

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 1  
HELD  
NOVEMBER 25, 2024**

A Regular Meeting of the Board of Directors of the Loretto Heights Metropolitan District No. 1 (referred to hereafter as the “Board”) was convened on Monday, November 25, 2024, at 2:00 p.m. The District Board meeting was held via Zoom. The meeting was open to the public.

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**ATTENDANCE**

**Directors In Attendance Were:**

Mark J. Witkiewicz, President  
Paige C. Langley, Treasurer  
Megan Waldschmidt, Assistant Secretary  
Blake Amen, Assistant Secretary

**Also In Attendance Were:**

Peggy Ripko; Special District Management Services, Inc.

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

Lindsay Ross; CliftonLarsonAllen LLP (“CLA”)

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**ADMINISTRATIVE  
MATTERS**

**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 of Directors and to the Secretary of State. It was noted that a quorum was present, and Attorney Hoistad requested members of the Board disclose any potential conflicts of interest regarding 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 Hoistad noted that Directors’ Disclosure Statements were filed for all Directors by the statutory deadline. No additional conflicts were disclosed at the meeting.

**Quorum / Meeting Location and Posting of Meeting Notice:** Ms. Ripko confirmed the presence of a quorum. 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 via video/telephonic means and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted on the District website, and that the Board 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’s boundaries.

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**Agenda / Director Absence:** Ms. Ripko distributed for the Board's review and approval a proposed Agenda for the District's Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Agenda was approved, and the absence of Director Andrew Klein was excused.

**Minutes:** The Board reviewed the Minutes of the July 22, 2024 Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Minutes of the July 22, 2024 Regular Meeting were approved.

**Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** The Board discussed the business to be conducted in 2025.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote unanimously carried, the Board determined to hold 2025 meetings on the fourth Monday of each month, at 2:00 p.m. via Zoom, adopted Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

**Section 32-1-809, C.R.S. Requirements (Transparency Notice):** Ms. Ripko discussed the special district transparency requirements of Section 32-1-809, C.R.S. with the Board, noting that the Transparency Notice will be posted on the District website and the SDA website.

**Renewal of the District's insurance and Special District Association (SDA) membership for 2025:** The Board discussed the renewal of the District's insurance and Special District Association (SDA) membership for 2025.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote unanimously carried, the Board authorized the renewal of the District's insurance and SDA membership for 2025.

**Website Accessibility:** Ms. Ripko updated the Board on website matters, noting that her firm is handling compliance.

**Website Accessibility Committee:** The Board determined the establishment of a Website Accessibility Committee was not needed.

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### PUBLIC COMMENT

There were no public comments.

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### FINANCIAL MATTERS

**Payment of Claims:** Ms. Ross reviewed with the Board the payment of claims.

Following review and discussion, upon motion duly made by Director Langley, seconded by Director Witkiewicz, and upon vote, unanimously carried, the Board approved the payment of claims.

**Schedule of Cash Position:** Ms. Ross reviewed with the Board the schedule of cash position.

Following review and discussion, upon motion duly made by Director Langley, seconded by Director Witkiewicz, and upon vote, unanimously carried, the Board approved the schedule of cash position.

**2024 Budget Amendment Hearing:** The President opened the public hearing to consider amendment of the 2024 Budget.

It was noted that publication of Notice stating that the Board would consider amendment of the 2024 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 the public hearing.

No public comments were received, and the public hearing was closed.

Ms. Ross informed the Board that no amendment to the 2024 Budget was required.

**2025 Budget Hearing:** The President opened the Public Hearing to consider the proposed 2025 Budget and to discuss related issues.

It was noted that Notice stating that the Board would consider adoption of the 2025 Budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

Ms. Ross reviewed the estimated 2024 expenditures and the proposed 2025 expenditures.

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Upon motion duly made by Director Witkiewicz, seconded by Director Langley, and upon vote unanimously carried, the Board approved the 2025 Budget, as discussed, and considered adoption of Resolution No. 2024-11-02 to Adopt the 2025 Budget and Appropriate Sums of Money and Resolution No. 2024-11-03 to Set Mill Levies (15.591 mills in the General Fund for a total mill levy of 15.591 mills.) Following discussion, upon vote unanimously carried, the Board adopted the Resolutions and authorized execution of the Certification of Budget. The District Accountant was directed to transmit the Certification of Tax Levies to the Board of County Commissioners of City and County of Denver not later than January 10, 2025. The District Manager was directed to transmit the Certification of Budget to the Division of Local Government no later than January 30, 2025.

