

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF LAKOTA POINTE METROPOLITAN DISTRICT

HELD

October 10, 2024

The Special Meeting of the Board of Directors of Lakota Pointe Metropolitan District was held via MS Teams and Teleconference on Thursday, October 10, 2024, at 3:00 p.m.

ATTENDANCE

Directors in Attendance:

Kenneth Boenish, President & Chairperson

Adam Dowling, Secretary & Treasurer

Also in Attendance:

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

Shannon Randazzo, Andrew Kunkel, Matt Sorenson, and Doug Campbell; Pinnacle Consulting Group, Inc.

ADMINISTRATIVE ITEMS

Declaration of Quorum/Call to Order: Ms. Randazzo noted that a quorum was present, with two out of two Directors in attendance. The Special Meeting of the Board of Directors of the Lakota Pointe Metropolitan District was called to order by Ms. Randazzo at 3:02 p.m.

Director Qualifications/Disclosure of Potential Conflicts of Interest: All Board Members confirmed their qualifications to serve on the Board. Mr. Pogue noted that notices of potential conflict of interest for all Board Members were filed with the Colorado Secretary of State's Office. Mr. Pogue advised the Board that pursuant to Colorado law, certain disclosures by the Board might be required prior to taking official action at a meeting. The Board reviewed the agenda for the meeting, following which the Directors confirmed the contents of the written disclosure previously made stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Additionally, the Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

Approval of Agenda: 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, as amended to add an Executive Session for for the purpose of receiving legal advice from

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general counsel related to the proposed Cost Sharing Agreement for maintenance of Lakota Trail following I Administrative Item C.

EXECUTIVE SESSION 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 Section 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice from general counsel related to the proposed Cost Sharing Agreement for maintenance of Lakota Trail. Upon motion duly made by Director Boenish seconded by Director Dowling, and upon vote, it was unanimously carried, it was

RESOLVED to convene an Executive Session pursuant to Section 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice from general counsel related to the proposed Cost Sharing Agreement for maintenance of Lakota Trail.

The Board convened the Executive Session at 3:04 p.m.

The Board returned from Executive Session at 3:11 p.m. Ms. Randazzo noted that no decisions or actions were taken in the Executive Session.

ADMINISTRATIVE ITEMS CONT. Public Comment for Non-Agenda Items: There were no Public Comments received.

Director Comment: There were no Director Comments received.

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 Dowling, Seconded by Director Boenish, the following items on the consent agenda were unanimously approved, ratified and adopted.

- A. Minutes – May 29, 2024, Special Meeting.
 - B. Payment of Claims.
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DISTRICT MANAGER ITEMS District Manager's Report: Ms. Randazzo presented the District Manager's Report to the Board.

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CAPITAL
INFRASTRUCTURE
ITEMS

Bid Results for Phase 1 Utilities – Storm Crossing: Ms. Randazzo presented the Bid Analysis Summary Memorandum for Phase 1 Utilities – Storm Crossing to the Board.

Construction Contract with Evergreen Excavation Co.: Ms. Randazzo presented a Construction Contract with Evergreen Excavation Co. to the Board. 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 Construction Contract with Evergreen Excavation Co. in the amount of \$172,155.40, as presented.

FINANCIAL ITEMS

Financial Statements: Mr. Sorenson reviewed the unaudited Financial Statements for the period ending June 30, 2024, with the Board and answered questions. Following review and discussion, upon a motion duly made by Director Dowling, seconded by Director Boenish, and upon vote, unanimously carried, it was

RESOLVED to accept the unaudited Financial Statements for the period ending June 30, 2024, as presented.

LEGAL ITEMS

Public Improvement Escrow Agreement with the Town of Winter Park, Lakota Pointe Winter Park, LLC, and Land Title Guarantee Company, LLC: Mr. Pogue presented the Public Improvement Escrow Agreement with the Town of Winter Park, Lakota Pointe Winter Park, LLC, and Land Title Guarantee Company, LLC to the Board. Following review and discussion, upon a motion duly made by Director Dowling, seconded by Director Boenish, and upon vote, unanimously carried, it was

RESOLVED to approve the Public Improvement Escrow Agreement with the Town of Winter Park, Lakota Pointe Winter Park, LLC, and Land Title Guarantee Company, LLC, as presented.

Cost-Sharing Agreement with Lakota Owners Association, Inc: The Cost-Sharing Agreement with Lakota Owners Association, Inc. was tabled at the direction of Mr. Pogue.

DIRECTOR
COMMENT

There were no Director Comments received.

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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 3:19 p.m.

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

Respectfully submitted,

Andrew Kunkel

Andrew Kunkel, Recording Secretary for the Meeting