

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
DENVER CONNECTION WEST
METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
SEPTEMBER 24, 2024

A regular meeting of the Board of Directors of the District (referred to hereafter as the “Board”) was convened on Tuesday, September 24, 2024, at 6:00 p.m. This District Board meeting was held by Zoom. The meeting was open to the public via Zoom.

Directors In Attendance Were:

Jeffery Hall
Tina Woodard
Marc Robson
Rachelle Weigold

Also In Attendance Were:

Elisabeth A. Cortese, Esq. (for a portion of the meeting) and Suzanne Meintzer, Esq.;
McGeady Becher Cortese Williams P.C.
Jerry Jacobs and Shanda Flores; Timberline District Consulting, LLC (“Timberline”)
Jason Carroll and Jeff Peek; CliftonLarsonAllen LLP (“CLA”)
Public: Imran Kassam; Mauree; Laysa Shreves; Mel Cagle; Brenda Melgar; Jessica;
Brian; Lenn Stout; Chris; Carina; Gustavo Padilla; Denise Wright; Nikki

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. No disclosures were made, and it was noted that all Directors are residents of the District.

ADMINISTRATIVE
MATTERS

Agenda: The Board reviewed the Agenda for the District’s Regular Meeting. Following discussion, upon motion duly made by Director Weigold, seconded by Director Robson, and upon vote unanimously carried, the Board approved the Agenda and excused the absence of Director Hampleton.

Meeting Location: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), of the Colorado Revised Statutes (“C.R.S.”), concerning the location of the District’s Board meeting. Following discussion, the Board noted this District Board meeting was held by Zoom. The Board further noted that notice of this meeting 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.

Minutes: The Board reviewed the minutes of the July 23, 2024 regular meeting and

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August 27, 2024 work session. Following discussion, upon motion duly made by Director Robson, seconded by Director Hall, and upon vote unanimously carried, the Board approved the minutes of the July 23, 2024 regular meeting and August 27, 2024 work session.

Update from Social Committee: Ms. Cagle presented, noting that Samantha Burns had resigned from the committee due to military deployment. She discussed a street festival, for which the committee will need to apply to the City for a permit; the social committee anticipates 250 – 300 people will attend. The social committee asked the Board to consider not using funds in the social committee budget for dumpster days. The committee had completed 3 of 5 events, and had used 45% of the budget. The Board thanked the committee for submitting their requested 2025 budget early, and noted that the Board would be discussing budget items at the October 22, 2024 work session; and adopting the budget at the 2025 budget hearing.

PUBLIC COMMENTS

Jessica had questions about fence staining; on the status of the park; and the weeds and general upkeep of public common areas.

Denise had questions on parking violations, noting she lives in the townhomes, and that a car has been parked on the rocks. Ms. Flores referred her to the HOA Board.

Chris had questions about the rules on grills at the townhomes; Ms. Meintzer referred him to the HOA Board.

LEGAL MATTERS

Executive Session to receive legal advice regarding negotiations related to the Avion Park Funding Agreement, 2024 Bond/Loan: Pursuant to Sections 24-6-402(4)(b) and (e), C.R.S., upon motion duly made by Director Robson, seconded by Director Hall, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 6:29 p.m. for the purpose of receiving legal advice related to the City IGA (as defined below), the status of the 2024 bonds/loan, and the collection of delinquent covenant enforcement fees under HB24-1267, as authorized by Section 24-6-402(4)(b) and (e), C.R.S. Furthermore, pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record or electronic recording will be kept of those portions of the executive session that, in the opinion of the Board's attorney, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Following discussion, upon motion duly made by Director Robson, seconded by Director Hall, the Board reconvened in regular session at 7:08 p.m.

Avion Park Funding Agreement by and between the District and the City and County of Denver ("City IGA"): Attorney Cortese briefly summarized the status of the City IGA, noting that the City requested that the Developer become a party to the

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agreement, and that the District is working through the process with the City and Developer.

2024 Bond/Loan: Attorney Cortese noted that the 2024 bond/loan cannot be issued until the City IGA is executed, and that construction bidding cannot begin until the loan proceeds are in the bank.

Collection of delinquent covenant enforcement fees pursuant to HB24-1267: Following discussion, the Board directed that new policies and procedures on the enforcement of covenants be drafted to include a process regarding certification of fees for consideration at the next Board meeting.

FINANCIAL MATTERS

Financial Statements and Schedule of Cash Deposits and Investments: Mr. Carroll introduced Mr. Peek to the Board. Mr. Carroll presented the unaudited Financial Statements for the period ending July 31, 2024, and Schedule of Cash Deposits and Investments dated July 31, 2024, updated as of September 10, 2024. 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 for the period ending July 31, 2024, and Schedule of Cash Deposits and Investments dated July 31, 2024, updated as of September 10, 2024.

Claims: Mr. Carroll reviewed the claims list for the period of May 24, 2024 through July 10, 2024, with the Board. Following discussion, upon motion duly made by Director Robson, seconded by Director Hall, and upon vote unanimously carried, the Board ratified approval of the payment of claims for the period of July 11, 2024 through September 13, 2024, in the amount of \$196,029.46.

