



## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE SKY RANCH COMMUNITY AUTHORITY BOARD (“CAB”) HELD NOVEMBER 10, 2023

A regular meeting of the Board of Directors (referred to hereafter as the “**Board**”) of the CAB convened on November 10, 2023, at 8:30 a.m. at Pure Cycle Corporation, 34501 E. Quincy Ave., Bldg. 65, Suite A, Watkins, CO 80137. This CAB Board meeting was also held virtually via Microsoft Teams and by conference call. The meeting was open to the public.

**Directors in Attendance Were:**

Mark Harding, President  
Joe Knopinski, Vice President  
Scott Lehman, Secretary  
Dirk Lashnits, Assistant Secretary

**Also in Attendance Were:**

Lisa Johnson, Celeste Terrell, Alexander Clem, Cathee Sutton (for a portion of the meeting) and Thuy Dam (for a portion of the meeting); CliftonLarsonAllen LLP (“**CLA**”)  
Suzanne Meintzer, Esq.; McGeady Becher P.C.  
Stan Fowler; Independent District Engineering Services, LLC (“**IDES**”)  
Cyrena Finnegan, Deb Saya, and Marc Spezialy; Pure Cycle Corporation  
Marc Spezialy; CAB Board Candidate

**Members of the Public In Attendance:**

Adam Haskin; Resident and Sky Ranch Metropolitan District No. 1 Board Member

**ADMINISTRATIVE  
MATTERS**

The meeting was called to order.

**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. Attorney Meintzer noted that all Directors’ Disclosure Statements were filed. Attorney Meintzer requested members of the Board to 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. No additional conflicts were disclosed at the meeting.

**Quorum, Location of Meeting, Posting of Meeting Notice and Agenda:** The Board confirmed the presence of a quorum.



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The Board reviewed a proposed agenda for the CAB's regular meeting. Following discussion, upon a motion duly made by Director Lashnits, seconded by Director Knopinski and, upon vote, unanimously carried, the Board approved the agenda, as amended.

The Board discussed the requirements of Section 32-1-903(1), C.R.S., concerning the location of the CAB's Board meeting. The Board determined that certain Board members and consultants of the CAB would attend this meeting in person at the above-referenced location. However, certain other Board members and consultants of the CAB would attend this meeting via video conference or teleconference. The Board further noted that the notice of the time, date, location, and video conference/teleconference information for the meeting was duly posted.

**CAB Board Vacancy and appointment of Marc Spezialy to the Board of Directors:**

The Board discussed the vacancy on the CAB Board and acknowledged the appointment of Marc Spezialy from Sky Ranch Metropolitan District No. 5 to serve on the CAB Board.

**Appointment of Officers:** Upon motion duly made by Director Knopinski, seconded by Director Lashnits and, upon vote, unanimously carried, the Board appointed the following slate of officers.

<u>OFFICE</u>	<u>DIRECTOR</u>
President	Mark Harding
Vice President	Joe Knopinski
Treasurer	Marc Spezialy
Secretary	Scott Lehman
Assistant Secretary	Dirk Lashnits

**Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:**

Upon motion duly made by Director Harding, seconded by Director Knopinski and, upon vote, unanimously carried, the Board adopted Resolution Establishing Regular Meeting Dates, Time and Location and Designating Location for Posting of 24-Hour Notices, determining meetings are to be held monthly on the 2<sup>nd</sup> Friday of each month at 8:30 a.m.

**Requirements of Section 32-1-809, C.R.S. and Compliance for 2024 (Transparency Notice):** Following discussion, the Board directed CLA to prepare and file the Transparency Notice.



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**Requirements of Section 32-1-306, C.R.S. and Compliance for 2023 (Annual Map Filing):** Following discussion, the Board directed CLA to prepare and file the annual map filing.

**2024 Insurance Renewal and Special District Association (“SDA”) Membership:** Following discussion, the Board directed staff to renew insurance for 2024 and membership with the SDA.

**Worker’s Compensation Insurance Coverage for Uncompensated Members of the Board of Directors:** Upon motion duly made by Director Lehman, seconded by Director Lashnits and, upon vote, unanimously carried, the Board voted to bind worker’s compensation coverage.

