

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE DENVER CONNECTION WEST METROPOLITAN DISTRICT (THE "DISTRICT") HELD AUGUST 27, 2019

A regular meeting of the Board of Directors of the Denver Connection West Metropolitan District (referred to hereafter as the "Board") was convened on Tuesday, August 27, 2019, at 6:00 p.m., at The HUB, 4746 Jasper Street, Denver, CO 80239. The meeting was open to the public.

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**Directors In Attendance Were:**

Robert A. Johnson  
Eric McEachen  
David Brown

Following discussion, upon motion duly made by Director McEachen, seconded by Director Johnson and, upon vote, unanimously carried, the absences of Directors McGovern and Wagner were excused.

**Also In Attendance Were:**

Lisa A. Johnson and Peggy Ripko; Special District Management Services, Inc. ("SDMS")

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Samantha Lillehoff, Esq.; McGeady Becher P.C.

Kim Fiore; Independent District Engineering Services, LLC ("IDES")

Lisa Lopprino; Willam Lyon Homes

(See Sign In Sheet for other attendees)

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**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

The Board noted a quorum was present and that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting. Attorney Lillehoff requested that the Directors consider whether they had any additional conflicts of interest to disclose. Attorney Lillehoff noted for the record that there were no new 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 and in accordance with the statutes. It was noted that disclosure statements had been filed for all Directors by the statutory deadline.

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### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Johnson distributed for the Board's review and approval a proposed Agenda for the District's regular meeting.

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

**Meeting Location:** 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. Following discussion, the Board noted the meeting location is within the District's boundaries. The Board further noted that notice of this meeting was duly posted pursuant to statute.

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### PUBLIC COMMENTS

**Ed Deering:** Mr. Deering asked about the status of construction of the parks in the community. Ms. Fiore will provide status to Ms. Ripko. Ms. Ripko will send weekly email update to residents.

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**CONSENT AGENDA** The Board considered the following actions:

- Review and approve Minutes of the July 23, 2019 Special Meeting.
- Ratify the approval of Master Service Agreement ("MSA") with BSC Signs for Pole Lights.

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Following discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above actions.

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### FINANCIAL MATTERS

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

Fund	Period Ending Aug. 15, 2019
General	\$ 18,408.09
Special Revenue	\$ 37,867.63
Debt	\$ -0-
Capital	\$ 10,894.82
Total	\$ 67,170.54

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

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### **Financial Statements, Schedule of Developer Advances, and Schedule of Cash**

**Position:** The Board reviewed the unaudited financial statements dated June 30, 2019, schedule of developer's advances, updated August 15, 2019, and schedule of cash position statement ending June 30, 2019, updated as of August 19, 2019.

Following review and discussion, upon motion duly made by Director Johnson, seconded by Director Brown and, upon vote unanimously carried, the Board accepted the unaudited financial statements dated June 30, 2019, schedule of developer's advances, updated August 15, 2019, and schedule of cash position statement ending June 30, 2019, updated as of August 19, 2019.

### **CONSTRUCTION MATTERS**

**Engineer's Report:** Ms. Fiore reviewed with the Board the Engineer's Project Status Report dated August 27, 2019. A copy of the report is attached and incorporated herein by this reference.

### **HUB Facility**

**Task Order No. 2 to Master Services Agreement ("MSA") with Godden Sudik for Additional Services:** The Board deferred discussion.

**Construction Contract Agreement between the District and MW Golden:**

**Change Order No. 28 to the Construction Contract with MW Golden:** The Board discussed Change Order No. 28 to the Construction Contract with MW Golden to remove pool covers for a decrease in the contract in the amount of <8,427.00>.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Brown and, upon vote unanimously carried, the Board approved Change Order No. 28 to the Construction Contract with MW Golden to remove pool covers for a decrease in the contract in the amount of <8,427.00>.

**Change Order Request -Extended General Conditions:** The Board deferred discussion at this time.

**Change Order Request-Picture Frame Fence Mesh:** The Board deferred discussion at this time.

**Change Order Request- Wading Pool Light Credit:** The Board deferred discussion at this time.

**Final Punch List to be Fixed:** The Board deferred discussion at this time.

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As-builts Required: Ms. Fiore reported to the Board that the As-builts have been received.

Release of Retainage, in Part or Whole, to MW Golden: The Board has directed MW Golden to submit a formal request for release of retainage pursuant to the Contract documents.

