

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE VISTA RIDGE METROPOLITAN DISTRICT HELD JULY 15, 2021

A special meeting of the Board of Directors of the Vista Ridge Metropolitan District (referred to hereafter as the "Board") was convened on Thursday, the 15th day of July, 2021, at 5:30 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, the District Board meeting was held by video/telephone conference with all participants attending via video/teleconference. The meeting was open to the public.

ATTENDENCE

Directors In Attendance Were:

Michael Lund
John Z. Ocwieja
Paul Squillace
James Schulze
Tony Whiteley (for a portion of the meeting)

Also In Attendance Were:

Matt Cohrs, Jim Ruthven and Nick Moncada; Special District Management Services, Inc. ("SDMS")
Dawn Schlling; Schilling & Company, Inc. (for a portion of the meeting)
Kate Olson, Esq.; McGeady Becher P.C. (for a portion of the meeting)
Mike Bolsinger, Director of Business Development, Craig Watkins, Account Manager, and Kyle Miller, Irrigation Manager; Arrowhead Landscape Services, Inc. (for a portion of the meeting)
Rob Neuhauser; Colorado National Golf Club

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: The Board noted it was in receipt of disclosures of potential conflict of interest statements for Director Lund and that said statement was filed with the Secretary of State at least seventy-two hours in advance of the meeting in accordance with the statute. Mr. Cohrs requested that the Directors consider whether they had any new conflicts of interest which had not been previously disclosed. There were no additional disclosures made.

ADMINISTRATIVE MATTERS

Agenda: Mr. Cohrs requested that the Board review and approve the proposed agenda for the District's special meeting.

Following discussion, upon motion duly made by Director Squillace, seconded by Director Ocwieja and upon vote, unanimously carried, the agenda was approved as amended.

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Confirmation of Meeting Location: The Board discussed the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that, 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, the meeting would be held by video/telephonic means, and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted and that the District had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxpaying electors within the District boundaries.

Resignation of Director Squillace: Director Squillace reported to the Board that he intends to remain on the Board until early October.

Minutes: The Board reviewed the Minutes of the March 18, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Squillace and, upon vote, unanimously carried, the Minutes from March 18, 2021 were approved, as presented.

Public Comment: There was no public comment.

FINANCIAL MATTERS

2020 Audited Financial Statements: Ms. Schilling reviewed with the Board the 2020 Audited Financial Statements.

Following review and discussion, upon motion duly made by Director Squillace, seconded by Director Whiteley and, upon vote, unanimously carried, the Board approved the 2020 Audited Financial Statements subject to legal review and authorized execution of the Representation Letter.

Golf Course Update:

The Board asked Mr. Neuhauser for an update on the golf course. Mr. Neuhauser reported that entry ponds are being treated and that there are still issues with the valves and silt deposits. It was noted that the Coal Creek pump system needs repair, with costs estimated at \$20,000.

Following review and discussion, upon motion duly made by Director Lund, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board authorized repair to the Coal Creek pumps.

LEGAL MATTERS

Sidewalk Claim: There was nothing new to report.

EXECUTIVE SESSION: Pursuant to Section 24-6-402(4) of the Colorado Revised Statutes, upon motion duly made by Director Squillace, seconded by Director Schulze

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and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at **6:20 P.M.** for the purpose of receiving from the Board's attorney legal advice as authorized by Section 24-6-402(4)(b), C.R.S. and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators as authorized by Section 24-6-402(4)(e), C.R.S. regarding sidewalk maintenance and detention pond maintenance.

Pursuant to Section 24-6-402(2)(d.5) (II)(B), C.R.S., no record will be kept of the remaining portion of this executive session that, in the opinion of the Board's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

The Board reconvened in regular session at **6:40 P.M.** No action was taken by the Board at this time.

Sidewalk and Detention Pond Maintenance: The Board reviewed the revised draft Maintenance Agreement between the District and the Town of Erie (“Town”) for sidewalk and detention pond maintenance.

Following review and discussion, upon motion duly made by Director Schulze, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board approved the revised draft Maintenance Agreement between the District and the Town for sidewalk and detention pond maintenance and directed staff to present the revised draft Maintenance Agreement to the Town.

Update on Irrigation System and Landscape Maintenance: Mr. Bolsinger, Mr. Watkins and Mr. Miller from Arrowhead Landscape Services, Inc. discussed with the Board landscape related items in the District. The Board discussed amending the Service Agreement to include items not in the original agreement so it is clear going forward. No further action was taken.