**Cyber Security and Increased Crime Coverage:** Upon motion duly made by Director Lehman, seconded by Director Lashnits and, upon vote, majority carried, with Director Knopinski voting against, the Board increased the cyber security coverage to \$100,000.

**Establishment of Insurance Committee:** Following discussion, the Board determined that the establishment of an Insurance Committee was not necessary.

**CONSENT AGENDA** The Board considered the following item under the Consent Agenda:

- Approval of the Minutes from the October 13, 2023 Regular Meeting.

Upon a motion duly made by Director Lehman, seconded by Director Harding and, upon vote, unanimously carried, the Board approved the Consent Agenda.

**PUBLIC COMMENT** There were no public comments.

**CITIZENS  
ADVISORY  
COMMITTEE  
 (“CAC”) MATTERS**

**CAC Presentation on Recommendations:** None.

**FINANCIAL  
MATTERS**

**September 30, 2023 Unaudited Financial Statements and Schedule of Cash Position as of October 31, 2023, Accounts Receivable Summaries, Tax Schedules, and Developer Advance Schedule:** Ms. Sutton presented the Unaudited Financial Statements, Schedule of Cash Position, Accounts Receivable Summaries, Tax Schedules, and Developer Advance Schedule to the Board. Following review, upon a motion duly made by Director Lashnits, seconded by Director Lehman and, upon vote,



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unanimously carried, the Board accepted the September 30, 2023 Unaudited Financial Statements and Schedule of Cash Position as of October 31, 2023, the accounts receivable summaries, tax schedules and developer advance schedule.

**Payables through November 3, 2023:** Ms. Sutton reviewed the payables through November 3, 2023 with the Board. Following review, upon a motion duly made by Director Knopinski, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved the payables through November 3, 2023, in the amount of \$742,134.50.

**Public Hearing to Consider an Amendment of the 2023 Budget:** The Board opened the public hearing to consider an amendment of the 2023 Budget at 9:33 a.m.

It was noted that Notice stating that the Board would consider amendment of the 2023 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. Sutton discussed the need to amend the 2023 Budget with the Board. Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2023 Budget, amending the General Fund from \$540,000 to \$1 million, and the Debt Service Fund from \$866,744 to \$950,000.

**Public Hearing on 2024 Budget (Second Reading):** The Board opened the public hearing to consider the proposed 2024 Budget at 9:33 a.m.

It was noted that Notice stating that the Board would consider the adoption of the 2024 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. Sutton presented the 2024 Budget to the Board. Following review, upon a motion duly made by Director Lashnits, seconded by Director Knopinski and, upon vote, unanimously carried, the Board adopted the Resolution to Adopt 2024 Budget and Appropriate Sums of Money.



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**2023 Audit:** Following discussion, upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved the engagement with Haynie & Co. to prepare the 2023 Audit.

**CliftonLarsonAllen LLP Master Services Agreement (“MSA”) and Statement(s) of Work (“SOWs”) for 2024 Accounting, Management, Community Management, and Billing Services:** Ms. Johnson presented the MSA and Statements of Work to the Board. Director Knopinski commented on his dissatisfaction with the process. Following discussion, upon a motion duly made by Director Harding, seconded by Director Lehman and, upon vote, majority carried, with Director Knopinski voting against, the Board approved the CliftonLarsonAllen LLP Master Services Agreement and Statement(s) of Work for 2024 Accounting, Management, Community Management, and Billing Services, and authorized the President to execute the same, subject to final legal review and completion.

**Preparation of 2025 Budget:** Following discussion, upon a motion duly made by Director Knopinski, seconded by Director Lehman and, upon vote, unanimously carried, the Board appointed the District accountant to prepare the 2025 Budget.

### CONSTRUCTION MATTERS

**Project Manager’s Report:** Director Lashnits presented the Project Manager’s Report to the Board.

**Task Order No. 18 to Master Service Agreement with KT Engineering for As-Built in an amount not to exceed \$5,600:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Task Order No. 18 to the Master Service Agreement with KT Engineering for as-builts in an amount not to exceed \$5,600.

