

MINUTES OF A REGULAR MEETING OF
THE BOARDS OF DIRECTORS OF THE
RAMPART RANGE METROPOLITAN DISTRICT NOS. 4, 5, 6 AND 8
(THE “DISTRICTS”)
HELD
September 25, 2024

A regular meeting of the Boards of Directors of the Rampart Range Metropolitan District Nos. 4, 5, 6 and 8 (referred to hereafter as the “Boards”) was convened on Wednesday, September 25, 2024 at 3:30 p.m., at Coventry Development Corp., 9978 Sky Ridge Avenue, Suite 415, Lone Tree, Colorado 80124. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Keith Simon, President

Elizabeth Matthews, Secretary

Darryl Jones, Treasurer

Ken Linhardt, Assistant Secretary

Jennifer Hepp (fka Miller), Assistant Secretary (RRMD No. 5 only)

Also, In Attendance Were:

Densie Denslow, Ashley Heidt, Nic Carlson, Alonso Duran Rodriguez and Susan Sanchez;
CliftonLarsonAllen LLP (“CLA”)

Jon Hoistad, Esq.; McGeady Becher P.C.

John Connelly and Anthony Shaut; Coventry Development Corp.

Leigh Dufresne; BrightView Landscape Services, Inc. (“BrightView”)

Carson Besgrove; Merrick & Company

Ernie Warzecha; Diverse Project Consultants

ADMINISTRATIVE MATTERS

Declaration of Quorum/Director Qualifications/Disclosure items:

Director Simon called the meeting to order and confirmed the presence of a quorum.

The Boards discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Boards of Directors to the Secretary of State. The members of the Boards were requested to 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 Boards’ members prior to this meeting in accordance with statute. It was noted by Attorney Hoistad that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

Agenda, location of meeting and posting of meeting notices:

The Boards reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Simon, seconded by Director Jones and, upon vote, unanimously carried, the Boards approved the Agenda.

The Boards entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Districts' Board meeting. Following discussion, and upon motion duly made by Director Simon, seconded by Director Jones and, upon vote, unanimously carried, the Boards determined to conduct the meeting at the above-stated date, time, and location, which is within 20 miles of the Districts. It was further noted that notice of the time, date and location was duly posted and that no objections to the location or any requests that the meeting place be changed by taxpaying electors within the Districts' boundaries have been received.

Public Comment:

There were no public comments.

CONSENT AGENDA

July 24, 2024 Regular Meeting Minutes:

Change Order No. 07 to Work Order No. 1.2 to the Service Agreement for Landscape Koelbel ROW Project MD5-019 between RRMD No. 5 and BrightView Landscape Development, for additional costs for Filing 1 High Note Avenue Streetscape design changes, in the amount of \$97,757.37:

Service Agreement for Lighting and Electrical Design Consulting between RRMD No. 5 and Clanton & Associates, Inc. for the Havana Bikeway Project, in the amount of \$15,545.00:

Change Order No. 03 to Service Agreement for On-Call Services between RRMD No. 5 and Felsburg Holt & Ullevig, Inc., in the amount of \$10,000.00:

Change Order No. 02 to Construction Contract for the Badger Gulch Sanitary Sewer Project between RRMD No. 5 and SMH West, to reconcile time due for construction and additional costs for work completed, in the deductive amount of (-\$45,618.75):

Change Order No. 04 to Construction Contract for Filing 2 and 3 Roadway and Utility Project between RRMD No. 5 and Fiore & Sons to reconcile quantities in Filing 2, in the deductive amount of (-\$34,291.85):

Service Agreement for District Engineering and Cost Certification Services between RRMD No. 5 and Ranger Engineering, LLC for waterline tie-in at the intersection Havana Street and High Note Avenue, for an amount not to exceed \$4,500.00:

First Amendment to District Infrastructure Agreement (Century Living) between RRMD No. 5 and Century Couplet, LLC, as successor-in-interest to Century Land Holdings, LLC:

Following discussion, upon a motion duly made by Director Matthews, seconded by Director Linhardt and, upon vote, unanimously carried, the Boards approved and/or ratified, as appropriate, the Consent Agenda, as presented.

FINANCIAL MATTERS

Claims: Ms. Sanchez reviewed the prior claims with the RRMD No. 5 Board. Upon a motion duly made by Director Hepp, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board ratified approval of prior claims totaling \$4,856,900.40, including check numbers 2160 to 2237, 13 ACH payments to Fiore & Sons, BrightView Landscape Development, or SMH West and 2 wires to ADP.

Cash Position Report: Ms. Sanchez reviewed the Cash Position Report, noting that this is informational only.

RRMD No. 5 2023 Audit: Ms. Sanchez reviewed the 2023 Audit with the RRMD No. 5 Board. Discussion ensued. Following discussion, upon a motion duly made by Director Jones, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board ratified approval of the 2023 Audit, and ratified execution of the Representations Letter.

ENGINEER/CONSTRUCTION MATTERS

Engineering/Design Report:

Badger Gulch Park Design:

Mr. Besgrove noted the Site Improvement Plan package was submitted to the City on September 23rd. Merrick is working on EOPC.

Mr. Besgrove noted Merrick is working on the design of the water mains on the west side of I-25 and the Zone 3 water main.

Mr. Besgrove reported ERO is wrapping up the Preconstruction Notification for the creek crossing.

