
RECORD OF PROCEEDINGS

**Minutes of the Meeting
Of the Board of Directors of
Lake Creek Metropolitan District
May 28, 2020**

A meeting of the Board of Directors of the Lake Creek Metropolitan District, Eagle County, Colorado, was held on May 28, 2020 at 5:00 p.m., via electronic Zoom meeting <https://us02web.zoom.us/j/87179043938>, Phone Only US 1 253 215 8782, Meeting ID: 871 7904 3938, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- Dan Barry
- Kathleen Eck

The following Director was absent and excused:

- Hatsie Hinmon

Also in attendance:

- Ann Bourke, owner, appointed to the Board during the meeting
- Anne McGonagle, owner, appointed to the Board during the meeting
- Tony Zancanella, Zancanella & Associates
- Ken Marchetti, Marchetti & Weaver, LLC
- Beth Johnston, Secretary to the Meeting

**Call To
Order**

The meeting of the Board of Directors of the Lake Creek Metropolitan District was called to order by Director Barry on May 28, 2020 noting a quorum was present.

Agenda

There were no changes to the meeting agenda.

Public

Comment

There was no public comment.

Minutes

The Board reviewed the minutes included in the packet. Mr. Zancanella requested a correction to the Water Consumption Reports section from PRV vault leak to meter vault leak. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the October 24, 2019 minutes with the suggested change.

**Mosquito
Control**

Director Barry opened the discussion on mosquito control and gave background on the issue. General discussion continued on the type of control, chemicals used and if mosquito control was necessary. Ms. Johnston noted that early larval control that did not involve spraying had been completed for this season. The Board directed that going forward only larval control be completed and no spraying be done in Lake Creek unless complaints were received.

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- Water** Mr. Zancanella reviewed the Operations Report included in the board packet
- The leak was found and fixed.
 - The five-year tank cleaning is due this fall.
 - Other normal pumphouse repairs will be completed over the summer.
 - Capital improvements for 2020 include PRV vault replacement at Brook Place which would have minimal water disruption and be completed after irrigation season but before fall.
 - The remaining raw water meters should be installed by the end of May and prior to the irrigation season.

**Water
Consumption
Reports**

Mr. Zancanella reviewed the Water Production and Consumption Analysis reports noting that the Unaccountable Consumption for February 15 to March 15 is the lowest that it has ever been.

**Financial
Statements**

Mr. Marchetti reviewed the financial statements included in the packet reporting that the District had a solid reserve fund and no significant budget variances or capital expenses yet for the year. Mr. Marchetti advised the Board that the Colorado Division of Property Taxation was reporting a significant decline in the Residential Assessment Rate (RAR) that will impact the 2022 budget. General discussion on the financial statements, RAR, and District position was had.

**Accounts
Payable**

Ms. Johnston reviewed the accounts payable list included in the packet and explained the accounts payable process. Ms. Johnston relayed that Director Eck agreed to be the backup payables approver in the event Director Bourke was not able to approve invoices. Following discussion and, upon motion duly made and seconded, it was unanimously

RESOLVED to approve the Accounts Payable Report as presented.

**Accounts
Receivable**

Ms. Johnston reviewed the Accounts Receivable Report for the District distributed via email to the Board noting that there were no major issues with any accounts at this time.

**Vendor
Contracts**

Mr. Marchetti reviewed the proposal in the packet for Whittaker Landscaping for irrigation system monitoring and upon motion duly made and seconded, it was unanimously

RESOLVED to ratify the Whitaker Landscaping Services proposal for 2020.

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Legal Memo The Board reviewed the legal memo included in the packet. Mr. Marchetti and Mr. Zancanella reviewed the Moores' winter augmentation plan. Mr. Zancanella noted that he did not see any benefit to the District to having the ponds full for the winter and does not recommend pursuing the winter augmentation plan. There was also a request from the Moores' to irrigate from the pond however pumps have since been installed in the ditch as the original agreement requested. General discussion continued on the issues and the District will follow up if necessary.

Location for Meeting Posting

The Board reviewed the posting location resolution included in the packet. Following discussion and upon motion duly made and seconded, it was unanimously

RESOLVED to approve the Resolution Designating Location to Post Notice.

Driveway Access

Easement Mr. Marchetti reviewed the Driveway Access Easement Agreement for 863 W. Lake Creek Road. Mr. Marchetti gave background and explained that the easement was necessary to allow access to the Van Dyke's property across a small piece of District property. Following discussion and upon motion duly made and seconded, it was unanimously

RESOLVED to approve the Driveway Access Easement Agreement for 863 W. Lake Creek Road between Lake Creek Metropolitan District and Gail and Gary Van Dyke.

Quit Claim Deed

Ms. Johnston explained that the Van Dyke's were requesting a Quit Claim Deed between them and the District to clarify property lines between their parcel and the District's Tract B parcel. Ms. Johnston noted that Mr. Collins, the District's counsel, was preparing the deeds but they were not completed in time for the meeting. The Board decided to table the discussion until the Deeds were completed.

Board

Director Barry nominated Ms. Bourke and Ms. McGonagle to fill two vacant Board seats whose terms expire May 2023, following the May 5, 2020 election. Following discussion and upon motion duly made and seconded, it was unanimously

RESOLVED to appoint Ann Bourke and Anne McGonagle to the Lake Creek Metropolitan District Board of Directors until the next election in May 2022.

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Following discussion, and by motion duly made and seconded, it was unanimously

RESOLVED to elect the following officers:

Dan Barry	President/Chairman
Kathleen Eck	Secretary
Anne Bourke	Treasurer
Hatsie Hinmon	Vice Pres/Asst Secretary/Asst Treasurer
Anne McGonagle	Asst Secretary/Asst Treasurer

The Board requested that Management update all bank accounts to include all Board members as signers.

**Future
Meetings**

The Board confirmed the next meeting would be held August 13, 2020, 5:00 p.m., if necessary.

Adjournment There being no further business to come before the Board, upon motion duly made and seconded it was unanimously

RESOLVED to adjourn the meeting of the Lake Creek Metropolitan District Board of Directors this 28th day of May, 2020.

Respectfully submitted,



Beth Johnston
Secretary for the Meeting

RECORD OF PROCEEDINGS

Minutes of the Meeting Of the Board of Directors of Lake Creek Metropolitan District August 13, 2020

A meeting of the Board of Directors of the Lake Creek Metropolitan District, Eagle County, Colorado, was held on August 13, 2020 at 5:00 p.m., via electronic Zoom meeting <https://us02web.zoom.us/j/89817453260>, Phone Only US 1 253 215 8782, Meeting ID: 898 1745 8782, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- Dan Barry
- Ann Bourke
- Hatsie Hinmon
- Anne McGonagle

The following Director was absent and excused:

- Kathleen Eck

Also in attendance:

- Tony Zancanella, Zancanella & Associates
- Ken Marchetti, Marchetti & Weaver, LLC
- Beth Johnston, Secretary to the Meeting
- Kyle Webb, owner 779 Eagle Crest Rd
- Gerry Flynn, owner 755 Eagle Crest Rd
- Marty Abel, owner 736 Eagle Crest Rd

**Call To
Order**

The meeting of the Board of Directors of the Lake Creek Metropolitan District was called to order by Director Barry on August 13, 2020 noting a quorum was present. No potential conflicts of interest were disclosed.

Agenda

There were no changes to the meeting agenda.

**Public
Comment**

There was no public comment until later in the meeting.

Minutes

The Board reviewed the minutes included in the packet. Upon motion duly made and seconded, with Director McGonagle abstaining, it was

RESOLVED to approve the May 28, 2020 minutes as presented.

Water

Mr. Zancanella reviewed the Operations Report included in the board packet

- The hydrants were scheduled to be flushed in the beginning of September and painted by the end of August.
- Bids for the repipe of the pumphouse were being obtained.

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- The PRV Vault would be purchased in 2020 with installation being moved to 2021. These changes were reflected in the financial statement forecast and 2021 budget.

Water Consumption Reports

Mr. Zancanella reviewed the Water Production and Consumption Analysis reports noting that the Unaccountable Consumption has remained low since the leak was identified and fixed.

Tiered Water Billing

There was general discussion regarding a tiered billing rate schedule to encourage conservation. No action taken and the Board requested that this be removed from future agendas.

Additional Fire Hydrants

Mr. Zancanella reviewed the fire hydrant map emailed to the Board before the meeting. There was discussion on the wildfire in the Eagle Crest cul-de-sac and the Eagle River Fire report that they were unaware the hydrant at the location was not a pressurized hydrant. Mr. Zancanella explained that the Lake Creek fire suppression system was built as a rural system with mostly gravity fed hydrants and that Eagle River Fire had been sent all information on the Lake Creek fire suppression system several years ago. Discussion continued on how to keep the fire department informed, pressurizing the entire system, changing the hydrant colors to better indicate gravity fed hydrants, adding additional hydrants to the system, and fire evacuation plans. Mr. Zancanella said that 11 additional hydrant locations were identified in 2017 and estimated that it would cost approximately \$20,000 to install each new hydrant, \$20,000 to install a draft hydrant on the Eagle Crest tank, and an additional \$10,000 to install quick connections for backup generators. Director Barry said he would contact the Fire Department to set up a meeting and requested at least one other Board member and any other interested community members participate in the meeting. Following discussion and upon motion duly made and seconded, it was unanimously

RESOLVED to approve the installation of 12 additional fire hydrants, 11 at the previously identified locations and 1 draft hydrant on the Eagle Crest tank, at a cost not to exceed \$20,000 each hydrant; and

FURTHER RESOVLED to approve the installation of quick connectors for backup generators at a cost not to exceed \$10,000.

