

# RECORD OF PROCEEDINGS

---

## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE DENARGO MARKET METROPOLITAN DISTRICT NO. 1 HELD MARCH 16, 2021

A Special 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 16<sup>th</sup> day of March, 2021, at 4:30 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, the District Board meeting was held and properly noticed to be held via telephone conference and Zoom meeting. The meeting was open to the public via Zoom meeting.

### ATTENDANCE

#### Directors In Attendance Were:

Laura H. Newman  
Donald D. Cabrera  
Jeffrey D. Jones  
David H. Smith  
Todd T. Wenskoski

#### Also In Attendance Were:

Ann E. Finn and Matt Cohrs; Special District Management Services, Inc. (“SDMS”)

Paula Williams, Esq.; McGeady Becher P.C.

Jason Carroll; CliftonLarsonAllen LLP

Adam Wallace; Cypress Real Estate Advisors

Troy Ballard; CFC Construction Inc.

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

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. Attorney Williams 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

## RECORD OF PROCEEDINGS

---

made by the Directors present at the meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statutes.

---

### **ADMINISTRATIVE MATTERS**

**Agenda:** Ms. Finn reviewed with the Board a proposed Agenda for the District's Special Meeting.

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

**Confirmation of Quorum and Approval of Meeting Location:** Ms. Finn confirmed the presence of a quorum. The Board entered into discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

Following discussion, upon motion duly made by Director Cabrera, seconded by Director Jones and, upon vote, unanimously carried, the Board determined that due to concerns regarding the spread of COVID-19 and the benefits to the control of the virus by limiting in-person contact, this meeting was conducted by Zoom meeting. The Board further noted that notice of the time, date and Zoom meeting 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 Cabrera, 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 within the boundaries of the District as least 24 hours prior to each meeting at the following location: on west side of Denargo Street just south of Wewatta Way on the southern boundary of Tract F, Denver, Colorado.

---

### **CONSENT AGENDA**

The Board considered the following actions:

- Review and approve the Minutes of the November 17, 2020 Special Meeting.
- Ratify approval of proposal from BrightView Landscape Services, Inc. for winter watering, for the amount of \$1,350.
- Ratify approval of Service Agreement for Utility Locate Services by and between the District and Diversified Underground, Inc.

## RECORD OF PROCEEDINGS

---

- Ratify approval of Change Order No. 4 to Service Agreement for Site Inspection Services/Construction Oversight by and between the District and Triunity Engineering and Management, Inc.
- Ratify approval of Service Agreement for Detention Pond Maintenance by and between the District and Consolidated Divisions, Inc., d/b/a CDI Environmental Contractors, for the amount of \$9,000.

Following discussion, upon motion duly made by Director Cabrera, seconded by Director Wenskoski and, upon vote, unanimously carried, the Board approved and/or ratified approval of the Consent Agenda items.

**PUBLIC COMMENT**

There were no public comments.

**FINANCIAL MATTERS**

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

<b>Fund</b>	Period Ending Dec. 16, 2020	Period Ending January 7, 2021	Period Ending February 4, 2021
General	\$ 27,036.76	\$ 12,547.56	\$ 23,448.87
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-
<b>Total</b>	<b>\$ 27,036.76</b>	<b>\$ 12,547.56</b>	<b>\$ 23,448.87</b>

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

**Unaudited Financial Statements:** Mr. Carroll reviewed with the Board the unaudited financial statements through the period ending December 31, 2020 and Schedule of Cash Position, updated as of December 31, 2020

Following review, upon motion duly made by Director Wenskoski, seconded by Director Newman and, upon vote, unanimously carried, the Board accepted the unaudited financial statements through the period ending December 31, 2020 and Schedule of Cash Position, updated as of December 31, 2020.

**CAPITAL MATTERS**

**Presentation by Cypress Real Estate Advisors:** Mr. Wallace with Cypress Real Estate Advisors (landowner of adjacent property) (“Cypress”) and Mr. Ballard with CFC Construction Inc. (Construction Manager of adjacent property construction project) (“CFC”) made a presentation to the Board regarding the

## RECORD OF PROCEEDINGS

---

proposed use of District streets and property in connection with the development of the adjacent property, which included proposed timeframes and potential street closures to assemble and disassemble cranes on site.

**Construction Activity and Right-of-Way permits:** Ms. Finn discussed with the Board the Construction Activity and Right-of-Way permits. It was noted that the grant of a construction permit to Cypress/CFC will be conditioned on receipt of a damage deposit sufficient to replace Wewatta Street. No action was taken by the Board.

### **LEGAL MATTERS**

**Resolution No. 2021-03-01; Resolution of the Board of the District Acknowledging and Adopting the District Amended and Restated Rules and Regulations for Construction Activity (“Resolution”):** The Board entered into discussion regarding the Resolution.

