

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JEFFERSON CENTER METROPOLITAN DISTRICT NO. 1 HELD APRIL 25, 2023

A Regular Meeting of the Board of Directors of the Jefferson Center Metropolitan District No. 1 (referred to hereafter as "Board") was convened on Tuesday, April 25, 2023, at 9:30 a.m. This District Board meeting was held by video/telephone conference with all participants attending via video/teleconference. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Gregg Bradbury  
Jeff L. Nading  
Charles Church McKay  
Steve Nading  
Brandon Dooling

##### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

Megan Becher, Esq.; McGeady Becher P.C.

Joy Tatton; Simmons & Wheeler, P.C.

Wes Back; Independent District Engineering Services, LLC

#### ADMINISTRATIVE MATTERS

**Disclosures 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 of Directors and to the Secretary of State. Mr. Solin noted that a quorum was present and requested members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Becher noted that all Directors' Disclosure Statements had been filed and that no additional conflicts were disclosed at the meeting.

**Agenda:** Mr. Solin distributed, for the Board's review and approval, an agenda for the District's Regular Meeting.

## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director J. Nading, seconded by Director S. Nading and, upon vote, unanimously carried, the agenda was approved, as amended.

**Location of Meeting and Posting of Notices:** 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. The Board determined that the meeting would be held by video/telephonic means, and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location of the meeting was duly posted and that the District had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxpaying electors within the District boundaries.

**Minutes:** The Board reviewed the minutes of the March 28, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director Dooling and, upon vote, unanimously carried, the minutes of the March 28, 2023 Meeting were approved, as presented.

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### **PUBLIC COMMENT**

There were no public comments.

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### **CONSENT AGENDA**

The Board considered the following actions:

- Ratify approval of Change Order No. 15 to the Contract between the District and Wagner Construction Inc. for paving Indiana Street turnouts, in the amount of \$13,318.25.
- Ratify approval of Task Order No. 26 to the Contract between the District and CTL Thompson Inc. for Candelas Point Asphalt Concrete RR for Warranty, in the amount of \$4,370.00.
- Ratify approval of Task Order No. 3-A12 to the Contract between the District and Martin/Martin, Inc. for SH93/SH72 Engineering Amd #12, for a decrease in the contract amount of <\$182.17>.
- Ratify approval of Task Order No. 10-A4 to the Contract between the District and Martin/Martin, Inc. for Grading Analysis Amd #4, in the amount of \$10.00.
- Ratify approval of Task Order No. 21-A4 to the Contract between the District and Martin/Martin, Inc. for Grading/Earthwork/Taylor Morrison Parcels Amd #4, for a decrease in the contract amount of <\$305.00>.

## RECORD OF PROCEEDINGS

---

Following review, upon motion duly made by Director J. Nading, seconded by Director S. Nading and, upon vote, unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above Consent Agenda items/actions.

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### FINANCIAL MATTERS

**Claims:** The Board reviewed and considered approval of the payment of claims through the period ending April 18, 2023, in the revised amount of \$1,643,434.43.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director Dooling and, upon vote, unanimously carried, the Board ratified or approved (as appropriate) the payment of claims, as presented.

**Schedule of Cash Position:** Ms. Tatton reviewed with the Board the schedule of cash position as of April 19, 2023.

Following discussion, upon motion duly made by Director Dooling, seconded by Director Bradbury and, upon vote, unanimously carried, the Board accepted the schedule of cash position as of April 19, 2023.

**Forecast of General Fund Revenues and Expenditures:** Ms. Tatton discussed with the Board the forecast of General Fund revenues and expenditures.

**Expense Tracking Report (ETR):** Mr. Back reviewed with the Board the Expense Tracking Report.

**District Expenditures Verification Report prepared by Independent District Engineering Services, LLC (“IDES”):** Mr. Back reviewed with the Board IDES’ report entitled “District Expenditures Verification for April 2023,” which summarizes IDES’ review and verification of the expenditures of the District for April 2023 related to certain District construction contracts. The Verification Report identified \$1,640,668.34 of District Eligible Expenses and \$2,766.09 of Non-Eligible Expenses.

Following discussion, upon motion duly made by Director S. Nading, seconded by Director J. Nading and, upon vote, unanimously carried, the Board determined to accept the District Eligible Expenses in the amount of \$1,640,668.34.

**Future Operation and Maintenance Obligations and Related Budget Matters:** The Board deferred discussion.

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## RECORD OF PROCEEDINGS

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### MANAGEMENT MATTERS

**Water Allocations and Facilities Fees Collections:** Mr. Solin discussed the water allocations with the Board.

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### LEGAL MATTERS

**City of Arvada's System Development Charges:** There were no updates at this time.

*Report Regarding City of Arvada's System Development Charges:* No report was provided.

