

AURORA HIGH POINT AT DIA METROPOLITAN DISTRICT

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NOTICE OF REGULAR MEETING AND AGENDA

<u>Board of Directors</u>	<u>Office</u>	<u>Term/Expires</u>
Andrew Klein	President	2027/May 2027
Otis C. Moore, III	Treasurer	2025/May 2025
Theodore Laudick	Assistant Secretary	2025/May 2025
Mark Witkiewicz	Assistant Secretary	2027/May 2027
	Secretary	

DATE: July 24, 2023

TIME: 10:00 a.m.

PLACE: **VIA Zoom**

Zoom information:

<https://us02web.zoom.us/j/5469119353?pwd=SmtlcHJETFhCQUZEcVBBOGZVU3Fqdz09>

Meeting ID: 546 911 9353

Passcode: 912873

Dial In: 1-253-215-8782

One tap mobile

+12532158782,,5469119353#,,, *912873# US (Tacoma)

I. ADMINISTRATIVE MATTERS

- A. Present Disclosures of Potential Conflicts of Interest.

B. Confirm quorum, location of meeting and posting of meeting notices. Approve agenda.

- C. Review and consider Minutes of the May 22, 2023 Regular Meeting (enclosure).
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- D. Acknowledge resignation of Ann Finn as Secretary to the Board and consider appointment of David Solin as Secretary to the Board.
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II. PUBLIC COMMENTS

- A. Members of the public may express their view to the Board on matters that affect the District. Comments will be limited to three (3) minutes.
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III. FINANCIAL MATTERS

- A. Ratify approval of the payment of claims for the period beginning May 9, 2023 through July 20, 2023, in the amount of \$3,899,244.34 (enclosure).
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- B. Review and accept the Cash Position Schedule, dated March 31, 2023, updated as of July 20, 2023, (enclosure).
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IV. LEGAL MATTERS

- A. Discuss House Bill 23-1105 (enclosure).
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V. CAPITAL PROJECTS

- A. Discuss status of the capital improvements projects:

3. Discuss status of the High Point 66th & 67th Ave. Improvement Project.
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4. Discuss status of the High Point North Pinon Sanitary Sewer Improvement Project (Vortex Services, LLC).
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5. Discuss status of the Gun Club Road Project.
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6. Discuss status of the Possum Gulley Channel Improvement Project.
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- B. Discuss status of the 66th & 67th Avenue Street Light Project (Dynalectric Company Inc.).
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VI. OPERATIONS AND MAINTENANCE

- A. _____

VII. OTHER BUSINESS

- A. _____

VIII. ADJOURNMENT **THE NEXT REGULAR MEETING IS SCHEDULED FOR
OCTOBER 23, 2023 – BUDGET HEARING.**

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE AURORA HIGH POINT AT DIA METROPOLITAN DISTRICT HELD MAY 22, 2023

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 22nd day of May, 2023, 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:

Otis Moore, III
Theodore Laudick
Mark Witkiewicz

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

Also In Attendance Were:

Ann Finn; Special District Management Services, Inc.

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

Lindsay Ross, Jason Carroll and Nichole Kirkpatrick; 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. Director Laudick identified his relationship with Silverbluff Companies, and confirmed that he would not participate in discussions or voting on the Silverbluff Companies change order identified on the agenda. 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.

RECORD OF PROCEEDINGS

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

May 2, 2023 Cancelled Election: Ms. Finn noted for the Board that the May 2, 2023 Regular Election was cancelled, as allowed under Colorado law, by the Designated Election Official because there were not more candidates than positions available on the Board of Directors. Directors Klein, Moore and Witkiewicz were each deemed elected to four-year terms ending in May, 2027.

Appointment of Officers: Upon motion duly made by Director Moore, seconded by Director Witkiewicz and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Andrew Klein
Treasurer	Otis Moore, III
Secretary	Ann E. Finn
Assistant Secretary	Mark Witkiewicz
Assistant Secretary	Theodore Laudick

Minutes: The Board reviewed the Minutes of the February 27, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Laudick, seconded by Director Witkiewicz and, upon vote, unanimously carried, the Board approved the Minutes of the February 27, 2023 Regular Meeting.

PUBLIC COMMENT

There was no public comment.

FINANCIAL MATTERS

Claims: The Board reviewed the payment of claims for the period beginning February 22, 2023 through May 8, 2023, in the amount of \$7,315,233.89.

Following discussion, upon motion duly made by Director Moore, seconded by Director Witkiewicz and, upon vote, unanimously carried, the Board ratified approval of the payment of claims for the period beginning February 22, 2023 through May 8, 2023, in the amount of \$7,315,233.89.

Unaudited Financial Statements: The Board reviewed the Cash Position Schedule, dated March 31, 2023, updated as of May 15, 2023.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Laudick and, upon vote, unanimously carried, the Board accepted the Cash Position Schedule, dated March 31, 2023, updated as of May 15, 2023.