Following discussion, the Board determined to defer action on the Resolution, pending further revisions.

**The Denargo Market Development Agreement by and among the City and County of Denver, JV Denargo LLC and the District:** The Board deferred action on The Denargo Market Development Agreement by and among the City and County of Denver, JV Denargo LLC and the District, to allow for additional review time and to receive comments from the City and County of Denver.

### **OPERATIONS AND MAINTENANCE**

#### **Operation and Maintenance Report:**

##### *Additional Projects Update:*

*Proposal from BrightView Landscape Services, Inc. for Breeze Path Erosion Repair:* Mr. Cohrs reviewed with the Board a proposal from BrightView Landscape Services, Inc. for breeze path erosion repair.

Following discussion, upon motion duly made by Director Smith, seconded by Director Cabrera, and upon vote, unanimously carried, the Board approved the proposal from BrightView Landscape Services, Inc. for breeze path erosion repair, for the amount of \$2,975.

*Proposal from BrightView Landscape Services, Inc. for New Paver Paths:* Mr. Cohrs reviewed with the Board a proposal from BrightView Landscape Services, Inc. for new paver paths.

## RECORD OF PROCEEDINGS

---

Following discussion, upon motion duly made by Director Smith, seconded by Director Cabrera, and upon vote, unanimously carried, the Board approved the proposal from BrightView Landscape Services, Inc. for new paver paths, for the amount of \$19,975.

Proposal from BrightView Landscape Services, Inc. for Paver Repair: Mr. Cohrs reviewed with the Board a proposal from BrightView Landscape Services, Inc. for paver repair.

Following discussion, upon motion duly made by Director Smith, seconded by Director Cabrera, and upon vote, unanimously carried, the Board approved the proposal from BrightView Landscape Services, Inc. for paver repair, for the amount of \$21,795.

Proposal from BrightView Landscape Services, Inc. for Dog Play Area: Mr. Cohrs reviewed with the Board a proposal from BrightView Landscape Services, Inc. for dog play area.

Following discussion, the Board did not approve the proposal from BrightView Landscape Services, Inc. for dog play area.

Proposal from BrightView Landscape Services, Inc. for Future Dog Park Fence: Mr. Cohrs reviewed with the Board a proposal from BrightView Landscape Services, Inc. for future dog park fence.

Following discussion, upon motion duly made by Director Smith, seconded by Director Cabrera, and upon vote, unanimously carried, the Board approved the proposal from BrightView Landscape Services, Inc. for future dog park fence, for the amount of \$33,124.98, subject to final pricing and confirmation of fencing material included in proposal.

Proposal from BrightView Landscape Services, Inc. for Tree Installation: Mr. Cohrs reviewed with the Board a proposal from BrightView Landscape Services, Inc. for tree installation.

Following discussion, upon motion duly made by Director Smith, seconded by Director Cabrera, and upon vote, unanimously carried, the Board approved the proposal from BrightView Landscape Services, Inc. for tree installation, for the amount of \$3,417.86.

## RECORD OF PROCEEDINGS

---

Proposal from BrightView Landscape Services, Inc. for Adding an Extra Trash Day During the Summer: Mr. Cohrs reviewed with the Board a proposal from BrightView Landscape Services, Inc. for adding an extra trash day during the summer.

Following discussion, upon motion duly made by Director Smith, seconded by Director Cabrera, and upon vote, unanimously carried, the Board approved the proposal from BrightView Landscape Services, Inc. for adding an extra trash day during the summer, for the amount of \$4,863.56.

Proposals for Asphalt Repair on Delgany Street: Mr. Cohrs reviewed with the Board proposals for asphalt repair on Delgany Street.

Following discussion, upon motion duly made by Director Smith, seconded by Director Cabrera, and upon vote, unanimously carried, the Board approved the proposal from ABC Asphalt Inc. for asphalt repair on Delgany Street.

**Water Quality Feature (“WQF”) Inspection Report from the Wastewater Management Division:** The Board reviewed the WQF Inspection Report from the Wastewater Management Division. Mr. Cohrs provided an update to the Board on the progress of the work, noting that the detention pond is scheduled to be cleaned in April.

**Towing Services:** Mr. Cohrs and Ms. Finn advised the Board that the towing company is towing an average of 18 cars per month. The Board agreed that this seems excessive. The Board directed the District Manager to obtain proposals for additional striping and signage to alert drivers to potential tow areas.

---

### **OTHER MATTERS**

There were no other matters.

---

### **ADJOURNMENT**

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

Respectfully submitted,

By:   
Secretary for the Meeting