September 2024 Advance Request and Project Fund Requisition from the District's Limited Tax (Convertible to Unlimited Tax) General Obligation Improvement Loan, Series 2022A-2: Following discussion, upon motion duly made by Director Robson, seconded by Director Weigold, and upon vote unanimously carried, the Board directed that all remaining funds in the 2022A-2 loan be distributed to the District, and authorized drafting an appropriation resolution directing that the funds be used solely for capital expenditures, if needed.

2025 Budget Planning: The Board noted that it would use the October 22, 2024 work session as a budget workshop.

OPERATIONS AND MAINTENANCE

HUB and Pool Matters:

Lighting Relay System: Ms. Flores reported that the Board previously approved a Service Agreement with Connect Solutions Group, LLC for services to replace the lighting relay system at the HUB, and that Connect Solutions Group, LLC is no

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longer doing this type of work. She is trying to find someone who can work on the system in the HUB. Following discussion, upon motion duly made by Director Robson, seconded by Director Weigold, and upon vote unanimously carried, the Board rescinded approval of the previously approved Service Agreement.

Change Order No. 5 to Service Agreement for Pool Maintenance / HUB Maintenance with Foothills Facilities Maintenance, LLC (“Change Order No. 5”): Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard, and upon vote unanimously carried, the Board ratified approval of Change Order No. 5 for restroom door installation in the amount of \$2,285.70.

HUB furniture replacement: The Board extensively discussed new furniture for the HUB, weighing the cost of the furniture against how and how often it is used. Following discussion, the Board directed Ms. Flores to obtain pricing on the “Rivet” style furniture.

Landscape Maintenance Matters: Ms. Flores provided an update on landscaping matters.

Proposals for Pool landscaping: The Board reviewed the proposals for pool landscaping. Following discussion, upon motion duly made by Director Hall, seconded by Director Weigold, and upon vote, with Director Woodard voting nay and Directors Hall, Robson and Weigold voting aye, the Board approved buying and planting 7 shrubs at the pool.

Service Agreement for Snow Removal Services (2024/2025): The Board reviewed and discussed the proposed Service Agreement for Snow Removal Services for 2024/2025 with High Plains Landscape & Water Systems, LLC (“HPL”). Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the Service Agreement for Snow Removal Services with HPL for the 2024/2025 snow season.

COVENANT ENFORCEMENT / DESIGN REVIEW

Community Manager’s Report / Violation Report: Ms. Flores summarized her report and the violation report.

Update from Architectural Review Committee (“ARC”): There was no formal update provided by ARC. However, Ms. Flores noted that there were many requests for roof and siding approvals given the hail storms this summer.

OTHER BUSINESS

Work Session: The Board noted the scheduled work session on October 22, 2024 at 6:00 p.m. via Zoom, noting this would be the 2025 budget workshop.

Next Regular Meeting / Statutory Annual Meeting: The Board noted the next regular

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meeting is scheduled for November 26, 2024 at 6:00 p.m. via Zoom. Following discussion, the Board rescheduled the November 26, 2024 regular meeting to a special meeting to be held Tuesday, November 19, 2024 at 6:00 p.m., via Zoom, with the statutory annual meeting just prior to the special meeting.

Public Comment: The Board re-opened public comment.

Ms. Melgar had questions on the status of the park, and Director Hall answered the questions.

Mr. Padilla had questions about the parking on Jasper Street near the HUB, noting the space is tight and cars are speeding. The Board noted that the streets are City streets, and that the District does not have police power over same. The Board encouraged him to reach out to his City Council member.

ADJOURNMENT

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

The foregoing record constitutes a true and correct copy of the Minutes of the above-referenced meeting.

Respectfully submitted,

By Tina Woodard
Secretary for the Meeting

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REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Denver Connection West Metropolitan District, I attended the executive session meeting for the Denver Connection West Metropolitan District which convened at 6:29 p.m. and adjourned at 7:08 p.m. on September 24, 2024 for the purpose of receiving legal advice related to the City IGA (as defined above), the status of the 2024 bonds/loan, and the collection of delinquent covenant enforcement fees under HB24-1267, as authorized by Section 24-6-402(4)(b) and (e), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Signed Elisabeth A. Cortese
Elisabeth A. Cortese, Attorney for the District
Dated: September 24, 2024

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Denver Connection West Metropolitan District, I attended the executive session meeting for the Denver Connection West Metropolitan District which convened at 6:29 p.m. and adjourned at 7:08 p.m. on September 24, 2024 for the purpose of receiving legal advice related to the City IGA (as defined above), the status of the 2024 bonds/loan, and the collection of delinquent covenant enforcement fees under HB24-1267, as authorized by Section 24-6-402(4)(b) and (e), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Signed Suzanne Meintzer
Suzanne Meintzer, Attorney for the District
Dated: September 24, 2024