

Regular Meeting: Lowell Village Metropolitan District Board of Directors

Date: 9/21/23

Time: 9:00 a.m. – 10:00a.m. Mountain Time

Location: Virtual meeting.

- Via phone (audio only): 415-594-5500, 854-558-718#
- Via internet-connected device (audio and video): <https://tinyurl.com/yx36tsdz>

MINUTES

Directors Present:

- Rob Breeden
- Chris Dutton
- Jeremy Nelson

Directors Absent:

- Jamie Shapiro

Call to Order

Director Nelson called the meeting was called to order at approximately 9:22 a.m. Mountain Time. The start of this meeting was delayed due to 2 board members having emergency work conflicts. The meeting was not called to order until the board had established a quorum.

C.R.S. Disclosure(s)

- 1) Per C.R.S requirements, Director Nelson has disclosed to the Colorado Secretary of State and the District Board the following:
 - a. Jeremy Nelson is the manager and sole member of Downtown Grand Junction REgeneration LLC (“REgeneration”) registered in good standing with the Colorado Secretary of State that owns at least 20% of the undeveloped land in the District boundaries.
 - b. REgeneration is the developer of Lowell Village Townhomes (ground-up residential construction) and Lowell School (historic preservation and adaptive reuse) projects.
 - c. REgeneration may be party to and/or a financial beneficiary of contractual agreements between: a) the District and REgeneration (e.g., a public improvements acquisition and reimbursement agreement) and/or b) the District and 3rd parties (e.g. a debt financing instrument for infrastructure construction).
 - d. For all District board agenda items where the REgeneration is a party to and/or a financial beneficiary of a contractual agreement being considered for potential execution by the District, Jeremy Nelson has and will: a) refrain from participating in board discussions in a manner that may influence the decision on the item and b) recuse himself from voting on the item.

Public Comment: None

Action: N/A as this was an informational item only.

General Public Comment

- 2) An opportunity for any member of the public to comment on matters not appearing on the agenda for this board meeting. Members of the public may also communicate with the board via email (info@lowellmetro.net) or phone (970-422-1548). Any public comments received via email or phone subsequent to the previous board meeting will be reviewed and discussed by the board members during this agenda item for potential follow-up action(s) as the board may deem appropriate.

Public Comment: A member of the public stated that they would like to have an update on the City of Grand Junction's criminal charge in municipal court against the District's authorized agents for "injuring a tree" during construction of the District-financed and District-owned horizontal infrastructure to serve future townhomes. Director Nelson stated that updates on this legal matter against the District's authorized agents could not be provided at this meeting (due to the absence of the District's legal counsel) but that an updated would be provided at a future meeting when the District's legal counsel was in attendance.

Action: N/A as this was an informational item only.

Approve Minutes from Previous Board Meeting(s)

- 3) Consider for approval the [3/16/23 board meeting minutes](#).

Public Comment: None

Action: Directors approved the minutes of the 3/16/23 board meeting by a vote of 3-0.

In Favor: Breeden, Dutton, Nelson

Opposed: None

Abstained: None

District Manager Report (Informational Item)

- 4) Provide a brief update to the board on activities by or within the District since the last board meeting or upcoming activities planned prior to the next board meeting.
 - a. Lowell Village Townhomes: Update on District services/maintenance and/or developer capital improvements.
 - b. Lowell School:
 - a. Update on District services/maintenance and/or developer capital improvements.
 - b. Update on current District-administered SHF historic preservation grant(s) for Lowell School.
 - c. Lowell Village Commons (privately-owned public open space within the District): Update on services/maintenance, capital improvements, and/or programming.
 - d. Metro District:
 - a. Update on District's 2022 Budget Audit Exemption application submittal.
 - b. Update on District's 8/1 City Annual Report and 10/1 State Annual Report submittals.

- c. Update on District Manager attendance at Special District's Association (SDA) 2023 Annual Conference (at no cost to the District).

