

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE DENARGO MARKET METROPOLITAN DISTRICT NO. 1 HELD MARCH 12, 2024

A Regular Meeting of the Board of Directors (referred to hereafter as the “Board”) of the Denargo Market Metropolitan District No. 1 (referred to hereafter as the “District”) was held on Tuesday, the 12th day of March 2024, at 4:30 p.m. The District Board meeting was held via video / telephonic means (Zoom). The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Laura H. Newman
Jeffrey D. Jones
Todd T. Wenskoski
Wade Davidson
Michael Kuyper

Also In Attendance Were:

David Solin; Special District Management Services, Inc. (“SDMS”)

Paula Williams, Esq. and Kate Olson, Esq.; McGeady Becher P.C.

Lindsay Ross; CliftonLarsonAllen LLP

ADMINISTRATIVE MATTERS

Disclosure of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board and to the Secretary of State. It was noted that disclosures of potential conflicts of interest statements for each of the Directors had been filed with the Secretary of State seventy-two hours in advance of the meeting. Mr. Solin requested that the Directors consider whether they had any additional conflicts of interest to disclose. It was noted for the record that there were no additional disclosures made by the Directors present at the meeting and applicable disclosures were made by the Board members prior to this meeting in accordance with the statutes.

Confirmation of Quorum, Location of Meeting and Posting of Meeting Notice: Mr. Solin confirmed the presence of a quorum. 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. It was noted that the

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District Board meeting was held electronically via video / telephonic means (Zoom). The Board further noted that notice of the time, date and meeting access information was duly posted and that no objections, or any requests that the means of hosting the meeting be changed, were received from taxpaying electors within the District's boundaries.

Designation of 24-Hour Posting Location: Following discussion, upon motion duly made by Director Newman, seconded by Director Jones 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 at least 24 hours prior to each meeting on the District's website at: <https://denargo.colorado.gov> or if posting on the website is unavailable, notice will be posted on west side of Denargo Street just south of Wewatta Way on the southern boundary of Tract F.

Agenda: Mr. Solin presented a proposed Agenda for the District's Regular Meeting.

Following discussion, upon motion duly made by Director Newman, seconded by Director Jones and, upon vote unanimously carried, the Agenda was approved, as amended.

Minutes: The Board reviewed the Minutes of the November 14, 2023 Statutory Annual Meeting and the November 14, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Newman, seconded by Director Davidson and, upon vote unanimously carried, the Board approved the Minutes of the November 14, 2023 Statutory Annual Meeting and the November 14, 2023 Regular Meeting.

Insurance Discussion:

Cyber Security and Crime Coverage Limit: The Board discussed the District's Cyber Security and an increase to its Crime Coverage limit.

Following discussion, upon motion duly made by Director Newman, seconded by Director Jones and, upon vote unanimously carried, the Board authorized an increase in the District's Crime Coverage limit to \$250,000.

Insurance Committee: The Board discussed the establishment of an Insurance Committee.

Following discussion, upon motion duly made by Director Newman, seconded by Director Wenskoski and, upon vote unanimously carried, the Board

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established an Insurance Committee and appointed Directors Wenskoski and Newman to the Committee.

PUBLIC COMMENT

There were no public comments.

FINANCIAL MATTERS

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

Fund	Period Ending Nov. 30, 2023	Period Ending Dec. 31, 2023	Period Ending Jan. 31, 2024	Period Ending Feb. 29, 2024
General	\$ 40,617.24	\$ 39,355.87	\$ 30,884.92	\$ 53,769.24
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Payroll	\$ 369.40	\$ 277.05	\$ -0-	\$ -0-
Total	\$ 40,986.64	\$ 39,632.92	\$ 30,884.92	\$ 53,769.24

Following discussion, upon motion duly made by Director Wenskoski, seconded by Director Newman and, upon vote unanimously carried, the Board ratified approval of the payment of the claims.