Acceptance and Release of Retainage Related to the Contract with BrightView Landscape Development, Inc.: It was noted that there has not been a final inspection of the improvements requested by the contractor. The Board deferred discussion at this time.

Acceptance and Release of Retainage Related to the Contract with Thoutt Brother's Concrete Contractors, Inc.: It was noted that there has not been a final inspection of the improvements requested by the contractor. The Board deferred discussion at this time.

MSA with Front Range Aquatech for Pool Covers at The HUB: The Board discussed the MSA with Front Range Aquatech for pool covers at the HUB.

Following review and discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board approved the MSA with Front Range Aquatech for pool covers at The HUB.

Task Order No. 1 under the MSA with Front Range Aquatech for Winter Covers: The Board discussed Task Order No. 1 under the MSA with Front Range Aquatech for winter covers including measurement and install in the amount of \$7,111.

Following review and discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board approved the Task Order No. 1 with Front Range Aquatech for winter covers including measurement and install in the amount of \$7,111.

Task Order No. 2 under the MSA with Front Range Aquatech for Pool Winterization: The Board deferred discussion at this time.

Proposal from NM Industrial Services for other Winterization: The Board deferred discussion at this time.

### Consultants/Vendor Task Orders

Task Order No. 3 under the MSA with All American Electrostatic for Painting Gate after Split Rail Fence Repair: The Board discussed Task Order No. 3 under the MSA with All American Electrostatic for painting gate after Split Rail Fence repair.

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Following review and discussion, upon motion duly made by Director Johnson, seconded by Director Brown and, upon vote unanimously carried, the Board approved Task Order No. 3 under the MSA with All American Electrostatic for painting gate after Split Rail Fence repair, subject to a not to exceed cost of \$500.

Task Order No. 1 under the MSA with BSC Signs for Pole Lights: The Board discussed Task Order No. 1 under the MSA with BSC Signs for pole lights in the amount of \$9,772.55.

Following review and discussion and input from the residents in attendance, upon motion duly made by Director Johnson, seconded by Director Brown and, upon vote unanimously carried, the Board did not approve Task Order No. 1 under the MSA with BSC Signs for pole lights in the amount of \$9,772.55.

Task Order No. 5 under the MSA with Independent District Engineering Services, Inc. ("IDES") for On-call District Services: The Board discussed Task Order No. 5 under the MSA with IDES for On-call District Services in the amount of \$40,000 (previous Task Order was work through May 2019).

Following review and discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board approved Task Order No. 5 under the MSA with IDES for On-call District Services in the amount of \$40,000 from June 2019 through December 31, 2019.

Task Order No. 3 under the MSA with Split Rail Fence for Gate Repair: The Board discussed Task Order No. 3 under the MSA with Split Rail Fence for gate repair in the amount of \$500.

Following review and discussion, upon motion duly made by Director Johnson, seconded by Director Brown and, upon vote unanimously carried, the Board approved Task Order No. 3 under the MSA with Split Rail Fence for gate repair in the amount of \$500.

**Cost Certification Report No. 18:** Ms. Fiore presented to the Board Cost Certification Report No. 18.

Following discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board accepted Cost Certification Report No. 18 in the amount of \$427,668.60.

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### LEGAL MATTERS

**Intergovernmental Agreement (“IGA”) between the District and the City and County of Denver regarding Gateway Public Improvements:** Attorney Lillehoff presented to the Board an update on the IGA between the District and the City and County of Denver regarding Gateway Public Improvements. She noted that the IGA was anticipated to be on City Council agenda for approval on September 9, 2019.

It was noted that the District has approved the IGA subject to approval by City.

**Rules and Regulations Regarding District owned Common Areas and adoption of Resolution for the Same:** Attorney Lillehoff presented to the Board an update on the Rules and Regulations Regarding District owned Common Areas and adoption of Resolution for the same. The Board deferred action until District Facilities Rules and Regulations were complete.

**Codification of District Covenants, Rules and Regulations and Policies and Procedures:** The Board deferred action, subject to finalization of Rules and Regulations Regarding District owned Common Areas and adoption of Resolution regarding the same.

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### POOL AND HUB OPERATIONS

**Security during Non-Pool Season:** Ms. Ripko discussed with the Board having security patrol the community a few times per evening during non-pool season. She noted that the cost would be \$800 per month.

Following discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board approved extending the contract for security services year-round.

