

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE AURORA HIGH POINT AT DIA METROPOLITAN DISTRICT HELD SEPTEMBER 21, 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 Tuesday, the 21st day of September, 2021, at 3:00 p.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 by video/telephone conference. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Andrew Klein
Kevin Smith
Otis Moore, III
Theodore Laudick
Mark Witkiewicz

Also In Attendance Were:

Ann Finn; Special District Management Services, Inc.

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

Debra Sedgeley; 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 Klein and, upon vote, unanimously carried, the Agenda was approved, as presented.

PUBLIC COMMENT

There was no public comment.

FINANCIAL MATTERS

Claims: Ms. Sedgeley reviewed with the Board the claims for the period beginning July 8, 2021 through September 14, 2021, in the amount of \$1,884,114.18.

Following discussion, upon motion duly made by Director Klein, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the claims for the period beginning July 8, 2021 through September 14, 2021, in the amount of \$1,884,114.18.

Financial Statements/Schedule of Cash Position: Ms. Sedgeley reviewed the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, and accounts payable vouchers for the period ending June 30, 2021 and the schedule of cash position for the period ending June 30, 2021, updated as of September 14, 2021.

Following review and discussion, upon motion duly made by Director Smith, seconded by Director Klein and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, and accounts payable vouchers for the period ending June 30, 2021 and the schedule of cash position for the period ending June 30, 2021, updated as of September 14, 2021, as presented.

LEGAL MATTERS

2022 Budget Memo: Attorney Mielke reviewed with the Board the 2022 Budget Memo, which identifies various requirements and deadlines for the District's budget activities during 2022.

Notice of Fatality provided by American Civil Constructors, LLC Concerning the 64th Avenue Infrastructure Project: Attorney Mielke discussed with the Board a Notice of Fatality received from American Civil Constructor, LLC. It was noted that the project at which the fatality occurred is not the District's project, and is being performed by the 64th Avenue Authority. Following discussion, the Board directed staff to notify the District's insurance carrier of the notice.

Overlap Consent Agreement between the District and East Cherry Creek Valley Water and Sanitation District ("ECCVW&SD"): Attorney Mielke noted he

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received comments from the Attorney for the ECCVW&SD which he needs to review. He will present the final Agreement to the Board at the next meeting.

CAPITAL PROJECTS

Capital Improvement Projects: Director Laudick reported on the Capital Improvement Projects.

Lisbon Street Extension Project (Millstone Weber, LLC): Director Laudick noted that the project is ongoing.

High Point North Grading Project (Summit Excavation & Grading, LLC): Director Laudick reported the project is 60% complete.

High Point at DIA Neighborhood Park West Civil Infrastructure Project (Catamount Constructor Inc.):

One-Year Maintenance Warranty Period: Mr. Laudick noted the project is currently in the one-year warranty period.

High Point East Mass Grading Project (E470 & 64th):

Final Payment to ESCO Construction Co. for the High Point at DIA Metropolitan District- High Point East Mass Grading Project (E470 & 64th): The Board discussed final payment to ESCO Construction Co. for the High Point at DIA Metropolitan District- High Point East Mass Grading Project (E470 & 64th). It was noted that a final payment was scheduled for September 7, 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 ESCO Construction Co. for the High Point at DIA Metropolitan District- High Point East Mass Grading Project (E470 & 64th).

64th Ave. and Denali Street Lighting Package Project: Director Laudick reported to the Board that the contractor is pre-ordering materials.

Lisbon Street Lighting Package Project: Director Laudick reported to the Board that the contractor is pre-ordering materials.

Possum Gully Channel Improvement Project:

Bids: Mr. Laudick reviewed the bids with the Board.

Award Contract: Director Laudick recommended the contract be awarded to Duran Excavation, Inc., for the amount of \$3,078,163.27.

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Following review and discussion, upon motion duly made by Director Smith, seconded by Director Klein and, upon vote, unanimously carried, the Board awarded the contract to Duran Excavation, Inc., for the amount of \$3,078,163.27.

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 Klein and, upon vote, unanimously carried, the Board authorized Director Laudick to issue the Notice of Award and Notice to Proceed to Duran Excavation, Inc.

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 Klein and, upon vote, unanimously carried, the Board approved the Construction Contract with Duran Excavation, Inc.

Director Laudick noted that construction is scheduled to start next week.

High Point 66th & 67th Ave Improvement Project: Director Laudick noted that bid opening is scheduled for October 5, 2021.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

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

Respectfully submitted,

By: Ann Finn
Secretary for the Meeting