

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE VISTA RIDGE METROPOLITAN DISTRICT HELD AUGUST 24, 2023

A regular meeting of the Board of Directors (the “Board”) of the Vista Ridge Metropolitan District (the “District”) was convened on Thursday, August 24, 2023, at 5:30 p.m. at the Vista Ridge Community Center located at 2750 Vista Parkway, Erie CO 80516 and via Zoom. 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 (via Zoom)
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
Thuy Dam; CliftonLarsonAllen, LLP (“CLA”)
Craig Watkins and Uriel Nunez; Arrowhead Landscape Services, Inc.
John Keesen; Hydro Systems-KDI, Inc. (via Zoom for a portion of the meeting)

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 Lund, and, upon vote, unanimously carried, the Board approved the agenda, as amended. 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 June 27, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Lund and, upon vote, unanimously carried, the Board approved the minutes of the June 27, 2023 Regular Meeting, as presented.

New Legislation Concerning the Colorado Open Records Act ("CORA"): Attorney Erb discussed with the Board new legislation concerning the CORA.

Resolution Regarding CORA Requests: The Board reviewed a Resolution Regarding CORA Requests.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Board adopted the Resolution Regarding CORA Requests.

File Management and Conversion of District Records to Electronic Documents: Mr. Beckman advised the Board that Public Alliance will need to convert several boxes of files acquired in the management transition to digital format.

Public Comment: There was no public in attendance.

FINANCIAL MATTERS

Payment of Claims: Ms. Dam presented the payment of claims for the Board's review. She discussed holding a special meeting and workshop to review the budget. Mr. Beckman noted that he will work on scheduling a special meeting for the last week of September.

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 August 17, 2023, in the amount of \$412,293.35.

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Financial Statements and Schedule of Cash Position: Ms. Dam reviewed with the Board the unaudited financial statements dated June 30, 2023 and schedule of cash position for the period ending June 30, 2023, updated as of August 15, 2023.

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 dated June 30, 2023 and schedule of cash position for the period ending June 30, 2023, updated as of August 15, 2023.

LEGAL MATTERS

Executive Session Pursuant to §§ 24-6-402(4)(b), C.R.S., to Receive Legal Advice from the District Attorney Regarding Specific Legal Questions Related to the District’s Potential Liability for a Recent Trip and Fall on a Sidewalk in the District: Executive Session was not necessary. Mr. Erb reported that the sidewalk on which the trip occurred is not owned or maintained by the District. Mr. Beckman and Mr. Ortiz discussed with the Board concrete trails repairs throughout the District. Mr. Ortiz expects to have markings and estimation completed within the next few weeks.

Landscaping Tracts from the Town of Erie via Quit Claim Deed: Attorney Erb reported title comments have been obtained for the Town owned tracts in right of way areas. Additional discussions with the Town of Erie and other stakeholders will be necessary to identify the ownership and maintenance responsibility for all tracts. Director Ocwieja reported that he is planning to meet with Homeowner’s Association (“HOA”) next to discuss maintenance responsibilities in various areas.

Resolution Regarding Imposition of Water Service Rates, Fees, Tolls, and Charges: Attorney Erb reviewed with the Board a Resolution regarding Imposition of Water Service Rates, Fees, Tolls, and Charges. No action was taken by the Board at this time.

Other: There were no other Legal matters to discuss.

OPERATIONS AND MAINTENANCE MATTERS

Update from Arrowhead Landscaping: Mr. Watkins reviewed his report with the Board. Director Ocwieja asked about calculation of annual charges. Mr. Watkins noted that he would provide the details behind the calculations for the monthly and annual charges. He then explained that determining the resources necessary to service a property such as this typically requires two or more years. Director Ocwieja advised Mr. Watkins that the Board may consider going out to bid for landscaping services in 2024. Mr. Watkins advised the Board that Arrowhead is now in a position to produce significantly better results. Director Ocwieja requested that going forward all extra work proposals include a detailed breakdown of time and materials. Director Wood asked why low hanging branches weren’t addressed as part of the contract absent specific Board direction. Mr. Ortiz

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explained TreeKeepers LLC performed pruning on branches over ten feet. Mr. Watkins acknowledged that the work should have been done earlier this year, and without requests by the Board.

Mr. Watkins reported shrubs have been pruned throughout the District and will receive one more pruning this season. Also, native mowing has been completed in several areas, and will mow again in about two weeks. Director Wood requested that volunteer tree shoots (tree suckers), along Sheridan Boulevard be removed monthly. Mr. Watkins acknowledged and confirmed that he will address as requested.