**Proposal from ETG Systems, Inc. for Various Services:** The Board discussed a proposal from ETG Systems, Inc. for replacing existing camera for the hot tub, add pin card, and replace existing door hardware trim on the interior gates with mechanical PIN door handles for an amount of \$4,305.58.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Brown and, upon vote unanimously carried, the Board approved the proposal with ETG Systems, Inc. for replacing existing camera for the hot tub, add pin card, and replace existing door hardware trim on the interior gates with mechanical PIN door handles for an amount not to exceed \$4,305.58.

**Amended and Restated District Facilities Rules and Regulations:** The Board discussed the amendments to the Facilities Rules and Regulations.

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Following discussion, upon motion duly made by Director Johnson, seconded by Director Brown and, upon vote unanimously carried, the Board approved the Amended and Restated District Facilities Rules and Regulations.

**Insurance Claim Related to Pool User Negligence:** The Board discussed a potential insurance claim related to pool user negligence (glass goggles incident). It was noted that insurance was notified as required.

The Board discussed the details of the incident and the expenses incurred to date due to the incident.

Following discussion and input from the residents in attendance, upon motion duly made by Director Johnson, seconded by Director Brown and, upon vote unanimously carried, the Board directed staff to continue to process the claim through the District's insurance carrier.

**Fire Pit and Grill Area use after Pool Closure:** The Board discussed Fire Pit and Grill use after pool closure.

Following discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board approved the use of the Fire Pit and Grill until December 15, 2019.

**Pool Closure:** The Board discussed pool closure. Ms. Ripko noted keeping the pool open through September would result in additional costs for the District totaling \$5,000 for Pool Contractor and \$1,400 for Security Services.

Following discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board approved to keep the pool open through the end of September, to cost for the District \$5,000 for Pool Contractor and \$1,400 for Security Services.

**Maintain Spa Year-Round:** Ms. Ripko presented to the Board information to maintain spa year-round. She noted that the cost for the District would be \$23,000 a year.

The Board discussed whether the spa was constructed in a way to allow it to be used year-round. The Board directed Ms. Fiore to obtain professional recommendations on pool house ability to remain open year-round and report back to the Board with this information at the September meeting.

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Following discussion, upon motion duly made by Director Johnson, seconded by Director Brown and, upon vote unanimously carried, the Board approved to keep the spa maintained through December 15, 2019 until further recommendations are presented for consideration.

**Results of Pool Hours Survey:** The Board reviewed the results of pool hours survey. The Board determined to make no changes to the pool hours at this time.

**Proposal to Replace Gas Grills:** The Board reviewed the proposal from BBQ Guys to replace gas grills.

Following review, upon motion duly made by Director Brown, seconded by Director Johnson and, upon vote unanimously carried, the Board ratified approval of proposal from the BBQ Guys to replace gas grills in the amount of \$2,563.44.

**Violation of Rules and Regulations and Associated Fees to be Passed along to the Person/Persons in Violation:** The Board discussed violation of Rules and Regulations and the associated fees to be passed along to the person/persons in violation.

Following discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board directed legal staff to draft language requiring that when a person/persons violates the Rules and Regulations and the violation results in additional costs to mitigate or remedy the violation, the additional costs will be passed along to the violator/violators.

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### **COVENANT ENFORCEMENT/ DESIGN REVIEW**

**Community Manager's Report:** The Board reviewed the Community Manager Reports.

**Website with Statewide Internet Portal Authority ("SIPA"):** The Board reviewed the status of the website with SIPA.

**Design Review Committee ("DRC")** Ms. Ripko provided a brief update from the DRC.

### **Social Committee**

**Additional items on the list of Activities and associated Budget:** The Board reviewed and discussed additional items on the list of Activities and associated Budget.

Following review and discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board approve an amount not to exceed \$3,500 for additional items on the list of Activities and associated Budget, subject to final legal review.

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### OTHER BUSINESS MATTERS

Rescheduling of Regular Meeting Currently Scheduled December 24, 2019: The Board discussed rescheduling of regular meeting currently scheduled on December 24, 2019.

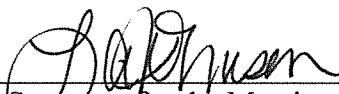
Following discussion, the Board determined to reschedule the regular meeting currently scheduled on December 24, 2019 to a special meeting on December 17, 2019 at 1:00 P.M. at William Lyon Homes, 400 Inverness Parkway, Suite 350, Englewood, CO 80112.

