

## 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 OCTOBER 25, 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 25th day of October, 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 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.

Zachary Levitt; 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 February 8, 2021, July 12, 2021, September 21, 2021 and October 12, 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 February 8, 2021, July 12, 2021, September 21, 2021 and October 12, 2021 Special Meetings.

**Annual Administrative Resolution for Year 2022:** The Board reviewed the Annual Administrative Resolution for Year 2022 and discussed 2022 regular meeting dates.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board adopted the Annual Administrative Resolution for 2022 and set dates for 2022 on the fourth Monday of February, May, July and October at 10:00 a.m. via conference call.

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### **PUBLIC COMMENT**

There was no public comment.

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### **FINANCIAL MATTERS**

**Claims:** Mr. Leavitt reviewed with the Board the payment of claims for the period beginning September 15, 2021 through October 21, 2021.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the payment of claims beginning September 15, 2021 through October 21, 2021, in the amount of \$856,256.09.

**Cash Position:** Mr. Leavitt reviewed with the Board the schedule of cash position dated September 30, 2021, updated as of October 21, 2021.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board accepted the schedule of cash position dated September 30, 2021, updated as of October 21, 2021.

**2021 Audit:** The Board reviewed the proposal from Schilling & Company, Inc. to perform the 2021 Audit.

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Following discussion, upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to perform the 2021 Audit, for an amount not to exceed \$4,500.

**2021 Budget Amendment Hearing:** Mr. Leavitt confirmed that an amendment to the 2021 budget was not necessary.

**2022 Budget Hearing:** The Board President opened the public hearing to consider the proposed 2022 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 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. There being no members of the public present, the Board President closed the public hearing.

Mr. Leavitt reviewed the estimated year-end 2021 revenues and expenditures and the proposed 2022 estimated revenues and expenditures.

Following discussion, the Board considered adoption of a Resolution to Adopt the 2022 Budget and Appropriate Sums of Money. Upon motion duly made by Director Smith, seconded by Director Moore and, upon vote, unanimously carried, Resolution No. 2021-10-02 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, 2022. A copy of the adopted Resolution is attached to these Minutes and incorporated herein by this reference.

**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 Smith, seconded by Director Moore and, upon vote, unanimously carried, the Board authorized 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.

**Preparation of the 2023 Budget:** The Board discussed preparation of the 2023 Budget.

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Following discussion, upon motion duly made by Director Smith, seconded by Director Moore, and upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2023 Budget.

**Master Service Agreement with CliftonLarsonAllen LLP**: Mr. Leavitt discussed with the Board the Master Service Agreement between the District and CliftonLarsonAllen LLP.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore, and upon vote, unanimously carried, the Board approved the Master Service Agreement between the District and CliftonLarsonAllen LLP, subject to final review by Attorney Mielke.

### **LEGAL MATTERS**

**Resolution Calling May 3, 2022 Election**: Attorney Mielke reviewed a Resolution Calling May 3, 2022 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. It was noted Self-Nomination Forms are due by February 25, 2022.

Following discussion, upon motion duly made by Director Smith, seconded by Director Moore, and upon vote, unanimously carried, the Board adopted the Resolution Calling May 3, 2022 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**: Director Laudick reported on the Capital Improvement Projects.

*Lisbon Street Extension Project (Millstone Weber, LLC)*: Mr. Laudick reported the utilities have been installed and street surfacing has been started.

*High Point North Grading Project (Summit Excavation & Grading, LLC)*: Mr. Laudick reported the project is ongoing and will take approximately four weeks to complete.

*High Point at DIA Neighborhood Park West Civil Infrastructure Project (Catamount Constructor Inc.)*: Mr. Laudick reported the project is complete and under the one-year warranty period.

*High Point East Mass Grading Project (E470 & 64<sup>th</sup>)*: Mr. Laudick reported the project is 100% complete.

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64<sup>th</sup> Avenue and Denali Street Lighting Package Project: Mr. Laudick reported the conduit work is scheduled to begin soon.

Possum Gully Channel Improvement Project: Mr. Laudick reported the contractor is importing rock for the project.

High Point 66<sup>th</sup> & 67<sup>th</sup> Ave Improvement Project: Mr. Laudick noted he is waiting on the final Easement Agreement from the City of Aurora prior to starting work.

High Point North Pinon Sanitary Sewer Improvement Project: Director Laudick reviewed the bid tab with the Board, and discussed the bidding process. Mr. Laudick recommended the contract be awarded to JPS Pipeline Contractors, for the amount of \$2,323,010.

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 JPS Pipeline Contractors, for the amount of \$2,323,010.

Notice of Award and Notice to Proceed: The Board entered into discussion regarding the issuance of the Notice of Award and Notice to Proceed for the project.

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 JPS Pipeline Contractors.

Construction Contract: The Board entered into discussion regarding the Construction Contract for the project.

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 JPS Pipeline Contractors.

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### **OPERATIONS AND MAINTENANCE**

2022 Operation and Maintenance Services: Mr. Laudick noted there is no need for 2022 operation and maintenance services at this time.

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### **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 Smith, seconded by Director Klein and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: *Ann Finn*  
Secretary for the Meeting