, upon vote, unanimously carried, the Board approved the proposal in the amount of \$4,825.82 for additional mulch in certain planted beds, subject to verification of color match.

Irrigation Controllers: Mr. Dods discussed options for improving the irrigation controllers. Mr. Bowlby requested that Public Alliance review the specifications for the upgraded Hunter controller proposed by BrightView.

Following review and discussion, upon a motion duly made by Director Bowlby, seconded by Director Tedeschi and, upon vote, unanimously carried, the Board approved authorize expenditure of up to \$10,000 for upgraded irrigation control for the park.

LEGAL MATTERS

Resolution Adopting Technology Accessibility Statement: Ms. Fritsche reviewed with the Board. She explained that the District will be required to meet accessibility requirements by July 1, 2024. She further explained that Public Alliance is the website service provider and will be responsible for achieving compliance. Director Bowlby inquired as to cost. Mr. Beckman reported that he does not have a cost estimate at this time but assured the Board that additional information would be forthcoming.

Other: None.

OTHER BUSINESS

AMLI Progress with the City of Littleton on New Construction: Ms. Weber reported that she is still working with the City of Littleton to determine sanitary sewer capacity. She noted that they are hoping to break ground this summer.

Dog Park Renovations Design: Ms. Weber reviewed plans for the new dog park with the Board. The site plan has been submitted to the city. The first round of comments have been received and are now waiting on additional comments or approval. Director Bowlby expressed his appreciation for the anticipated improvements. Ms. Weber discussed filling in the sunken area and creating a drainage swale and adding landscaping improvements. Mr. Burton asked what prompted the expansion. Director Bowlby explained that it was due to growth and the need to segregate smaller dogs from larger dogs. Ms. Weber noted AMLI anticipates completing the project next spring.

Commercial Development:

Rino 38th Bar, Grill and Music Venue: Director Bowlby reported that the restaurant is still in the planning stage.

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El Pollo Loco: Mr. Bowlby reported that he believes the land has been purchased by El Pollo Loco. He requested that Public Alliance check with the City for more information.

PUBLIC COMMENT

Mr. Hayes asked if the new AMLI building would have a parking area for delivery vehicles. Ms. Weber reported that there will be an alleyway adjacent to the building where deliveries will be directed.

Ms. Christiansen asked Ben Lee (Manager at AMLI) about pet cleanup and if this is being communicated. Mr. Lee reported that regular bulletins are sent to the residents, and welcomed any suggestions. Director Bowlby noted that the south side of the building is seeing high traffic, and excessive pet waste due to owners not picking up after their dogs.

Ms. Christiansen suggested that the District request resident participation in cleaning up pet waste and suggested that an “adopt a street” program or something similar be considered.

Mr. Burton noted that one of his neighbors has chickens. Ms. Christiansen reported that chickens are not allowed as noted in the rules and regulations. Ms. Christiansen noted that several of the ponds need to have trash removed from outfall structures. Mr. Bowlby requested that the Board discuss potentially amending rules and regulations to allow chickens.

EXECUTIVE SESSION

Pursuant to Section 24-6-402(4)(b) and (e), C.R.S, upon motion duly made by Director Bowlby, seconded by Director Tedeschi and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 7:43 p.m. for the purpose of receiving legal advice on specific legal questions regarding potential developer repayment obligations; and determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiators regarding potential developer repayment obligations, pursuant to §§ 24-6-402(4)(b) and (e), C.R.S. Furthermore, pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record or electronic recording will be kept of those portions of the executive session that, in the opinion of the Board's attorney, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

The Board reconvened in regular session at 8:38 p.m.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Tedeschi, seconded by Director Browning and, upon vote, unanimously carried, the Board adjourned the meeting at 8:40 p.m.

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The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Respectfully submitted,

DocuSigned by:

Ezekiel Tedeschi

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Secretary for the Meeting