

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE PARK 70 METROPOLITAN DISTRICT HELD JUNE 8, 2021

A Special Meeting of the Board of Directors (referred to hereafter as the “Board”) of the Park 70 Metropolitan District (referred to hereafter as the “District”) was duly held on Tuesday, the 8<sup>th</sup> day of June, 2021, at 1:00 p.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held via Zoom. The meeting was open to the public via Zoom.

#### ATTENDANCE

#### Directors In Attendance Were:

Tom Martin, Treasurer

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Paula Williams, Esq.; McGeady Becher P.C.

Jason Carroll and Lindsay Ross; CliftonLarsonAllen LLP

Keiffer Garton; Prologis, Inc., Board Candidate

Katie Kier (SBC Metropolitan District Property Manager) and Meghan Bouchard (Park 70 Metropolitan District Property Manager); Prologis, Inc.

Shelby Turner and Katie McVey; Piper Sandler & Co. (for a portion of the meeting)

Tanna Boisvert and Brandon Collins; Independent District Engineering Services, LLC (“IDES”) (for a portion of the meeting)

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure 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 and to the Secretary of State.

Attorney Williams noted that a quorum was present and requested members of the Board to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those

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applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Williams noted that all Directors' Disclosure Statements had been filed with the Colorado Secretary of State.

### **ADMINISTRATIVE MATTERS**

**Agenda:** Ms. Finn distributed for the Board's review and approval a proposed Agenda for the District's Special Meeting.

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

**Meeting Location/Manner and Posting of Meeting Notice:** 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 noted that due to Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders issued by the Colorado Department of Public Health and Environment, and the threat posed by the COVID-19 coronavirus, the meeting was held via Zoom.

Ms. Finn reported that notice was duly posted and that no objections to the telephonic manner of the meeting or any requests that the telephonic manner of the meeting be changed by taxpaying electors within the District boundaries have been received.

**Appointment of Director:** The Board considered the appointment of Mr. Kieffer Garton to fill a vacancy on the Board of Directors. It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was published in a newspaper having general circulation in the District and that no Letters of Interest from qualified eligible electors were received within ten (10) days of such publication.

Following discussion, upon motion duly made and seconded by Director Martin and, upon vote, unanimously carried, the Board appointed Mr. Garton to fill a vacant position on the Board of Directors. Oath of Office was administered.

**Appointment of Officers:** The Board entered into discussion regarding the appointment of officers.

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Following discussion, upon motion duly made and seconded by Director Martin and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Kieffer Garton
Treasurer	Tom Martin
Secretary	Ann E. Finn

**2021 SDA Conference:** The Board discussed having Board members attend the 2021 SDA Conference. Ms. Finn noted that information concerning the SDA Conference will be distributed to the Board once it is available.

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

- Approve Minutes of the October 28, 2020 Special Meeting.
- Ratify approval of proposal from Brightview Landscapes, LLC for relocating existing perennials and installing additional annuals.
- Ratify approval of payment of claims as follows:

Fund	Period Ending Nov. 16, 2020	Period Ending Dec. 14, 2020	Period Ending Jan. 13, 2021	Period Ending Feb. 10, 2021
General	\$ 31,637.81	\$ 23,159.66	\$ 5,890.41	\$ 8,887.63
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-	\$ -0-
<b>Total</b>	<b>\$ 31,637.81</b>	<b>\$ 23,159.66</b>	<b>\$ 5,890.41</b>	<b>\$ 8,887.63</b>

Fund	Period Ending March 24, 2021	Period Ending April 30, 2021	Period Ending May 16, 2021
General	\$ 9,558.87	\$ 10,072.64	\$ 7,466.85
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-
<b>Total</b>	<b>\$ 9,558.87</b>	<b>\$ 10,072.64</b>	<b>\$ 7,466.85</b>

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

**PUBLIC  
COMMENT**

There was no public comment.

**FINANCIAL  
MATTERS**

**Unaudited Financial Statements:** The Board deferred discussion

**Second Amendment to Resolution to Amend the 2020 Budget Hearing:** Director Martin opened the public hearing to consider the Second Amendment to Resolution to Amend the 2020 Budget and Appropriate Expenditures.

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It was noted that publication of Notice stating that the Board would consider adoption of a Second Amendment to Resolution to Amend the 2020 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following discussion, upon motion duly made and seconded by Director Martin and, upon vote, unanimously carried, the Board approved the Second Amendment to Resolution No. 2020-10-02 to Amend the 2020 Budget.

**2020 Audit:** Mr. Carroll reviewed the 2020 draft Audited Financial Statements with the Board.

Following discussion, upon motion duly made and seconded by Director Martin and, upon vote, unanimously carried, the Board approved the 2020 Audited Financial Statements and authorized execution of the Representations Letter, subject to final review and receipt of an unmodified opinion letter from the auditor.

**2022 Budget:** The Board discussed holding a public hearing to consider adoption of the 2022 Budget on Tuesday, November 9, 2021 at 1:00 p.m., to be held at the offices of Prologis, 1800 Wazee Street, Suite 500, Denver, Colorado 80202, or virtually pending COVID-19 restrictions.

Following discussion, upon motion duly made and seconded by Director Martin and, upon vote, unanimously carried, the Board approved holding a public hearing to consider adoption of the 2022 Budget on Tuesday, November 9, 2021 at 1:00 p.m., to be held at the offices of Prologis, 1800 Wazee Street, Suite 500, Denver, Colorado 80202, or virtually pending COVID-19 restrictions.

**Financing for future public improvement projects:** The Board deferred discussion.

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### **LEGAL MATTERS**

**Lien Filed on Property Owned by U.S. Foodservice, Inc.:** The Board discussed the status of a lien filed on property owned by U.S. Foodservice Inc. It was noted by Director Garton that ProLogis is in negotiations with the property owner.

**Conveyance of property from Prologis Park 70 Land Venture LLC to the District:** The Board discussed the conveyance of property (monument signs) from Prologis Park 70 Land Venture LLC to the District. Attorney Williams discussed the procedure and requirements for the conveyance of property (monument signs) to the District.

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### CAPITAL IMPROVEMENTS

**Construction Management Fees**: The Board entered into discussion regarding the reimbursement of construction management fees to the developer for overseeing public improvement projects. Attorney Williams discussed with the Board the requirements that must be met prior to the District reimbursing Prologis for the construction management fees.

**Modifications to Monument Signs**: The Board entered into discussion regarding the status of the modifications to the monument signs. Director Garton noted that the design work is underway.

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### OPERATIONS AND MAINTENANCE

**Operation and Maintenance Services**: Ms. Finn updated the Board regarding operation and maintenance services for the District.

**Landscape Maintenance Services**: The Board reviewed a proposal from BrightView Landscapes, LLC, for the installation of additional grasses at the monument signs for \$1,200.

Following discussion, upon motion duly made and seconded by Director Martin and, upon vote, unanimously carried, the Board approved the proposal from BrightView Landscapes, LLC, for the installation of additional grasses at the monument signs for \$1,200.

**Security Services**: The Board reviewed a proposal for security services. No action was taken by the Board at this time.

**Weed Applications**: The Board reviewed a proposal from BrightView Landscapes, LLC for weed applications in the tree lawn areas, for the amount of \$2,400.

Following discussion, upon motion duly made and seconded by Director Martin and, upon vote, unanimously carried, the Board approved the proposal from BrightView Landscapes, LLC, for the weed applications in the tree lawn areas for the amount of \$2,400.

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### OTHER BUSINESS

No other business was discussed

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### ADJOURNMENT

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

Respectfully submitted,

By: *Ann Finn*  
Secretary for the Meeting