LEGAL MATTERS

Statement of Lien and Releases of Lien: Attorney Mielke reviewed with the Board the Statement of Lien and Releases of Lien on 19680 E. 61st Drive and 19642 E. 63rd Drive.

Following discussion, upon motion duly made by Director Laudick, seconded by Director Witkiewicz and, upon vote, unanimously carried, the Board ratified approval of the Statement of Lien and Releases of Lien on 19680 E. 61st Drive and 19642 E. 63rd Drive and authorized attorney Mielke to release any future liens for ratification by the Board.

CAPITAL PROJECTS

Capital Improvement Projects:

Lisbon Street Extension Project (Millstone Weber, LLC): Director Laudick reported the project is complete.

64th Avenue and Denali Street Lighting Package Project: Director Laudick reported the project is complete.

High Point 66th & 67th Ave Improvement Project: Director Laudick reported the project is complete and only cleanup items are left to be completed.

High Point North Pinon Sanitary Sewer Improvement Project: Director Laudick reported the project is almost complete.

Gun Club Road Project ("Project"): Director Laudick reported surface work is ready to start.

Possum Gulley Channel Improvement Project: Mr. Laudick reported that the project is complete except for the North end of the project.

66th & 67th Avenue Street Light Project:

66th & 67th Avenue Street Light Project: Mr. Laudick reported that they are waiting for materials.

Final Payment to Summit Excavation & Grading, LLC for the High Point Early Grading Project: Director Laudick discussed with the Board the final payment to Summit Excavation & Grading, LLC for the High Point Early Grading Project.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Laudick, seconded by Director Witkiewicz, and upon vote, unanimously carried, the Board ratified approval of the final payment to Summit Excavation & Grading, LLC for the High Point Early Grading Project.

OPERATIONS AND MAINTENANCE

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

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

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

Respectfully submitted,

By: _____
Secretary for the Meeting

AURORA HIGH POINT AT DIA METROPOLITAN DISTRICT

Payment of Claims Report

For the Period Beginning May 9, 2023 and Ending July 20, 2023

<u>Vendor</u>	<u>Invoice Number</u>	<u>Payment Amount</u>	<u>Date Paid</u> <u>Payment Method</u>
Aurora Water	A042557-ARP23	1,584.59	5/11/2023 Other
Rise Broadband	2407May23	139.42	5/23/2023 Other
RLI Surety	585334	250.00	5/25/2023 Virtual card
Aurora Water	A042557-MAY23	3,688.91	6/9/2023 Other
Rise Broadband	2407Jun23	144.76	6/23/2023 Other
AE DESIGN, INC.	Multiple	1,400.00	6/27/2023 Check
Ground Engineering	Multiple	2,215.00	6/27/2023 ePayment
Hudick Excavating, Inc.	Pay App 16	794,348.55	6/27/2023 Check
Martin/Martin Inc.	Multiple	6,035.00	6/27/2023 ePayment
OTB Supply, Inc.	2023-149	1,578,420.60	6/27/2023 ePayment
PCS Group, Inc.	15119	1,810.45	6/27/2023 Check
Schedio Group LLC	201003-1898	1,683.00	6/27/2023 ePayment
Silverbluff Companies, Inc.	220116	75,000.00	6/27/2023 Check
Summit Excavation & Grading LLC	Pay App 10	116,877.77	6/27/2023 Check
Utility Notification Center of Colo.	223040029	123.84	6/27/2023 Check
Xcel Energy	Multiple	352.12	6/27/2023 Check
CliftonLarsonAllen LLP	Multiple	10,185.95	7/7/2023 Check
McGeady Becher P.C.	Multiple	7,275.53	7/7/2023 Check
Seter & Vander Wall, P.C.	85643	2,417.00	7/7/2023 Check
Special District Management Services, Inc.	AURORAH.00APR23	1,934.60	7/7/2023 ePayment
Wastewater Management Division	00031-04-001-000 MAY23	133.06	7/7/2023 Check
Williams Scotsman, Inc.	9017693953	3,660.66	7/7/2023 Check
Aurora Media Group LLC	105724	334.70	7/17/2023 ePayment
Aurora Water	A-042557-JUN23	1,225.40	7/17/2023 Check
CliftonLarsonAllen LLP	3764243	11,148.90	7/17/2023 Check
Hudick Excavating, Inc.	Pay App 17	312,840.75	7/17/2023 Check
McGeady Becher P.C.	Multiple	2,829.52	7/17/2023 Check
OTB Supply, Inc.	2023-185	614,883.00	7/17/2023 ePayment
RCD Construction Inc	Pay App 10 - 2	210,110.77	7/17/2023 ePayment
Schedio Group LLC	201003-1984	856.00	7/17/2023 ePayment
Seter & Vander Wall, P.C.	85767	2,636.00	7/17/2023 Check
Silverbluff Companies, Inc.	220117	75,000.00	7/17/2023 Check
Special District Management Services, Inc.	AURORAH.00MAY23	4,172.20	7/17/2023 ePayment
Terracon Consultants Inc.	Multiple	39,368.00	7/17/2023 Check
UMB Bank, NA	Multiple	10,000.00	7/17/2023 Check
Utility Notification Center of Colo.	223050030	122.55	7/17/2023 Check
Williams Scotsman, Inc.	9017980970	3,750.57	7/17/2023 Check
Xcel Energy	53-0013153808-5 Jun23	143.07	7/17/2023 Check
Dodge Construction Network	40421004	\$ 142.10	7/18/2023 Check
Grand Total		\$ 3,899,244.34	

