

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE VISTA RIDGE METROPOLITAN DISTRICT HELD JUNE 27, 2023

A special meeting of the Board of Directors (the “Board”) of the Vista Ridge Metropolitan District (the “District”) was convened on Tuesday, June 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:

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, Esq. and Glory Schmidt, Esq; Erb Law, LLC
Steve Gaines, President; The Reserve at Vista Ridge Homeowners Association (“the Reserve”)
Christine Emerson and Lori High; Members of the public

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The meeting was called to order at 5:34 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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Conflict of Interest Disclosures and Statements of Qualification: Attorney Erb reviewed with the Board members updated conflict of interest disclosure form and the rules regarding disclosures of conflicts of interest, noting that any conflicts will need to be disclosed no less than 72-hours before a meeting and, in general, a conflicted director will not be able to participate in discussion or vote on matters in which there is a conflict or potential conflict of interest. Attorney Erb also reviewed with the Board the Statement of Qualification, which is a form used to confirm each Board member's qualification to sit on the Board. These forms are presented after each election and annually for review and updating. Each director is responsible for identifying and disclosing any conflicts. No director disclosed any conflicts.

Minutes: The Board reviewed the minutes from the May 25, 2023 Regular Meeting.

Director Ocwieja asked if proposals for rock mulch replacements were performed according to the process discussed, whereby Public Alliance was directed to approve installation up to the preauthorized limit of \$5,000 per installation. Mr. Ortiz explained that the proposal received arrived on June 16, 2023 and was substantially higher than the preauthorized limit.

Following discussion, upon motion duly made by Director Sargent, seconded by Director Wood and, upon vote, unanimously carried, the Board approved the minutes of the May 25, 2023 Regular Meeting, as presented.

Public comment: Mr. Gaines addressed the Board to request that the strip of sod between the curb and the fence line of the property owned by the Reserve Homeowner's Association be mowed consistently. He explained that in prior years this area was always mowed by the District, however this year the service has been inconsistent, and not all sections along the fence line are being mowed. Mr. Beckman suggested that the District should mow the area as it has done in the past until a final determination is made as to the maintenance responsibility in this area. Mr. Beckman noted that Public Alliance will discuss the inconsistency of service in this area with Arrowhead Landscape Services, Inc. Director Ocwieja explained that the District is in the process of accepting numerous tracts of land from the Town of Erie ("the Town") and has discussed taking additional steps to clarify ownership and landscaping maintenance responsibilities in numerous areas within the District. Director Ocwieja suggested that the District coordinate a stakeholder meeting with all Homeowner Associations ("HOA"), the Town, the St. Vrain Valley RE 1J School District and the Colorado National Golf Club ("CNGC") in the near future to resolve the uncertainty of maintenance in such areas.

Ms. Emerson then addressed the Board regarding Pond A 20. Mr. Beckman explained that the District has engaged a contractor to address water quality issues. He further explained that the Town recently advised the District and the CNGC

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Manager that the pond can no longer impound water as the Town does not own the water rights. Ms. Emerson discussed the drainage ditch upstream of the pond. She requested that the District or the responsible party clean out the ditch, as it is in her opinion overgrown and is littered with trash and debris. Director Ocwieja explained that the ditch is part of the storm water drainage system which is maintained by the Town. Attorney Erb noted that it appears the ditch maintenance is the responsibility of the Town or CNGC but does not appear to be the responsibility of the District. Attorney Erb noted that the District will follow up with the Town and CNGC to determine who the responsible party is.

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 Wood and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending June 21, 2023, in the amount of \$764,912.20.

Schedule of Cash Position and Property Taxes Reconciliation: Mr. Beckman reviewed with the Board the schedule of cash position for the period ending March 31, 2023, updated as of June 21, 2023 and the Property Taxes Reconciliation.

Ms. High asked about the schedule for principal and interest payments. Director Lund explained that interest payments are made twice per year, in June and December, while Principal payments are made in December only.

Following discussion, upon motion duly made by Director Sargent, seconded by Director Swanson and, upon vote, unanimously carried, the Board accepted the cash position for the period ending March 31, 2023, updated as of June 21, 2023 and the Property Taxes Reconciliation.

LEGAL MATTERS

Town of Erie Non-Potable Irrigation Agreement: Attorney Erb noted for the Board that he has received no response from the Town regarding the letter he sent on behalf of the District declining the offer to enter into a Water Service Agreement. Director Wood asked when will the District consider raising rates charged to the Town for water. Attorney Erb noted it would be at the next Board meeting.