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### ADJOURNMENT

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

Respectfully submitted,

By  Secretary for the Meeting

# DENVER CONNECTION WEST METROPOLITAN DISTRICT

## AUGUST 27, 2019 BOARD MEETING

Please **print** your name, address and phone number, and the issue(s) you are interested in addressing at this meeting.

NAME	ADDRESS (Postal and Email)	TELEPHONE	ISSUES TO BE ADDRESSED
Tina Woodard	15727 E. ELK PI DENVER 80239	720 324 6361	
Genevieve Tripp	16092 E Warner Pl Denver, 80239	513 432 2402	not tub hour J
Lacey & Philip Fisher	16022 E 47th Pl Denver 80239	918-955-3031 918-005-4470	" "
Lori Hall	16080 E. Warner Pl.	720-206-6534	—
Erik Nielsen	16074 E. Warner Dr.	31668-7715	
Eel Deering	15732 E. Warner Dr	3-250-8378	Incomplete parks
Cara Wolfe	16236 E Warner Dr	203-883-4557 cmwolfofe725@gmail.com	
Ron Papsdorf	15772 E. Warner Dr.	503-793-5023	-
Vernon Green	16085 E Warner Dr	305 507-2749	✓
William Pineda	15504 E 47th Dr	720 648 4682	

# DENVER CONNECTION WEST METROPOLITAN DISTRICT

## AUGUST 27, 2019 BOARD MEETING

Please **print** your name, address and phone number, and the issue(s) you are interested in addressing at this meeting.

NAME	ADDRESS (Postal and Email)	TELEPHONE	ISSUES TO BE ADDRESSED
Eva Coules	4778 N. Rutledge	301 821 6277	pool opened later

# DENVER CONNECTION WEST METRO DISTRICT

## Board Meeting Project Status

August 27, 2019



### **Project Work**

#### **Site Visits**

Site visits were done periodically. The overall status of construction is as follows:

- Earthwork import to the park is on-going.
- The Hub punchlist items are being resolved.
- Construction of the open space flat concrete is complete.
- Seat walls, planter walls and other park amenities are complete.

#### **Cost Certification**

- Cost Certification #18

### **Construction Contract Documents**

#### **Contractor Contracts**

- MW Golden Acceptance and Retainage Release
  - Agreement between District and MWG on Change Orders required
  - Final punchlist items to be fixed
  - As-builts required – expect to have them the week of 8/19/19
  - All other Requirements for Acceptance have been met
  - Recommend retainage or partial retainage release and granting of Acceptance status
- Brightview Acceptance and Retainage Release
  - Walkthrough completed on 8/13/19 – Minor punchlist items identified

- Thoutt Brother's Acceptance and Retainage Release
  - Work complete – awaiting Thoutt's request for Substantial Completion

### **District Contract Change Orders**

- MW Golden
  - Change Order 28 – Remove Pool Covers from Contract - \$-8,427.00 – To be done by Front Range Aquatech – Recommend Approval
  - Change Order Request – Extended General Conditions - \$135,157.00 – Need Decision to Accept, Deny or Further Negotiation with MW Golden
  - Change Order Request – Picture Frame Fence Mesh - \$24,985.00 – Need Decision to Accept, Deny, or Accept at a lesser amount
  - Change Order Request – Wading Pool Light Credit – Board Discussion



### **Consultant/Vendor Agreements**

#### **Consultant/Vendor Agreements**

- Front Range Aquatech – For pool covers and pool winterization - Recommend Approval
- Other Winterization – Requested proposal from MW Golden Subcontractor, NM Industrial Services

#### **Consultant/Vendor Task Orders**

- All American Electrostatic
  - Task Order 3 – Paint Gate after SRF repair – Awaiting proposal
- BSC Signs
  - Task Order 1 – Pole Lights - \$9,772.55 – Recommend Approval
- Front Range Aquatech
  - Task Order 1 – Pool Covers - \$7,111.00 – Recommend Approval
  - Task Order 2 – Pool Winterization - \$7,068.58 – Recommend Approval
- Godden Sudik
  - Task Order 2 – Additional Services – \$15,335.00 – Already overbilled by \$2,415.56

- IDES
  - Task Order 5 – On Call District Services – \$15,335.00 – Previous Task Order was for work through May 2019 – Recommend Approval
- Split Rail Fence
  - Task Order 3 – Repair Gate – \$500.00 – Recommend Approval

**Other Matters**

None