Public Comment: Public Comment: A member of the public stated that they would like to have an update on the construction of future townhomes within the District.

Action: N/A as this was an informational item only. Director Nelson stated that in the interest of time due to the expected loss of a board quorum at 9:30 a.m. Mountain Time, the District Manager's Report would be postponed until the next meeting but that individual directors or members of the public could reach out for updates if desired.

Governance Items

- 5) Discuss and potentially accept the written resignation of Director Brady Kappius from the board of directors.

Public Comment: None.

Action: N/A due to loss of quorum. Without opening the item for board discussion, Director Nelson indicated this item would be continued to a future board meeting.

- 6) Discuss the potential appointment to fill a vacancy on the board of directors, with the appointment to become effective upon the execution of all noticing requirements per C.R.S. section 32-1-808(2)(a)(I).

Public Comment: None.

Action: N/A due to loss of quorum. Without opening the item for board discussion, Director Nelson indicated this item would be continued to a future board meeting.

- 7) Discuss board officer duties and potentially elect board officers to serve until the next regular election in May 2025. Board officers are as follows:
 - a. Chair of the Board / President of the Special District.
 - b. Treasurer of the Board.
 - c. Secretary of the Board.

Public Comment: None.

Action: N/A due to loss of quorum. Without opening the item for board discussion, Director Nelson indicated this item would be continued to a future board meeting.

Administrative Items

- 8) Discuss and potentially approve [Resolution 2023-03](#) expressing the board of directors' opposition to State Proposition HH as placed on the November 2023 ballot by the Colorado legislature.

Public Comment: A member of the public asked why the board would consider “lobbying” on state ballot measures. Director Nelson responded that Resolution of 2023-03 was not lobbying and that it was typical, legal, and in keeping with the board’s fiduciary duty for the Metro District to take an advocacy position on public policy issues that affect District operations including fiscal health. Director Nelson suggested that local examples of similar special district activity included the GJ DDA regularly adopting resolutions taking an advocacy position on proposed City Council ordinances or local ballot measures.

Action: N/A due to loss of quorum. Without opening the item for board discussion, Director Nelson indicated this item would be continued to a future board meeting.

Budget and Finance Items

- 9) Discuss and potentially approve a payment to the City of Grand Junction in the amount of \$2,400 as reimbursement for an [invoice](#) sent to the City by the City contractor’s Alpine Tree Service to remove a City-owned tree in the City-owned right of way as the City’s contractor was directed to do by the City Forester. Grand Junction Municipal Code allows for the City to charge tree removal costs to any party whose activity caused the City Forester to determine – at his sole and absolute discretion – that a City-owned tree in a City-owned right of way should be removed. Payment shall be made from District’s 2021 municipal bond proceeds as this cost was incurred during construction of the District’s bond-funded Lowell Village Townhomes Phase 2 horizontal infrastructure project.

Public Comment: None.

Action: N/A due to loss of quorum. Without opening the item for board discussion, Director Nelson indicated this item would be continued to a future board meeting.

- 10) Discuss District’s fiscal outlook for Q4 2023 and 2024, including recent state legislation affecting the short-term and long-term fiscal outlook and potential strategies to reduce costs and/or increase revenues.

Public Comment: None.

Action: N/A due to loss of quorum. Without opening the item for board discussion, Director Nelson indicated this item would be continued to a future board meeting.

- 11) Preview key dates in the upcoming 2024 budgeting process. More info on this process can be found on the Division of Local Government (DLG) website [here](#).

Public Comment: None.

Action: N/A due to loss of quorum. Without opening the item for board discussion, Director Nelson indicated this item would be continued to a future board meeting.

Other Business

12) None scheduled.

Adjourn

Director Dutton had to leave the meeting at 9:30 a.m. Mountain Time due to a work conflict, the board lost its quorum, and Director Nelson adjourned the meeting at approximately 9:31 a.m. Mountain Time.