

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE DENVER CONNECTION WEST METROPOLITAN DISTRICT (THE “DISTRICT”) HELD FEBRUARY 23, 2021

A special meeting of the Board of Directors of the Denver Connection West Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, February 23, 2021 at 6:00 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, this District Board meeting was held by Zoom. The meeting was open to the public via Zoom.

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**Directors In Attendance Were:**

Marc Robson  
Rafael Martinez (for a portion of the meeting)  
Tina Woodard  
Shawn Hampleton

**Also In Attendance Were:**

Peggy Ripko and Ryan Williams; Special District Management Services, Inc. (“SDMS”)

Elisabeth A. Cortese, Esq. and Suzanne Meintzer, Esq.; McGeady Becher P.C.

Yelena Primachenko; CliftonLarsonAllen LLP

Maris Davis, Esq.; Altitude Community Law (for a portion of the meeting)

Bob Bongiovanni; Architectural Review Committee (“ARC”)

Jeff Hall; Board Liaison

Cara Wolfe; Social Committee and Avion at Denver Connection Townhome Association Board member

**Public In Attendance Were:**

Ron Allen, Tye Brown, Sam Byer, Mel Cagle, Michael Hipp, Stacey Lewis, Brian Lucheleli, Genevieve Tripp, Christopher Urias, Gary and Briana Vailes, and Chris G.

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### **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST**

The Board noted a quorum was present and discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. It was noted that all Directors are residents of the District.

### **ADMINISTRATIVE MATTERS**

**Agenda:** The Board reviewed the Agenda for the District's special meeting.

Following discussion, upon motion duly made by Director Woodard, seconded by Director Hambleton and, upon vote, unanimously carried, the Board approved the Agenda, as amended.

**Meeting Location:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, the Board noted that due to concerns regarding the spread of COVID-19 and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held by Zoom. The Board further noted that notice of this meet and the conference/video access was duly posted and that it had not received any objections to the format of the meeting or any requests that the meeting format be changed by taxpaying electors within the District's boundaries.

**Designation of 24-Hour Posting Location:** Following discussion, upon motion duly made by Director Woodard, seconded by Director Hambleton, and upon vote unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District as least 24 hours prior to each meeting on the District's website at <https://dcwmd.colorado.gov>, or if the website is unavailable for posting, the notice will be posted at the HUB, 4746 Jasper St., Denver, CO, which is located within the District's boundaries.

**Board Working Session:** Director Robson suggested holding working sessions during the months the Board did not meet, in an effort to establish community involvement. Attorney Cortese and Ms. Ripko explained that notice of the working sessions would be required if three or more Board Members attended. Following discussion, the Board determined to schedule working sessions on a regular basis.

**Resignation of Director:** The Board acknowledged the resignation of Director Craig Wagner effective February 12, 2021.

**Appointment of Director:** Board Members and residents asked questions concerning the vacancy created by Director Wagner's resignation. Attorney Cortese briefly explained the election and appointment processes and stated that the Board could

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determine the process by which it would consider and appoint interested candidates. Director Woodward moved to appoint Mr. Jeff Hall to the Board. There was no second, motion died. The board decided to work with Ms. Ripko to create a process for residents to indicate interest in serving on the Board, as well as a potential interview process with interested candidates.

**Board Absence:** The Board discussed the absence of Director Martinez. Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard and, upon vote, unanimously carried, the absence of Director Martinez was not excused prior to him arriving at the meeting at 7:30 p.m.

**COVENANT  
ENFORCEMENT/  
ARCHITECTURAL  
REVIEW/  
OPERATIONS**

The Board amended the Agenda to move these topics of discussions after Administrative Matters.

**Community Manager's Report:** Mr. Williams discussed with the Board the Community Manager's Report.

**Violation Report:** The Board discussed the Violation Report.

**Letter Requesting Amending the Ban on Short-Term Rentals:** Attorney Davis summarized the pros and cons of allowing short-term rentals and explained that, the Covenants, Conditions and Restrictions would have to be amended to allow short-term rentals. Following discussion, the Board determined to not pursue an amendment to the Covenants at this time.

**Fences on the District's Property:** Attorney Davis discussed with the Board the fences on the District property. It was noted the Architectural Review Committee will work with Mr. Williams regarding the fences.

**PUBLIC  
COMMENTS**

The Board answered questions as needed.

**CONSENT AGENDA**

The Board considered the following action:

- Minutes of the November 24, 2020 Special Meeting and January 19, 2021 Work Session.

Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard and, upon vote, unanimously carried, the Board approved the Consent Agenda item.

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### **FINANCIAL MATTERS**

**Claims:** The Board considered the ratification of approval of the payment of claims as follows:

Fund	Period Ending Nov. 20, 2020	Period Ending Dec. 22, 2020	Period Ending Jan. 29, 2021
General	\$ 7,878.30	\$ 27,571.16	\$ 15,718.00
Debt	\$ -0-	\$ -0-	\$ -0-
Capital	\$ -0-	\$ 1,141.50	\$ -0-
Special Revenue	\$ 12,458.53	\$ 21,015.48	\$ 35,762.24
<b>Total</b>	<b>\$ 20,336.83</b>	<b>\$ 49,728.14</b>	<b>\$ 51,480.24</b>

Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented.

