

# RECORD OF PROCEEDINGS

---

## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CANYON PINES METROPOLITAN DISTRICT HELD JANUARY 25, 2023

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 25th day of January, 2023, at 10:00 a.m. This District Board meeting was held 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:

Peggy Ripko; Special District Management Services, Inc.

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

Joy Tatton; Simmons & Wheeler, P.C.

Mitch Jones and Brandon Collins; Independent District Engineering Services, LLC

Kathy Burris and Debra Wyatte, Members of the Public

### PUBLIC COMMENTS

There were no public comments.

### 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. Ms. Ripko 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

## RECORD OF PROCEEDINGS

---

in accordance with the statute. Attorney Ivey noted that all Directors' Disclosure Statements had been filed. No additional conflicts were disclosed at the meeting. Additionally, Attorney Ivey noted prior to action on the items that pursuant §§ 24-18-109(3)(b) and 24-18-110, C.R.S. the Directors had complied with the voluntary disclosure requirements related to their conflicts of interest and that participation of the Directors in the vote on various matters is necessary to enable the Board of Directors to act.

---

### **ADMINISTRATIVE MATTERS**

**Agenda:** 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 Johnson, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the agenda was approved, as presented.

**Minutes:** The Board reviewed the minutes of the November 23, 2022 Regular Meeting and November 28, 2022 Special Meeting.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the minutes of the November 23, 2022 Regular Meeting and November 28, 2022 Special Meeting were approved, as presented.

---

### **FINANCIAL MATTERS**

**Claims:** Ms. Ripko reviewed with the Board the payment of claims for the period ending January 25, 2023, in the amount of \$794,026.99.

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

**Expense Tracking Report (ETR) and District Expenditures Verification:** Mr. Jones reviewed the Expense Tracking Report and District Expenditures Verification for January 2023, with the Board.

Following discussion, upon motion duly made by Director Ten Eyck, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the Board approved the District Expenditures Verification Report for January 2023, as presented.

**Requisition No. 13 (under the Series 2021A-2 Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in December 2022:** The Board discussed and considered approval of Requisition No. 13 (under the

## RECORD OF PROCEEDINGS

---

Series 2021A-2 Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in December 2022.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the Board approved Requisition No. 13 (under the Series 2021A-2 Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in December 2022, in the amount of \$1,971,911.40.

**Requisition No. 14 (under the Series 2021A-2 Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in January 2023:** The Board discussed and considered approval of Requisition No. 14 (under the Series 2021A-2 Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in January 2023.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the Board approved Requisition No. 14 (under the Series 2021A-2 Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in January 2023, in the amount of \$787,942.04.

---

### **LEGAL MATTERS**

**Management Agreement with Public Alliance, LLC:** Ms. Ivey reviewed with the Board the Management Agreement with Public Alliance, LLC and requested changes from Public Alliance, LLC.

Following discussion, upon motion duly made by Director Ten Eyck, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the Board approved the Management Agreement with Public Alliance, LLC with the requested revisions incorporated.

**Assignment and Assumption of Collection Agreement:** Ms. Ivey reviewed with the Board the Assignment and Assumption of Collection Agreement.

Following discussion, upon motion duly made by Director Ten Eyck, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the Board approved the Assignment and Assumption of Collection Agreement.

**Termination of Management Agreement with Special District Management Services, Inc.:** Ms. Ivey reviewed with the Board the Termination of Management Agreement with Special District Management Services, Inc.

## RECORD OF PROCEEDINGS

---

Following discussion, upon motion duly made by Director Ten Eyck, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the Board approved the Termination of Management Agreement with Special District Management Services, Inc.

**Amended and Restated Annual Resolution:** Ms. Ivey reviewed with the Board the Amended and Restated Annual Resolution.

Following discussion, upon motion duly made by Director Ten Eyck, seconded by Director Johnson and, upon vote, unanimously carried, the Board adopted the Amended and Restated Annual Resolution.

**Amended and Restated 2023 Regular Special District Election Resolution:** Ms. Ivey reviewed with the Board the Amended and Restated 2023 Regular Special District Election Resolution.

