

HM METROPOLITAN DISTRICT NO. 1 (“DISTRICT”)

8390 E. Crescent Pkwy., Suite 300
Greenwood Village, CO 80111
Phone: 303-779-5710
www.hmmetrodistricts.com

NOTICE OF REGULAR MEETING AND AGENDA

DATE: September 4, 2024

TIME: 2:00 p.m.

LOCATION: Microsoft Teams Videoconference

ACCESS: To attend via Microsoft Teams Videoconference, use the below link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OGRmZDA5MzMtZTU0NC00MWIwLTk0OGYtODczNTRlNzJjZTFi%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%2278e91a46-bdcc-4fe5-980c-8ff3dcc70755%22%7d

Meeting ID: 273 999 070 022
Passcode: VVRtBk

To attend via telephone, dial 720-547-5281 and enter Conference ID: 843 536 775#

<u>Board of Directors</u>	<u>Office</u>	<u>Term Expires</u>
Henry (Rick) Wells	President	May, 2027
Mark T. Throckmorton	Secretary	May, 2025
Matthew Stewart	Treasurer	May, 2025
Ferdinand L. Belz, III	Assistant Secretary	May, 2027
Blake Fulenwider	Assistant Secretary	May, 2025

I. ADMINISTRATIVE MATTERS

- A. Present disclosures of potential conflicts of interest.
- B. Confirm quorum, location of meeting and posting of meeting notices. Approve Agenda.
- C. Public Comment.
Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.
- D. Review and consider approval of minutes of the June 5, 2024 Regular Board meeting and the July 12, 2024 Special Board meeting (enclosures).

II. FINANCIAL MATTERS

- A. Review and approve and/or ratify approval of payment of claims in the amount of \$3,837,282.44 (enclosure).
- B. Review and consider acceptance of the July 31, 2024 Unaudited Financial Statements (enclosure).
- C. Ratify approval of Request for Extension of Time to File 2023 Audit (enclosure).
- D. Review and consider acceptance of District Engineer's Report and Certification #38, dated June 18, 2024, prepared by Ranger Engineering, LLC in the amount of \$1,356,870.15 (enclosure).
- E. Review and consider acceptance of District Engineer's Report and Certification #39, dated July 16, 2024, prepared by Ranger Engineering, LLC in the amount of \$1,934,297.07 (enclosure).
- F. Review and consider acceptance of District Engineer's Report and Certification #40, dated August 15, 2024, prepared by Ranger Engineering, LLC in the amount of \$1,028,032.93 (enclosure).

III. LEGAL MATTERS

- A. Review and consider approval of First Amendment to Infrastructure Financing and Coordination Agreement Regarding Phase I Improvements by and among the District, HM Metropolitan District No. 2, HM Metropolitan District No. 3, DIBC 56th and E-470, LLC, DIBC Cargo, LLC, Microsoft Corporation and L.C. Fulenwider, Inc. (enclosure).
- B. Review and consider approval of Second Amendment to Cost Sharing and Reimbursement Agreement by and between Windler Public Improvement Authority and the District (enclosure).
- C. Ratify approval of East Cherry Creek Valley Water and Sanitation District Overlap Area Consent Agreement Regarding 68th Ave (Denali St to Harvest Rd) and Harvest Rd (64th Ave to 68th Ave).
- D. Ratify approval of 68th Avenue Embankment and Hand Rail Maintenance Intergovernmental Agreement by and between East Cherry Creek Valley Water and Sanitation District and the District.
- E. Ratify approval of First Amendment to Temporary Construction License Agreement by and between the District and Denali PA7 LLC.
- F. Ratify approval of Second Amendment to Lease for Construction Purposes by and between the District, Denali PA7 LLC and Metro Water Recovery f/k/a Metro Wastewater Reclamation District and authorize any necessary actions in connection therewith (enclosure).