Financial Statements

Mr. Marchetti reviewed the financial statements included in the packet . General discussion on the financial statements, District financial position, and upcoming capital projects was had.

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Budgets Mr. Marchetti stated the meeting had been published as the public hearing to adopt the 2021 Budget and Amend the 2020 Budget, if needed. The public hearing was opened to take comments on the preliminary 2020 amended budget and 2021 budget. The Board reviewed the 2020 forecast, operations and capital expenses. Following review and discussion, the public hearing to amend the 2020 budget was closed. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve an amendment to the 2020 budget for an additional \$250,000 in Capital Expenditures for the Fire Hydrant Project approved earlier in the meeting.

The Board reviewed the 2021 preliminary budget, operations and capital expenses. As part of the fire suppression plan, it was requested to move the \$150,000 back-up generator project from 2024 to 2021. There was general discussion on property tax and the anticipated decrease in property tax revenue for 2022 due to the residential assessment rate declining in the event the Gallagher constitutional amendment is not repealed. Following discussion and review, the 2021 Budget hearing was continued to the next meeting.

Accounts Payable The Board reviewed the Payables list in the packet. Following discussion and, upon motion duly made and seconded, it was unanimously

RESOLVED to approve the Accounts Payable Report as presented.

Accounts Receivable Ms. Johnston reviewed the Accounts Receivable Report for the District distributed via email to the Board.

Quit Claim Deed Mr. Marchetti explained the need for Quit Claim Deeds between the Van Dyke's and the District to clarify property lines between their parcel and the District's Tract B parcel. The Deeds included in the packet had been prepared by Jim Collins and recorded. Upon motion duly made and seconded, it was unanimously

RESOLVED to ratify the Quit Claim Deeds between and by the District and Gail and Gary Van Dyke to clarify property lines between 863 W. Lake Creek Road and Tract B.

Future Meetings The Board discussed moving the regular meeting time for future meetings from 5:00 pm to 4:00 pm. Following discussion and upon motion duly made and seconded, it was unanimously

RESOLVED to start regular District meetings at 4:00 P.M.

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The Board confirmed the next meeting would be held on October 8, 2020, 4:00 p.m.

Adjournment There being no further business to come before the Board, upon motion duly made and seconded it was unanimously

RESOLVED to adjourn the meeting of the Lake Creek Metropolitan District Board of Directors this 13th day of August, 2020.

Respectfully submitted,



Beth Johnston
Secretary for the Meeting

RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of Lake Creek Metropolitan District October 8, 2020

A meeting of the Board of Directors of the Lake Creek Metropolitan District, Eagle County, Colorado, was held on October 8, 2020 at 4:00 p.m., via electronic Zoom meeting <https://us02web.zoom.us/j/81520656941>, Phone Only US 1 253 215 8782, Meeting ID: 815 2065 6941, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- Kathleen Eck
- Ann Bourke
- Hatsie Hinmon
- Anne McGonagle

The following Director was absent and excused:

- Dan Barry

Also in attendance:

- Tony Zancanella, Zancanella & Associates
- Ken Marchetti, Marchetti & Weaver, LLC
- Beth Johnston, Marchetti & Weaver LLC, secretary for the meeting

Call To Order

The meeting of the Board of Directors of the Lake Creek Metropolitan District was called to order by Mr. Marchetti on October 8, 2020 noting a quorum was present. No potential conflicts of interest were disclosed.

Agenda

There were no changes to the meeting agenda.

Public Comment

Consideration of the Resolution in Support of the Gallagher Amendment was added under Legal.

Minutes

The Board reviewed the minutes included in the packet. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the August 13, 2020 minutes as presented.

Water

Mr. Zancanella reviewed the Operations Report included in the board packet

- The hydrants were flushed and a leak was found and fixed at the bottom of Meadow Road.
- The hydrants painting will be done by next week.
- Pilgrim Downs is looking to move their pond storage around and is expected to file a water application by the end of the year. There is no information at this time how this might affect Lake Creek. Mr. Geiger,

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the District's water attorney, is monitoring the situation in case a statement of opposition needs to be filed.

