

# RECORD OF PROCEEDINGS

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## MINUTES OF THE SPECIAL MEETING OF THE BOARDS OF DIRECTORS OF

### EAGLE BROOK MEADOWS METROPOLITAN DISTRICT NOS. 1-3

**HELD**  
**June 22, 2023**

The Combined Special Meeting of the Boards of Directors (collectively, “Boards”) of the Eagle Brook Meadows Metropolitan District No. 1, Eagle Brook Meadows Metropolitan District No. 2, and Eagle Brook Meadows Metropolitan District No. 3 (collectively, “Districts”) was held via zoom at 4:00 p.m. on Thursday, June 8, 2023. Notice of the combined meeting was duly posted.

ATTENDANCE:            Directors in Attendance for District Nos. 1 and 3:

Robert Eck, II, President  
Erik Halverson, Assistant Secretary  
Donald Guerra, Assistant Secretary

Directors in Attendance for District No. 2:

Robert Eck, II, President  
Jeanne Findley, Vice President  
Erich Menzel, Treasurer  
Roberto Ortiz, Secretary  
Peter Sankhagowit, Director

Also in Attendance Were:

Deborah Early, Esq.; Icenogle Seaver Pogue, P.C.  
Shannon McEvoy, Kieyesia Conaway, Amanda Castle, Tracie Kaminski,  
and Christy McCutchen; Pinnacle Consulting Group, Inc.  
Laurie Heistand; Member of the Public

ADMINISTRATIVE  
ITEMS

Call to Order/ Declaration of Quorum: The meeting was called to order at 11:33 a.m. by Mr. McEvoy, noting that a quorum was present, with three of three Board members in attendance for District Nos. 1 and 3 and five of five Board members in attendance for District No. 2. The Directors in attendance confirmed their qualifications to serve.

Director Disclosure of any Potential Conflicts of Interest: Ms. Early advised the Board that, pursuant to Colorado law, Board members are required to disclose certain potential conflicts of interest regarding any matters scheduled for discussion at this meeting and prior to taking official action at this meeting. Ms. Early noted that potential conflicts of interest disclosures were filed with the Colorado Secretary of State for Directors Eck, Halverson, and Guerra as required by law. Directors Findley, Menzel,

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Ortiz, and Sankhagowit did not have any potential conflicts of interests to report. Additionally, the Boards determined that the participation of all Board members present was necessary to obtain a quorum or otherwise enable the Board to act.

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### 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 Eagle Brook Meadows Metropolitan District No. 1, Eagle Brook Meadows Metropolitan District No. 2, and Eagle Brook Meadows Metropolitan District No. 3.

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### APPROVAL OF AGENDA

The Boards considered the agenda. Upon motion duly made by Director Eck, seconded by Director Guerra and, upon vote, unanimously carried, it was

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

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### PUBLIC COMMENT

There were no Public Comments to come before the Boards.

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### DIRECTOR COMMENT

There were no Director Comments to come before the Boards.

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### FINANCIAL ITEMS

Approval of Unaudited Financial Statements for the period ending March 31, 2023: Ms. Castle presented the Unaudited Financial Statements for the period ending March 31, 2023 to the Boards and answered questions. Following review and discussion, upon motion duly made by Director Findley, seconded by Director Halverson and, upon vote, unanimously carried, it was

**RESOLVED** to approve the Unaudited Financial Statements for the period ending March 31, 2023.

Ratification of 2022 Audit Exemption for District No.2: Ms. Castle presented the 2022 Audit Exemption for District No.2 to the Boards and answered questions. Following review and discussion, upon motion duly made by Director Findley, seconded by Director Halverson and, upon vote, unanimously carried, it was

**RESOLVED** to ratify the 2022 Audit Exemption for District No. 2.

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2022 Audit Update: Ms. Kaminski provided an update on the 2022 Audit to the Boards and answered questions. It was noted that an audit extension request will be submitted due to the Auditor having health issues and not being able to have the audit finalized by the compliance deadline. All documentation has been submitted for audit review and Pinnacle Consulting Group, Inc. will continue to monitor progress closely.

### LEGAL ITEMS

Acceptance by District No. 1 of Bargain and Sale Deed from Front Range Investment Holdings, LLC for open space Parcels: Ms. Early presented the Bargain and Sale Deed from Front Range Investment Holdings, LLC for open space parcels to the Boards and answered questions. Following review and discussion, upon motion duly made by Director Guerra, seconded by Director Eck and, upon vote, unanimously carried, it was

**RESOLVED** to accept the Bargain and Sale Deed from Front Range Investment Holdings, LLC for open space parcels.

Approval by District No. 1 of Easement Agreement with Front Range Investment Holdings, LLC: Ms. Early presented the Easement Agreement with Front Range Investment Holdings, LLC to the Boards and answered questions. Following review and discussion, upon motion duly made by Director Eck, seconded by Director Guerra and, upon vote, unanimously carried, it was

**RESOLVED** to approve the Easement Agreement with Front Range Investment Holdings, LLC.

Discussion of Maintenance Cost Sharing Agreement with Eagle Brook Townhomes Association: Ms. Early presented the discussion of Maintenance Cost Sharing Agreement with Eagle Brook Townhomes Association to the Board and answered questions noting this will be executed before the fall and she will bring it back before the Board to be ratified at the next meeting.

Approval by District No. 1 of Amendment to Design Guidelines applicable to Lots in the Eagle Brook Meadows Development: Ms. Early presented the Amendment to Design Guidelines applicable to Lots in the Eagle Brook Meadows Development to the Boards and answered questions. Following review and discussion, upon motion duly made by Director Eck, seconded by Director Menzel and, upon vote, unanimously carried, it was

**RESOLVED** to approve the Amendment to Design Guidelines applicable to Lots in the Eagle Brook Meadows Development pending changing the timeline of installation and staining to be one year after ARC

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approval from Colorado Vista and the height of fences to be changed from six feet to five feet.

