

## **MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF POWHATON COMMUNITY AUTHORITY**

Held: Tuesday, October 1, 2024, at 4:45 p.m.

The meeting was held via teleconference.

### **Attendance**

The Regular 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:

Jennifer R. Merrick  
Roger Hollard  
James Spehalski  
CJ Kirst

Also present were:

Kristin Bowers, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; Ann Finn, Public Alliance, LLC; Diane Wheeler, Simmons & Wheeler, PC.; Page Waters, Homeowner’s Association; and Chase Hanusa, The Connexion Group

### **Call to Order**

It was noted that a quorum of the Board was present, and the meeting was called to order at 4:57 p.m.

### **Conflict of Interest Disclosures**

Attorney Bowers advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Attorney Bowers 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 Bowers 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 Hollard, 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 Ms. Finn, upon motion duly made Director Hollard, seconded by Director Spehalski, and upon vote, unanimously carried, the Board took the following actions:

- Approved Regular Meeting Minutes from June 4, 2024 meeting.
- Ratified Independent Contractor Agreement with Parker Electric, Inc. for Park Pole Lights.
- Ratified Independent Contractor Agreement with Guizar Concrete Construction, LLC for Concrete Repair.
- Ratified Addendum No. 2024-02 to the Independent Contractor Agreement with Brightview Landscape Services, Inc. for 2024 Landscape Maintenance for Winter Watering of all Trees and Shrubs.
- Ratified Addendum No. 2024-03 to the Independent Contractor Agreement with Brightview Landscape Services, Inc. for 2024 Landscape Maintenance for Winter Watering of all Trees and Shrubs.
- Ratified Addendum No. 2024-04 to the Independent Contractor Agreement with Brightview Landscape Services, Inc. for 2024 Landscape Maintenance for the Installation of New Plastic Edging at Playground.
- Ratified Task Order No. 1 to the Independent Contractor Agreement between the Authority and Playground Safety Solutions, LLC for playground repair.

**Legal Matters**

**Resolution Regarding Acceptance and Acquisition of Public Infrastructure Pursuant to Infrastructure Acquisition and Project Fund Disbursement Agreement (Harmony Subdivision Filing No. 12 and CSP No. 2):** Mr. Hanusa presented the report from The Connexion Group. The Board reviewed a Resolution Regarding Acceptance and Acquisition of Public Infrastructure Pursuant to Infrastructure Acquisition and Project Fund Disbursement Agreement (Harmony Subdivision Filing No. 12 and CSP No. 2).

Following discussion, upon a motion duly made by Director Hollard, seconded by Director Kirst, and upon vote, unanimously carried, the Board approved the Resolution Regarding Acceptance and Acquisition of Public Infrastructure Pursuant to Infrastructure Acquisition and Project Fund Disbursement Agreement (Harmony Subdivision Filing No. 12 and CSP No. 2).

Engineer's Report from The Connexion Group LLC Concerning the Acceptance of CSP No. 2 and Filing No. 12 Public Improvements: Mr. Hanusa reviewed with the Board the Engineer's Report from The Connexion Group LLC concerning the acceptance of CSP No. 2 and Filing No. 12 public improvements. He recommended acceptance and payment -in-lieu of \$182,015.79 (which includes a 15% contingency).

**Independent Contractor Agreements with Brightview Landscape Services, Inc. for landscape maintenance services for newly accepted landscape improvements for CSP No. 2 and Filing No. 12:** The Board reviewed an Independent Contractor Agreements with Brightview Landscape Services, Inc. for landscape maintenance services for newly accepted landscape improvements for CSP No. 2 and Filing No. 12

Following discussion, upon a motion duly made by Director Hollard, seconded by Director Spehalski, and upon vote, unanimously carried, the Board adopted the Independent Contractor Agreements with Brightview Landscape Services, Inc. for landscape maintenance services for newly accepted landscape improvements for CSP No. 2 and Filing No. 12.

**Amended and Restated Joint Resolution of the Boards of Directors of the Authority, Powhatan Road Metropolitan District No. 1, Powhatan Road Metropolitan District No. 2, Powhatan Road Metropolitan District No. 3, Powhatan Road Metropolitan District No. 4, and Powhatan Road Metropolitan District No. 7 Establishing Policies and Procedures for the Acceptance of Public Improvements:** The Board reviewed an Amended and Restated Joint Resolution of the Boards of Directors of the Authority, Powhatan Road Metropolitan District No. 1, Powhatan Road Metropolitan District No. 2, Powhatan Road Metropolitan District No. 3, Powhatan Road Metropolitan District No. 4, and Powhatan Road Metropolitan District No. 7 Establishing Policies and Procedures for the Acceptance of Public Improvements.

Following discussion, upon a motion duly made by Director Hollard, seconded by Director Spehalski, and upon vote, unanimously carried, the Authority adopted the Amended and Restated Joint Resolution of the Boards of Directors of the Authority, Powhatan Road Metropolitan District No. 1, Powhatan Road Metropolitan District No. 2, Powhatan Road Metropolitan District No. 3, Powhatan Road Metropolitan District No. 4, and Powhatan Road Metropolitan District No. 7 Establishing Policies and Procedures for the Acceptance of Public Improvements.