Weed Control and Scope of Work for Monthly Landscaping Services: Members of the Board expressed concern for the quality of weed control this year. Mr. Watkins discussed weed control and reported that Arrowhead is using a contractor this year, however next year weed control and turf care will not be subcontracted. Director Swanson noted that weeds in the entry monument area are very high. Director Ocwieja and Mr. Ortiz explained that ownership of this area is not clear.

Proposal for Adding Rock to Vista Parkway in Areas that Have Fabric and Soil Exposed: The Board reviewed a proposal for adding rock to Vista Parkway in areas that have fabric and soil exposed.

Following discussion, upon motion duly made by Director Wood, seconded by Director Swanson and, upon vote, unanimously carried, the Board ratified approval of the proposal for adding rock to Vista Parkway in areas that have fabric and soil exposed, in the amount of \$3,367.

Proposal for Grading Native Areas Between Homes to Move the Flow of Water Toward the Main Retention Area: The Board reviewed a proposal for grading native areas between homes to move the flow of water toward the main retention area.

Following discussion, upon motion duly made by Director Wood, seconded by Director Swanson and, upon vote, unanimously carried, the Board ratified approval of the proposal for grading native areas between homes to move the flow of water toward the main retention area, in the amount of \$2,892.

Proposal for Adding Rock to the Heel Strips on Driver Lane, Sunset Way, Iron Wood and Dog Wood: The Board reviewed a proposal for adding rock to the heel strips on Driver Lane, Sunset Way, Iron Wood and Dog Wood.

Following discussion, upon motion duly made by Director Wood, seconded by Director Swanson and, upon vote, unanimously carried, the Board ratified approval of the proposal for adding rock to the heel strips on Driver Lane, Sunset Way, Iron Wood and Dog Wood, in the amount of \$9,753.

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

Proposal for Controller Replacement: The Board entered into discussion regarding a proposal for controller replacement.

Following discussion, upon motion duly made by Director Wood, seconded by Director Swanson and, upon vote, unanimously carried, the Board approved the proposal for controller replacement, in an amount not to exceed \$450.

Manager Report: Mr. Ortiz reviewed the August 24, 2023 Field Services Report with the Board (attached hereto and incorporated herein by this reference).

Stakeholders' Meetings to Determine Maintenance Responsibilities: Director Ocwieja noted that resolving ownership and maintenance issues will require several meetings. He noted that he, Mr. Ortiz and Mr. Beckman had a productive meeting with the Town of Erie yesterday. Director Ocwieja will continue to work with the Town of Erie and the District's consultants to resolve ownership and maintenance issues. Director Ocwieja will reach out to the Colorado National Golf Club and HOA separately.

Repairs to Sidewalks: Mr. Ortiz reported to the Board he is working on completing inventory of necessary sidewalk repairs and cost estimates.

Fencing Repairs: Mr. Ortiz reported that there is a significant amount of fencing in need of repairs and painting. He is working on estimates for the October 26, 2023 meeting.

Town of Erie Waterline Extension Phase 2B Update: Mr. Ortiz reported the Town of Erie is still working on the project, which is expected to be completed this fall.

2023 Landscaping Project:

Irrigation Design by Hydro Systems-KDI, Inc.: Mr. Keesen joined the meeting at this time via Zoom. He reviewed his report with the Board. He explained that the irrigation system is past its useful life and is due for major repairs or replacement. He explained that the zone controllers do not communicate with the pump controls and by modern standards are relatively inefficient. He further explained that the screening and water filtration is inadequate. Also, it appears that some of the piping is undersized, which is likely contributing to main line breaks. Mr. Keesen provided a rough estimate for the pump and filtration replacement of approximately \$240,000.00 with labor. The Board discussed the useful life of the distribution system piping. Director Wood expressed urgency in completing the design in order

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to move forward with bidding the project this winter. Mr. Keesen reported the design effort for the pump and filtration upgrades will be \$3,850.

Following discussion, upon motion duly made by Director Swanson, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board approved the design effort for the pump and filtration, in an amount not to exceed \$3,850.

Landscaping Renovation Project: The Board entered into discussion regarding timing of the landscaping renovation project with Mr. Keesen. Mr. Keesen noted he will check with his pump designer and report back to the Board. Mr. Beckman suggested the pump improvements could be installed in winter with the goal of starting Phase I of landscaping in the Spring.

**OTHER
MATTERS**


There were no other matters to discuss at this time.

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 8:04 p.m.

Respectfully submitted,

DocuSigned by:



Secretary for the Meeting