

## RECORD OF PROCEEDINGS

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MINUTES OF A MEETING OF  
THE BOARD OF DIRECTORS OF  
THE CANYONS METROPOLITAN DISTRICT NO. 7 (THE "DISTRICT")  
HELD  
OCTOBER 13, 2021

A special meeting of the Board of Directors of The Canyons Metropolitan District No. 7 (referred to hereafter as the "Board") was convened on October 13, 2021, at 9:00 a.m. This meeting was held via Zoom, and was open to the public.

### ATTENDANCE

Directors In Attendance Were:

Jeff Kappes, President  
Skyler Hager, Vice-President/Secretary  
Michele Miller, Assistant Secretary  
Jessica McDonagh, Assistant Secretary

The absence of Director Kershisnik was excused.

Also, In Attendance Were:

Denise Denslow, Stephanie Odewumi and Shelby Clymer; CliftonLarsonAllen LLP ("CLA"), District Manager and Accountant;  
Zachary White, Esq.; White Bear Ankele Tanaka & Waldron P.C. ("WBA"), District General Counsel;  
Spencer Selva; Shea Homes, and  
Ryan McDermed; Shea Canyons, LLC, Construction Manager

### ADMINISTRATIVE MATTERS

**Call to Order/Declaration of Quorum:** Denise Denslow called the meeting to order at 9:03 a.m. and introduced Stephanie Odewumi as the new Assistant Public Manager.

**Director Conflict of Interest Disclosures:** Mr. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White 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. Mr. White 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.

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**Approval of Agenda:** The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Miller, seconded by Director Kappes and, upon vote, unanimously carried, the Board approved the Agenda, as amended to add discussion of native grasses under construction matters.

**Minutes of August 11, 2021 Special Meeting:** The Board reviewed the Minutes of the August 11, 2021 Special Meeting. Following review and discussion, upon motion duly made by Director Miller, seconded by Director McDonagh and, upon vote, unanimously carried, the Board approved the Minutes, as presented.

**Public Comment:** There was no public comment.

### FINANCIAL MATTERS

**Payables and Schedule of Cash Position:** Ms. Clymer reviewed the Payables with the Board. Following review and discussion, upon a motion duly made by Director McDonagh, seconded by Director Hager and, upon vote, unanimously carried, the Board approved the Payables noting the total for the claims is \$2,534,285.63.

**2022 Draft Budget:** Ms. Clymer reviewed the 2022 Draft Budget with the Board. The Board requested a budget workshop be scheduled with Director McDonagh and Director Kershisnik attending.

**Other:** None.

### LEGAL MATTERS

**Park and Open Space Use Policy:** Mr. White discussed a park and open space use policy, noting that the District has the right to implement rules on how these areas are used until such time as the City takes these over. Discussion ensued regarding rules for hours of use, reservations, types of use allowed and not allowed and enforceability. Director Kappes suggested that any rules be incorporated the same as these the City would use to that they are incorporated prior to the City taking over. Attorney White will prepare a draft policy and bring it to a future meeting for Board review.

**Other:** None.

### MANAGER / OPERATIONS MATTERS

**Managers' Report:** Ms. Denslow reported that the Design Review applications are and she is working through some challenging items. She reported the fence issue is finally resolved and the turf issue is being worked on with Altitude Law. Ms. Denslow is working on relationship building with residents.

**Other:** None.

### CONSTRUCTION MATTERS

**Summary and Status of Construction Matters, Review Construction Manager Board Communication:** Mr. McDermed reported he is working to

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complete the Iceberg area with roadway prep for concrete and pavement. He noted we should start to see concrete pours throughout the areas prior to cold weather and completing the two areas paving is needed. The overall focus currently is finalizing paving prior to end of year.

Mr. McDermed reported the playground equipment is installed and is working to finalize park improvements.

The 2020 landscaping improvements are being completed, the trail systems are being built and are starting to come together. He is working on warranty acceptance. Mr. McDermed noted that every decision with the trail alignment systems is done for the betterment of the entire community. He noted that they are not trying to burden certain lots but look at the overall area for the best plan.

Mr. McDermed reported on the open space native grasses, noting that pursuant to feedback from the HOA meeting, concerns were expressed by residents about the native open space tracks. The intent was to have a lighter touch and being very environmentally friendly. Establishing the native will also be water friendly without the need for irrigation. Mr. McDermed acknowledged that this is an important area and has established a service plan with BrightView to make sure that this area is getting established properly. He further noted that it can take some time to get this established and to see results. This will be starting within the next two weeks. He will report to the Board with monitoring recommendation for the tracks. Mr. McDermed suggested that the budget for this year include these costs.

Director Kappes stated that this is a good opportunity here, this is a unique area and can have a very successful operation with a very in-depth monitoring and management program.

There will be a monthly update provided on these items.

The Board provided direction to post draft minutes on the website after reviewed by Director Miller and Director McDonagh.

### **Independent Contractor Agreements:**

**Independent Contractor Agreement with Aztec Consultants for Ramble Park Phase 2 Survey Services:** Mr. McDermed reviewed the Agreement with the Board. Following discussion, upon a motion duly made by Director Hager, seconded by Director Miller and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement with Aztec Consultants for Ramble Park Phase 2 Survey Services.

