

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
ELBERT & HIGHWAY 86 METROPOLITAN DISTRICT (THE
“DISTRICT”)
HELD
AUGUST 24, 2021

A special meeting of the Board of Directors of the Elbert & Highway 86 Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, August 24, 2021, at 2:00 p.m. This District Board meeting was held via Zoom. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Karl Nyquist, President
David Pretzler, Secretary/Treasurer
Todd Lambert, Assistant Secretary
Larry Gable, Assistant Secretary
Bradford Eidt, Assistant Treasurer

Also, In Attendance Were:

Denise Denslow & Thuy Dam; CliftonLarsonAllen LLP
Dianne Miller; Miller & Associates Law Offices, P.C.
Mark Harding; Elbert & Highway 86 Commercial Metropolitan District
Jim Marshall; BCX Development
Laura Carno, Doug & Marji; Residents

ADMINISTRATIVE MATTERS

Call to order and approval of agenda: The meeting was called to order at 2:02 p.m. Following review, upon a motion duly made by Director Nyquist, seconded by Director Gable and, upon vote, unanimously carried, the Board approved the agenda as presented.

Disclosures of potential conflicts of interest: The Board had previously filed Disclosure of Potential Conflict of Interest Statements with the Board and with the Secretary of State at least seventy-two (72) hours in advance of the meeting in accordance with statutory requirements.

Quorum, location of meeting and posting of meeting notice: It was noted that a quorum was present allowing the Board to act on all matters to come before them at this meeting. The Board confirmed the location of the meeting and the posting of the meeting notice.

Public comment: None.

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Minutes from the March 22, 2021 and May 4, 2021 Special Board meetings:

Following review, upon a motion duly made by Director Lambert, seconded by Director Nyquist and, upon vote, unanimously carried, the Board approved the minutes from the March 22, 2021 and May 4, 2021 Special Board meetings as presented.

**FINANCIAL
MATTERS**

Claims: Ms. Dam reviewed the claims with the Board. Director Eidt stated that he takes exception to the Ballard Spahr invoice, and requested Ms. Dam to provide an excel import of invoices paid year-to-date for his reference.

Other: None.

MANAGER ITEMS

Wild Pointe slope easements update: This item was not needed or discussed.

Other: Director Eidt requested an update on the restoration of the parcel on which the WilliamMRK sales trailer was located. He stated that the trailer is gone, but the site still has debris and is still in a dangerous state. Director Lambert stated that Derrick Meyer has committed to cleaning up the site, but that Director Eidt may have greater success in furthering the endeavor with him.

ATTORNEY ITEMS

License for mailbox kiosk maintenance update: It was noted that this item is no longer under consideration.

Settlement Agreement between Thomas Richard Rice (“Rice”) and the Wild Pointe Ranch Homeowners Association (the “HOA”), and Elbert and Highway 86, LLC (the “LLC”) and Elbert & Highway 86 Metropolitan District (the “Metro District”): Attorney Miller briefed the Board on the terms of the Settlement Agreement, noting that the \$120,000 payment as outlined in the agreement for the Metropolitan District to pay toward the signal, has been reduced to \$105,000. She noted that once paid, this obligation of the Metropolitan District towards completion of the signalization will have been fulfilled, at which point the Commercial Metropolitan District will assume the responsibility for installation of the signal. Discussion ensued. Director Gable requested to delay the effective date of the agreement, but there was not consensus among the Board to change it. Following discussion, upon a motion duly made by Director Lambert, seconded by Director Nyquist and, upon vote, the Board approved the Settlement Agreement between Thomas Richard Rice (“Rice”) and the Wild Pointe Ranch Homeowners Association (the “HOA”), and Elbert and Highway 86, LLC (the “LLC”) and Elbert & Highway 86 Metropolitan District (the “Metro District”), subject to the change in the amount due from \$120,000 to \$105,000 and upon payment, the obligations of the Metropolitan District to participate in the signalization will be recognized as fulfilled. Director Eidt abstained.

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Intergovernmental Agreement between Elbert & Highway 86 Metropolitan District (the “Metro District”) and Elbert & Highway 86 Commercial Metropolitan District (the “Commercial District”): Attorney Miller informed the Board about the terms of the agreement, noting that it is subject to annual appropriation. Discussion followed, noting that with the obligations as outlined in the Intergovernmental Agreement fulfilled, the Metropolitan District would no longer have any ongoing financial responsibilities to the Commercial Metropolitan District for the signalization project. Attorney Miller stated that if these obligations are not fulfilled by December 1, 2021, the Intergovernmental Agreement will be void. Following discussion, upon a motion duly made by Director Nyquist, seconded by Director Lambert and, upon vote, the Board approved the Intergovernmental Agreement between Elbert & Highway 86 Metropolitan District (the “Metro District”) and Elbert & Highway 86 Commercial Metropolitan District (the “Commercial District”), subject to the change of the amount of payment from \$120,000 to \$105,000. Director Eidt opposed.

Resolution Authorizing Conveyance of Tract R to Elbert & Highway 86 Commercial Metropolitan District: Following review, upon a motion duly made by Director Lambert, seconded by Director Nyquist and, upon vote, the Board approved the Resolution Authorizing Conveyance of Tract R to Elbert & Highway 86 Commercial Metropolitan District as presented. Director Eidt opposed.

Termination of Representation from Miller & Associates Law Offices, LLC: Attorney Miller informed the Board that she is moving into retirement and that she is resigning as General Counsel at the end of this meeting. She stated that once new counsel is selected, she will file the appropriate paperwork with the Department of Local Affairs and the courts.

Letter regarding public easement: This item was not discussed.

Other: None.

DIRECTOR ITEMS

Landscape maintenance update: There was no update.

Signalization at Legacy Circle and Hwy. 86 update: This item was discussed during the Settlement Agreement item.

Legacy Village proposed development update: Mr. Marshall provided a brief update to the Board regarding the Legacy Village proposed development, stating that construction will begin during the 4th quarter.

Elizabeth West proposed development update: Mr. Marshall provided a brief update to the Board regarding the Elizabeth West proposed development,

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stating that Lennar has approximately 40 permits left to pull, and that construction will be completed by the end of next summer.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, the Board adjourned the meeting at 2:51 p.m.

Respectfully submitted,

DocuSigned by:

Larry Gable

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Secretary for the Meeting