Following discussion, upon motion duly made by Director Ten Eyck, seconded by Director Johnson and, upon vote, unanimously carried, the Board adopted the Amended and Restated 2023 Regular Special District Election Resolution.

---

### **CONSTRUCTION MATTERS**

**Construction Status Report:** Mr. Jones reviewed with the Board the Project Status Report dated January 25, 2023. A copy of the report is attached hereto and incorporated herein by this reference.

**Contracts, Task Orders, Work Orders and Change Orders:** Mr. Jones discussed the following Agreements, Contracts, Task Orders, Work Orders and Change Orders:

- Consider approval of Change Order No. 25 to the Contract between the District and HEI Civil, Inc., for Soil Nail Wall Tier 3-4 reinforcement, in the amount of \$279,154.22.
- Consider approval of Change Order No. 26 to the Contract between the District and HEI Civil, Inc., for Connex Rental, in the amount of \$10,208.77.
- Ratify approval of Public Works Construction/Improvement Contract between the District and DaVinci Sign Systems, Inc., in the amount of \$28,881.75.
- Consider approval of Task Order to the contract between the District and Ground Engineering, for Geotechnical Services for project completion, in the amount of \$20,89.50.

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

## RECORD OF PROCEEDINGS

---

### 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 Ten Eyck, seconded by Director Ellington and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By AJ Beckman  
Secretary for the Meeting

# CANYON PINES METROPOLITAN DISTRICT

## Board Meeting Project Status

### January 25, 2023

#### Canyon Pines Infrastructure Progress Updates

##### Earthwork and Erosion Control

- HEI continues to fine grade and place topsoil on the slopes throughout the project. HEI has begun hauling rocks from the site. CDI is currently working on slope stabilization, blanket install, and seeding. Erosion control BMP monitoring and maintenance is ongoing.

##### Utilities

- The remaining utility items onsite are the outlet structure in the detention pond, and improvements along Highway 72.

##### Walls

- Harrison Western is working on the 3<sup>rd</sup> and 4<sup>th</sup> tier reinforcement to complete the repair of the dry stack boulder wall. EV Studio and Geo Wall have provided comments to submittal #5 for CDOT's review of the retaining walls along Highway 72.

##### Roadways

- Bottom lift paving on Canyon Pines is almost complete. Paving operations are scheduled to resume February 2023, weather dependent. HEI has continued to monitor site conditions and plow snow as needed. Installation of cattle guards and fencing is scheduled to be completed as soon as the weather allows.







- Dry utility coordination is ongoing.
  - Xcel Gas Construction of the new regulator station is currently scheduled to begin 3/23. Xcel has provided IFR plans and are currently waiting on an overall site plan for the station.
  - Xcel and Mears are working closely on the gas line reinforcement coming across HWY 72, and have construction scheduled to begin 02/23.
  - Site Wise crews continue to install their onsite distribution on the South side of Sumner and above the retaining walls along Moffat. On site gas distribution is scheduled to be complete 02/23.
  - Lumen New Data Service Lumen is currently working on the installation of their onsite distribution and continues to correct their pedestals. On site distribution is scheduled to be complete 02/23.
  - United Power United power is currently onsite working on their distribution with Ward Electric. Weather dependent they are scheduled to be complete 02/23.









## Construction Contract Documents

### Contractor Agreements

- None

### Contractor Change Orders

- HEI
  - Change Order #25 – Soil Nail Wall Tier 3-4 Reinforcement - \$279,154.22
  - Change Order #26 – Connex Rental - \$10,208.77

### Potential Change Orders

- HEI
  - Fuel Increase - \$111,641.94
  - Material Increase – \$46,018.39
  - Cut to Fill in Lieu of Export - \$ TBD

## Consultant/Vendor Agreements & Task Orders

### Consultant/Vendor Agreements

- Davinci Sign Systems Inc. – \$28,881.75

### Task Orders and Work Orders

- Ground Engineering
  - Geotechnical Services for Project Completion - \$20,894.50

## **Potential Task Orders**

- None