

## 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 JULY 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, July 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.

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#### ATTENDANCE

#### Directors In Attendance Were:

Gregg Bradbury  
Jeff L. Nading  
Charles Church McKay  
Steve Nading

Following discussion, upon motion duly made by Director Bradbury, seconded by Director J. Nading and, upon vote, unanimously carried, the absence of Director Brandon Dooling was excused.

#### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

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

Joy Tatton; Simmons & Wheeler, P.C.

Brandon Collins; Independent District Engineering Services, LLC ("IDES")

Gregg McKay; Member of the Public

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#### 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

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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.

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

**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 June 27, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director J. Nading and, upon vote, unanimously carried, the minutes of the June 27, 2023 Regular 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.1 to the Contract between the District and ABC Asphalt Inc., for Permit Fee Reimbursement, in the amount of \$399.50.
- Ratify approval of Task Order No. 28 to the Contract between the District and CTL/Thompson, Inc., for Hwy 72 & Hwy 93 Subgrade Investigation & Pavement Design, in the amount of \$2,502.00.

Following discussion, upon motion duly made by Director J. Nading, seconded by Director Bradbury and, upon vote, unanimously carried, the

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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 July 25, 2023, in the amount of \$861,473.14.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director J. Nading 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 July 17, 2023.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director S. Nading and, upon vote, unanimously carried, the Board accepted the schedule of cash position as of July 17, 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 and District Expenditures Verification Report prepared by Independent District Engineering Services, LLC (“IDES”):** Mr. Collins reviewed with the Board the Expense Tracking Report and IDES’ report entitled “District Expenditures Verification for June 2023,” which summarizes IDES’ review and verification of the expenditures of the District for June 2023 related to certain District construction contracts. The Verification Report identified \$834,674.13 of District Eligible Expenses and \$26,799.01 of Non-Eligible Expenses.

Following discussion, upon motion duly made by Director J. Nading, seconded by Director Bradbury and, upon vote, unanimously carried, the Board determined to accept the District Eligible Expenses in the amount of \$834,674.13.

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

**2022 Audit:** Ms. Tatton reported to the Board that the District will request an extension of time to file the 2022 Audit.

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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:** A brief update was provided. No action was taken by the Board.

**Intergovernmental Agreement between the District and the City of Arvada relative to funding the design and construction of the Purple Line from Highway 72 to Candelas Parkway along Indiana Street:** Director J. Nading provided a brief update. No action was taken by the Board.

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### CONSTRUCTION MATTERS

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

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

- Consider approval of Change Order No. 8 to the Contract between the District and Wagner Construction Inc., for Utility Conflict Standby Time and Water Main Crossing, in the amount of \$144,861.32 (“Wagner CO 8”).
- Consider approval of Change Order No. 17 to the Contract between the District and Wagner Construction Inc., for Candelas Indiana North, for liquidated damages in a deductive amount to be determined (“Wagner CO 17”).
- Consider approval of Task Order No. 17 to the Contract between the District and Independent District Engineering Services, LLC, for District Engineering Services, in the amount of \$276,500.00.
- Consider approval of Task Order No. 17-A1 to the Contract between the District and Kimley-Horn and Associates, Inc., for OCC Industrial P6 Amendment #1, in the amount of \$2,000.00.
- Consider approval of Task Order No. 18 to the Contract between the District and Kimley-Horn and Associates, Inc., for 72-93 Parcels P2 & P4 Traffic Compliance, in the amount of \$1,500.00.
- Consider approval of Task Order No. 7-A13 to the Contract between the District and Martin/Martin, Inc., for JCMD Parcel Coordination Amendment #13, in the amount of \$15,000.00.
- Consider approval of Task Order No. 8-A8 to the Contract between the District and Martin/Martin, Inc., for On-Call Survey Amendment #8, in the amount of \$7,500.00.
- Consider approval of Task Order No. 24-A11 to the Contract

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- between the District and Martin/Martin, Inc., for Highway 72 & Welton Parcel Amendment #11, in the amount of \$16,000.00.
- Consider approval of Task Order No. 24-A12 to the Contract between the District and Martin/Martin, Inc., for Highway 72 & Welton Parcel Amendment #12, in the amount of \$16,500.00.
  - Consider approval of Task Order No. 24-A13 to the Contract between the District and Martin/Martin, Inc., for Highway 72 & Welton Parcel Amendment #11, in the amount of \$17,800.00.
  - Consider approval of Task Order No. 25-A5 to the Contract between the District and Martin/Martin, Inc., for Candelas Sanitary Sewer Outfall Amendment #15, in the amount of \$10,000.00.
  - Consider approval of Task Order No. 29-A3 to the Contract between the District and Martin/Martin, Inc., for DU Coordination / Legal Descriptions / Exhibits Amendment #3, in the amount of \$3,000.00.
  - Consider approval of Task Order No. 30-A3 to the Contract between the District and Martin/Martin, Inc., for Arvada Water & San. Sewer Study Amendment #3, for a reduction in the contract amount of \$<\$2,837.50>.
  - Consider approval of Task Order No. 33-A2 to the Contract between the District and Martin/Martin, Inc., for P6 Hwy 72 Widening Amendment #2, in the amount of \$26,750.00.
  - Consider approval of Task Order No. 34-A1 to the Contract between the District and Martin/Martin, Inc., for Parcels P2 & P4 Amendment #1, in the amount of \$95,000.00.

Following discussion, upon motion duly made by Director S. 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, with Wagner CO 8 being approved subject to review by Director J. Nading and IDES, and Wagner CO 17 being approved up to an amount being determined by, and subject to review by, Director J. Nading and IDES.

### **Warranty Issues:**

*Premier Earthworks & Infrastructure, Inc. ("PEI") Warranty Obligations:*  
A brief update was provided. No action was taken by the Board.

### **CAPITAL IMPROVEMENTS**

**District Engineer's Cost Certification Report No. 19, prepared by Independent District Engineering Services, LLC, certifying District eligible expenditures relative to Trailstone Filing No.1 Public Improvements:** There was no Report available.

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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 deferred action.

Taylor Morrison of Colorado, Inc. ("Taylor Morrison") Request for Reimbursement of Certain Costs Related to Offsite Sanitary Sewer Improvements: A brief discussion was held. No action was taken by the Board.

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### **OTHER BUSINESS**


There was no other business.

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### **ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director McKay, seconded by Director S. Nading and, upon vote, unanimously carried, the meeting was adjourned at 10:15 am.

Respectfully submitted,

By:   
Secretary for the Meeting