

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF BRIGHTON CROSSINGS OPERATIONS BOARD

HELD
March 9, 2021

The Special Meeting of the Board of Directors of Brighton Crossings Operations Board was held via teleconference at 6:30 p.m. on Tuesday, March 9, 2021. Notice of the meeting was duly posted.

ATTENDANCE

Directors in Attendance:

Shannon Robbins, Treasurer
Jeffrey Schum, Assistant Secretary
John Strider, Secretary

Directors Absent but Excused:

Ashley Tarufelli, President

Also in Attendance:

Chelsey Green, Jesse Mestrovic, Amanda Castle, Andrew Kunkel, and Doug Campbell; Pinnacle Consulting Group, Inc.
Eve Velasco, Esq.; White Bear Ankele Tanaka & Waldron, P.C.
Amy Ostendorf and Cindy Moris; YMCA of Denver
Sean Walsh; Sean Walsh Consulting, Inc.
David Dibbern, Dewayne Davis, Haley McMillen, Jake Shepard, Jay Thomas, Jenny Shepard, Joan Funckes, Kim Fash, Laura Jupp, Marjane Mysiades, Stacey Wann, Thomas Kruetzer, and other members of the public who did not provide their full names.

CALL TO ORDER

The Regular Meeting of the Board was called to order at 6:42 p.m. by Director Robbins, noting that a quorum was present for each of the Boards. Each of the Directors confirmed their qualifications to serve on the Boards. Director Tarufelli also confirmed that prior to the meeting each of the Directors had been notified of the meeting.

CONFLICTS OF INTEREST DISCLOSURE

Ms. Velasco noted that notices of potential conflicts of interest for those Board Members who provided White Bear Ankele Tanaka & Waldron with notice of potential conflicts of interest were filed with the Colorado Secretary of State's Office, disclosing that potential conflicts of interest may exist, as certain Board Members are employees of Brookfield Residential, which is associated with the primary developer of land within the District. Ms. Velasco advised the Board that pursuant to Colorado law, certain disclosures by the Board

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Members might be required prior to taking official action at a meeting. The Board reviewed the agenda for the meeting, following which each Board Member present confirmed the contents of the written disclosures previously made stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Additionally, the Board determined that the participation of the Directors present was necessary to obtain a quorum or otherwise enable the Board to act.

AGENDA

The Boards considered the agenda as presented. Following review, upon a motion duly made by Director Strider, seconded by Director Schum, and upon vote, unanimously carried, it was

RESOLVED to approve the agenda, as presented.

APPROVAL OF MINUTES

The minutes of the Special Board Meeting held on December 1, 2020 were presented. Following review, upon a motion duly made by Director Schum, seconded by Director Robbins, and upon vote, unanimously carried, it was

RESOLVED to approve the minutes of the Special Board Meeting held on December 1, 2020, as presented.

BOARD RESIGNATION

Ms. Green informed the Board of the resignation of Director Lisa Albers.

PUBLIC COMMENTS

- David Dibbern who resides at 4700 Mt. Shavano St. expressed discontent regarding not being able to contact members of the Board directly. Mr. Dibbern also expressed discontent regarding the length in which the public is allowed to speak at Board of Directors meetings.
 - Thomas Kreutzer who resides at 152 Bristle Cone Street – expressed discontent regarding not being able to contact members of the Board directly. Mr. Kreutzer referenced an incident when he was unable to contact Director Strider regarding Little Libraries and an incident regarding snow and ice removal.
 - Angelo DiLullo who resides at 5212 Longs Peak St. – requested that senior citizens be excluded from paying operation and maintenance fees due to minimal incomes and limited amenity use.
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DIRECTOR COMMENTS

Director Strider addressed Mr. Dibbern's concerns regarding communication clarifying the scope of services the Operation Board's management consultant

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is contracted to perform, and stated that a Director's or management position is not analogous to someone in salaried position. Director Strider addressed Mr. Kreutzer's concerns regarding communication and explained that one member of the Board cannot legally speak on behalf the entire Board of Directors regarding specific issues. Director Strider addressed the potential difficulties in eliminating operation and maintenance fees for seniors due to issues surrounding discrimination.

