

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CANYON PINES METROPOLITAN DISTRICT HELD JANUARY 26, 2022

A regular meeting of the Board of Directors of the Canyon Pines Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, the 26th day of January, 2022, at 10:00 a.m. This District Board meeting was held via Zoom with all participants attending via Zoom. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Chad Ellington, President
Todd Johnson, Treasurer
Nathan Laudick, Secretary
Robert Laudick, Assistant Secretary
Thomas W. “Terry” Ten Eyck, Assistant Secretary

Also In Attendance Were:

David Solin; Special District Management Services, Inc.

Jennifer L. Ivey, Esq., Icenogle Seaver Pogue, P.C.

Joy Tatton; Simmons & Wheeler, P.C.

Brandon Collins; Independent District Engineering Services, LLC

Kathy Burris; Resident

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosures 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. Mr. Solin noted that a quorum was present and requested members of the Board 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 Board members prior to this meeting in accordance with the statute. Attorney Ivey noted that all Directors’ Disclosure Statements had been filed and that no additional conflicts were disclosed at the meeting.

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PUBLIC COMMENTS

(Each speaker is limited to 3 minutes. You are encouraged to stick to your point. Presentations that are less than three minutes long are more effective than long and repetitive presentations. If a previous speaker has made the same point that you were planning to raise, you may state that you agree with a previous speaker, and that you do not need to speak because your point has already been made. The Board will not respond during the presenter's comments, so as to ensure that they do not take away from the presenter's time but may choose to respond after the presenter's time has elapsed, or after the period for public comments has ended.)

Ms. Burris reported to the Board that she is concerned that there are no water trucks on the site for fire suppression. She noted that a complaint has been made to the City of Arvada. She also noted that another problem without water trucks is dust control.

Ms. Burris further noted that there was grading on unincorporated JEFFCO property.

There were no other public comments, and the public comments portion of the agenda was closed.

Director Ellington responded that the grading was part of the permitted plans.

Mr. Collins noted that the policy towards water on site is part of the fire mitigation plan, and the equipment is being inspected regularly. He also noted that there is a no-smoking policy. Mr. Collins can coordinate with the contractor if there appears to be unreasonable amounts of dust during grading.

ADMINISTRATIVE MATTERS

Agenda: Mr. Solin 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 Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the agenda was approved, as presented.

Location of Meeting and Posting of Notices: The Board noted that notice of the time, date, and location of the meeting was duly posted.

Minutes: The Board reviewed the minutes of the November 24, 2021 Special Meeting.

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Following discussion, upon motion duly made by Director Johnson, seconded by Director Ellington and, upon vote, unanimously carried, the minutes of November 24, 2021 Special Meeting were approved, as presented.

FINANCIAL MATTERS

Claims: Ms. Tatton reviewed with the Board the payment of claims for the period ending December 31, 2021, in the amount of \$505,726.06 and January 26, 2022, in the amount of \$15,320.35.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented.

Expense Tracking Report: Mr. Collins reviewed the Expense Tracking Report with the Board.

District Expenditures Verification Report prepared by Independent District Engineering Services, LLC (“IDES”): Mr. Collins reviewed with the Board IDES’ report entitled “District Expenditures Verification for December 2021 and January 2022,” which summarizes IDES’ review and verification of the expenditures of the District for December 2021 and January 2022 related to certain District construction contracts. The Verification Report identified \$521,046.41 of District Eligible Expenses and \$-0- of Non-Eligible Expenses.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the Board accepted the District Eligible Expenses, in the amount of \$521,046.41.

2021 Audit: Ms. Tatton reviewed with the Board the proposal from Wipfli LLP to perform the 2021 Audit.

Following review and discussion, upon motion duly made by Director Johnson, seconded by Director Ellington, and upon vote, unanimously carried, the Board ratified approval of the engagement of Wipfli LLP to perform the 2021 Audit, for an amount not to exceed \$5,500, subject to Legal review.

Project Fund Requisition No. 2: The Board discussed Project Fund Requisition No. 2 (under the Series 2021A-1(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in January 2022.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the Board ratified approval of Project Fund Requisition No. 2 (under the Series 2021A-1(3) Bonds)

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authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in January 2022.

Project Fund Requisition No. 3: The Board discussed Project Fund Requisition No.3 (under the Series 2021A-1(3) Bonds) authorizing payment to the City of Arvada for Ranson Pump Station Project Costs.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the Board ratified approval of Project Fund Requisition No.3 (under the Series 2021A-1(3) Bonds) authorizing payment to the City of Arvada for Ranson Pump Station Project Costs.

LEGAL MATTERS

Canyon Pines Special Improvement District (“SID”):

SID Collection Policies and Procedures: The Board deferred discussion.

Proposal from Special District Management Services, Inc. for Special Assessment Administrator Professional Services: The Board deferred discussion.

First Amendment to Service Plan: Attorney Ivey reported to the Board that the City of Arvada is reviewing the proposed First Amendment to the Service Plan.

CONSTRUCTION MATTERS

Construction Status Report: Mr. Collins reviewed with the Board the Project Status Report dated January 26, 2022. A copy of the report is attached hereto and incorporated herein by this reference.

Contracts, Task Orders, Work Orders and Change Orders: The Board discussed the following Contracts, Task Orders, Work Orders and Change Orders:

- Ratify approval of Task Order No. 1 under the Construction Contract between the District and Hudick Excavating, Inc., d/b/a HEI Civil, for removal of 6” perforated underdrain, for a decrease in the Contract amount of \$96,510.30.
- Ratify approval of Task Order No. 2 under the Construction Contract between the District and Hudick Excavating, Inc., d/b/a HEI Civil, for permit fee overages, in the amount of \$44,488.25.
- Ratify approval of Task Order No. 3 under the Construction Contract between the District and Hudick Excavating, Inc., d/b/a HEI Civil, for export to owner located stockpile, in the amount of \$81,840.
- Ratify approval of Master Service Agreement between the District and EV Studio for design services.

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- Ratify approval of Task Order No. 1 under the Master Service Agreement between the District and EV Studio, for tiered rockery retaining wall design, in the amount of \$15,000.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the Board approved (or ratified approval of, as appropriate) the Contracts, Change Orders, Task Orders and Work Orders listed above.


OTHER BUSINESS

There was no other business at this time.

ADJOURNMENT

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

Respectfully submitted,

By  _____
Secretary for the Meeting