**Task Order No. 19 to the Master Service Agreement with KT Engineering for Sed Basin Backfill, Grading Surface Comparison, KB Green Courts in an amount not to exceed \$2,960:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Task Order No. 19 to the Master Service Agreement with KT Engineering for sed basin backfill, grading surface comparison, KB green courts in an amount not to exceed \$2,960.

**MSA and Task Order No. 1 with PCS Group for Filing 7 Planning in an amount not to exceed \$57,715:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved the MSA and Task Order No. 1 with PCS Group for filing 7 planning in an amount not to exceed \$57,715.



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**Engineer's Report:** Mr. Fowler presented the Engineer's Report to the Board.

**Soliciting Bids for Filing 6 GESC Project:** Mr. Fowler presented to the Board. Following discussion, the Board approved soliciting bids and authorized Mr. Fowler to move forward in the solicitation of bids.

**Cost Certification No. 9 Prepared by Independent District Engineering Services, LLC in the amount of \$1,997,210.30:** Mr. Fowler presented the report to the Board. Upon a motion duly made by Director Knopinski, seconded by Director Harding and, upon vote, unanimously carried, the Board approved Cost Certification No. 9 in the amount of \$1,997,210.30.

### **PHASE 1 (FILING NOS. 1, 2 AND 3) CONSTRUCTION MATTERS:**

**Drainage and Utilities:** None.

**Roadway Improvements:** None.

**Grading/Earthwork:** None.

**Landscape Improvements:**

*Phase 1:* None.

*Phase 2:* None.

*Phase 3:* None.

### **PHASE II (FILING NO. 4) CONSTRUCTION MATTERS:**

**Grading/Earthwork:** None.

**Drainage and Utilities:** None.

**Erosion Control:** None.

**Roadway Improvements:**

*Paving/Asphalt:* None.

*Concrete/Striping/Signage:*



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**Change Order No. 20 to the Construction Contract with Premier Earthworks & Infrastructure, Inc. ("PEI") for Costs Associated with Additional Scope of Rough Grading at E. 10<sup>th</sup> Drive and N. Monaghan Road in amount not to exceed \$11,569.57:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Change Order No. 20 to the Construction Contract with PEI for costs associated with additional scope of rough grading at E. 10<sup>th</sup> Drive and N. Monaghan Road in amount not to exceed \$11,569.57.

**Change Order No. 21 to the Construction Contract with PEI for Costs Associated with Additional Scope of Installing Curb and Gutter at the Northwest Corner of E. 10<sup>th</sup> Drive and N. Monaghan Road Including Associated Traffic Control and Removal of Fencing in amount not to exceed \$18,017.33:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Change Order No. 21 to the Construction Contract with PEI for costs associated with additional scope of installing curb and gutter at the northwest corner of E. 10<sup>th</sup> Drive and N. Monaghan Road including associated traffic control and removal of fencing in amount not to exceed \$18,017.33.

**Change Order No. 22 to the Construction Contract with PEI for Costs Associated with Additional Traffic Control Related to Demolition and Construction of Medians at E. 10<sup>th</sup> Drive and N. Monaghan Road in amount not to exceed \$6,893.91:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Change Order No. 22 to the Construction Contract with PEI for costs associated with additional traffic control related to demolition and construction of medians at E. 10<sup>th</sup> Drive and N. Monaghan Road in amount not to exceed \$6,893.91.

**Change Order No. 23 to Construction Contract with PEI for Costs Associated with Additional Scope of Saw Cutting and Asphalt Removal Along the Southbound Curb of N. Monaghan Road (North of E. 8<sup>th</sup> Place) in amount not to exceed \$2,283.32:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Change Order No. 23 to Construction Contract with PEI for cost associated with additional scope of saw cutting and asphalt removal along the southbound curb of N. Monaghan Road (north of E. 8<sup>th</sup> Place) in amount not to exceed \$2,283.32.





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### Landscape:

**Change Order No. 8 to the Landscape Contract with Consolidated Divisions, Inc. ("CDI") for Costs for Battery Controller Installation and Removal, Valve Rewiring, and Reprogramming Related to the Nodes in the Detention Pond in an amount not to exceed \$11,510.00:** Upon motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Change Order No. 8 to the Landscape Contract with CDI for costs for battery controller installation and removal, valve rewiring, and reprogramming related to the nodes in the detention pond in an amount not to exceed \$11,510.00.

