

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF POWHATON COMMUNITY AUTHORITY

Held: Tuesday, August 1, 2023, at 4:45 p.m.

The meeting was held via teleconference.

Attendance

The Special meeting of the Board of Directors of Powhaton Community Authority (the “Authority”) was called and held as shown above and in accordance with the applicable laws of the State of Colorado. The following directors, having confirmed their qualification to serve on the Board, were in attendance:

CJ Kirst
Roger Hollard
James Spehalski
Jennifer R. Merrick

Also present were:

Megan Murphy, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; AJ Beckman, Ann Finn and Sarah Warner, Public Alliance, LLC; Diane Wheeler and Morgan Wheeler, Simmons & Wheeler, PC.; Fiona Wood and Whitney Graham, Powhaton Road Metropolitan District No. 2 Directors; Sue Santos, Harmony Master Homeowners Association (“HOA”) Community Manager.

Call to Order

It was noted that a quorum of the Board was present, and the meeting was called to order at 5:00 p.m.

Conflict of Interest Disclosures

Attorney Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Attorney Murphy reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State’s Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Attorney Murphy inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Agenda

The Board reviewed the proposed agenda.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Kirst, and upon vote, unanimously carried, the Board approved the agenda as presented.

Public Comment

There was no public in attendance.

Consent Agenda

The following items on the consent agenda were considered routine or administrative. Following a summary by Mr. Beckman, upon motion duly made Director Kirst, seconded by Director Hollard, and upon vote, unanimously carried, the Boards took the following actions:

- Approved the Regular Meeting Minutes from April 4, 2023 and May 10, 2023 meetings.

Legal Matters

First Amendment to Annual Administrative Resolution: Attorney Murphy reviewed the Resolution with the Board. Following discussion, upon motion duly made Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board adopted the First Amendment to Annual Administrative Resolution.

Amended and Restated Joint Resolution of the Board of Directors of the Powhatan Community Authority and Powhatan Road Metropolitan District No. 2 Concerning the Imposition of an Operations Fee: Attorney Murphy reviewed the Resolution with the Board. Following discussion, upon motion duly made Director Spehalski, seconded by Director Kirst, and upon vote, unanimously carried, the Board adopted the Amended and Restated Joint Resolution of the Board of Directors of the Powhatan Community Authority and Powhatan Road Metropolitan District No. 2 Concerning the Imposition of an Operations Fee.

Amended and Restated Joint Resolution of the Board of Directors of the Powhatan Community Authority and Powhatan Road Metropolitan District No. 3 Concerning the Imposition of an Operations Fee: Attorney Murphy reviewed the Resolution with the Board. Following discussion, upon motion duly made Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board adopted the Amended and Restated Joint Resolution of the Board of Directors of the Powhatan Community Authority and Powhatan Road Metropolitan District No. 3 Concerning the Imposition of an Operations Fee.

Second Amendment to Funding and Reimbursement Agreement with Melcor/TC Aurora, LLC: Attorney Murphy

reviewed the Second Amendment to the Agreement with the Board. Following discussion, upon motion duly made Director Hollard, seconded by Director Spehalski, and upon vote, unanimously carried, the Board adopted the Second Amendment to Funding and Reimbursement Agreement with Melcor/TC Aurora, LLC.

Management Matters

Manager's Report: Mr. Beckman reviewed the Manager's Report with the Board.

Proposal for Installation of Mulch at the Park from BrightView Landscaping, Inc., ("BrightView"): Ms. Warner reviewed a proposal from BrightView for the installation of additional mulch at the park with the Board.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board approved the proposal for installation of additional mulch at the park from BrightView, in the amount of \$5,314.64.

Proposal for Installation of Mulch at E. Ellsworth Avenue Entry and along E. Ellsworth Avenue from BrightView: Ms. Warner reviewed a proposal from BrightView for the installation of additional mulch at the E. Ellsworth Avenue Entry and along E. Ellsworth Avenue with the Board.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board approved the proposal for installation of mulch at the E. Ellsworth Avenue entry and along E. Ellsworth Avenue from BrightView, in the amount of \$5,058.85.