IV. MANAGER MATTERS

- A. Ratify approval of Standard Agreement and General Conditions between Owner and Constructor (Lump Sum) between the District and Saunders Construction, Inc. for PA-09 Infrastructure Project, in the amount of \$2,999,543.00 (to be distributed).
- B. Review Bid Award Recommendation for Harvest Road Landscaping Project, prepared by Merrick & Company and ratify approval of formal Notice of Award and issuance of Contract for Harvest Road Landscaping Project to Hall Contracting LLC, in the amount of \$1,956,569.49 (enclosure).
- C. Review Bid Award Recommendation for 56th Avenue Landscaping Project, prepared by Merrick & Company and ratify approval of formal Notice of Award and issuance of Contract for 56th Avenue Landscaping Project to Brightview Landscape Development, Inc., in the amount of \$3,497,052.10 (enclosure).
- D. Ratify approval of Change Order No. 08 to Service Agreement for District Phase 1 Infrastructure Improvements between the District and AE Design, Inc. for addition of street lighting and power for 60th Ave from Tibet Road to cul de sac east of Highpoint Substation, in the amount of \$8,500.00.
- E. Ratify approval of Change Order No. 09 to Service Agreement for District Phase 1 Infrastructure Improvements between the District and Dig Studio, Inc. for additional landscape design services for Second Creek Trailhead at PA-6, in the amount of \$34,810.00.
- F. Ratify approval of Change Order No. 04 to Service Agreement for District Phase 1 Infrastructure Improvements between the District and Felsburg, Holt & Ullevig for addition of design services for traffic analysis for Tibbet Road ISP, in the amount of \$6,000.00.
- G. Ratify approval of Change Order No. 15 to Service Agreement for District Phase 1 Infrastructure Improvements between the District and Ground Engineering Consultants, Inc. for additional soil borings and report for 60th Avenue and Possum Gulley drainage improvements, in the amount of \$18,200.00.
- H. Ratify approval of Box Elder Infrastructure Development - 56th Avenue from E-470 to Harvest Road and Harvest Road from 56th Avenue to 64th Avenue - Work Order No. 14 to Standard Agreement and General Conditions between Owner and Construction Manager (Where the CM is At-Risk) by and between the District and Hudick Excavating, Inc. dba HEI Civil to add BMP's for completed ponds, in the amount of \$27,627.50.
- I. Ratify approval of Box Elder Infrastructure Development - 56th Avenue from E-470 to Harvest Road and Harvest Road from 56th Avenue to 64th Avenue - Work Order No. 15 to Standard Agreement and General Conditions between Owner and Construction Manager (Where the CM is At-Risk) by and between the District and Hudick Excavating, Inc. dba HEI Civil for approved pavement sections for Harvest Road and 56th Avenue, in the deductive amount of (\$1,030,582.65).

- J. Ratify approval of Box Elder Infrastructure Development - 56th Avenue from E-470 to Harvest Road and Harvest Road from 56th Avenue to 64th Avenue - Work Order No. 16 to Standard Agreement and General Conditions between Owner and Construction Manager (Where the CM is At-Risk) by and between the District and Hudick Excavating, Inc. dba HEI Civil to include 56th Avenue Amendment No. 2 for all 56th Avenue revisions, in the amount of \$580,708.05.
- K. Ratify approval of Box Elder Infrastructure Development - 56th Avenue from E-470 to Harvest Road and Harvest Road from 56th Avenue to 64th Avenue - Work Order No. 17 to Standard Agreement and General Conditions between Owner and Construction Manager (Where the CM is At-Risk) by and between the District and Hudick Excavating, Inc. dba HEI Civil for irrigation tap revisions for 56th Avenue and Harvest Road, in the amount of \$5,000.00.
- L. Ratify approval of Box Elder Infrastructure Development - 56th Avenue from E-470 to Harvest Road and Harvest Road from 56th Avenue to 64th Avenue - Work Order No. 18 to Standard Agreement and General Conditions between Owner and Construction Manager (Where the CM is At-Risk) by and between the District and Hudick Excavating, Inc. dba HEI Civil to add BMP's for completed roadway and walks for 56th Avenue and Harvest Road, in the amount of \$181,067.00.
- M. Ratify approval of Change Order No. 41 to Service Agreement for District Phase 1 Infrastructure Improvements between the District and Martin/Martin, Inc. for additional concept design of 56th Avenue from E-470 to Piccadilly, in the amount of \$6,500.00.
- N. Ratify approval of Change Order No. 42 to Service Agreement for District Phase 1 Infrastructure Improvements between the District and Martin/Martin, Inc. for additional design of Second Creek Regional Trailhead at PA-5, in the amount of \$45,000.00.
- O. Ratify approval of Box Elder Infrastructure Development – Phase 1 - Work Order No. 38 to Standard Agreement and General Conditions between Owner and Construction Manager (Where the CM is At-Risk) by and between the District and M.A. Mortenson Company for additional preconstruction services for initial estimate for construction of 56th Avenue between E-470 and Piccadilly Road and to update the estimate for the project to build 68th Avenue and Harvest Road between 64th Avenue and 68th Avenue, in the amount of \$38,885.00.
- P. Ratify approval of Change Order No. 02 to Service Agreement for District Phase 1 Infrastructure Improvements between the District and Norris Design, Inc. for design services for infrastructure required to develop PA-1 and PA-2, in the amount of \$127,900.00.

- Q. Ratify approval of Change Order No. 14 to Service Agreement for District Phase 1 Infrastructure Improvements between the District and T2 Utility Engineers for services to support design of Possum Gulley drainage, Possum Gulley Pond PG-1 and 60th Avenue on the west side of E-470, in the amount of \$34,045.00.
- R. Discuss District website accessibility matters and authorize necessary actions in connection therewith.
 - 1. Consider authorization to engage consultant to perform remediation services for documents statutorily required to be posted on District website (enclosure).
 - 2. Designate website compliance coordinator.

V. CAPITAL IMPROVEMENTS

VI. OTHER BUSINESS

VII. ADJOURNMENT

The next regular meeting is scheduled for December 4, 2024 at 2:00 p.m.