

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE AURORA HIGH POINT AT DIA METROPOLITAN DISTRICT HELD OCTOBER 24, 2022

A Regular 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 24th day of October, 2022, at 10:00 a.m. This District Board meeting was held and properly noticed to be held by via Zoom. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Theodore Laudick  
Mark Witkiewicz  
Andrew Klein

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

#### Also In Attendance Were:

Ann Finn; Special District Management Services, Inc.

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

Zachary Leavitt; CliftonLarsonAllen LLP

Megan Waldschmidt, Board candidate

#### 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 Regular Meeting.

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

**Minutes:** The Board reviewed the Minutes of the July 25, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Klein, seconded by Director Laudick and, upon vote, unanimously carried, the Board approved the Minutes of the July 25, 2022 Regular Meeting.

**Annual Administrative Resolution for Year 2023:** The Board reviewed the Annual Administrative Resolution for Year 2023 and discussed 2023 regular meeting dates.

The Board confirmed that Ms. Finn will serve as the District's representative for the Colorado Special Districts Property and Liability Pool.

The Board confirmed its officers as follows:

- Director Klein –President
- Director Moore –Treasurer
- Ms. Finn –Secretary

Following discussion, upon motion duly made by Director Klein, seconded by Director Laudick and, upon vote, unanimously carried, the Board adopted the Annual Administrative Resolution for 2023 and set dates for 2023 on the fourth Monday of February, May, July and October 2023 at 10:00 a.m. via Zoom.

**Resignation of Mark Witkiewicz from the Board:** The Board deferred action at this time.

**Resignation of Kevin Smith from the Board:** The Board discussed the resignation of Kevin Smith from the Board of Directors.

Following discussion, upon motion duly made by Director Klein, seconded by Director Laudick and, upon vote, unanimously carried, the Board acknowledged the resignation of Kevin Smith from the Board of Directors.

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There was no public comment.

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### **PUBLIC COMMENT**

### **FINANCIAL MATTERS**

**Claims:** The Board deferred discussion at this time.

**Unaudited Financial Statements:** Mr. Leavitt reviewed with the Board the Cash Position Schedule, dated June 30, 2022, updated as of June 30, 2022.

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Following discussion, upon motion duly made by Director Klein, seconded by Director Laudick and, upon vote, unanimously carried, the Board accepted the Cash Position Schedule, dated June 30, 2022, updated as of June 30, 2022.

**2022 Audit:** The Board reviewed the proposal from Schilling & Company, Inc. to perform the 2022 Audit.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Klein and, upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to perform the 2022 Audit, for an amount not to exceed \$5,000.

**CliftonLarsonAllen LLP 2023 Scope of Work:** The Board discussed the 2023 scope of work between the District and CliftonLarsonAllen LLP.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Laudick, and upon vote, unanimously carried, the Board approved the 2023 scope of work between the District and CliftonLarsonAllen LLP.

**2022 Budget Amendment Hearing:** The President opened the public hearing to consider a Resolution to Amend the 2022 Budget and discuss related issues.

It was noted that publication of a Notice stating that the Board would consider adoption of a Resolution to Amend the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received, and the Board President closed the public hearing.

Following review and discussion, Director Klein moved to adopt a Resolution to Amend 2022 Budget, Director Witkiewicz seconded the motion and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-02 to Amend the 2022 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**2023 Budget Hearing:** The Board President opened the public hearing to consider the proposed 2023 Budget and the accompanying resolution, and to discuss related issues.

It was noted that publication of a Notice stating that the Board would consider adoption of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received. There being no members of the public present, the Board President closed the public hearing.

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Mr. Leavitt reviewed the estimated year-end 2022 revenues and expenditures and the proposed 2023 estimated revenues and expenditures.

Following discussion, the Board considered adoption of a Resolution to Adopt the 2023 Budget and Appropriate Sums of Money. Upon motion duly made by Director Klein, seconded by Director Witkiewicz and, upon vote, unanimously carried, Resolution No. 2022-10-02 was adopted, as discussed, and execution of the Certification of Budget was authorized. Ms. Finn was authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2023.

