

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE VISTA RIDGE METROPOLITAN DISTRICT HELD OCTOBER 27, 2022

A regular meeting of the Board of Directors of the Vista Ridge Metropolitan District (referred to hereafter as the "Board") was convened on Thursday, the 27th day of October, 2022, at 5:30 p.m. at the Colorado National Golf Course, 2700 Vista Parkway, Erie, Colorado 80516. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Michael Lund  
John Z. Ocwieja  
Valerie Swanson  
Todd Sargent  
Scott Wood

##### Also In Attendance Were:

Peggy Ripko, Jim Ruthven and Larry Loften; Special District Management Services, Inc. ("SDMS")

Jeffrey Erb, Esq.; Erb Law, LLC

Steve Kerr\* and Rob Grall\*; Colorado National Golf Club

[\*Departed where indicated]

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The meeting was called to order at 5:32 p.m.

**Disclosure of Potential Conflicts of Interest:** Annual conflict of interest disclosures have been filed for each director. 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:** A quorum was confirmed. Ms. Ripko requested that the Board review and approve the proposed agenda for the District's regular meeting.

Following discussion, upon motion duly made by Director Lund, seconded by Director Ocwieja and upon vote, unanimously carried, the agenda was approved with the addition of an item regarding the status of the sale of the Colorado National Golf Course and moving the discussion re responses to the request for proposals for management and accounting services to the end.

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### LEGAL MATTERS

Steve Kerr and Rob Grall updated the Board regarding the pending sale of the golf course. Mr. Erb reviewed with the Board a (1) Consent and Waiver to the sale of the golf course by the District; and (2) Estoppel Certificate regarding the irrigation cost sharing agreement. Upon motion made, seconded and unanimously carried, the Consent and Waiver and the Estoppel Certificate were approved as presented.

[\*At this time, Steve Kerr and Rob Grall departed]

### ADMINISTRATIVE MATTERS (CONT'D)

**Meeting Minutes:** The Board reviewed the Minutes of the August 18, 2022 and September 22, 2022 Meetings.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Minutes from the August 18, 2022 and September 22, 2022 Meetings were approved.

**2023 Administrative Resolution.** The Board reviewed the 2023 Administrative resolution, setting forth annual compliance items for 2023 including meeting dates and times and officer position. Upon motion made by Director Wood, seconded by Director Ocwieja, and unanimously carried, the 2023 Administrative Resolution was approved. The officer were elected as follows:

President	Michael Lund
Treasurer	John Ocwieja
Secretary	Peggy Ripko
Asst. Secretary	Todd Sargent
Asst. Secretary	Valerie Swanson
Asst. Secretary	Scott Wood

**May 2, 2023 Regular Directors' Election:** The Board discussed the May 2, 2023 Regular Directors' election regarding new legislative requirements and related expenses for the same.

Following review and discussion, upon motion duly made by Director Lund, seconded by Director Wood and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-02; Resolution Calling a Regular Election for Directors on May 2, 2023, appointing the Designated Election Official, and authorizing Natalie Fleming from Erb Law, LLC, as the DEO, to perform all tasks required for the conduct of a mail ballot election.

**§32-1-809, C.R.S. (Transparency Notice) Reporting Requirements, Mode of Eligible Elector Notification for 2023:** The Board discussed §32-1-809, C.R.S. (Transparency Notice) reporting requirements and mode of eligible elector notification for 2023. Following discussion, the Board determined to post the required transparency notice information on the Special District Association's website and the District website.

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**Public Comment:** None.

### **FINANCIAL MATTERS**

**Payment of Claims:** The Board considered approval and ratification of the payment of claims as follows:

Fund	Period Ending Sept. 30, 2022
General	\$ 135,957.50
Debt	\$ -0-
Capital	\$ -0
<b>Total</b>	<b>\$ 135,957.50</b>

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Lund and, upon vote, unanimously carried, the Board approved and ratified the payment of claims, as presented.