**FINANCIAL
MATTERS
CONTINUED**

Claims: The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period Ending March 11, 2021	Period Ending April 30, 2021	Period Ending May 26, 2021	Period Ending June 27, 2021
General	\$ 36,001.48	\$ 38,674.01	\$ 46,810.27	\$ 38,690.46
Debt	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital	\$ 36,150.95	\$ -0-	\$ -0-	\$ -0-
Total	\$ 72,152.43	\$ 38,674.01	\$ 46,810.27	\$ 38,690.46

Following discussion, upon motion duly made by Director Schulze, seconded by Director Squillace and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented.

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Financial Statements: Mr. Ruthven presented the unaudited financial statements and schedule of cash position for the period ending June 30, 2021.

Following review and discussion, upon motion duly made by Director Schulze, seconded by Director Squillace and, upon vote, unanimously carried, the Board accepted the unaudited financial statements and schedule of cash position for the period ending June 30, 2021.

2022 Budget Preparation: The Board discussed preparation of the 2022 Budget.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Squillace and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2022 Budget. The Board determined to hold the Public Hearing to adopt the 2022 Budget for October 21, 2021, at 5:30 p.m., to be held at Vista Ridge Community Center, 2750 Vista Parkway, Erie, Colorado 80516, or virtually pending COVID-19 restrictions.

The Board also noted that they will have a Budget workshop in late September early October.

OPERATION AND MAINTENANCE MATTERS

Project Manager's Report: Mr. Moncada presented to the Board the Project Manager's Report which is attached hereto and incorporated herein.

Hole 17 Pump Station System: The Board discussed the status of Hole 17 Pump Station. Mr. Cohrs suggested to the board that the District obtain proposals for repair. Upon discussion, the Board directed District staff to obtain proposals for repair which will be considered at the October 21 Board meeting.

Sign Lighting Replacement: The Board discussed sign lighting replacement bulbs.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Schulze and, upon vote, unanimously carried, the Board authorized staff to change the bulbs to LED retrofit.

Privacy Fence Project: Mr. Cohrs gave an update to the Board.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Lund and, upon vote, unanimously carried, the Board approved the Construction Agreement between the District and Ideal Fencing Corp, LLC.

Three Rail Fence Maintenance: The Board discussed the three rail maintenance and determined to further discuss at the October 21 Board meeting.

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Conservation Trust Funds and District Trail Improvements: The Board discussed the use of Conservation Trust Funds and District trail improvements. The Board discussed hiring a landscape design firm and using the funds for the new landscape design.

Service Agreement for Snow Removal: The Board discussed the Service Agreement between the District and CoCal Landscape Services Inc. for snow removal.

Following discussion, upon motion duly made by Director Squillace, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board approved the termination of the Service Agreement between the District and CoCal Landscape Services Inc. for snow removal.

Proposal for 2021/2022 Snow Removal: The Board reviewed the proposal from Arrowhead Landscape Services, Inc. for snow removal services.

Following discussion, upon motion duly made by Director Squillace, seconded by Director Schulze and, upon vote, unanimously carried, the Board approved the proposal from Arrowhead Landscape Services, Inc. for snow removal services.

Tree Replacement Program: The Board discussed a tree replacement program.

Following discussion, upon motion duly made by Director Squillace, seconded by Director Schulze and, upon vote, unanimously carried, the Board authorized staff to obtain a proposal for a landscape design firm (Registered Landscape Architect) to design a refresh of the district landscaping, including tree replacement, in an amount not to exceed \$25,000.

Update on Irrigation System and Landscape Maintenance: Mr. Bolsinger, Mr. Watkins and Mr. Miller from Arrowhead Landscape Services, Inc. discussed with the Board landscape related items in the District. The Board discussed amending the Service Agreement to include items not in the original agreement so it is clear going forward. No further action was taken.

OTHER MATTERS The Board determined to schedule a special meeting for August 18, 2021, at 5:30 p.m.

ADJOURNMENT There being no further business to come before the Board at this time, upon motion duly made by Director Squillace, seconded by Director Schulz and, upon vote, unanimously carried, the meeting was adjourned.

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Attorney Statement Regarding Privileged Attorney-Client Communication

Pursuant to §24-6-402(2)(d.5)(II)(b), C.R.S., I attest that, in my capacity as the attorney representing the Vista Ridge Metropolitan District, I attended the executive session on July 15, 2021 for the sole purposes of providing legal advice on specific legal questions and discussing matters subject to contract negotiations, as authorized by §24-6-402(4)(b) and (e)(I) C.R.S. I further attest that it is my opinion that all of the executive session discussion constituted attorney-client privileged communication as provided by §24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to §24-6-402(2)(d.5)(II)(b), C.R.S.

Kate Olson, Esq.
Legal Counsel
Vista Ridge Metropolitan District