

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE
AVION METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
AUGUST 25, 2026

A special meeting of the Board of Directors of the District (referred to hereafter as the “Board”) was convened on Tuesday, August 25, 2026, at 6:00 p.m. This District Board meeting was held via Zoom. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Marc Robson
Shawn Hampleton
Tina Woodard
Rachelle Weigold
Nicole Dickens

Also In Attendance Were:

Elisabeth A. Cortese, Esq. and Evan Weis, Esq.; McGeady Becher Cortese Williams P.C.

Jerry Jacobs and Brittany Barnett; Timberline Management & Consulting

(“Timberline”)

Lindsay Ross; CliftonLarsonAllen LLP (“CLA”)

Jeremy Fletcher, Esq.; Altitude Community Law

Public: Vanessa Roman

ADMINISTRATIVE MATTERS

Quorum and Disclosures 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.

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 via 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.

Agenda: The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the Agenda, as amended.

Minutes: The Board reviewed the minutes of the June 23, 2026 special meeting and July 15, 2026 work session. Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the minutes of the July 28, 2026 regular meeting.

Social Committee: Discussion deferred.

For efficiency purposes, the Board took agenda items out of order and adjourned into executive session with Attorney Fletcher.

LEGAL MATTERS

Executive Session: Pursuant to Section 24-6-402(4)(b), C.R.S., upon motion duly made by Director Robson, seconded by Director Woodard, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 6:05 p.m. for the sole purpose of receiving legal advice regarding covenant enforcement matters, as authorized by Section 24-6-402(4)(b), 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 Woodard, the Board reconvened in regular session at 6:43 p.m.

PUBLIC COMMENT

Public Comment: Ms. Roman informed the Board of her concerns regarding weeds and invasive species growth in the Park. Ms. Barnett confirmed she would discuss the issue with ECI Site Construction Management, Inc. ("ECI").

CAPITAL IMPROVEMENTS

Park Improvements

Engineer's Report: Attorney Cortese reviewed the Engineer's Report provided by Independent District Engineering Services, Inc. ("IDES") with the Board. Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard, and upon vote unanimously carried, the Board acknowledged the Engineer's Report.

Avion Park Recommendation of Initial Acceptance Letter: The Board reviewed the Avion Park Recommendation of Initial Acceptance Letter from IDES. No action was taken.

District Expenditures Verification Report: Attorney Cortese presented to the Board the District Expenditures Verification for August 2026, by IDES, in the amount of \$245,443.73. Following discussion, upon motion duly made by

Director Robson, seconded by Director Woodard, and upon vote unanimously carried, the Board accepted District Expenditures Verification for August 2026, in the amount of \$245,443.73.

Pay Applications, Change Orders and Invoices: The Board reviewed and considered approval of the following pay applications and/or invoices:

Pay Application No. 15 from ECI in the amount of \$231,236.67: Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the payment of Pay Application No. 15 from ECI in the amount of \$231,236.67.

Norris Design invoice in the amount of \$1,482.50: Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard, and upon vote unanimously carried, the Board approved payment of the invoice from Norris Design in the amount of \$1,482.50.

Harris Kocher Smith invoice in the amount of \$1,195.00: Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard, and upon vote unanimously carried, the Board approved payment of the invoice from Harris Kocher Smith in the amount of \$1,195.00.

IDES invoice in the amount of \$11,529.56: Following discussion, upon motion duly made by Director Robson, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the payment of the invoice from IDES in the amount of \$11,529.56.

Amache Prowers Memorial Park Rules and Regulations: The Board reviewed and discussed the proposed Amache Prowers Memorial Park Rules and Regulations. Following discussion, upon a motion duly made by Director Robson, seconded by Director Weigold, and upon vote unanimously carried, the Board adopted a Resolution Adopting Amache Prowers Memorial Park Rules and Regulations subject to the removal of Section 2.7 and confirmation that Timberline will implement the use of QR codes on the park signage directing visitors to the full Amache Prowers Memorial Park Rules and Regulations.

Executive Session: The Board determined an executive session was not needed.

Other: None.

FINANCIAL MATTERS

Status of Reimbursement Requests to City of Denver under Avion Park Funding Agreement: The Board discussed the status of reimbursement requests to the City of Denver (“City”) under the Avion Park Funding Agreement. No Board action taken.