**Unaudited Financial Statements for the period ending September 30, 2022:** Mr. Ruthven reviewed with the Board the unaudited financial statements and schedule of cash position for the period ending September 30, 2022.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Lund and, upon vote, unanimously carried, the Board accepted the unaudited financial statements and schedule of cash position for the period ending September 30, 2022 and authorized the payoff of the 2016C Revenue Bond in the amount of \$1,360,000, which included an additional principal payment of \$560,000.

**2022 Audit Preparation:** The Board discussed the engagement of Schilling & Company, Inc. to perform the 2022 Audit.

Following discussion, upon motion duly made by Director Wood, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to perform the 2022 Audit, not to exceed the amount of \$7,000.

**Public Hearing on 2022 Budget Amendment:** The President opened the public hearing at 6:36 p.m. to consider the Resolution to Amend the 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. There were no comments from the public in attendance.



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Following review and discussion, upon motion made by Director Ocwieja, seconded by Director Swanson, and unanimously carried, the 2022 budget was amended to account for the additional debt service expenditure for the 2016C Revenue Bonds.

**Public Hearing on 2023 Budget:** Director Lund opened the public hearing to consider the proposed 2023 Budget and discuss related issues at 6:39 p.m.

It was noted that publication of Notice stating that the Board would consider adoption of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received.

Mr. Ruthven reviewed the estimated 2022 expenditures and the proposed 2023 expenditures.

The Board discussed general fund expenditures and the appropriate mill levy for 2023 based on the reduction in the District's debt, ultimately determining to shift the debt service savings to the general fund/capital fund to help fund the landscape improvements to be done in 2023. Upon motion duly made by Director Sargent, seconded by Director Ocwieja and, upon vote, unanimously carried, Resolution No. 2022-10-03; Resolution to Adopt the 2023 Budget and Appropriate Sums of Money and Resolution No. 2022-10-04 to Set Mill Levies, for the General Fund at 20.000 mills and the Debt Service Fund at 27.000 mills and Refunds/Abatement at 0.000, for a total mill levy of 47.000 mills was approved. Execution of the Certification of Budget and Certification of Mill Levies were authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2022. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Weld County, not later than December 15, 2022. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2023.

**DLG-70 Mill Levy Certification:** Ms. Ripko discussed with the Board the DLG-70 Mill Levy Certification form.

Following discussion, upon motion duly made by Director Ocwieja seconded by Director Swanson and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification Form for certification to the Board of County Commissioners and other interested parties.

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### **LEGAL MATTERS**

**Columbine Mine Park:** There was no action taken at this time.

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**OPERATION AND  
MAINTENANCE  
MATTERS**

**Community Fence Installation:** Mr. Loften updated the Board on the Community Fence Installation. Punch list items are pending.

**Norris Design Agreement:** Ms. Ripko updated the Board on the Norris Design Agreement.

**Sidewalk Repair:** There was no update.

**Arrowhead Landscape Services for Landscape, Irrigation and Rough Order of Magnitude Options Estimates Comparison for Landscape Improvements**

**Stump Grinding:** The Board discussed the proposal for stump grinding.

Following discussion, upon motion duly made by Director Ocwieja seconded by Director Lund and, upon vote, unanimously carried, the Board approved the proposal for stump grinding.

**Rock Border:** The Board discussed the proposal for the rock border from Arrowhead and determined to bid the project since it is expected to be more than \$60,000. Mr. Erb will prepare documents for bidding and coordinate the bidding.

**Gate Valves:** The Board asked management to obtain proposals for repairs.

**OTHER MATTERS**

None.

**RESPONSES TO  
REQUESTS FOR  
PROPOSALS FOR  
MANAGEMENT  
AND ACCOUNTING  
SERVICES**

The Board reviewed the responses to its request for proposals for management and accounting services, which was posted on the Special District Association webpage. The Board received six responses and determined to interview four of the respondents. Mr. Erb will contact the parties that responded and update them on the decision of the Board. Upon motion made, seconded and unanimously carried, the Board determined to hold a special meeting on November 30, 2022 to conduct interviews.

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 8:27 p.m.

Respectfully submitted,

By   
Secretary for the Meeting