Discussion Regarding SB23-110 – Annual Community Meeting Requirements: Ms. Early presented the discussion regarding SB23-110 – Annual Community Meeting Requirements to the Boards and answered questions.

### DIRECTOR ITEMS

Discuss Status of Metco Landscaping Contract and Retainage: President Eck updated the Boards regarding Metco Landscaping Contract and Retainage.

Other Director Items: Director Sankhagowit asked about the Board Member 101 Training and Mr. McEvoy noted that it will be scheduled in July.

Director Manzel asked for clarity on Ms. Early's email regarding Attorney Client Privilege. Ms. Early provided clarification and answered questions.

Director Ortiz requested information on Director payments. The Boards discussed ending payments for directors and allowing those funds to go back into the budget for the District. Following review and discussion, upon motion duly made by Director Sankhagowit, seconded by Director Menzel and, upon vote, unanimously carried, it was

**RESOLVED** to approve ending Director payments for District No 2.

Upon motion duly made by Director Guerra, seconded by Director Eck and, upon vote, unanimously carried, it was

**RESOLVED** to approve ending Director payments for District Nos. 1 and 3.

### EXECUTIVE SESSION

Executive Session, pursuant to § 24-6-402(4)(b & e), C.R.S., for the purpose of receiving legal advice from general counsel related to specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators as they may relate to contracts between the District and other parties including consultants, contractors and other service providers.

Ms. Early advised the Boards that it was permitted, upon compliance with requisite statutory procedures under the Colorado Open Meetings Law, for the Boards to convene an executive session, pursuant to § 24-6-402(4)(b &

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e), C.R.S., to conference with an attorney for the purpose of receiving legal advice from general counsel related to specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators as they may relate to contracts between the District and other parties including consultants, contractors and other service providers. Upon motion duly made by Director Eck, seconded by Director Guerra and, upon vote, it was unanimously

**RESOLVED** to convene an Executive Session, pursuant to § 24-6-402(4)(b & e), C.R.S., to conference with an attorney for the purpose of receiving legal advice from general counsel related to specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators as they may relate to contracts between the District and other parties including consultants, contractors and other service providers for District Nos. 1 & 3.

Upon motion duly made by Director Eck, seconded by Director Findley and, upon vote, it was unanimously

**RESOLVED** to convene an Executive Session, pursuant to § 24-6-402(4)(b & e), C.R.S., to conference with an attorney for the purpose of receiving legal advice from general counsel related to specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators as they may relate to contracts between the District and other parties including consultants, contractors and other service providers for District No. 2.

It is the 22<sup>th</sup> day of June 2023 and the time is 12:42 p.m. For the record, I, Robert Eck, am the presiding officer. This session is subject to the attorney-client privilege and therefore, pursuant to the Open Meetings Law, is not being recorded. Also present at this Executive Session are: Directors Erik Halverson, Donald Guerra, Jeanne Findley, Erich Menzel, Roberto Ortiz, and Peter Sankhagowit. District Legal Counsel, Deborah Early.

This is an Executive Session for the following purpose: receiving legal advice from general counsel related to specific legal questions.

The Executive Session was adjourned at 1:43 p.m. All participants were in the Executive Session at adjournment.

No decisions or actions were taken in the Executive Session.

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For the record, if any person participating in the Executive Session believes any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or any improper action occurred during the Executive Session in violation of the Colorado Open Meetings Law, I ask you state your concerns for the record.

No objections were stated.

ACTIONS TO BE  
TAKEN ON ITEMS  
FROM EXECUTIVE  
SESSION

District Representative to Pinnacle Consulting Group, Inc.: Director Menzel nominated Director Sankhagowit, of District No. 2, as the District's representative to work with Pinnacle Consulting Group, Inc. to align with Management regarding fit and finish of the community, as well as refinement of the District's scope of services. Following review and discussion, upon motion duly made by Director Menzel, seconded by Director Eck and, upon vote, unanimously carried, it was

**RESOLVED** to appoint Director Sankhagowit as the District's Representative to Pinnacle Consulting Group, Inc.

District Nos. 1 & 3 support of the Appointment of Director Sankhagowit.: Upon motion duly made by Director Eck, seconded by Director Guerra and, upon vote, unanimously carried, it was

**RESOLVED** to approve supporting District No. 2 in appointing Director Sankhagowit as the District Representative to Pinnacle Consulting Group, Inc.

District Representative to Management Companies: Director Eck nominated Director Menzel, of District No. 2, to be the District's Representative to management companies in the surrounding area regarding the Management and Operations and Maintenance Scope of Services. Following review and discussion, upon motion duly made by Director Eck, seconded by Director Sankhagowit and, upon vote, unanimously carried, it was

**RESOLVED** to nominate Director Menzel as the District's Representative to Management Companies in the surrounding areas regarding Management as well as Operations and Maintenance Scope of Services.

District Nos. 1 & 3 supporting District No. 2 with Representative with other Management Companies: Upon motion duly made by Director Eck, seconded by Director Guerra and, upon vote, unanimously carried, it was

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**RESOLVED** to approve supporting District No. 2 in appointing Director Menzel as the District's Representative to contact management companies regarding Management as well as Operations and Maintenance Scope of Services.

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PUBLIC COMMENT


There were no Public Comments to come before the Boards.

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CONTINUATION

There being no further business to come before the Board, the meeting was adjourned at 2:02 p.m.

Respectfully submitted,

  
Kieyesia Conaway  
Recording Secretary for the Meeting

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