**DLG-70 Mill Levy Certification Form:** The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director Klein, seconded by Director Witkiewicz and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare, and appointed Director Klein to sign, the DLG-70 Certification of Tax Levies form (“Certification”). The Board further directed the District Accountant to file the Certification with the Board of County Commissioners and other interested parties.

**Preparation of the 2024 Budget:** The Board discussed preparation of the 2024 Budget.

Following discussion, upon motion duly made by Director Klein, seconded by Director Witkiewicz, and upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2024 Budget.

**Change Order to Agreement for Construction Management Services:** The Board discussed a Change Order to Agreement for Construction Management Services with Silverbluff Companies Inc., with Director Laudick abstaining from discussion and vote on the matter.

Following discussion, upon motion duly made by Director Klein, seconded by Director Witkiewicz, and upon vote, unanimously carried with Director Laudick abstaining, the Board approved the Change Order to Agreement for Construction Management Services with Silverbluff Companies Inc., subject to final review of the scope of work.

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### **LEGAL MATTERS**

**Resolution Calling May 2, 2023 Election:** Attorney Mielke reviewed a Resolution Calling May 2, 2023 Election for Directors, appointing Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a

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mail ballot election. It was noted Self-Nomination Forms are due by February 24, 2023.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Klein, and upon vote, unanimously carried, the Board adopted the Resolution Calling May 2, 2023 Election for Directors, appointing Designated Election Official(“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

### CAPITAL PROJECTS

#### Capital Improvement Projects:

Lisbon Street Extension Project (Millstone Weber, LLC): Director Laudick reported the project is 100% complete and he is awaiting on final acceptance from the City of Aurora.

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

64<sup>th</sup> Avenue and Denali Street Lighting Package Project: Director Laudick reported the project is complete and is waiting on Xcel Energy to power up the lights.

Possum Gully Channel Improvement Project: Director Laudick reported the project is complete and he is waiting on a verification letter from Mile High Flood District.

High Point 66<sup>th</sup> & 67<sup>th</sup> Ave Improvement Project: Director Laudick reported the project is 95% complete.

High Point North Pinon Sanitary Sewer Improvement Project: Director Laudick reported that the project is 100% complete and he is waiting on final acceptance from the City of Aurora.

Gun Club Road Project (“Project”): Director Laudick reported the project is 65% complete.

66th & 67th Avenue Street Lighting Project: Mr. Laudick noted the bid opening for the 66th & 67th Avenue Street Light Project is scheduled for October 27, 2022.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Klein, and upon vote, unanimously carried, the Board authorized the Construction Committee to award and Mr. Laudick to issue a Notice of Award and Notice to Proceed to the contractor.

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**OPERATIONS**  
**AND**  
**MAINTENANCE**

**2022/2023 Snow Removal Services Agreement:** The Board discussed the 2022/2023 Snow Removal Service Agreement between the District and All Phase Landscape Construction, Inc.

Following discussion, upon motion duly made by Director Laudick, seconded by Director Klein, and upon vote, unanimously carried, the Board approved the 2022/2023 Snow Removal Service Agreement between the District and All Phase Landscape Construction, Inc.

**Service Agreement for 2023 Landscape Maintenance Services between the District All Phase Landscape Construction, Inc.:** The Board discussed the Service Agreement for 2023 Landscape Maintenance Services between the District All Phase Landscape Construction, Inc.

Following discussion, upon motion duly made by Director Laudick, seconded by Director Klein, and upon vote, unanimously carried, the Board approved the Service Agreement for 2023 Landscape Maintenance Services between the District All Phase Landscape Construction, Inc.

**OTHER BUSINESS**

There was no other business to discuss at this time.

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**ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director Klein, seconded by Director Witkiewicz and, upon vote, unanimously carried, the meeting was adjourned at approximately 10:20 a.m.

Respectfully submitted,

By: *Ann Finn*  
Secretary for the Meeting