

RECORD OF PROCEEDINGS

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

HELD
May 29, 2024

The Special Meeting of the Board of Directors of Lakota Pointe Metropolitan District was held via MS Teams and Teleconference on Wednesday, May 29, 2024, at 3:00 p.m.

ATTENDANCE

Directors in Attendance:
Kenneth Boenish, President
Adam Dowling, Secretary & Treasurer

Also in Attendance:
Kayla Enriquez; Icenogle Seaver Pogue, P.C.
Shannon Randazzo, Andrew Kunkel, Irene Buenavista, Nic Ortiz, and
Adam Brix; 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 3:06 p.m.

Director Qualifications/Disclosure of Potential Conflicts of Interest: All Board Members confirmed their qualifications to serve on the Board. Ms. Enriquez noted that notices of potential conflict of interest for all Board Members were filed with the Colorado Secretary of State's Office. Ms. Enriquez 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 discussion regarding Bid Summary Memorandum

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for Phase 1 Public Infrastructure Grading following IV Capital Infrastructure Items C a i.

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 Boenish, Seconded by Director Dowling, the following items on the consent agenda were unanimously approved, ratified and adopted subject to a minor modification to the December 11, 2023, Regular Meeting Minutes on page 7 to change the word Winer to Winter:

- A. Minutes – December 11, 2023, Regular Meeting, December 11, 2023, Annual Community Meeting.
 - B. Payment of Claims.
 - C. Contract Modifications.
 - D. Website Accessibility Resolution.
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DISTRICT MANAGER ITEMS

District Manager's Report: Ms. Randazzo presented the District Manager's Report to the Board.

CAPITAL INFRASTRUCTURE ITEMS

District Capital Infrastructure Report & District Project Manager Update: Mr. Ortiz presented the District Capital Infrastructure Report and provided the District Project Manager Update to the Board.

Capital Fund Summary & Capital Needs Assessment: Mr. Ortiz reviewed the Capital Fund Summary & Capital Needs Assessment with the Board.

Bid Results for Phase #1 Public Infrastructure Grading: Mr. Ortiz presented the Bid Analysis Summary Memorandum for Phase #1 Public Infrastructure Grading to the Board.

EXECUTIVE SESSION

Ms. Enriquez 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-

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402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning to the Bid Results for Phase #1 Public Infrastructure Grading. 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 § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning to the Bid Results for Phase #1 Public Infrastructure Grading.

The Board convened the Executive Session at 3:15 p.m..

The Board returned from Executive Session at 3:27 p.m. Ms. Randazzo noted that no decisions or actions were taken in the Executive Session.

CAPITAL
INFRASTRUCTURE
ITEMS CONT.

Construction Contract with HPM, Inc. for Phase #1 Public Infrastructure Grading: Mr. Ortiz presented a Construction Contract with HPM, Inc. for Phase #1 Public Infrastructure Grading 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 Construction Contract with HPM, Inc. for Phase #1 Public Infrastructure Grading in the amount of \$779,338.16, subject to any revisions as approved by legal counsel.

Work Order #2024-01 with Mountain Division Construction for District Construction Management Services: Mr. Ortiz requested ratification of Work Order #2024-01 with Mountain Division Construction for District Construction Management Services in an amount not to exceed 7% of actual project costs by 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 ratify Work Order #2024-01 with Mountain Division Construction for District Construction Management Services in an amount not to exceed 7% of actual project costs, as presented.

Master Services Agreement & Work Order #2023-01 with McDowell Engineering, LLC. for Traffic Data Collection: Mr. Ortiz requested ratification of the Master Services Agreement & Work Order #2023-01

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with McDowell Engineering, LLC. for Traffic Data Collection services in the amount of \$4,320.00 by 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 ratify the Master Services Agreement & Work Order #2023-01 with McDowell Engineering, LLC, for Traffic Data Collection services in the amount of \$4,320.00, as presented.

FINANCIAL ITEMS

Finance Manager's Report: Ms. Buneavista presented the Finance Manager's Report to the Board.

Financial Statements: Ms. Buneavista reviewed the unaudited Financial Statements for the period ending December 31, 2023 with the Board.

2023 Audit Exemption: Ms. Buneavista presented the 2023 Application for Exemption from Financial Audit 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 ratify the 2023 Audit Exemption as presented.

DIRECTOR
COMMENT

There were no Director Comments received.

OTHER MATTERS

Ms. Randazzo discussed the proposed date and time for the Annual Community Meeting with the Board.

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 3:34 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