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Schedule of Cash Position

March 31, 2023

Updated as of July 20, 2023

<u>1st Bank - Checking Account</u>	<u>General Fund</u>	<u>Capital Projects Fund</u>	<u>Total</u>
Balance as of 03/31/23	\$ (268.29)	\$ 11,682,088.59	\$ 11,681,820.30
Subsequent activities:			
04/04/23 Developer Advance	18,000.00	-	18,000.00
04/07/23 CIC8 Requisition No. 37	-	25,453.55	25,453.55
04/07/23 Bill.com Payments	-	(16,986.66)	(16,986.66)
04/10/23 Bill.com Payments	(17,926.65)	(1,485,572.12)	(1,503,498.77)
04/11/23 Bill Pay City of Aurora Water	(40.91)	-	(40.91)
04/12/23 HEI Pay App Wire	-	(1,161,966.59)	(1,161,966.59)
04/24/23 CIC8 Requisition No. 38	-	67,311.44	67,311.44
04/24/23 EFT Payment Rise Broadband	-	(139.42)	(139.42)
05/03/23 Developer Advance	35,000.00	-	35,000.00
05/05/23 Bill.com Payments	(16,137.50)	(3,264,982.71)	(3,281,120.21)
05/05/23 Bill.com Payments	-	(3,660.66)	(3,660.66)
05/11/23 Bill Pay City of Aurora Water	(1,584.59)	-	(1,584.59)
05/18/23 EFT Payment Pepsi Beverages	-	4,031,586.72	4,031,586.72
05/23/23 EFT Payment Rise Broadband	-	(139.42)	(139.42)
05/25/23 Bill.com Payments	(250.00)	-	(250.00)
06/09/23 Bill Pay City of Aurora Water	(3,688.91)	-	(3,688.91)
06/23/23 EFT Payment Rise Broadband	-	(144.76)	(144.76)
06/27/23 Bill.com Payments	-	(2,578,266.33)	(2,578,266.33)
07/03/23 Developer Advance	16,000.00	-	16,000.00
07/07/23 Bill.com Payments	(9,919.31)	(15,687.49)	(25,606.80)
07/12/23 Bill Pay City of Aurora Water	(1,225.40)	-	(1,225.40)
07/17/23 Bill.com Payments	(23,985.05)	(1,265,436.38)	(1,289,421.43)
07/18/23 Bill.com Payments	-	(142.10)	(142.10)
Anticipated CIC8 Requisition No. 35 - COI	-	25,123.20	25,123.20
Anticipated Refund from CIC8 (UMB fees)	10,000.00	-	10,000.00
Anticipated Refund from CIC8 (UMB fees)	4,000.00	-	4,000.00
Anticipated Balance	<u>\$ 7,973.39</u>	<u>\$ 6,038,438.86</u>	<u>\$ 6,046,412.25</u>
Reserve for TABOR	(12,300.00)	-	(12,300.00)
Anticipated Balance	<u><u>\$ (4,326.61)</u></u>	<u><u>\$ 6,038,438.86</u></u>	<u><u>\$ 6,034,112.25</u></u>

NOTICE TO METROPOLITAN DISTRICT RESIDENTS

House Bill 23-1105 was enacted May 24, 2023 by the Colorado Legislature concerning the creation of task forces to examine issues affecting certain HOA homeowners' and metropolitan district homeowners' rights.

The Metropolitan District Homeowners' Rights Task Force is created in the Colorado Department of Regulatory Agencies, Division of Real Estate, to examine issues confronting communities that are governed by the board of a metropolitan district, including tax levying authority and practices; foreclosure practices; communication with homeowners regarding metropolitan district processes and homeowners' rights and responsibilities; and governance policies, including voting and elections.

The Metropolitan District Homeowners' Rights Task Force members are designated representatives as identified in House Bill 23-1105, to be appointed on or before November 1, 2023, by the Chair of the Colorado House of Representatives and by the Office of the Governor; with its first meeting to follow as soon as practicable after all members have been appointed. The Metropolitan District Homeowners' Rights Task Force shall prepare an interim report by March 1, 2024, and a final report by June 15, 2024.

C.R.S. Section 12-10-226.5(2)(b)(V) states that "*A METROPOLITAN DISTRICT SHALL NOTIFY ITS RESIDENTS ABOUT THE TASK FORCE BEFORE THE TASK FORCE HOLDS ITS FIRST MEETING.*"

To view the full language of House Bill 23-1105, please visit:

https://leg.colorado.gov/sites/default/files/2023a_1105_signed.pdf