Unaudited Financial Statements: Ms. Ross reviewed the Unaudited Financial Statements through the period ending December 31, 2023 and Schedule of Cash Position, updated as of March 6, 2024.

Following review, upon motion duly made by Director Jones, seconded by Director Newman and, upon vote unanimously carried, the Board accepted the Unaudited Financial Statements through the period ending December 31, 2023 and Schedule of Cash Position, updated as of March 6, 2024.

LEGAL MATTERS

2022-2025 Facilities Funding and Acquisition Agreement: The Board reviewed a 2022-2025 Facilities Funding and Acquisition Agreement by and between the District and JV LoDo Denargo LLC.

Following review and discussion, upon motion duly made by Director Jones, seconded by Director Wenskoski and, upon vote unanimously carried, the Board ratified approval of the 2022-2025 Facilities Funding and Acquisition Agreement by and between the District and JV LoDo Denargo LLC.

Termination of 2022-2025 Facilities Funding and Acquisition Agreement: The Board reviewed a Termination of 2022-2025 Facilities Funding and Acquisition Agreement by and between the District and JV Denargo LLC.

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Following review and discussion, upon motion duly made by Director Jones, seconded by Director Wenskoski and, upon vote unanimously carried, the Board ratified approval of the Termination of 2022-2025 Facilities Funding and Acquisition Agreement by and between the District and JV Denargo LLC.

Temporary Construction Easement Agreement: The Board reviewed a Temporary Construction Easement Agreement by and between the District and JV LoDo Denargo LLC.

Following review and discussion, upon motion duly made by Director Jones, seconded by Director Wenskoski and, upon vote unanimously carried, the Board ratified approval of the Temporary Construction Easement Agreement by and between the District and JV LoDo Denargo LLC.

Engineer's Report and Verification of Costs No. 01, prepared by Schedio Group, LLC and authorize reimbursement to JV LoDo Denargo LLC, pursuant to 2022-2025 Facilities Funding and Acquisition Agreement by and between the District and JV LoDo Denargo LLC: The Board discussed and determined to defer action on this matter.

Cost Verification Committee: The Board discussed the establishment of a Cost Verification Committee to review and accept Engineer's Reports in between meetings.

Following discussion, upon motion duly made by Director Newman, seconded by Director Wenskoski and, upon vote unanimously carried, the Board established a Cost Verification Committee and appointed Directors Wenskoski and Kuyper to the Committee.

Project Management Service Agreement: The Board discussed and determined to defer action on this matter.

OPERATION AND MAINTENANCE

Update on 2024 Landscape Maintenance Matters: Mr. Solin provided an update to the Board.

Proposal from BrightView Landscape Services, Inc. ("BrightView") for 2024 Landscape Maintenance Services, in the amount of \$14,605.01: Mr. Solin discussed the Proposal with the Board, noting that the Proposal includes: weekly trashcan emptying, site policing (2x a week), spring and fall cleanup, weeding, and irrigation work (other than irrigation repairs, which would be done on a time and materials basis). No action was taken by the Board.

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Brighton Boulevard Open Space Park: Director Davidson informed the Board that the backflow preventer for the park was missing and that there are also issues with the transformer and irrigation control box. The Board discussed having BrightView look at the system to see what needs to be done and directed Mr. Solin to follow up with BrightView. Director Davidson further inquired as to whether the District intends to salvage any of the existing fixtures, trashcans, bike racks and shrubs that are being replaced at the park to another location within the Districts.

Update on Security Patrols: The Board deferred discussion of this matter.

Service Agreement for Stormwater Maintenance Services by and between District No. 1 and Stormwater Compliance Solutions, LLC: The Board deferred discussion of this matter.

OTHER MATTERS

None.

**CONTINUATION
OF MEETING**

Following discussion, upon motion made by Director Jones, seconded by Director Wenskoski and, upon vote unanimously carried, the meeting was continued to Monday, March 18, 2024 at 4:15 p.m.

Respectfully submitted,

By: 
Secretary for the Meeting