RidgeGate Havana Bikeway Project:

Mr. Besgrove reported the CDOT Field Investigation Review (FIR) meeting occurred on August 20th. There is ongoing coordination with the City, CDOT and Schweiger Ranch related to the design. Merrick is progressing design toward FIR submittal to CDOT.

Construction Report:

Mr. Warzecha reviewed the construction report with the Boards.

LEGAL MATTERS

Legislative Update: Attorney Hoistad updated the Board on recent legislation.

Happy Canyon Creek North Trail property and conveyance of same from Ridgeway Investments, Inc. to RRMD No. 5: Attorney Hoistad reviewed the conveyance with the RRMD No. 5 Board. No action was taken.

Badger Gulch Park Art Intergovernmental Agreement between RRMD No. 5 and the City of Lone Tree, Colorado: Attorney Hoistad reviewed the Agreement with the RRMD No. 5 Board. Discussion ensued. No action was taken.

MANAGER MATTERS

Authorization of website compliance coordinator to obtain a proposal for remediation services for statutorily required documents and authorize Board member to approve proposal: Ms. Heidt reviewed the proposal from Allyant with the Boards. Following discussion, upon a motion duly made by Director Simon, seconded by Director Hepp and, upon vote, unanimously carried, the Boards directed CLA to review and remove any items that are not required and approved moving forward with a revised proposal from Allyant.

Service Agreement for Lighting and Electrical Design Consulting (High Note Avenue North) between RRMD No. 5 and Clanton & Associates, Inc.: Ms. Denslow reviewed the Service Agreement with the RRMD No. 5 Board. Following discussion, upon a motion duly made by Director Simon, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board approved the Service Agreement for Lighting and Electrical Design Consulting (High Note Avenue North) between RRMD No. 5 and Clanton & Associates, Inc., in the amount of \$17,400.00.

Change Order No. 04 to Task Order No. 006 to Service Agreement for Ridgeway Parkway Phase 1B Streetscape between RRMD No. 5 and Consilium Design for continued construction administration: Ms. Denslow reviewed the Change Order with the RRMD No. 5 Board. Following discussion, upon a motion duly made by Director Simon, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board approved Change Order No. 04 to Task Order No. 006 to Service Agreement for Ridgeway Parkway Phase 1B Streetscape between RRMD No. 5 and Consilium Design for continued construction administration, in the amount of \$5,000.00.

Change Order No. 05 to Task Order No. 003 to Service Agreement for Ridgeway Station TOD between RRMD No. 5 and Consilium Design for construction administration: Ms. Denslow reviewed the Change Order with the RRMD No. 5 Board. Following discussion, upon a motion duly made by Director Simon, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board approved Change Order No. 05 to Task Order No. 003 to Service Agreement for Ridgeway Station TOD between RRMD No. 5 and Consilium Design for construction administration, in the amount of \$7,500.00.

Service Agreement for Professional Engineering and Survey Services (High Note Avenue Design Project) between RRMD No. 5 and Merrick & Company: Ms. Denslow reviewed the Service Agreement with the RRMD No. 5 Board. Following discussion, upon a motion duly made by Director Simon, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board approved the Service Agreement for Professional Engineering and Survey Services (High Note Avenue Design Project) between RRMD No. 5 and Merrick & Company, in the amount of \$113,000.00.

Service Agreement for Lighting and Electrical Design Consulting for Badger Gulch Park between RRMD No. 5 and Clanton & Associates: Ms. Denslow reviewed the Service Agreement with the RRMD No. 5 Board. Following discussion, upon a motion duly made by Director Simon, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board approved the Service Agreement for Lighting and Electrical Design Consulting for Badger Gulch Park between RRMD No. 5 and Clanton & Associates, in the amount of 75,235.00.

Service Agreement for Construction Documentation, Bidding and Observation Services (Happy Canyon and Badger Gulch Bridges) between RRMD No. 5 and Design Workshop, Inc.: Ms. Denslow reviewed the Service Agreement with the RRMD No. 5 Board. Following discussion, upon a motion duly made by Director Simon, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board approved the Service Agreement for Construction Documentation, Bidding and Observation Services (Happy Canyon and Badger Gulch Bridges) between RRMD No. 5 and Design Workshop, Inc., in the amount of \$357,720.00.

BOARD MEMBER ITEMS

Director Matthews noted that the maintenance responsibility in the water outfall in Filing 2 is with RRMD No. 5. Director Hepp is to investigate the warranty with the Shea construction team. Mr. Connelly asked about the ponds and the turnover of those.

Director Hepp noted she has submitted plans for Filing 4 and Lyric Park and is preparing to send the plans to the City. The Amenity Center will be under construction soon.

Director Simon noted construction will start in the spring for the Justice Center. Phase 1 of the City Park will start next fall.

OTHER BUSINESS

Statutory Annul Meeting: The Boards directed the scheduling of the Annual Meeting to be on the same day as the December Special Board meeting.

Rescheduling of November Meeting to December 4, 2024 at 10:00 a.m.: The Boards authorized the rescheduling of the November 27, 2024 meeting to December 4, 2024 at 10:15 a.m. with the annual meeting to start at 10:00 a.m.

ADJOURNMENT

There being no further business to come before the Boards at this time, Director Simon adjourned the meeting.

Respectfully submitted,

Signed by:
Elizabeth Matthews
By _____
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Secretary for the Meeting