Reserve Study: The Board discussed the draft Reserve Study dated August 5, 2026 prepared by Aspen Reserve Specialists. No Board action taken.

LEGAL MATTERS

Plat Amendment: Attorney Cortese confirmed that the plat amendment has been recorded. No action was taken.

Public Art Requirement: The Board discussed the status of the Public Art requirement. No action was taken.

Covenant Enforcement Matters:

Update regarding collection of delinquent covenant enforcement and design review fees: Timberline and Attorney Cortese discussed collection of delinquent covenant enforcement and design review fees with the Board.

Scheduling Public Hearing on certifying delinquent covenant enforcement and design review fees to the Denver Treasurer pursuant to Section 32-1-1004.5(3)(III), C.R.S.: Attorney Cortese reviewed the process for certifying delinquent covenant enforcement and design review fees to the Treasurer of the City and County of Denver (“Denver Treasurer”) pursuant to statute and timing of same. Following discussion, upon motion duly made by Director Robson, seconded by Director Dickens, and upon vote unanimously carried, the Board took the following actions:

- Authorized an email blast of a community alert regarding the District’s ability to certify delinquent covenant enforcement and design review fees for collection in property taxes to be sent by Timberline.
- Authorized delinquent door signs for delinquent covenant enforcement and design review accounts exceeding \$500 to be taped on doors by a process server in early September, in advance of a September 22, 2026 public hearing to certify delinquent covenant enforcement fees to the Denver Treasurer for collection in property taxes.
- Authorized notices to accounts over \$500 to be mailed in early September, in advance of a September 22, 2026 public hearing to certify delinquent covenant enforcement fees to the Denver Treasurer for collection in property taxes.
- Scheduled a special Board meeting on September 15, 2026, at 6:00 p.m. via Zoom, for holding appeals hearings on delinquent covenant enforcement fees, if needed.
- Scheduled a public hearing on September 23, 2026, at 6:00 p.m. via Zoom for certifying delinquent covenant enforcement and design review fees to the Denver Treasurer pursuant to Section 32-1-1004.5(3)(III), C.R.S.

Executive Session: See above.

Other: None.

OPERATIONS AND MAINTENANCE MATTERS

Proposals for stormwater maintenance services: The Board discussed the status of the pending proposals being obtained by Stormwater Asset Protection LLC (SWAP) regarding stormwater maintenance services. It was noted that SWAP is in the process of scope and cost clarifications prior to providing final comparison and recommendation to the Board.

BOARD MEMBER MATTERS

The Board discussed the status of the remaining stormwater BMPs and silt fences. Timberline will notify ECI regarding removal of these items.

The Board discussed the process of enforcement of the Amache Prowers Memorial Park Rules and Regulations.

The Board discussed whether the HUB should maintain its comcast subscription and asked this item be on the next meeting agenda.

OTHER BUSINESS

Next Regular Meeting: The Board confirmed quorum for the special meeting scheduled for September 15, 2026 at 6:00 p.m. via Zoom and the next regular meeting scheduled for September 22, 2026, at 6:00 p.m. via Zoom.

MEETING RECAP OF ACTION ITEMS

The Board reviewed the meeting recap action items as follows:

Timberline will do the following:

- Communicate landscaping concerns to ECI.
- Establish QR codes for the Amache Prowers Memorial Park Rules and Regulations.
- Notify ECI regarding stormwater BMPs and silt fences.
- Additional review of the draft Reserve Study.

District Counsel will do the following:

- Remove section 2.7 from the Amache Prowers Memorial Park Rules and Regulations.
- Send invite for September 15, 2025 special meeting.

- Place items on next meeting agenda for Comcast at the HUB and patrol of the park.

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.

Tina Woodard
Secretary

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 Avion Metropolitan District, I attended the executive session meeting for the Avion Metropolitan District which convened at 6:05 p.m. and adjourned at 6:43 p.m. on August 25, 2026, for the purpose of receiving legal advice related to covenant enforcement matters, as authorized by Section 24-6-402(4)(b), 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: August 25, 2026

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 Avion Metropolitan District, I attended the executive session meeting for the Avion Metropolitan District which convened at 6:05 p.m. and adjourned at 6:43 p.m. on August 25, 2026, for the purpose of receiving legal advice related to covenant enforcement matters, as authorized by Section 24-6-402(4)(b), 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 Evan Weis
Evan Weis, Attorney for the District
Dated: August 25, 2026