

PEAK METROPOLITAN DISTRICT NOS. 1, 2 AND 3

450 E. 17th Avenue, Suite 400

Denver, Colorado 80203-1254

<https://peakmetropolitandistricts.specialdistrict.net/>

NOTICE OF A SPECIAL MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Garrett Baum	President	2023/May 2023
William Branyan	Secretary/Treasurer	2023/May 2023
Bonner Gilmore	Assistant Secretary	2025/May 2025
Michelle McDonald	Assistant Secretary	2025/May 2025
Vacant		2023/May 2025

Ex Officio Board Member: Colorado Springs Airport Director of Aviation, or its designee

DATE: October 31, 2022

TIME: 9:00 A.M.

LOCATION: You can attend the meeting in any of the following ways:

1. **To attend via Zoom videoconference, use the link below.**

<https://us02web.zoom.us/j/85367880304?pwd=Z2FUV2tFcmpmUXQrNy9CLzJpcnB6QT09>

To attend via telephone, dial 1-346-248-7799 and enter the following additional information:

Meeting ID: 853 6788 0304

Passcode: 403734

I. ADMINISTRATIVE MATTERS

- A. Present Disclosures of Conflicts of Interest.
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- B. Confirm quorum, location of meeting and posting of meeting notices. Approve agenda.
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- C. Public Comment. Matters not specifically included on the Agenda may be addressed. As a courtesy to others, comments shall be limited to three minutes per person.
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- D. Review and approve Minutes of the September 28, 2022 special meeting of Peak Metropolitan District No. 1 (“District No. 1”) and the Minutes of the July 28, 2022 and August 15, 2022 special meetings of Peak Metropolitan District Nos. 2 and 3 (“District No. 2”, “District No. 3”, and together with District No. 1 and District No. 2 the ”Districts”) (enclosures).
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- E. Discuss vacancy on the Boards and consider the appointment of eligible elector, Zachary J. Knight, to the Boards of Directors of the Districts. (Notice of Vacancy published in *The Transcript* on 8/03/22). Administer Oaths of Office.
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- F. Consider appointment of officers.

President:

Secretary:

Treasurer/Assistant
Secretary:

Assistant Secretary:

Assistant Secretary:

II. FINANCIAL MATTERS

- A. Review and accept the Schedule of Cash Position dated June 30, 2022, updated October 24, 2022 for District No. 1 and District No. 2 (enclosure).
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- B. Review and ratify payment of claims through the period ending October 24, 2022 in the amount of \$1,366,168.49 for District No. 1 and in the amount of \$31,031.69 for District No. 2 (enclosure).
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- C. Discuss matters related to proposed District No. 3 2022 Bond issuance and authorize necessary actions in connection therewith.
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III. LEGAL MATTERS

- A. Discuss Amendment to Facilities Acquisition and Reimbursement Agreement by and between District No. 1 and City of Colorado Springs, by and through its enterprise the Colorado Springs Municipal Airport.

- B. Discuss Amendment to Facilities Acquisition and Reimbursement Agreement by and between District No. 1 and CF CAPYBARA COS LLC.

- C. Discuss the need for additional Reimbursement Agreements by and between District No. 1 and City of Colorado Springs, by and through its enterprise the Colorado Springs Municipal Airport (Rodeo).

- D. Discuss and consider approval of Cost Sharing and Reimbursement Agreement by and between District No. 1 and District No. 3.

- E. Discuss and consider approval of Facilities Acquisition and Payment Agreement by and between District No. 3 and UFCS Airport, LLC.

- F. Discuss and consider acceptance of Re-Recorded Declaration of Covenants Imposing and Implementing Payment in Lieu of Taxes (PILOT) by the City of Colorado Springs, Colorado for the benefit of District No. 2.

- G. Acknowledge issuance and recordation of Amended Order for Inclusion *Nunc Pro Tunc* to October 5, 2022 for District No. 2.

- H. Acknowledge issuance and recordation of Amended Order for Inclusion *Nunc Pro Tunc* to September 8, 2022 for District No. 3.

IV. CONSTRUCTION MATTERS

- A. Discuss status of maintenance within District No. 2. Discuss necessary agreements relative thereto.

- B. Discuss and ratify approval of Change Order No. 1 to Service Agreement for Snow Removal Services by and between District No. 2 and Brightview Landscape Services, Inc.

- C. Discuss and consider approval of Master Service Agreement by and between District No. 2 and C & D Electric, Inc. for electrical services (to be distributed).

- D. Discuss and consider approval of Master Service Agreement by and between District No. 2 and Wildcat Construction Co., Inc. for wet utility and grading services (to be distributed).

- E. Discuss and consider approval of Master Service Agreement by and between District No. 2 and Down to Earth Compliance, LLC for erosion control services (to be distributed).

- F. Discuss and consider approval of Service Agreement by and between District No. 3 and Schedio Group, LLC for independent engineering and cost verification services (to be distributed).

- G. Discuss and consider acceptance of District Engineer's Report and Verification of Costs Associated with Public Improvements (**PROJECT: Integration Loop Phase 2**), Engineer's Report and Verification of Costs No. 10 prepared by Schedio Group LLC (enclosure).

- a. Discuss approval of Requisition No. 29 (under the Series 2021 Bonds) and authorizing reimbursement to the District in the amount of \$237,952.74 and to W.E. O'Neil Construction Co. of Colorado in the amount of \$655,048.05 (enclosure).

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- H. Discuss matters relative to construction process and authorize necessary actions in connection therewith.
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V. **OTHER BUSINESS**

VI. **ADJOURNMENT**

THE NEXT SPECIAL MEETING FOR THE DISTRICTS IS SCHEDULED FOR NOVEMBER 30, 2022 (BUDGET HEARINGS).