

# RECORD OF PROCEEDINGS

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## MINUTES OF THE COORDINATED REGULAR MEETING OF KINSTON METROPOLITAN DISTRICT NOS. 1-10

HELD  
January 14, 2021

The Boards of Directors of Kinston Metropolitan District Nos. 1-10 held a coordinated regular meeting, open to the public, via MS Teams, at 12:00 p.m., Thursday, January 14, 2021.

Due to the State of Emergency declared by Governor Polis and the threat to health and safety posed by the COVID-19 pandemic, this meeting was held via MS Teams.

### ATTENDANCE

Directors in Attendance: (via teleconference)

David Crowder, President  
Tim DePeder, Vice President  
Josh Kane, Treasurer  
Kim Perry, Secretary  
Courtney Parmelee, Asst. Secretary/Asst. Treasurer

Also in Attendance: (via teleconference)

Alan Pogue; Icenogle Seaver Pogue, P.C.  
Jeff Breidenbach; McWhinney  
Ryan Abbott, Shannon McEvoy, Brendan Campbell, Irene McCaffrey,  
Casey Milligan, and Elaina Cobb; Pinnacle Consulting Group, Inc.

### CALL MEETING TO ORDER

The meeting was called to order at 12:02 p. m. by Director Crowder, noting that a quorum was present. The Directors in attendance confirmed their qualifications.

### COMBINED MEETING

The Districts are meeting in a combined Board meeting. Unless otherwise noted, the matters set forth below shall be deemed to be the actions of the Kinston Metropolitan District No. 1, with concurrence by the Kinston Metropolitan Districts 2, 3, 4, 5, 6, 7, 8, 9, and 10.

### CONFLICT OF INTEREST DISCLOSURE

Alan Pogue, legal counsel, stated that notices of potential conflicts of interest for all Board Members were filed with the Colorado Secretary of State's Office, disclosing potential conflicts as all Board Members are employees of McWhinney Real Estate Services, Inc., which is associated with the primary landowners and developer within the Districts. Mr. Pogue advised the Boards that pursuant to Colorado law, certain

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disclosures by the Board Members might be required prior to taking official action at a meeting. The Boards reviewed the agenda for the meeting, following which each Board Member present confirmed the contents of the written disclosures 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 Boards determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Boards to act.

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APPROVAL OF  
AGENDA

The Boards reviewed the agenda. Upon motion duly made by Director Perry, seconded by Director DePeder and, upon vote, it was unanimously

**RESOLVED** to approve the agenda, as presented.

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PUBLIC COMMENT

There were no members of the public present.

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CONSENT AGENDA  
ITEMS

The Boards considered the following consent agenda items:

- A. Approval of Minutes—December 10, 2020 Regular Meeting.
- B. Ratification of Payables.
- C. Capital Fund Summary.

Upon motion duly made by Director Kane, seconded by Director Perry and, upon vote, it was unanimously

**RESOLVED** to ratify and approve the items above, as presented.

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CAPITAL  
INFRASTRUCTURE  
ITEMS

District Capital Infrastructure Report: Mr. Milligan presented the Capital Infrastructure Report and answered questions.

District Project Manager Update: Mr. Breidenbach provided an overview of ongoing District projects and answered questions.

Discussion of Overlot Grading Contract and Developer Financial Guarantee: Mr. Breidenbach discussed the status of the Overlot Grading contract noting the contractor had exceeded \$250,000 in work completed. Director Crowder and Director Kane requested an agreement be drafted by Mr. Pogue between the District and developer outlining the developer's responsibility to reimburse the District for overlot grading work completed should the builder closings not occur by March 15, 2021. The developer

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would have 30 days from March 15<sup>th</sup> to reimburse the District. After further review and discussion, and upon motion duly made by Director Kane, seconded by Director DePeder and, upon vote, it was unanimously

**RESOLVED** to approve an agreement between the District and developer for reimbursement of District funds should builder closings not occur.

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### ADJOURNMENT

There being no further business to come before the Boards and upon motion and second, the meeting was adjourned at 12:31 p.m.

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

Respectfully Submitted,



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Elaina Cobb, Secretary for the Meeting