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**Independent Contractor Agreement with Terracina Design for Canyons Filing 2, 1<sup>st</sup> Amendment – Construction Documents:** Mr. McDermed reviewed the Agreement with the Board. Following discussion, upon a motion duly made by Director Hager, seconded by Director Miller and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement with Terracina Design for Canyons Filing 2, 1<sup>st</sup> Amendment – Construction Documents.

**Independent Contractor Agreement with Terracina Design for Canyons Canyonside Blvd. SIA Phase 3 – Construction Documents:** Mr. McDermed reviewed the Agreement with the Board. Following discussion, upon a motion duly made by Director Hager, seconded by Director Miller and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement with Terracina Design for Canyons Canyonside Blvd. SIA Phase 3 – Construction Documents.

**Independent Contractor Agreement with Terracina Design, LLC for Canyons Planning Area 9 – Construction Documents:** Mr. McDermed reviewed the Agreement with the Board. Following discussion, upon a motion duly made by Director Hager, seconded by Director Miller and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement with Terracina Design, LLC for Canyons Planning Area 9 – Construction Documents.

**Independent Contractor Agreement with Terracina Design, LLC for Canyons Planning Area 11 – Construction Documents:** Mr. McDermed reviewed the Agreement with the Board. Following discussion, upon a motion duly made by Director Hager, seconded by Director Miller and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement with Terracina Design, LLC for Canyons Planning Area 11 – Construction Documents.

**Independent Contractor Agreement with Douglas County Maintenance & Repair for Snow Removal Services (Roadways):** Mr. McDermed reviewed the Agreement with the Board. Following discussion, upon a motion duly made by Director Hager, seconded by Director Miller and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement with Douglas County Maintenance & Repair for Snow Removal Services (Roadways).

**Independent Contractor Agreement with Brightview Landscape Services, Inc. for Snow Removal Services (Sidewalks):** Mr. McDermed reviewed the Agreement with the Board. Following discussion, upon a motion duly made by Director Hager, seconded by Director Miller and, upon vote, unanimously carried, the Board approved the Independent

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Contractor Agreement with Brightview Landscape Services, Inc. for Snow Removal Services (Sidewalks).

**Notice of Termination of Independent Contractor Agreements with Core Consultants:** Mr. McDermed reviewed the Notice of Termination with the Board. Following discussion, upon a motion duly made by Director Hager, seconded by Director Miller and, upon vote, unanimously carried, the Board approved the Notice of Termination of Independent Contractor Agreements with Core Consultants.

### **Change Orders:**

**Change Order No. 3 to Canyons Filing 1, 6th Amendment (Utilities) Construction Agreement with Reynolds Construction, LLC:** Following discussion, upon a motion duly made by Director Miller, seconded by Director McDonagh and, upon vote, unanimously carried, the Board approved Change Order No. 3 to Canyons Filing 1, 6th Amendment (Utilities) Construction Agreement with Reynolds Construction, LLC, in the amount of \$91,756.98.

**Change Order No. 1 to Canyons Filing 1, 6th Amendment (Concrete) Construction Agreement with Fiore & Sons:** Following discussion, upon a motion duly made by Director Miller, seconded by Director McDonagh and, upon vote, unanimously carried, the Board approved Change Order No. 1 to Canyons Filing 1, 6th Amendment (Concrete) Construction Agreement with Fiore & Sons, in the amount of \$76,158.30.

**Change Order No. 2 to Canyons 2020 Roadways Construction Agreement with Brightview Landscape Development:** Following discussion, upon a motion duly made by Director Miller, seconded by Director McDonagh and, upon vote, unanimously carried, the Board approved Change Order No. 2 to Canyons 2020 Roadways Construction Agreement with Brightview Landscape Development, in the amount of \$10,613.62.

### **Construction Agreements:**

#### **Bids for Canyonside Loop Road and Bridge Construction Project:**

**Construction Agreement with Fiore & Sons for Canyonside Loop Road and Bridge (Storm) Construction Project:** Following discussion, upon a motion duly made by Director Miller, seconded by Director Kappes and, upon vote, unanimously carried, the Board

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approved the Construction Agreement with Fiore & Sons for Canyonside Loop Road and Bridge (Storm) Construction Project.

**Construction Agreement with HEI Civil for Canyonside Loop Road and Bridge (Bridge) Construction Project:** Following discussion, upon a motion duly made by Director Miller, seconded by Director Kappes and, upon vote, unanimously carried, the Board approved the Construction Agreement with HEI Civil for Canyonside Loop Road and Bridge (Bridge) Construction Project.

**Construction Agreement with ESCO Construction for Canyonside Loop Road and Bridge (Concrete & Curb) Construction Project:** Following discussion, upon a motion duly made by Director Miller, seconded by Director Kappes and, upon vote, unanimously carried, the Board approved the Construction Agreement with ESCO Construction for Canyonside Loop Road and Bridge (Concrete & Curb) Construction Project.

**Construction Agreement with Martin Marietta Materials for Canyonside Loop Road and Bridge (Paving) Construction Project:** Following discussion, upon a motion duly made by Director Miller, seconded by Director Kappes and, upon vote, unanimously carried, the Board approved the Construction Agreement with Martin Marietta Materials for Canyonside Loop Road and Bridge (Paving) Construction Project.

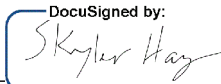
OTHER BUSINESS

None

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Kappes, seconded by Director Hager and, upon vote, unanimously carried, the Board adjourned the meeting at 10:05 a.m.

Respectfully submitted,

By  \_\_\_\_\_  
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Secretary for the Meeting