Director Robbins addressed Mr. Dibbern's and Kreutzer's concerns regarding communication and noted multiple previous conversation she has had with Mr. Dibbern. Director Robbins noted that she is happy to communicate with residents and noted that the process of communication would become easier with in person meetings.

ADMINISTRATIVE MATTERS

Discussion of Future 2021 Regular Meeting Dates: Ms. Green requested direction from the Board regarding rescheduling future 2021 regular meeting dates due to a conflict with the City of Brighton City Council meeting dates. It was the direction of the Board to change future regular meeting dates to June 14th, September 13th, and December 6th and for legal counsel to present an Amended Administrative Matters Resolution at the next regular meeting.

Covenant Violation Hearing for 5281 Silver Maple Street: It was the consensus of the Board to table this item until the next regular meeting at the request of the property owner of 5281 Silver Maple Street.

FINANCIAL MATTERS

Ratification of Payment of Claims: Ms. Castle reviewed with the Board the payment of claims for period October 31, 2020 to January 31, 2021, in the amount of \$423,271.60. Following review and discussion, upon motion duly made by Director Strider, seconded by Director Schum, and upon vote, unanimously carried, it was

RESOLVED to ratify the payment of claims for period October 31, 2020 to January 31, 2021 in the amount of \$423,271.60, as presented.

Financial Statements: Ms. Castle reviewed with the Board the Unaudited Financial Statements for the period ending December 31, 2021 and answered questions. Following review and discussion, upon motion duly made by Director Strider, seconded by Director Robbins, and upon vote, unanimously carried, it was

RESOLVED to accept the Unaudited Financial Statements for the period ending December 31, 2021, as presented.

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Finance Committee Member Appointment: Ms. Green asked the Board to consider the appointment Jay Thomas to serve on the Finance Committee. Following review and discussion, upon motion duly made by Director Schum, seconded by Director Robbins, and upon vote, unanimously carried, it was

RESOLVED to appoint Jay Thomas to serve on the Finance Committee.

Discussion Regarding 2nd Quarter Collections Process: Ms. Castle reviewed with the Board the 2nd Quarter Collections Process and 2020 to 2021 grace period. Ms. Green requested direction from the Board regarding an extension to collections by 60 days. Director Strider suggested extending collections to 60 days due to financial hardship being experienced by members of the community and to inform the community via the upcoming newsletter. Following review and discussion, upon motion duly made by Director Schum, seconded by Director Robbins, and upon vote, unanimously carried, it was

RESOLVED to extend the 2nd Quarter operations fees due date by 60 days.

LEGAL MATTERS

Temporary Operating and Funding Agreement (Planning Area 7 Landscaping and Alleyways): Ms. Velasco presented the Temporary Operation and Funding Agreement (Planning Area 7 Landscaping and Alleyways). Following review and discussion, upon motion duly made by Director Robbins, seconded by Director Strider, and upon vote, unanimously carried, it was

RESOLVED to approve the Temporary Operating and Funding Agreement (Planning Area 7 Landscaping and Alleyways), as presented.

Temporary Operating and Funding Agreement (Volley Park): Ms. Velasco presented the Temporary Operating and Funding Agreement (Volley Park). Following review and discussion, upon motion duly made by Director Robbins, seconded by Director Strider, and upon vote, unanimously carried, it was

RESOLVED to approve the Temporary Operating and Funding Agreement (Volley Park), as presented.

Maintenance Easement Agreement Filing 3 Mailbox Kiosks: Ms. Velasco presented the draft Maintenance Easement Agreement for Filing 3 Mailbox Kiosks. Ms. Green recommended that surveys be completed for an easement area of 200 square feet around the kiosks located in privately-owned tree lawns, and noted that foot traffic and impact to tree lawns around the areas will be monitored for further review and possible mitigation by the Board. Following

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review and discussion, upon motion duly made by Director Strider, seconded by Director Schum, and upon vote, unanimously carried, it was

RESOLVED to approve the Maintenance Easement Agreements for properties located within Filing No. 3 that have Mailbox Kiosks located in private tree lawns, subject to finalization of the easement area through surveying, and instructed management and legal counsel to approach property owners to acquire an easement.

MANAGEMENT
AND
OPERATIONAL
MATTERS

Master Association Delegate District Election Presentation: Sean Walsh from Sean Walsh Consulting, Inc. reviewed with the Board the upcoming Brighton Crossings Master Association Delegate District Election and answered questions. Director Strider noted that residents are not particularly engaged in the election and suggested posting notice at the Fitness Center and Venture Center with an additional notice in the upcoming newsletter.

Recreational Management Report: Ms. Morris reviewed the Recreational Management Report with the Board noting the upcoming Easter event and asked for Board direction regarding subcontracting to provide dance classes. The Board provided direction for Ms. Morris to coordinate dance class programming at the Venture Center, and directed Ms. Green to coordinate with legal counsel to review the policies and procedures and propose updates if necessary for this type of programming.

Ms. Ostendorf recommended that the Operation Board does not pursue a swim team for 2021 due to lack of interest and potential pool capacity limits. It was the consensus of the Board to not move forward with a community swim team in 2021.

Operations Board Manager's Report: Ms. Green presented the Operations Board Manager's Report to the Board and answered questions.

Facility Memorandum regarding Smart Meter Installation at Crossings Park: Ms. Green reviewed the Facility Memorandum regarding Smart Meter Installation at Crossings Park with the Board. Director Robbins asked if the Smart Meter would rely on a cell phone service signal. Mr. Campbell addressed the question and noted that the Smart Meter can utilize Wi-Fi from the Fitness Center. Director Robbins stated that Brookfield Residential, LLC, the developer of Crossings Park, is willing to contribute half of the costs for the Smart Meter installation, and requested additional time to review the proposals. It was the consensus of the Board for Ms. Green to coordinate with Director Robbins to finalize the Smart Meter selection and work to install the new system in Crossings Park before irrigation is activated in May.

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Discussion Regarding Pest Control Coordination with King Soopers: Ms. Green discussed the current situation with prairie dogs in an adjoining lot owned by King Soopers. It was the direction of the Board for management and legal counsel to negotiate a cost sharing agreement to with King Soopers if necessary to mitigate further prairie dog damage to landscaping owned by the Operations Board.

Review Covenant Enforcement Memorandum regarding recommendation for Community Education Period related to Trash Tote Regulations: Ms. Green reviewed the Covenant Enforcement Memorandum regarding recommendation for Community Education Period related to Trash Tote Regulations with the Board. It was the direction of the Board for management to enter into a community education period, pause formal trash tote violation efforts and presented trash tote violation data at the next regular meeting.

Consider approval of Amended Rules and Regulations further clarifying street parking administered by the City of Brighton, and parking upon Operation Board property enforcement: Ms. Green reviewed the Amended Rules and regulations. Following review and discussion, upon motion duly made by Director Schum, seconded by Director Strider, and upon vote, unanimously carried, it was

RESOLVED to approve the Amended Rules and Regulations further clarifying street parking administered by the City of Brighton, and parking upon Operation Board property enforcement, as presented.

Discussion of Design Review Fee Waiver for 5605 Cherry Blossom Drive: It was the direction of the Board for management to waive the \$85 Review Fee, and requested management require future applications being submitted for partial installs to submit in writing the understanding that an additional application and associated \$85 Review Fee will be required.

Discussion regarding exploring Enhancement Committee expansion: Ms. Green recommended expanding the scope of the Enhancement Committee to allow for oversight of low-impact volunteer work and provide recommendation to the Board for new amenities coming online that require additional policy and procedures. It was the direction of the Board for management to work with the Enhancement Committee to propose an expanded scope of authorization at the next regular meeting.

2021 Independent Contractor Agreements and Contract Modifications Report: Ms. Green reviewed the 2021 Independent Contractor Agreements and Contract Modifications report with the Board. Following review and discussion, upon motion duly made by Director Strider, seconded by Director Schum, and upon vote, unanimously carried, it was

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RESOLVED to ratify the 2021 Independent Contractor Agreements and Contract Modifications Report, as presented.

OTHER MATTERS


Director Strider suggested the creation of templates for the design review process. Ms. Green noted that management is currently working with Colorado Vista Landscape on backyard landscaping templates.

ADJOURNMENT

There being no further business to come before the Boards, upon motion duly made by Director Schum, seconded by Director Robbins, and upon unanimous vote, the meeting was adjourned at 8:38 p.m.

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

Respectfully submitted,



Andrew Kunkel, Recording Secretary for the Meeting