Mr. Zancanella emailed the EFI estimate for the PRV Vault to meeting participants. Mr. Zancanella reviewed the estimate with the Board explaining that the purchase and build of the vault this fall would allow for installation in spring of 2021. There was general discussion on the project cost and timeline. Following discussion, the Board authorized Mr. Zancanella to place the order for the vault with EFI and determine the deposit requirement for a May 2021 delivery.

Fire Hydrants

Installation Mr. Zancanella gave an update on the progress of the additional fire hydrant installation project. He told the Board that the installations would be split into two phases with seven hydrants that don't require asphalt cuts scheduled for installation this fall and the remaining hydrants which require asphalt cuts scheduled to be installed in 2021 due after the asphalt pants are open. Mr. Zancanella explained that the Eagle County Right of Way permit was in process and a hydrovac company has been hired. General discussion on the project continued including bringing existing hydrants up to current standards, communication with the Fire Department, and installation of the quick connectors on the booster pumps. The Board requested that Mr. Zancanella write up a report over the winter advising steps that could be taken to upgrade the availability of pressurized fire hydrants throughout the community.

Financial Statements

Mr. Marchetti reviewed the financial statements included in the packet. General discussion was had on the Gallagher Amendment, assessed values, calculation of the Residential Assessment Rate, and the affect the Gallagher Amendment will have to the District if the residential assessment rate continues to decline. The Board deciding to revisit the issue in the spring if Amendment B does not pass. The Board requested that the long-range forecast for the District be updated in early 2021 to ensure the District was still on track.

Water Rate Increase and 2021 Budget

Mr. Marchetti stated that the Notice of Meeting to consider a rate increase had been posted on the District's website as required by State statute. The Board reviewed the water rates and the amounts projected to be needed in the future for capital improvements. The Board decided no rate increase was needed at this time.

Mr. Marchetti stated the meeting was a continuation for the public hearing to adopt the 2021 Budget. The public hearing was opened to take comments on the proposed budget. The Board reviewed the 2021 proposed budget, operations and capital expenses, noting that, as previously discussed, some of the capital projects would carry over into 2021. Following review and discussion, the

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public hearing was closed. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the Resolutions to Adopt the 2021 Budget, subject to moving any unspent capital funds from 2020 to 2021 and other minor adjustments; and

FURTHER RESOLVED to approve the Resolution to Set the Mill Levy to 10.458 mills for operations; and

FURTHER RESOLVED to approve the Resolution to Appropriate Sums of Money for spending in 2021 subject to moving any unspent capital funds from 2020 to 2021 and other minor revisions.

Audit

Exemption

Mr. Marchetti explained that the District was projected to qualify to submit an Application of Exemption from Audit for 2020. The Board requested that Marchetti and Weaver, LLC, prepare an Application for Exemption from Audit for 2020 for the District.

Accounts

Payable

The Board reviewed the Payables list in the packet. Mr. Marchetti and Ms. Johnston reviewed the accounts payable process for the District. Following discussion and, upon motion duly made and seconded, it was unanimously

RESOLVED to approve the Accounts Payable Report as presented.

Accounts

Receivable

Ms. Johnston reviewed the Accounts Receivable report for the District distributed via email to the Board. Ms. Johnston noted that one delinquent account qualified for certification to the County. She reported that the delinquent account had entered into a payment plan with the District and certification of the account to the County Treasurer for collection was not recommended at this time.

Repeal of Gallagher

Amendment

Mr. Marchetti presented the Resolution Supporting Repeal of the Gallagher Amendment included in the packet explaining it related to Amendment B on the November 3 ballot. He explained that if the Amendment does not pass, the Residential Assessment Rate (RAR) would drop and if it passed, the RAR was expected to stay frozen at its current rate of 7.15. General discussion was had on the Amendment and its potential effect on the District. Following discussion, the Board agreed to table the issue.

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Future Meetings

The Board confirmed that the next meeting would be held on November 12 at 4:00 p.m. if needed. The Board then reviewed the proposed 2021 meeting calendar included in the packet. Upon motion duly made and seconded, it was unanimously

RESOLVED to approve the 2021 Meeting Calendar with meetings scheduled for February 25, June 10, August 12, October 14 and November 11.

Adjournment There being no further business to come before the Board, upon motion duly made and seconded it was unanimously

RESOLVED to adjourn the meeting of the Lake Creek Metropolitan District Board of Directors this 8th day of October, 2020.

Respectfully submitted,



Beth Johnston
Secretary for the Meeting