

# RECORD OF PROCEEDINGS

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

HELD  
October 13, 2022

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, October 13, 2022.

### ATTENDANCE

#### Directors in Attendance:

Abby Kirkbride, President  
Tim DePeder, Vice President  
Josh Kane, Treasurer & Assistant Secretary  
Kim Perry, Secretary  
Brad Lenz, Assistant Secretary & Assistant Treasurer

#### Also in Attendance:

Alan Pogue; Icenogle Seaver Pogue, P.C.  
Christina Rotella, Samantha Romero, Jim Niemczyk, Lindsey Mercier,  
Griffin Barlow, and Jeff Breidenbach; McWhinney  
Brendan Campbell, Jason Woolard, Irene Buenavista, Doug Campbell,  
Casey Milligan, Dillon Gamber, Stanley Holder, Sarah Bromley, and  
Bryan Newby; Pinnacle Consulting Group, Inc.

### CALL MEETING TO ORDER

The meeting was called to order at 12:04 p.m. by Director Kirkbride, noting that a quorum was present. The Directors in attendance confirmed their qualifications to serve.

### 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 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

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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.

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.

PUBLIC COMMENT

There were no members of the public present.

CONSENT AGENDA  
ITEMS

The Boards considered the following consent agenda items:

- A. Approval of April 06, 2022, Special Board Meeting Minutes and July 14, 2022, Regular Board Meeting Minutes.
- B. Ratification of Payables.
- C. Ratification of Contract Modifications.
- D. Financial Statements as of June 30, 2022.

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

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

CAPITAL  
INFRASTRUCTURE  
ITEMS

District Capital Infrastructure Report: Mr. Milligan reviewed the District Capital Infrastructure Report with the Boards and answered questions.

District Project Manager Update: Mr. Milligan and Mr. Breidenbach presented the District Project Manager update with the Boards and answered questions.

Capital Fund Summary: Mr. Milligan reviewed the Capital Fund Summary with the Boards and answered questions.

Kinston ME 13<sup>th</sup>: Mr. Milligan and Mr. Breidenbach reviewed the Bid Summary Memorandum for Kinston ME 13<sup>th</sup> Public Infrastructure and Regional Pond Infrastructure Improvements and answered questions.

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Construction Contract with Northern Colorado Constructors: Mr. Milligan presented a construction contract with Northern Colorado Constructors for Kinston ME 13<sup>th</sup> for Public Infrastructure Improvements. Upon motion duly made by Director Kane, seconded by Director DePeder and, upon vote, it was unanimously

**RESOLVED** to approve a Construction Contract with Northern Colorado Constructors in an amount of \$3,674,278.41 with a notice to proceed being issued upon builder closings.

Construction Contract with Gerrard Excavating, Inc.: Mr. Milligan presented a construction contract with Gerrard Excavating for Kinston Regional Pond Improvements. Upon motion duly made by Director Kane, seconded by Director Kirkbride and, upon vote, it was unanimously

**RESOLVED** to approve a construction contract with Gerrard Excavating, Inc. in an amount of \$878,276.80 with a notice to proceed being issued upon builder closings.

Kinston ME 13<sup>th</sup> Project Budget: Mr. Milligan reviewed and requested approval of the Kinston ME 13<sup>th</sup> project budget. Upon motion duly made by Director Kane, seconded by Director DePeder and, upon vote, it was unanimously

**RESOLVED** to approve the Kinston ME 13<sup>th</sup> project budget of \$8,603,079.

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## FINANCIAL ITEMS

Finance Manager's Report: Ms. Buenavista presented the Finance Manager's Report to the Boards and answered questions.

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## LEGAL ITEMS

Maintenance Cost Sharing Agreement with Kinston Community Association: Mr. Pogue presented the Maintenance Cost Sharing Agreement to the Boards and answered questions.

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## DISTRICT MANAGER ITEMS

Manager's Report: Jason Woolard presented the Manager's Report to the Boards and answered questions. Mr. Gamber reviewed Operations and Maintenance updates with the Boards and answered questions.

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## ITEMS FROM DIRECTORS

Director Kane requested information reflecting how inflation is being addressed in budget estimates. He also requested to be provided a

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comparison of the District’s mill levies against competitor mill levies framed within a cost environment.

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OTHER  
MATTERS

There were no other matters brought before the Boards.

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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 1:31 p.m.

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

Respectfully Submitted,

*Bryan Newby*  
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Bryan Newby, Secretary for the Meeting