**Pay Application No. 10 to the Landscape Contract with CDI in the amount of \$164,601.07:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Pay Application No. 10 to the Landscape Contract with CDI in the amount of \$164,601.07.

### Fencing:

**Pay Application No. 8 to the Fencing Contract with Pure Cycle Corporation in the amount of \$5,082.50:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Pay Application No. 8 to the Fencing Contract with Pure Cycle Corporation in the amount of \$5082.50.

### PHASE II (FILING NO. 5) CONSTRUCTION MATTERS:

**Grading/Earthwork:** None.

### Drainage and Utilities:

**Change Order No. 2 to the Construction Contract with American West Construction, LLC for Cost Associated with Dry Utility Sleeving within Filing 5 Right of Way in an amount not to exceed \$493,678.50:** Upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Change Order No. 2 to the Construction Contract with American West Construction, LLC for cost associated with dry utility sleeving within Filing 5 Right of Way in the amount of \$493,678.50.

**Pay Application No. 5 to the Construction Contract with American West Construction, LLC in the amount of \$523,111.80:** Upon a motion duly made





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by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board approved Pay Application No. 5 to the Construction Contract with American West Construction, LLC in the amount of \$523,111.80.

**Erosion Control:** None.

**Roadway Improvements:**

*Paving/Asphalt:*

**Award of Contract to Martin Marietta Materials, Inc. for Subgrade, Base Course and Asphalt Scope of Work in the amount of \$3,076,101.65:** Mr. Fowler presented the award of contract to the Board. Upon a motion duly made by Director Harding, seconded by Director Knopinski and, upon vote, unanimously carried, the Board approved the award of contract to Martin Marietta Materials, Inc. for subgrade, base course and asphalt scope of work in the amount of \$3,076,101.65.

*Concrete/Striping/Signage:*

**Award of Contract to PEI for Concrete, Signage and Striping Scope of Work in the amount of \$1,953,242.78:** Mr. Fowler presented the award of contract to the Board. Upon a motion duly made by Director Harding, seconded by Director Knopinski and, upon vote, unanimously carried, the Board approved the award of contract to PEI for concrete, signage and striping scope of work in the amount of \$1,953,242.78.

**Landscape:** None.

**Filing No. 5 Landscaping/Park Warranty:** Following a presentation by Mr. Fowler, upon a motion duly made by Director Harding, seconded by Director Lashnits and, upon vote, unanimously carried, the Board voted to begin the 1-year landscaping/park warranty period for Filing 5.

### LEGAL MATTERS

**Executive Session:** The Board determined that an Executive Session was not necessary.

**Resolution Amending Policy on Colorado Open Records Act Requests:** Attorney Meintzer presented the Resolution to the Board. Following review, upon a motion duly made by Director Harding, seconded by Director Lehman and, upon vote, unanimously carried, the Board adopted the Resolution Amending Policy on Colorado Open Records Act Requests.



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COMMUNITY  
MANAGEMENT /  
COVENANT  
CONTROL /  
OPERATIONS

**Community Manager’s Update:** Ms. Terrell presented her report to the Board.

**Covenant Violation and Fee Collection Process:** The Board discussed the services provided by Altitude Community Law related to operation and maintenance fee collections. The Board wishes to review the report from Altitude Community Law regarding the status of collection efforts. Following discussion, the Board requested legal counsel work with staff to draft a revised policy related to collection of delinquent accounts.

**Senate Bill 23-178:** The Board further discussed the status of review of Senate Bill 23-178. Attorney Meintzer commented that she will schedule a meeting with CLA staff to discuss the new legislation and prepare a draft policy for the Board to consider at a future meeting.

OTHER BUSINESS

**Quorum for December 8, 2023 Board Meeting:** The Board confirmed a quorum for the December 8, 2023 Board meeting.

ADJOURNMENT

There being no further business to come before the Board at this time, the Board adjourned the meeting at 10:49 a.m.

Respectfully submitted,

DocuSigned by:  
By: Scott E Lehman  
Secretary for the Meeting

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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	12/13/2023 6:41:16 PM
Certified Delivered	Security Checked	12/13/2023 8:19:48 PM
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