Proposal for Removal of 15 Dead Trees from BrightView: Ms. Warner reviewed a proposal from BrightView for the removal of 15 dead trees with the Board.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board authorized Public Alliance, LLC to approve proposals for dead tree removal from BrightView, in an amount not to exceed \$1,000, subject to ratification by the Board.

Proposal for Evergreen Stake Removal from BrightView: Ms. Warner reviewed for the Board a proposal from BrightView for removal of stakes from the evergreen trees.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board approved the proposal for

evergreen stake removal from BrightView, in the amount of \$1,274.80.

Funding of Additional Fencing at the Park: Ms. Warner reported the installation of the additional fencing around the volleyball and basketball courts is almost complete.

Herbicide Alternatives for Weed Control: Mr. Beckman noted he received a request from a resident concerning the use of alternative herbicides by the landscape maintenance contractor to protect pollinators. The Board reviewed the informational packet provided by BrightView and the costs associated with using alternative herbicides. Ms. Wood addressed the Board regarding her concerns regarding herbicides and possible alternative options. Following discussion, the Board determined additional alternative options would need to be investigated and brought back to the Board.

Financial Matters

Claims: Ms. Wheeler presented the Board with claims in the amount of \$78,093.22 for ratification and claims in the amount of \$37,038.56 for approval.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard and, upon vote unanimously carried, the Board ratified and approved the respective claims.

Financial Statements: There were no financial statements.

Operation Fee Report: Mr. Beckman noted his office has received and reviewed the Operation Fee Reports from American Conservation & Billing Solution (AmCoBi).

Other Financial Matters: There were no other financial matters to discuss at this time.

Other Business

Installation of Message Boards on District Property: Ms. Santos, the Community Manager for the Harmony Master Homeowners Association (“HOA”), addressed the Board concerning the installation of message boards (“signs”) at the entrances into the community. She noted the HOA would pay for and install the signs but would need approval from the Authority to install signage on Authority owned property. She also reviewed sign design options with the Board.

Attorney Murphy noted a License Agreement would be required between the HOA and the Authority for installation of the signage on Authority property.

Following discussion, James Spehalski, as the developer representative, agreed to pay for the design work for the signs so that sign aesthetics is consistent throughout the project.

Following further discussion, upon a motion duly made by Director Hollard, seconded by Director Spehalski, and upon vote, unanimously carried, the Board appointed Director Merrick to negotiate the terms of the License Agreement (including the design, location, and maintenance responsibilities for the sign), subject to final review of the design and location of the sign by the Authority.

Installation of License Plate Readers: Ms. Santos addressed the Board regarding the installation of license plate readers at each entrance into the community. The Board reviewed information provided by Flock Safety and discussed costs related thereto. Ms. Santos noted the HOA Board has not yet reviewed or approved the proposal but was requesting feedback from the Authority on a possible cost share arrangement with the HOA and permission to install the equipment on Authority owned property.

Attorney Murphy noted a License Agreement would be required with the City of Aurora to install any equipment on City right-of-way.

Director Spehalski also noted the developer is currently providing security services within the community.

Following discussion, the Board determined it would need additional information concerning costs, effectiveness and community input before taking any action on this matter.

Next Board Meeting: Mr. Beckman noted the next regular meeting is scheduled for October 3, 2023, at 4:45 p.m.

Other: Ms. Graham addressed the Board concerning a Notice of Public Hearing she received regarding the Murphy Creek Industrial District. Attorney Murphy noted that Ms. Graham received the notice as required by law because she lives within a 3-mile radius of the proposed Murphy Creek Industrial District.

Adjournment

Upon a motion duly made by Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

DocuSigned by:

Roger Holland

Secretary for the Meeting