**Gross Reservoir Water Rights Purchase:** There were no updates at this time.

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### CONSTRUCTION MATTERS

**Construction Status Report:** Mr. Back presented to the Board the Construction Status Report.

*Contracts, Task Orders, Work Orders and Change Orders:* Mr. Back discussed the following Contracts, Task Orders, Work Orders and Change Orders:

- Consider approval of Contract between the District and Champion Fence and Construction Services, Inc. for fence construction, in the amount of \$47,456.00.
- Consider approval of Change Order No. 16 to the Contract between the District and Wagner Construction Inc. for additional cut to export on Candelas Indiana North, in the amount of \$52,704.58.
- Consider approval of Change Order No. 5 to the Contract between the District and Wagner Construction Inc. for regrading/fence removal at the sanitary interceptor (for record only), in the amount of \$0.00.
- Consider approval of Change Order No. 6 to the Contract between the District and Wagner Construction Inc. for maintenance road quantity increase at the sanitary interceptor, in the amount of \$5,125.00.
- Consider approval of Task Order No. 33-A1 to the Contract between the District and Martin/Martin, Inc. for P6 Highway 72 Widening Amd #1, in the amount of \$6,500.00.

Following discussion, upon motion duly made by Director J. Nading, seconded by Director Bradbury and, upon vote unanimously carried, the Board approved (or ratified approval of, as appropriate) the Contracts, Change Orders, Task Orders and Work Orders listed above.

## RECORD OF PROCEEDINGS

---

### **Warranty Issues:**

*Premier Earthworks & Infrastructure, Inc. (“PEI”) Warranty Obligations:*  
No action was necessary at this time.

**Master Service Agreement for Design and Engineering Services between the District and Golden Triangle Construction, LLC (“MSA with GTC”), and Task Order No. 1 to the MSA with GTC, for Trailstone Recreation Center Design:** The Board entered into discussion regarding the MSA with GTC, and Task Order No. 1 to the MSA with GTC, for Trailstone Recreation Center Design.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director McKay and, upon vote carried with Directors Bradbury, McKay and S. Nading voting aye and Directors J. Nading and Dooling abstaining, the Board ratified approval of the MSA with GTC, and ratified the approval of Task Order No. 1 to the MSA with GTC, for Trailstone Recreation Center Design.

**Candelas Parkway and Highway 72 Landscape and Irrigation Improvements:** The Board entered into discussion regarding the Candelas Parkway and Highway 72 Landscape and Irrigation Improvements project. Mr. Back informed the Board that four bids had been received, with the lowest bid being from Leo Landscape LLC in the amount of \$788,078.50.

Following discussion, upon motion duly made by Director J. Nading, seconded by Director Bradbury and, upon vote unanimously carried, the Board awarded the contract for the Candelas Parkway and Highway 72 Landscape and Irrigation Improvements project to Leo Landscape LLC in the amount of \$788,078.40, subject to finalization of the contractor’s proposal.

**Candelas Parkway and Highway 72 Sidewalk:** The Board entered into discussion regarding the Candelas Parkway and Highway 72 Sidewalk project. Mr. Back informed the Board that three bids had been received, with the lowest bid being from Concrete Curb LLC, d/b/a Concrete Curb & Paving, Inc., in the amount of \$582,171.00.

Following discussion, upon motion duly made by Director J. Nading, seconded by Director Bradbury and, upon vote unanimously carried, the Board awarded the contract for the Candelas Parkway and Highway 72 Sidewalk project to Concrete Curb LLC, d/b/a Concrete Curb & Paving, Inc., in the amount of \$582,171.00, subject to finalization of the contractor’s proposal.

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## RECORD OF PROCEEDINGS

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### CAPITAL IMPROVEMENTS

District Engineer's Cost Certification Report No. 18, dated April 25, 2023, prepared by Independent District Engineering Services, LLC, certifying District eligible expenditures relative to Trailstone Filing No. 1 Public Improvements: Mr. Back reviewed the report with the Board.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director S. Nading and, upon vote, unanimously carried, the Board approved the District Engineer's Cost Certification Report No. 18, dated April 25, 2023, prepared by Independent District Engineering Services, LLC, certifying District eligible expenditures relative to Trailstone Filing No. 1 Public Improvements, in the amount of \$481,893.68 ("Report No. 18").

Reimbursement to Cimarron Commercial, LLC under the Facilities Funding and Acquisition Agreement between the District and Cimarron Development Company (CDC), as amended, and pursuant to the Letter from CDC regarding Payment Directive Pertaining to Certified Costs for Trailstone Filing No. 1 Public Improvements: The Board discussed the reimbursement to Cimarron Commercial, LLC under the Facilities Funding and Acquisition Agreement between the District and Cimarron Development Company (CDC), as amended, and pursuant to the Letter from CDC regarding Payment Directive Pertaining to Certified Costs for Trailstone Filing No. 1 Public Improvements.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director S. Nading and, upon vote, unanimously carried, the Board authorized that the certified amount of \$481,893.68 be added to the Nonrevolving Line of Credit Note, Series 2010B, for repayment to Cimarron Commercial, LLC, per the Facilities Funding and Acquisition Agreement between the District and Cimarron Development Company (CDC), as amended, and pursuant to the Letter from CDC regarding Payment Directive Pertaining to Certified Costs for Trailstone Filing No. 1 Public Improvements.

### OTHER BUSINESS

There was no other business.

## RECORD OF PROCEEDINGS

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### ADJOURNMENT

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

Respectfully submitted,



By: \_\_\_\_\_  
Secretary for the Meeting