

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
ELBERT & HIGHWAY 86 METROPOLITAN DISTRICT (THE
“DISTRICT”)
HELD
MARCH 22, 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 Monday, March 22, 2021, at 6:00 p.m. **Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held via Microsoft Teams. 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.
Jim Marshall; BCX Development
T.R. Rice, Troy Betka, Mike Egelston, Bob Trees, Bob Rasmussen, Lynn Decker, Doug Decker, Jeffrey Massey, Ashley Alexander & Steve Christopher;
Residents

ADMINISTRATIVE MATTERS

Call to Order: The meeting was called to order at 6:03 p.m.

Quorum and disclosures of potential conflicts of interest: 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 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.

Agenda, location of meeting and posting of meeting notice: The Board reviewed the agenda. Upon a motion duly made by Director Nyquist, seconded by Director Pretzler and, upon vote, unanimously carried, the Board approved the agenda as amended with an addition of an Attorney Item for mailbox kiosk maintenance.

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Video recordation and distribution of Elbert and Highway 86 Metropolitan District Board Meetings: Ms. Denslow reported to the Board that Director Eidt had previously made a request for the Board meetings to be recorded and posted to the District website. Discussion followed. Ms. Miller noted for the Board that the minutes are the official record of the Board meetings, and the video is for convenience purposes only. Upon a motion duly made by Director Eidt, seconded by Director Lambert and, upon vote, unanimously carried, the Board approved the video recordation and distribution of District Board meetings.

Public Comment: Mr. Trees inquired about meeting notice posting locations. Ms. Denslow reported that the website is the official posting location, but that the notices can be posted in additional locations as determined. She also stated that the notices can be provided to the HOA.

Minutes from the November 16, 2020 special board meeting: Upon a motion duly made by Director Lambert, seconded by Director Nyquist and, upon vote, unanimously carried, the Board approved the minutes from the November 16, 2020 special board meeting as presented.

FINANCIAL MATTERS

Draft Audit for the period ending December 31, 2020: Ms. Dam reviewed the Draft Audit with the Board, noting that the only significant event is the Developer Advance repayment. Discussion followed. Ms. Dam informed the Board that field work has commenced, and the final report should be completed by this time in April. Upon a motion duly made by Director Lambert, seconded by Director Eidt and, upon vote, unanimously carried, the Board accepted the Draft Audit for the period ending December 31, 2020, subject to final legal review and a clean auditor's opinion.

Claims: Upon a motion duly made by Director Lambert, seconded by Director Nyquist and, upon vote, unanimously carried, the Board ratified approval of claims as presented.

Semi-Annual Report for the period ending December 31, 2020: Upon a motion duly made by Director Lambert, seconded by Director Nyquist and, upon vote, unanimously carried, the Board ratified the Semi-Annual Report for the period ending December 31, 2020 as presented.

MANAGER ITEMS

Wild Pointe Slope Easements: Ms. Denslow informed the Board that this item was included on the agenda per the request of Mr. Marshall. Mr. Marshall briefed the Board on the need for the easements. He informed the Board that he is willing to pay fair market value for the approximate 65,000 cubic yards of dirt. He also stated that there will be no drainage impacts, and he believes this transaction can be conducted similarly to a prior one. Director Lambert asked if Mr. Marshall would be paying for the appraisal and associated legal costs, to which he responded affirmatively. Director Eidt requested a 3D exhibit.

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Directors Nyquist and Eidt stated that they will support Mr. Marshall moving forward with the appraisal at no cost to the District. It was determined that numbers will be finalized after the appraisal.

Other: None.

ATTORNEY ITEMS

License for Mailbox Kiosk Maintenance: Attorney Miller reviewed the License for Mailbox Kiosk Maintenance with the Board. Discussion followed. Attorney Miller distributed a draft agreement as a post-packet item. She stated the essence of the agreement was to provide the terms for the HOA through which they assume maintenance responsibilities of the mailbox kiosks, and the District will retain ownership. Ms. Miller did not ask the Board to take action on the agreement, as it had not yet been reviewed by the HOA. Further discussion followed, and Directors Gable and Eidt stated that they would submit the agreement to the HOA for review.

DIRECTOR ITEMS

Landscape maintenance update: Director Gable informed the Board that the Wild Pointe HOA has issued RFPs for landscape maintenance services with an April 1st commencement date.

County road acceptance update:

Roads accepted in 2020: Director Nyquist provided an update to the Board stating that not all of the roads are to be accepted at the same time, and as of now, only phase one (previously) and phase two (2020) have been accepted. He stated that he is not certain of the timing of phase three.

Roads constructed by WilliamMRK and not yet accepted: Director Nyquist stated that he had reached out to Derrek Meyers to request an update, but that Mr. Meyers was out of town at the time. He anticipates a response within the following week.

Signalization at Legacy Circle and Hwy. 86 update: Director Eidt informed the Board that he had made a contribution request of the Commercial District at their last meeting, but as it was not an agenda item at that meeting, no action was taken due to disclosure purposes. Director Nyquist stated that he will have more information next month. Discussion followed regarding the history affiliated with the signalization requirements. No action was taken.

2006 and 2016 Bonds issues: Director Eidt inquired as to why the 2016 refinancing took place. Discussion followed. It was determined that the primary purpose of the refinancing was the ability to lower the interest rate and thus, the mill levy for the residence with the refinancing of the bonds. It was stated that the prior bonds were issued at an interest rate of 7.5%.

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Equestrian Trail survey and marking WilliamMRK recovery: Director Eidt stated that the HOA has surveyed and staked the equestrian trail and is seeking reimbursement from WilliamMRK.

WilliamMRK on-site office trailer: Directors Eidt and Gable requested that the sales office trailer be removed and the site restored. Director Lambert stated that he will follow up on this item with Mr. Meyers.

Legacy Village proposed development update: Mr. Marshall provided a brief update to the Board stating that there are currently 226 lots. He stated that preliminary plat has been approved and construction will begin this summer.

Elizabeth West proposed development update: Mr. Marshall provided a brief update to the Board stating that this project has gone from 1,450 lots to 950 and is mixed use with a school site. He reported that there is no trail system within the development, and it uses Town of Elizabeth water and sanitation services.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, the Board adjourned the meeting at 8:40 p.m.

Respectfully submitted,

DocuSigned by:

David Pretzler

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Secretary for the Meeting