Landscaping Tracts from the Town of Erie via Quit Claim Deed: Director Ocwieja suggested that the stakeholder meeting should occur prior to finalizing the conveyances. Mr. Gaines asked if the District's ownership map would be updated accordingly once the conveyance are complete. Attorney Erb confirmed that the map would be updated.

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Other: There were no other Legal matters to discuss.

OPERATIONS AND MAINTENANCE MATTERS

Update from Arrowhead Landscaping: It was noted that no one from Arrowhead Landscaping was available for the meeting. Mr. Beckman presented to the Board the report from Arrowhead Landscape Services, Inc.

Weed Control and Scope of Work for Monthly Landscaping Services: Director Ocwieja asked about the scope of work that is included in the monthly services and explained that he would like to see the itemized work that is performed for the monthly expense. He then discussed weed control and reminded the Board that Arrowhead Landscaping stated that weeds over four inches are hand pulled and weeds under four inches are sprayed, however he does not see any language to that effect in the contract. Director Ocwieja then discussed pruning trees over paths and noted that it is not being done as specified in the service contract. Board requested that detailed contract scope be provided by Arrowhead and directed staff to withhold payment until performance improves.

Manager Report: Mr. Ortiz reviewed the June 27, 2023 Field Services Report with the Board (attached hereto and incorporated herein by this reference). As part of his review of the report, Mr. Ortiz discussed the need to prepare a maintenance plan for fencing throughout the District. Following discussion, the Board requested that Public Alliance obtain cost estimates and prepare a maintenance plan to address all District fencing. Mr. Ortiz highlighted the numerous irrigation breaks that have been experienced this year. He advised the Board that one of the breaks is under Skyline Drive will require excavation and is expected to require more time and expense than typical repairs.

Director Wood advised Public Alliance of stains on the sidewalk along Sheridan Parkway due to paving operations, and further expressed concern regarding utility pedestals and conduits abandoned in various right of way areas. It was noted that Public Alliance will look into cutting back abandoned conduit and explore options for poorly maintained communications and utility infrastructure.

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

Chemical Shed/Utility Shed: There was nothing new to report at this time.

Underground Utility Permitting Process: Mr. Beckman advised the Board that the Town has agreed to notify the District when utility companies request a Right of Way permit, however the Town has not agreed to require a deposit or request a written acknowledgement by the District of notification of the work.

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2023 Landscaping Project:

Irrigation Design by Hydro Systems-KDI, Inc.: Mr. Beckman advised the Board that Mr. Keesen will need to see the irrigation system in operation in order to complete his design. Mr. Beckman advised the Board that since the irrigation system is currently being activated, Mr. Keesen's visit will likely be before the end of the week. He further explained that the time needed to complete the design is unknown, however Public Alliance will make every effort to assist Hydro Systems-KDI, Inc. in completing the design.

Landscaping Renovation Project: Mr. Beckman reported that the landscaping design for the first phase of construction is complete except for some minor adjustments that are being brought to light through the irrigation design process.

Agreement with CEM Lake Management for Pond Maintenance – A20: The Board reviewed an Agreement with CEM Lake Management for Pond Maintenance – A20.

Following discussion, upon motion made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Board approved the Agreement with CEM Lake Management for Pond Maintenance – A20.

Proposal for Straw Blankets on Eagle Way and Iron Wood Park: The Board deferred discussion.

Proposal for Rock Edging: The Board reviewed a proposal for rock edging from Arrowhead Landscape Services, Inc.

Following discussion, upon motion made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Board approved the proposal for rock edging from Arrowhead Landscape Services, Inc., in the amount of \$9,753.

Proposal for Adding Rock to Vista Parkway in Areas that have Fabric and Soil Exposed: The Board deferred discussion.

OTHER MATTERS

Stakeholders Meeting: The Board entered into discussion regarding a Stakeholders Meeting to determine maintenance responsibilities for areas where this is unclear. Following discussion, the Board directed Mr. Beckman to reach out to stakeholders such as all HOAs, the St. Vrain Valley RE 1J School District, the Town, CNGC and Commercial property owners.


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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 at 7:43 p.m.

Respectfully submitted,

DocuSigned by:



Secretary for the Meeting