**DLG-70 Certification of Tax Levies Form and Mill Levy Public Information Form (“Certification”)**: Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the Certification for certification to the City and County of Denver and other interested parties.

**Preparation of 2026 Budget**: The Board considered the appointment of CLA to prepare the 2026 Budget.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board appointed CLA to prepare the 2026 Budget.

**Statement of Work (“SOW”) between the District and CLA for 2025 Accounting Services**: The Board reviewed the SOW between the District and CLA for 2025 Accounting Services.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board approved the SOW between the District and CLA for 2025 Accounting Services, subject to final Board and legal review.

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### **CAPITAL/ CONSTRUCTION/ MATTERS**

**Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 25 (“Report No. 25”)**: The Board reviewed the Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 25 dated November 18, 2024, prepared by Schedio Group LLC, in the amount of \$570,148.86.

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Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board approved the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 25 dated November 18, 2024, prepared by Schedio Group LLC, in the amount of \$570,148.86, subject to final review by the District Accountant.

**Acceptance of Verified Public Improvement Costs Pursuant to Report No. 25:** The Board discussed accepting verified public improvement costs pursuant to Report No. 25.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board accepted the verified public improvement costs pursuant to Report No. 25, subject to final review by the District Accountant.

**Reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 25:** The Board discussed the reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 25.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board approved the reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 25, subject to final review by the District Accountant.

**Payment by Loretto Heights Metropolitan District No. 1 to Westside Property Investment Company, Inc. ("Westside") under the Project Management Services Agreement between Loretto Heights Metropolitan District No. 1 and Westside, pursuant to Report No. 25:** The Board discussed the payment by Loretto Heights Metropolitan District No. 1 to Westside under the Project Management Services Agreement between Loretto Heights Metropolitan District No. 1 and Westside, pursuant to Report No. 25.

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Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board approved the payment by Loretto Heights Metropolitan District No. 1 to Westside under the Project Management Services Agreement between Loretto Heights Metropolitan District No. 1 and Westside, pursuant to Report No. 25, subject to final review by the District Accountant.

**Status of Loretto Heights Infrastructure Project:** Director Witkiewicz provided an update on the infrastructure project.

**Proposal from Pet Scoop, Inc.:** The Board reviewed the proposal from Pet Scoop, Inc. for dog station maintenance.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board approved the proposal from Pet Scoop, Inc. for dog station maintenance, and authorized preparation of a Service Agreement.

**Proposal from Consolidated Divisions, Inc. d/b/a CDI Environmental Contractor for 2024/2025 for 2024/2025 Snow and Ice Mitigation Services:** The Board reviewed the Proposal from Consolidated Divisions, Inc. d/b/a CDI Environmental Contractor for 2024/2025 for 2024/2025 Snow and Ice Mitigation Services.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board ratified approved the Proposal from Consolidated Divisions, Inc. d/b/a CDI Environmental Contractor for 2024/2025 for 2024/2025 Snow and Ice Mitigation Services, and authorized preparation of a change order.

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### **LEGAL MATTERS**

**May 6, 2025 Regular Directors' Election (the "Election"):** Attorney Hoistad discussed with the Board the Election, and the potential inclusion of a ballot question to waive the new property tax revenue limitation.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board adopted Resolution No. 2024-11-04 to call the Election, in the final form as prepared by District Counsel.

**Third Amendment to 2020-2021 Operation Funding Agreement between**

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**Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC:** The Board reviewed the Third Amendment to 2020-2021 Operation Funding Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board approved the Third Amendment to 2020-2021 Operation Funding Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC.

**Third Amendment to Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC:** The Board reviewed the Third Amendment to Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board approved the Third Amendment to Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC.

**Change Order No. 1 to Service Agreement for 2023-2024 Snow Removal between Loretto Heights Metropolitan District No. 1 and Consolidated Divisions, Inc. d/b/a CDI Environmental Contractor:** The Board reviewed Change Order No. 1 to the Service Agreement for 2023-2024 Snow Removal between Loretto Heights Metropolitan District No. 1 and Consolidated Divisions, Inc. d/b/a CDI Environmental Contractor.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board ratified approval of Change Order No. 1 to the Service Agreement for 2023-2024 Snow Removal between Loretto Heights Metropolitan District No. 1 and Consolidated Divisions, Inc. d/b/a CDI Environmental Contractor.

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### **OTHER BUSINESS**

The Board acknowledged the new rate structure for SDMS.

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### **ADJOURNMENT**


There being no further business to come before the Board at this time, upon

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motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting