

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE VISTA RIDGE METROPOLITAN DISTRICT HELD APRIL 27, 2023

A regular meeting of the Board of Directors (the “Board”) of the Vista Ridge Metropolitan District (the “District”) was convened on Thursday, April 27, 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.

ATTENDANCE

Directors In Attendance:

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

Absent: Michael Lund (excused)

Also In Attendance:

AJ Beckman and Shad Ortiz; Public Alliance, LLC
Jeffrey Erb, Esq. and Glory Schmidt; Esq. Erb Law, LLC
Brandon Freiner and Uriel Nunez; Arrowhead Landscaping
Scott Stoddard, Norris Design
Eric Jaeger, Rain Bird
Tim Hedahl; Resident

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.

ADMINISTRATIVE MATTERS

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

Following review, upon a motion made by Director Ocwieja, seconded by Director Wood 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 March 30, 2023 Regular Meeting.

Following review, and discussion led by Director Wood regarding the schedule for native mowing, upon a motion made by Director Wood, seconded by Director Sargent and, upon vote, unanimously carried, the Board approved the minutes of the March 30, 2023 Regular Meeting, as amended.

Public comment: Mr. Hedahl asked if the Board would appoint a project manager for the upcoming landscaping renovations project. Director Wood suggested that Mr. Ortiz with Public Alliance would be heavily involved in the project. Mr. Beckman noted that the Board may choose to engage a project manager or work with field staff, or a combination of the two.

FINANCIAL MATTERS

Payment of Claims: Mr. Beckman presented the payment of claims for the Board's review.

Following discussion, upon motion made by Director Ocwieja, seconded by Director Sargent and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending April 20, 2023, in the amount of \$132,482.14.

Schedule of Cash Position: Mr. Beckman reviewed with the Board the schedule of cash position for the period ending March 31, 2023, updated as of April 20, 2023.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Swanson and, upon vote, unanimously carried, the Board accepted the unaudited financial statements and schedule of cash position for the period ending March 31, 2023, updated as of April 20, 2023.

LEGAL MATTERS

Town of Erie Non-Potable Irrigation Agreement: Attorney Erb reported to the Board that there is no agreement that limits the rate the District can charge to the Town of Erie for non-potable irrigation water. However for any future agreement regarding rates, the rates charged by the District must be rationally related to the cost of service. The current rate is \$4.70 per thousand gallons. The Board directed Attorney Erb to research what water rates the Town of Erie is currently charging to serve as a guideline for what the District can charge the Town for irrigation.

The Board discussed terms of the proposed term sheet regarding use of the Town's potable water to irrigate Columbine Mine Park. Attorney Erb proposed sending the Town of Erie a letter indicating the District's intent to provide

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reliable water to the Town, explaining that the District is working on isolating any problems in the irrigation system so the Town is affected as little as possible and ensuring the Town has notice if problems do arise. Following this discussion, the Board directed Attorney Erb to send a letter to the Town of Erie regarding the irrigation system and improvement thereon.

Landscaping Tracts from the Town of Erie: Attorney Erb reviewed a list of Town owned tracts within the District for the Board to consider taking ownership of via quit claim deed. Following discussion, the Board directed Attorney Erb to work with the Town to limit the tracts to those within District maintained areas.

During Attorney Erb's research regarding District maintained tracts within the District's boundaries, it came to his attention that the park adjacent to Mountain View Blvd. was never transferred to Vista Ridge Reserve Homeowner's Association and is still owned by WL Homes, despite being maintained by Vista Ridge Reserve Homeowner's Association. After discussion, the Board directed Attorney Erb to send a letter to Vista Ridge Reserve Homeowner's Association alerting them to the fact that WL Homes still owns this park.

Maintenance of Trail Adjacent to County Road 4: Attorney Erb reported to the Board that there is no agreement in place designating the maintenance responsibility for this area, however the District has historically performed maintenance. Attorney Erb discussed the possibility of drafting a master agreement that would address areas with no clear maintenance responsibility. He noted that the agreement would be a work in progress should the Board decide to pursue this course of action.

Pledge of System Development Fees to District Bonds: Attorney Erb reported that there is a Resolution regarding system development fees in place and reviewed the fee structure with the Board. He explained that the fees are not pledged to any current debt. Attorney Erb recommended that the Board adopt a resolution at its next meeting to clarify the amount of the fees.

Other: There were no other Legal matters to discuss.

OPERATIONS AND MAINTENANCE MATTERS

Update from Arrowhead Landscaping: Mr. Freiner reported that the rock border installation project is complete. They expect to begin the irrigation startup process on Monday. He further reported that a pre-emergent weed control application was done in March. Director Ocwieja asked that Arrowhead be diligent about weed control in all areas, and to be mindful of sidewalks and rock borders, as these have been problem areas in the past.

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Agreement for Services with Inrush Electric LTD for Repairs to Electrical Feed for Irrigation Controller: The Board reviewed an Agreement for Services with Inrush Electric LTD for repairs to the electrical feed for irrigation controller.

Following discussion, upon motion duly made by Director Wood, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board approved the Agreement for Services.

Installation of Smart Controllers: Mr. Jaeger, a Rain Bird representative, addressed the Board regarding the capabilities of Rain Bird smart controllers, which would allow the District to consolidate and centralize the irrigation controllers while vastly improving the irrigation system control.

Director Wood asked about the timing of installation coinciding with the planned landscaping renovations. Mr. Jaeger explained that the controllers could be replaced before or after the renovation. Director Wood then asked about cellular service coverage in this area and how it would affect the controllers. Mr. Jaeger assured the Board that he tested the coverage and concluded there is sufficient coverage in this area for the Rain Bird controllers to work properly. Mr. Jaeger then reviewed a wide array of control capabilities including automatic shut off, for high flow conditions and automatic notifications to the irrigation contractor for specified conditions.

Following discussion, upon motion duly made by Director Wood, seconded by Director Sargent and, upon vote, unanimously carried, the Board approved the proposal from Arrowhead Landscape for installation of smart controllers for an amount not to exceed \$75,767.89 pursuant to the receipt of a revised and more detailed proposal, subject to final approval by Directors Ocwieja and Wood.

Following the conclusion of this portion of the meeting, Mr. Jaeger departed.

Manager Report: Mr. Ortiz reviewed the April 27, 2023 Field Services Report with the Board (attached hereto and incorporated herein by this reference).

Town of Erie Waterline Extension Phase 2B Update: Mr. Ortiz reviewed the highlights of the project as more thoroughly explained in the attached report.

Chemical Shed/Utility Shed: Mr. Beckman reviewed with the Board the previously discussed storage shed location; Tract 1G, C near the 17th hole of the golf course, and owned by the Town of Erie. Director Ocwieja expressed concerns regarding the location and associated sight lines. The Board requested that more research be done.

Underground Utility Permitting Process: Mr. Beckman reported that the

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Town will require contractors to confirm that they have contacted the District when performing work in the District. The Town is unwilling to collect a deposit but may require written confirmation that the District has been contacted. Attorney Erb suggested that the written confirmation could include language indemnifying the District for damages caused by the contractor.

Community Fence Replacement: The Board reviewed the proposals for fence replacement.

Following discussion, upon motion duly made by Director Wood, seconded by Director Sargent and, upon vote, unanimously carried, the Board approved the proposal from Simcoe Services, Inc.

2023 Landscaping Project:

Landscaping Plans: Mr. Stoddard from Norris Design explained that certain areas were not included in the plans. He noted that they are working on Vista Parkway first and will add Sunset to overall scope. The Board discussed the need to verify the overall scope of the project. Mr. Stoddard expects to have the revised drawings available early next week.

Irrigation Design: The Board directed Public Alliance to ask Hydro Systems to complete the irrigation design by the next Board meeting.

Discuss Timing of Project: The Board directed Attorney Erb to look at the proposal and make sure it specifies that Norris Design is being paid by the hour. The Board directed Attorney Erb to draft an amendment to include this language if the original contract does not already contain it.

Following the conclusion of this portion of the meeting, Mr. Stoddard and Mr. Hedahl departed.

Tree Removal: The Board reviewed the proposal from Tree Keepers for tree removal services.

Following discussion, upon motion duly made by Director Wood, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board approved the proposal from Tree Keepers for tree removal, in the amount of \$2,600.

After discussion led by Attorney Erb, the Board directed Attorney Erb to draft a Services Agreement including a provision regarding recurring work with Tree Keepers.

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2023 Pond Maintenance Costs (Hole 17 Pond): The Board reviewed the Agreement with Aquatic Associates, Inc. for 2023 Pond Maintenance Costs (Hole 17 Pond).

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Board approved the Agreement with Aquatic Associates, Inc. for 2023 Pond Maintenance Costs (Hole 17 Pond).

OTHER MATTERS

Emergency Expense Authorization: The Board discussed the need to allow for time sensitive and emergency expenditures by Public Alliance that may occur between board meetings.

Following discussion, upon motion duly made by Director Wood, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board authorized up to \$5,000 in aggregate monthly expenditures by Public Alliance, to address emergency or health and safety concerns without prior Board approval.

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 at 8:05.

Respectfully submitted,

DocuSigned by:

AJ Beckman

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Secretary for the Meeting