

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE DENARGO MARKET METROPOLITAN DISTRICT NO. 1 HELD MARCH 22, 2023

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 22<sup>nd</sup> day of March 2023, at 4:30 p.m. The District Board meeting was held and properly noticed to be held via Zoom. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Laura H. Newman  
Jeffrey D. Jones  
Todd T. Wenskoski (for a portion of the meeting)  
Wade Davidson

##### Also In Attendance Were:

Ann Finn; Special District Management Services, Inc. (“SDMS”)

Paula Williams, Esq. and Erica Montague, Esq; McGeady Becher P.C.

Lindsay Ross; CliftonLarsonAllen LLP

Mike Kuyper; Triunity Engineering & Management & Management, Inc.

#### 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. 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 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.

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**Confirmation of Quorum, Location of Meeting and Posting of Meeting**

**Notices:** Ms. Finn 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 District Board meeting was held and properly noticed to be held by video / telephonic means via 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:** Ms. Finn reviewed with the Board a proposed Agenda for the District's Special 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 15, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Jones, seconded by Director Newman and, upon vote unanimously carried, the Minutes of the November 15, 2022 Regular Meeting were approved.

**May 2, 2023 Regular Election:** Attorney Williams reported on the status of matters related to the May 2, 2023 Regular Election.

**Appointment of District Treasurer:** The Board discussed the appointment of a District Treasurer.

Following discussion, upon motion duly made by Director Davidson, seconded by Director Jones and, upon vote unanimously carried, the Board appointed Director Wenskoski as the District Treasurer.

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**CONSENT  
AGENDA**

There were no items on the consent agenda.

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**PUBLIC  
COMMENT**

There were no public comments.

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**FINANCIAL  
MATTERS**

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

<b>Fund</b>	Period Ending Nov. 30, 2022	Period Ending Dec. 31, 2022	Period Ending January 31, 2023	Period Ending Feb. 28, 2023
General	\$ 58,227.74	\$ 47,393.32	\$ 26,533.34	\$ 42,275.29
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ 1,786.00	\$ 1,054.50	\$ 1,805.00	\$ -0-
<b>Total</b>	<b>\$ 60,013.74</b>	<b>\$ 48,447.82</b>	<b>\$ 28,338.34</b>	<b>\$ 42,275.29</b>

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

**Unaudited Financial Statements:** Ms. Ross reviewed the unaudited financial statements through the period ending December 31, 2022 and Schedule of Cash Position updated as of February 22, 2023 with the Board.

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, 2022 and Schedule of Cash Position updated as of February 22, 2023.

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**LEGAL MATTERS**

**Service Plan Amendment:** Attorney Williams informed the Board that a public hearing on the proposed Service Plan Amendment is scheduled before Denver City Council on March 28, 2023.

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**OPEARATION AND  
MAINTENANCE**

**Towing Services:** The Board discussed parking issues within the Districts.

Following discussion, upon motion duly made by Director Wenskoski, seconded by Director Newman and, upon vote unanimously carried, the Board authorized SDMS to arrange for the installation of additional “No Parking” signs and to paint a stretch of curb along Wewatta Street red.

**Termination of Agreement with Wyatt’s Towing:** The Board entered into discussion regarding the termination of the Agreement with Wyatt’s Towing.

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Following discussion, upon motion duly made by Director Newman, seconded by Director Jones and, upon vote unanimously carried, the Board approved the termination of the Agreement with Wyatt's Towing and the engagement of a new provider for towing services.

Proposal from Villalobos Towing LLC d/b/a Private Park Kings for Parking Enforcement: The Board reviewed a proposal from Villalobos Towing LLC d/b/a Private Park Kings for parking enforcement.

Following discussion, upon motion duly made by Director Wenskoski, seconded by Director Davidson and, upon vote unanimously carried, the Board approved the proposal from Villalobos Towing LLC d/b/a Private Park Kings for parking enforcement.

Security Services: Ms. Finn presented and the Board reviewed Activity Log Reports from Denver Metro Protective Services. No action was taken.

Proposal from Brightview Landscape Services, Inc. for Tree Pruning: The Board entered into discussion regarding a proposal from Brightview Landscape Services, Inc. for tree pruning.

Following discussion, upon motion duly made by Director Wenskoski, seconded by Director Newman and, upon vote unanimously carried, the Board approved the proposal from Brightview Landscape Services, Inc. for tree pruning. The Board directed District staff to work with Director Wenskoski to identify which trees need to be trimmed.

Graffiti on Signage in Park: The Board discussed graffiti on signage in the park. No action was taken.

O&M Analysis from ETM Associates: Director Newman presented the O&M Analysis from ETM Associates to the Board. Discussion ensued. No action was taken.

Maintenance Agreement by and among the District, JV Denargo LLC and the City and County of Denver: Director Newman informed the Board of the potential need for a Maintenance Agreement by and among the District, JV Denargo LLC and the City and County of Denver relative to improvements on land owned by the City and County of Denver.

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### CAPITAL MATTERS

Pennrose, LLC (2700 Wewatta Way) Project:

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Relocation of Xcel/Comcast/District Pedestals onto the City and County of Denver Right-of-Way: Ms. Finn reported the relocation of Xcel/Comcast/District pedestals onto the City and County of Denver Right-of-Way is complete. It was noted that payment to the contractor is being processed and the District will need to invoice Pennrose, LLC for the difference.

Service Agreement for Pedestal Relocation by and Between the District and Excel Electric, Inc.: The Board reviewed a Service Agreement for Pedestal Relocation by and between the District and Excel Electric, Inc.

Following discussion, upon motion duly made by Director Wenskoski, seconded by Director Davidson and, upon vote unanimously carried, the Board ratified approval of the Service Agreement for Pedestal Relocation by and between the District and Excel Electric, Inc.

**Construction Oversight Reports/Site Inspections/Development Application Reviews**: Mr. Kuyper informed the Board that Field Services Reports are being distributed on a weekly basis.

**Permits and Damage Deposits**: Ms. Finn informed the Board that she is working with Mr. Kuyper on permit fees and damage deposits. Following discussion, the Board designated Director Davidson as the Board Member responsible for review and approval of permits.

**Right-of-Way (“ROW”) Permit for Fencing Located Along Delgany Street**: The Board entered into discussion regarding a ROW Permit for fencing located along Delgany Street.

Following discussion, upon motion duly made by Director Wenskoski, seconded by Director Davidson and, upon vote unanimously carried, the Board approved the ROW permit.

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### **OTHER MATTERS**

**Development within the District**: Director Davidson provided an update on the status of development within the District and the projected construction schedule. The Board discussed timing for provision of notice to residents related to construction work.

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### ADJOURNMENT

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

Respectfully submitted,

By:   
Secretary for the Meeting