

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE AURORA HIGH POINT AT DIA METROPOLITAN DISTRICT HELD MAY 28, 2021

A Special Meeting of the Board of Directors (referred to hereafter as the "Board") of the Aurora High Point at DIA Metropolitan District (referred to hereafter as the "District") was convened on Monday, the 28th day of May, 2021, at 10:00 a.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, the District Board meeting was held and properly noticed to be held via by video/telephone conference. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Kevin Smith  
Otis Moore, III  
Theodore Laudick  
Mark Witkiewicz

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the absence of Director Klein was excused.

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Colin B. Mielke, Esq. and Elizabeth Dauer, Esq.; Seter & Vander Wall, P.C.

Debra Sedgeley and Zachary Leavitt; CliftonLarsonAllen LLP

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

**Disclosure of Potential Conflicts of Interest:** The Board noted it was in receipt of disclosures of potential conflicts of interest statements for each of the Directors and that the statements had been filed with the Secretary of State at least seventy-two hours in advance of the meeting. Attorney Mielke requested that the Directors review the Agenda for the meeting and advised the Board of any new conflicts of interest which had not been previously disclosed. No further disclosures were made by Directors present at the meeting.

#### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Finn distributed for the Board's review and approval a proposed Agenda for the District's Special Meeting.

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Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Minutes:** The Board reviewed the Minutes of the March 26, 2021 and April 2, 2021 Special Meetings.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the Minutes of the March 26, 2021 and April 2, 2021 Special Meetings.

### **PUBLIC COMMENT**

There was no public comment.

### **FINANCIAL MATTERS**

**Cash Position / Claims:** Ms. Sedgeley reviewed with the Board the Cash Position Schedule dated December 31, 2020, updated as of May 25, 2021, and the claims for the period beginning February 8, 2021 through May 25, 2021.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board accepted the Cash Position Schedule dated December 31, 2020, updated as of May 25, 2021, and the claims for the period beginning February 8, 2021 through May 25, 2021, in the amount of \$1,676,046.95.

**2020 Audit:** Ms. Sedgeley reviewed the 2020 draft Audit with the Board.

Following review and discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the 2020 Audit and authorized execution of the Audit Representations Letter.

**2022 Budget:** The Board discussed setting the date for a Public Hearing to adopt the 2022 Budget.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore, and upon vote, unanimously carried, the Board determined to schedule the 2022 Budget hearing on October 25, 2021, at 10:00 A.M., to be held at Westside Investment Partners, Inc., 4100 East Mississippi Avenue, #500, Glendale, Colorado.

### **LEGAL MATTERS**

**Separation of the Colorado International Center Metropolitan District No. 3 from the Aurora High Point at DIA Metropolitan District:** Mr. Mielke reported to the Board that the documents for separation of the Colorado International Center

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Metropolitan District No. 3 and the Aurora High Point at DIA Metropolitan District have been executed so the Termination has been completed.

**Resolution Assigning previously Collected Maintenance Fees Under the Joint Resolution Concerning the Imposition of a Maintenance Fee:** The Board reviewed a Resolution Assigning previously Collected Maintenance Fees Under the Joint Resolution Concerning the Imposition of a Maintenance Fee.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board adopted the Resolution Assigning previously Collected Maintenance Fees Under the Joint Resolution Concerning the Imposition of a Maintenance Fee.

Attorney Mielke noted that White Bear Ankele Tanaka & Waldron, P.C. is no longer providing collection services to Colorado International Center Metropolitan District No. 3.

### **CAPITAL PROJECTS**

#### **Capital Improvement Projects:**

*Lisbon Street Extension Project (Millstone Weber, LLC):* Mr. Laudick reported to the Board that paving of Lisbon Street has started and is expected to be completed in September 2021.

*High Point North Grading Project:* Director Laudick discussed with the Board the status of the High Point North Grading Project.

*Review Bids:* Director Laudick reviewed with the Board the bids received for the High Point North Grading Project.

*Award Contract:* Director Laudick recommended the contract be awarded to Summit Excavation & Grading, LLC.

Following review and discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board awarded the contract to Summit Excavation & Grading, LLC.

*Notice of Award and Notice to Proceed:* The Board entered into discussion regarding authorizing issuance of Notice of Award and Notice to Proceed.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board authorized Director Laudick to issue the Notice of Award and Notice to Proceed to Summit Excavation & Grading, LLC.

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Construction Contract: The Board entered into discussion regarding the Construction Contract with the contractor.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the Construction Contract with the Summit Excavation & Grading, LLC.

High Point Neighborhood Park West Civil Infrastructure Project:

Final Payment to Catamount Constructors Inc. for the High Point at DIA Neighborhood Park West Civil Infrastructure Project: The Board discussed issuing Final Payment to Catamount Constructors Inc. for the High Point at DIA Neighborhood Park West Civil Infrastructure Project. It was noted that a Notice of Final Payment was published on May 20, 2021 and May 27, 2021.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board authorized Final Payment to Catamount Constructors Inc. for the High Point at DIA Neighborhood Park West Civil Infrastructure Project.

64<sup>th</sup> Ave. and Denali Street Lighting Package Project: Mr. Laudick reported to the Board that the 64<sup>th</sup> Ave. and Denali Street Lighting Package Project is out for bid and he has received three requests for bid packages.

Lisbon Street Lighting Package Project: Mr. Laudick reported to the Board that the Lisbon Street Lighting Package Project is out for bid and he has received three requests for bid packages.

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### **OTHER BUSINESS**

There was no other business.

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### **ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting