

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF LAKOTA POINTE METROPOLITAN DISTRICT

HELD
December 11, 2023

The Regular Meeting of Lakota Pointe Metropolitan District was held via MS Teams and Teleconference on Monday, December 11, 2023, at 2:00 p.m.

ATTENDANCE

Directors in Attendance:

Kenneth Boenish, President

Adam Dowling, Secretary and Treasurer

Also in Attendance:

Alan Pogue, and Kayla Enriquez; Icenogle Seaver Pogue, P.C.

Shannon Randazzo, Kieyesia Conaway, Jenna Pettit, Irene Buenavista,

Nic Ortiz, and Michael Garcia; Pinnacle Consulting Group, Inc.

ADMINISTRATIVE ITEMS

Declaration of Quorum/Director Qualifications/Disclosure of Potential Conflicts of Interest: Ms. Randazzo noted that a quorum was present, with two out of two Directors in attendance. All Board Members confirmed their qualifications to serve on the Board. Mr. Pogue advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Pogue reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Mr. Pogue 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 Boards determined that the participation of the Directors present was necessary to obtain a quorum or to otherwise enable the Boards to act.

Call to Order: The Regular Meeting of the Board of Directors of the Lakota Pointe Metropolitan District was called to order by Ms. Randazzo at 2:01 p.m.

Approval of Agenda: Ms. Randazzo noted that the language on item V B changed from Facilities and Maintenance Contractors to Capital

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Contractors and added item V. C Provide District Staff Direction to Commence the Public Bid Process for 2024. The Board considered the approval of the agenda. Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve the agenda, with the revision of item V. B and addition of V. C.

CONSENT AGENDA

Ms. Randazzo reviewed the items on the consent agenda with the Board. Ms. Randazzo advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any Director. No items were requested to be removed from the consent agenda. Upon a motion duly made by Director Boenish, Seconded by Director Dowling, the following items on the consent agenda were unanimously approved, ratified and adopted:

- A. Approval of Minutes – June 12, 2023, Regular Meeting Minutes.
- B. Payment of Claims.
- C. Approval of Agenda.
- D. Approval of the 2024 Meeting Resolution.

DISTRICT MANAGER ITEMS

District Manager’s Report: Ms. Randazzo presented the District Manager’s Report to the Board and answered questions.

HOA Status: Ms. Randazzo presented the HOA Report to the Board and answered questions.

FINANCIAL ITEMS

Financial Report: Ms. Buenavista reviewed the Unaudited Financial Statements for the period ending June 30, 2023, with the Board and answered questions. Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to accept the Unaudited Financial Statements for the period ending June 30, 2023, as presented.

2023 AMENDED BUDGET HEARING

Director Boenish opened the 2023 Amended Budget Hearing for Lakota Pointe Metropolitan District. Ms. Randazzo reported that notice of the budget hearing was published on November, 23, 2023, in the Middle Park Times, in accordance with state budget law. There being no public input, the public portion of the budget hearing was closed. Ms. Buenavista

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reviewed the amended budget in detail and answered questions. The budget for the District is as follows:

General Fund: \$134,000

Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve the Resolution to Adopt the 2023 Amended Budget and appropriate funds for Lakota Pointe Metropolitan District and authorize such further actions of the officers and consultants necessary to sign related documents and submit and file such documents required to finalize the amended budget.

2024 BUDGET HEARING

Director Boenish opened the 2024 Budget Hearing for Lakota Pointe Metropolitan District. Ms. Randazzo reported that notice of the budget hearing was published on November, 23, 2023, in the Middle Park Times, in accordance with state budget law. Ms. Buenavista reviewed the mill levy, estimated revenues, and expenditures in detail and answered questions. The budget for the District is as follows:

General Fund: \$148,200
Capital Projects Fund: \$2,975,000

There being no public input, the public portion of the budget hearing was closed. After further review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve the Resolution to Adopt the 2024 Budget for Lakota Pointe Metropolitan District, set the mill levy, and appropriate budgeted funds upon final certification of values being received by the County of Name of County on or before January 3, 2024, and approve all other documents related to the 2024 budget. The District Manager is authorized to make minor modifications that may be necessary following receipt of final assessed values.

CAPITAL ITEMS

Master Services Agreement & Work Order #2023-01 with Bristlecone Ecology LLC, for Lakota Pointe Phase I for Wetland Surveying and Permitting: Mr. Ortiz presented the Master Service Agreement and Work Order #2023-01 with Bristlecone Ecology LLC, for Lakota Pointe Phase I for Wetland Surveying and Permitting in the amount of \$7,955.00 to the

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Board and answered questions. Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve the Master Service Agreement and Work Order #2023-01 with Bristlecone Ecology LLC, for Lakota Pointe Phase I for Wetland Surveying and Permitting in the amount of \$7,955.00, as presented.

Master Services Agreement & Work Order #2023-01 with Kinetic Energy Services, LLC, for Lakota Pointe Phase I for Potholing, Hydro-Trenching, and Utility Location Services: Mr. Ortiz presented the Master Service Agreement and Work Order #2023-01 with Kinetic Energy Services, LLC, for Lakota Pointe Phase I for Potholing, Hydro-Trenching, and Utility Location Services in the amount of \$23,355.00 to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve the Master Service Agreement and Work Order #2023-01 with Kinetic Energy Services, LLC, for Lakota Pointe Phase I for Potholing, Hydro-Trenching, and Utility Location Services in the amount of \$23,355, as presented.

Master Services Agreement & Work Order #2023-01 with Mountain Division Construction, CO, for Lakota Pointe Phase I for Pothole locates for Water Main at Lakota Pointe: Mr. Ortiz presented the Master Service Agreement and Work Order #2023-01 with Mountain Division Construction, CO, for Lakota Pointe Phase I for Pothole locates for Water Main at Lakota Pointe in the amount of \$42,355 to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve the Master Service Agreement and Work Order #2023-01 with Mountain Division Construction, CO, for Lakota Pointe Phase I for Pothole locates for Water Main at Lakota Pointe in the amount of \$42,355 as presented.

Authorization of District Manager to Execute 2024 Work Orders with Approved Capital Contractors within the Approved 2024 Budget: Mr. Ortiz requested the Board consider delegating authority to the District Manager to Execute 2024 Work Orders with Approved Capital Contractors within the Approved 2024 Budget. Following review and

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discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to authorize the District Manager to Execute 2024 Work Orders with Approved Capital Contractors within the Approved 2024 budget, as presented.

Provide District Staff Direction to Commence the Public Bid Process for 2024: Mr. Ortiz presented the District Staff Direction to Commence the Public Bid Process for 2024 to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve to Commence the Public Bid Process for 2024, as presented.

LEGAL ITEMS

First Amendment to Funding and Reimbursement Agreement with Lakota Pointe, Winer Park, LLC, and in connection therewith, the Refunding of a Subordinate Note and the Issuance of a New Subordinate Note for Operating Advances: Mr. Pogue presented the First Amendment to Funding and Reimbursement Agreement with Lakota Pointe, Winer Park, LLC, and in connection therewith, the Refunding of a Subordinate Note and the Issuance of a New Subordinate Note for Operating Advances to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve the First Amendment to Funding and Reimbursement Agreement with Lakota Pointe, Winer Park, LLC, and in connection therewith, the Refunding of a Subordinate Note and the Issuance of a New Subordinate Note for Operating Advances, as presented.

First Amendment to Improvement Acquisition, Advance and Reimbursement Agreement with Lakota Pointe Winter Park, LLC: Mr. Pogue presented the First Amendment to Improvement Acquisition, Advance and Reimbursement Agreement with Lakota Pointe Winter Park, LLC. to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve the First Amendment to Improvement Acquisition, Advance and Reimbursement Agreement with Lakota Pointe Winter Park, LLC, as presented.

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First Amendment to Public Records Policy Resolution: Mr. Pogue presented the First Amendment to Public Records Policy Resolution to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to approve the First Amendment to Public Records Policy Resolution, as presented.

Amended and Restated Service Plan for Lakota Pointe Metropolitan Districts Nos. 1-2: Mr. Pogue presented the Amended and Restated Service Plan for Lakota Pointe Metropolitan Districts Nos. 1-2 to the Board and answered questions.

RESOLVED to approve the Amended and Restated Service Plan for Lakota Pointe Metropolitan Districts Nos. 1-2, as presented.

OTHER ITEMS

Developer Update: Director Boenish noted that the developer has approval from the town to move forward with the final Platt once the Colorado Department of Transportation report is received. Director Boenish noted the developers will work on bid process in the first quarter of 2024.

EXECUTIVE SESSION

Executive session, pursuant to Colorado Open Meeting Law § 24-6-402(4)(b), C.R.S., to consult with or receive advice from attorney regarding specific legal items.

Mr. Pogue advised the Board that it was permitted, upon compliance with requisite statutory procedures under the Colorado Open Meetings Law, for the Board to convene an executive session, pursuant to § 24-6-402(4)(b), C.R.S., to conference with an attorney for the purpose of receiving legal advice from general counsel related to specific legal questions. Upon a motion duly made by Director Boenish, seconded by Director Dowling, and upon vote, unanimously carried, it was

RESOLVED to convene an Executive Session, pursuant to § 24-6-402(4)(b), C.R.S., to conference with an attorney for the purpose of receiving legal advice from general counsel related to specific legal questions.

It is the 11th day of December 2023 and the time is 2:34 p.m. For the record, I, Kenneth Boenish, am the presiding officer. This session is

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subject to the attorney-client privilege and therefore, pursuant to the Open Meetings Law, is not being recorded. Also present at this Executive Session are: Director Adam Dowling, District Legal Counsel, Alan Pogue and Kayla Enriquez, District Manager; Shannon Randazzo; Pinnacle Consulting Group, Inc.

This is an Executive Session for the following purpose: Receiving legal advice from general counsel related to specific legal questions.

The Executive Session was adjourned at 2:43 p.m. All participants were in the Executive Session at adjournment.

No decisions or actions were taken in the Executive Session.

For the record, if any person participating in the Executive Session believes any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or any improper action occurred during the Executive Session in violation of the Colorado Open Meetings Law, I ask you state your concerns for the record.

No objections were stated.

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Director Boenish, seconded by Director Dowling, and upon unanimous vote, the meeting was adjourned at 2:44 p.m.

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

Respectfully submitted,



Pinnacle Consulting Group, Inc., Recording Secretary for the Meeting