

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE VISTA RIDGE METROPOLITAN DISTRICT HELD MARCH 30, 2023

A regular meeting of the Board of Directors (the “Board”) of the Vista Ridge Metropolitan District (the “District”) was convened on Thursday, March 30, 2023, at 5:30 p.m. at the Vista Ridge Community Center located at 2750 Vista Parkway, Erie CO 80516. The meeting was open to the public.

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#### ATTENDANCE

##### Directors In Attendance:

Michael Lund, President  
John Z. Ocwieja, Treasurer  
Valerie Swanson, Assistant Secretary  
Scott Wood, Assistant Secretary  
Todd Sargent; Assistant Secretary

##### Also In Attendance:

AJ Beckman and Shad Ortiz; Public Alliance, LLC  
Jeffrey Erb; Erb Law, LLC  
Thuy Dam; CliftonLarsonAllen, LLP (“CLA”)  
Craig Watkins and Brandon Smith; Arrowhead Landscaping  
David Cummings; HOA Representative

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#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The meeting was called to order at 5:35 p.m.

**Disclosure of Potential Conflicts of Interest:** Annual conflict of interest disclosures were filed with the Secretary of State and deemed delivered to the Board. Attorney Erb 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.

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#### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Beckman reviewed the agenda with the Board.

Following review, upon a motion made by Director Sargent, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board approved the agenda, as presented. Additionally, it was confirmed that a quorum of the Board was in attendance and the meeting notice was posted on the District’s webpage at least 24-hours prior to the meeting.

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**Minutes:** The Board reviewed the minutes from the February 23, 2023 Regular Meeting.

Following review, upon a motion made by Director Sargent, seconded by Director Wood and, upon vote, unanimously carried, the Board approved the minutes of the February 23, 2023 Regular Meeting, as presented.

**Public comment:** There were no members of the public in attendance.

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### **FINANCIAL MATTERS**

**Payment of Claims:** Ms. Dam presented the claims for the Board's review.

Following discussion, upon motion made by Director Wood, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending March 22, 2023, in the amount of \$50,164.26.

**Schedule of Cash Position:** Ms. Dam reviewed with the Board the schedule of cash position for the period ending December 31, 2022, updated as of March 22, 2023.

Ms. Dam reported to the Board that CLA is working on year-end financials now. She noted that work on the 2022 audit will start in May. Her goal is to file the audit before the deadline of July 30, 2023. Ms. Dam then discussed the ongoing preparation of unaudited financials and suggested that they be prepared on a quarterly basis. She further recommended that she attend Board meetings on a quarterly basis to present the financials, thereby reducing the expense associated with meeting attendance. Ms. Dam expects to have the first quarter financials, the 2022 audit, and budget amendment for the May meeting.

Director Lund noted that although the District has no requirement to collect System Development Fees (SDFs) pledged to debt, any new development within the District is likely obligated to pay SDFs pursuant to the District's Fee Resolution. He requested that Public Alliance work with the consulting team to verify the current requirements for payment of SDFs and research which properties will be subject to the requirement.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Board accepted the unaudited financial statements and schedule of cash position for the period ending December 31, 2022, updated as of March 22, 2023.

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### **LEGAL MATTERS**

**Town of Erie Non-Potable Irrigation Agreement:** Mr. Beckman reported that he has reviewed the term sheet prepared by the Town. He explained that the

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proposed terms, if approved, would allow the Town to impose fees and penalties upon the District for outages lasting more than 30 days, with significant escalations for outages lasting more than 60 days. Following discussion, the Board directed Mr. Erb to review the original non-potable water agreement to better ascertain the responsibilities of all parties.

**Landscaping Tracts from the Town of Erie:** Attorney Erb discussed with the Board the proposed conveyance by the Town of Erie of certain landscaping tracts within the District. Attorney Erb discussed various options for performing due diligence prior to accepting the proposed tracts. Following discussion, the Board directed Attorney Erb to proceed with Ownership and Encumbrance reports for the tracts in question.

**Lease Agreement between the District and the Town of Erie:** Attorney Erb reviewed the agreement with the Board. He explained that this is a renewal of an existing agreement.

Following discussion, upon motion duly made by Director Wood, seconded by Director Lund and, upon vote, unanimously carried, the Board approved the Lease Agreement between the District and the Town of Erie for 8.24 shares of capital stock in the Marshall Lake Division of Farmers Reservoir & Irrigation Company.

**May 2, 2023 Election:** Attorney Erb explained that the because there were not more candidates than seats available, the election was cancelled.

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### **OPERATIONS AND MAINTENANCE MATTERS**

**Update from Arrowhead Landscaping:** Mr. Watkins introduced Brandon Freiner and explained that Mr. Freiner will be taking over as the account representative. Mr. Watkins assured the Board that he will continue to be available to assist with the District's needs as necessary. Mr. Freiner discussed his qualifications and experience, noting that he has had over 15 years of landscaping and irrigation experience in the landscaping industry.

Mr. Watkins reported that the rock border installation project is proceeding slower than expected, however seasonal labor will augment operations starting next week. He expects the project to be completed within the next two weeks. He further reported that the first native mowing is scheduled for August 17, 2023.

Director Ocwieja asked for assurance that the planted landscaping beds would be maintained as required by the contract until construction is under way. Mr. Watkins assured the Board that the quality of maintenance will not diminish prior to construction in any of the affected areas.

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Mr. Watkins then distributed and discussed a proposal for the replacement of irrigation controllers. Discussion ensued regarding upgrading to smart controllers. Mr. Watkins noted that, historically signal strength issues have limited the options for smart controllers. Mr. Cummings advised the Board that the HOA recently installed smart controllers with great success and encouraged District to consider this option. The Board directed Mr. Watkins to provide a proposal for smart controllers.

***Irrigation Technician Staffing:*** Mr. Watkins advised the Board that because the irrigation system requires a high level of maintenance, a dedicated full-time technician could be fully utilized to improve the irrigation consistency and reduce down-time associated with repairs and outages. Following discussion, the Board requested that Mr. Watkins continue to monitor the system with a high level of diligence. The Board will revisit the proposal in the early part of the growing season.

**Manager Report:** Mr. Beckman and Mr. Ortiz reviewed the Manager's Report with the Board.

**Town of Waterline Extension Phase 2B Update:** Mr. Ortiz reported to the Board that the Town is currently working on their water line extension project. It will be necessary for a section of the District's irrigation line, near Alpine Circle, to be cut in early to mid-May to accommodate the Town's water line. Mr. Ortiz is working on confirmation that the area to be affected can be isolated. He advised the Board that some of the gate valves may need to be replaced. He further explained that going forward, a preventive maintenance program including exercising the valves will be implemented.

**Wet Vault Maintenance Proposals:** Mr. Ortiz reported he has received two proposals for sediment removal, however based on discussions with one of the contractors, he has concerns that the wet vault, as designed, may not improve the water quality regardless of maintenance efforts. Discussion ensued regarding potentially redesigning the vault. Mr. Beckman suggested that this could be discussed with the engineering firm engaged for the irrigation design.

**Sidewalk Repairs with Town of Erie:** Mr. Ortiz reported that his focus has been on irrigation matters, however marking sidewalk panels for replacement by the Town will resume as time allows.

**Chemical Shed/Utility Shed:** It was noted that redesigning the wet vault will dictate the design of or need for a water quality equipment shed. Discussion ensued regarding the need to relocate the District's utility vehicle presently secured in a storage container, stored in the parking lot shared by the Vista Ridge Homeowners Association (HOA) and the Colorado Golf Club by May 1, 2023. Mr. Cummings advised the Board that he would discuss the matter with the Golf

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Club and the HOA to see if additional time could be granted. Mr. Beckman reviewed the preferred location for a new storage shed, near the 17th hole, in Tract G. Discussion ensued regarding the need to maximize storage for equipment and materials. Mr. Beckman advised the Board that Public Alliance will look into maximizing the footprint for the storage shed at this location.

**Underground Utility Permitting Process:** Mr. Beckman reported he has discussed this matter with the Town Manager, who understands the issues and is willing to help. The matter is being discussed internally with the Town’s attorney and staff.

**2023 Landscaping Project: Irrigation Design Proposals:** Mr. Beckman reviewed with the Board proposals from Norris Design and Hydro Systems.

Following discussion, upon motion duly made by Director Wood, seconded by Director Lund and, upon vote, unanimously carried, the Board awarded the contract for irrigation design to Hydro Systems.

Mr. Beckman advised the Board that he would stress the urgency to Hydro Systems to complete the design as quickly as possible in order to proceed with the public bidding process for the 2023 Landscaping Renovation Project.

**Discuss timing of Project:** Mr. Erb advised the Board that the bid documents are mostly complete. Once the Irrigation plans are complete, the bid package can be finalized and the publication of the notice to bidders can occur. The opening of sealed bids can occur fourteen days following the publication of the notice, and the Board can award a contract immediately thereafter.

**Pond Maintenance:** Following review the Board requested that more information be provided. The proposal will be considered at the next Board meeting.

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**OTHER  
MATTERS**

There were no other matters to discuss.

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**ADJOURNMENT**

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

Respectfully submitted,

DocuSigned by:

*AJ Beckman*

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Secretary for the Meeting