**Financial Statements, Schedule of Developer Advances, Property Tax Reconciliation, and Schedule of Cash Position:** Ms. Primachenko presented to the Board the unaudited financial statements dated December 31, 2020, schedule of developer's advances, updated July 31, 2020, property tax reconciliation 2020, and schedule of cash position statement ending December 31, 2020, updated as of February 17, 2021.

Following review and discussion, upon motion duly made by Director Robson, seconded by Director Woodard and, upon vote, unanimously carried, the Board accepted the unaudited financial statements dated December 31, 2020, schedule of developer's advances, updated July 31, 2020, property tax reconciliation 2020, and schedule of cash position statement ending December 31, 2020, updated as of February 17, 2021.

**Delinquent Payments:** The Board discussed potential delinquent payment of Operation and Maintenance Fees. Ms. Ripko, Ms. Primachenko and Director Robson will review the accounting of the fees and provide an update at the next meeting.

**2020 Budget Amendment Hearing:** The President opened the public hearing to consider the Resolution to Amend the 2020 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2020 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 this public hearing. No public comments were received and the public hearing was closed.

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Following review and discussion, Director Robson moved to adopt the Resolution to Amend 2020 Budget, Director Hampleton seconded the motion and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2020 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

### CONSTRUCTION MATTERS

**Engineer's Report:** No report given.

*Status of HUB Facility:*

*Task Order No. 2 to Master Services Agreement ("MSA") with Godden Sudik for Services Performed through Fiscal Year 2019:* The Board reviewed Task Order No. 2 to the MSA with Godden Sudik Architects, Inc. for services performed through fiscal year 2019, in an amount not to exceed \$27,700.

Following discussion, upon motion duly made by Director Robson, seconded by Director Martinez, and upon vote, unanimously carried, the Board ratified approval of Task Order No. 2 to the MSA with Godden Sudik Architects, Inc. for services performed through fiscal year 2019, in an amount not to exceed \$27,700.

### LEGAL MATTERS

**2021 Rate Schedule from Independent District Engineering Services, LLC and Amendment to Master Service Agreement for Engineering Services:** The Board reviewed a 2021 Rate Schedule from Independent District Engineering Services, LLC and amendment to Master Service Agreement for Engineering Services.

Following discussion, upon motion duly made by Director Robson, seconded by Director Martinez, and upon vote, unanimously carried, the Board approved the 2021 Rate Schedule from Independent District Engineering Services, LLC and the amendment to Master Service Agreement for Engineering Services.

### POOL AND HUB OPERATIONS

**COVID-19 Grant for the Pool Operations:** Ms. Ripko reported to the Board the COVID-19 Grant for the Pool Operations in the amount of \$14,000 was received.

### COVENANT ENFORCEMENT/ DESIGN REVIEW/ OPERATIONS COTINUED

**Architectural Review Committee ("ARC"):**

*Update from ARC:* The ARC provided an update to the Board.

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**Appointment of Members to ARC:** The ARC reported that additional ARC members would help with timely consideration of design or architectural review submittals. Mr. Allen volunteered to become an ARC member. The Board did not take any action, and will consider ratification of appointments to the ARC at a future meeting.

**Social Committee:**

*Update from Social Committee:* The Social Committee discussed with the Board two events for Spring 2021. The Social Committee would like to have a neighborhood clean-up and neighborhood garage sale.

Following discussion, upon motion duly made by Director Hampleton, seconded by Director Woodard, and upon vote, unanimously carried, the Board approved have a neighborhood clean-up and neighborhood garage sale, in an amount not to exceed \$750.

**OPERATIONS AND MAINTENANCE**

There were questions from residents and the Board regarding snow removal and cost of same. Mr. Ripko will provide an updated snow removal map.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

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

Respectfully submitted,

By Peggy Ripko  
Secretary for the Meeting

SECOND RESOLUTION TO AMEND 2020 BUDGET  
DENVER CONNECTION WEST METROPOLITAN DISTRICT

WHEREAS, the Board of Directors of the Denver Connection West Metropolitan District amended the amended budget and appropriated funds for the fiscal year 2020 as follows:

General Fund:	\$	127,000
Special Revenue Fund:	\$	619,000
Debt Service Fund:	\$	734,295
Capital Projects Fund:	\$	3,630,000
Capital Projects Reserve Fund:	\$	8,000

WHEREAS, the necessity has arisen for additional expenditures in the Debt Service Fund requiring the unanticipated expenditure of funds in excess of those appropriated for the fiscal year 2020; and

WHEREAS, the expenditure of such funds is a contingency which could not have been reasonably foreseen at the time of adoption of the budget; and

WHEREAS, funds are available for such expenditures in the Debt Service Fund from Property Taxes, Specific Ownership Taxes and Interest Income.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Denver Connection West Metropolitan District shall and hereby does amend the Amended Budget for the fiscal year 2020 and adopts a supplemental budget and appropriation for the Debt Service Fund for the fiscal year 2020, as follows:

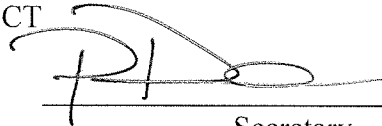
Debt Service Fund	\$	751,000
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BE IT FURTHER RESOLVED, that such sums are hereby appropriated from the revenues of the District to the proper funds for the purposes stated.

DATED this 23rd day of February, 2021.

DENVER CONNECTION WEST METROPOLITAN  
DISTRICT

By:



Secretary