**Second Amended and Restated Resolution Establishing Policies and Procedures for the Acceptance of Underdrain Improvements:** The Board reviewed a Second Amended and Restated Resolution Establishing Policies and Procedures for the Acceptance of Underdrain Improvements.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Kirst, and upon vote, unanimously carried, the Board adopted the Second Amended and Restated Resolution Establishing Policies and Procedures for the Acceptance of Underdrain Improvements.

**2025 Annual Administrative Resolution:** The Board reviewed the 2025 Annual Administrative Resolution.

Following discussion, upon a motion duly made by Director Hollard, seconded by Director Spehalski, and upon vote, unanimously carried, the Board adopted the 2025 Annual Administrative Resolution.

**2025 Regular Meeting Dates:** The Board entered into discussion regarding business to be conducted in 2024. The Board determined to meet on the first Tuesday of every even month at 4:45 p.m. via Zoom.

## Management Matters

**Proposal from RTS Landscaping to Remove Sediment from Four Micro Pools in Tracts A, B, C, and D:** The Board reviewed a proposal from RTS Landscaping to remove sediment from four micro pools in Tracts A, B, C, and D.

Following discussion, upon a motion duly made by Director Kirst, seconded by Director Hollard, and upon vote, unanimously carried, the Board approved the proposal from RTS Landscaping to remove sediment from four micro pools in Tracts A, B, C, and D, for \$12,750.

**Preparation of a Reserve Study for Powhatan Community Authority:** The Board entered into discussion regarding the preparation of a Reserve Study for Powhatan Community Authority.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Merrick, and upon vote, unanimously carried, the Board approved the Platinum, Level 1, 9-week turnaround option, for \$6,810.

**Addendum No. 2024-05 for Holiday Lighting from BrightView Landscape Services, Inc.:** The Board reviewed Addendum No. 2024-05 for holiday lighting from BrightView Landscape Services, Inc.

Following discussion, upon a motion duly made by Director Kirst, seconded by Director Merrick, and upon vote, unanimously carried, the Board approved Addendum No. 2024-05 for holiday lighting from BrightView Landscape Services, Inc., for \$4,588.64.

**Proposal for Tree Wrapping from BrightView Landscape Services, Inc.:** The Board reviewed a proposal for tree wrapping from BrightView Landscape Services, Inc.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Merrick, and upon vote, unanimously carried, the Board approved the proposal for tree wrap from BrightView Landscape Services, Inc., for \$2,475.

**District Website and Remediation of Authority Documents:** The Board entered into discussion regarding the Authority Website and Remediation of Authority Documents. Ms. Finn noted Public Alliance LLC is currently working on the remediation.

**Renewal of Authority's Insurance and Special District Association Membership for 2025:** The Board entered into discussion regarding renewal of Authority's insurance and Special District Association membership for 2025. Ms. Finn noted she will need to add the newly acquired improvements to the property insurance coverage.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board approved the renewal of Authority's insurance and Special District Association membership for 2025.

**Other Management Matters:** There were no other Management Matters.

## **Financial Matters**

**Claims:** Ms. Wheeler presented the Board with claims in the amount of \$30,227.26 to be ratified and claims in the amount of \$19,589.10 for approval.

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

**2024 Budget Amendment Hearing:** The President opened the public hearing to consider an amendment to the 2024 Budget and discuss related issues.

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 Authority. No written objections were received prior to this public hearing. No public comments were received, and the public hearing was closed.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard and, upon vote unanimously carried, the Board adopted a Resolution to Amend 2024 Budget.

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

It was noted that publication of a Notice stating that the Board would consider adoption of the 2025 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the Authority. No written objections were received prior to or at this public hearing. No public comments were received, and the public hearing was closed.

Ms. Wheeler reviewed the estimated year-end 2024 revenues and expenditures and the proposed 2025 estimated revenues and expenditures. It was noted that no mill levy will be certified by the Authority.

Following discussion, the Board considered the adoption of the Resolution to Adopt the 2025 Budget and Appropriate Sums of Money. Upon motion duly made by Director Kirst, seconded by Director Hollard and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget. Ms. Finn was authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2025.

**2024 Auditor Proposals:** The Board deferred discussion at this time.

## **Other Business**

*Request for Direct Communication from the Authority to the Community:* Ms. Finn noted she received a request for the Authority to send eblast communication to residents directly rather than through the HOA. It was noted that the Authority does not maintain a homeowner contact database. Following discussion, the Board determined to continue to work with Homeowners Association (“HOA”) on all communications with residents.

*Request for the Installation of Educational Signage in the Native Areas Explaining the Value of the Various Plants:* Ms. Finn noted she received a request for the installation of educational signage in the native areas. The Board requested pricing for the signage and noted QR codes should be used so the signs can be easily updated.

Harmony Homeowners Association (“HOA”) in developing an educational program concerning gardening, native plants, pesticides and water usage: Ms. Finn noted the HOA expressed interest in partnering with the Authority on community educational programs concerning gardening, native plants, pesticides and water usage. Following discussion, the Board authorized staff to work with the HOA on these programs if they can be accomplished at a low cost to the Authority.

Partnering with the HOA to Obtain a Special Event Alcohol Permit: Ms. Page Water requested the Authority partner with the HOA in obtaining a special event alcohol permit. The Board request staff to obtain information regarding insurance coverage.

**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.

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*James Spehalski*  
DocuSigned By: James Spehalski  
Secretary for the Meeting