

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE VISTA RIDGE METROPOLITAN DISTRICT HELD NOVEMBER 30, 2023

A special meeting of the Board of Directors (the “Board”) of the Vista Ridge Metropolitan District (the “District”) was convened on Thursday, November 30, 2023, at 6:00 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 Mitchell Mayville; Public Alliance, LLC
Shad Ortiz; Public Alliance, LLC via Zoom
Jeffrey Erb, Esq. and Glory Schmidt, Esq; Erb Law, LLC
Thuy Dam; CliftonLarsonAllen, LLP (“CLA”)
Craig Watkins, Uriel Nunez and Adrian Arellano; Arrowhead Landscape Services, Inc. (for a portion of the meeting)
Steve Gaines, President; The Reserve at Vista Ridge Homeowners Association

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The meeting was called to order at 6:04 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 Wood, seconded by Director Ocwieja, 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.

RECORD OF PROCEEDINGS

Minutes: The Board reviewed the minutes from the August 24, 2023 Regular Meeting and October 5, 2023 Budget Workshop.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Sargent and, upon vote, unanimously carried, the Board approved the minutes of the August 24, 2023 Regular Meeting and October 5, 2023 Budget Workshop, as presented.

2024 Annual Administrative Resolution: The Board reviewed the 2024 Annual Administrative Resolution.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Sargent and, upon vote, unanimously carried, the Board adopted the 2024 Annual Administrative Resolution.

2024 Regular Meeting Dates: The Board entered into discussion regarding business to be conducted in 2024. The Board determined to meet at 5:30 p.m. on the fourth Thursday of January, March, April, May, June, August, and October at the Vista Ridge Community Center, 2750 Vista Parkway, Erie, Colorado 80516, and/or electronically depending on the direction of the Board.

Appointment of Officers: The Board entered into discussion regarding the appointment of officers. The Board is required to have a President, Treasurer and Secretary, although the Secretary is not required to a member of the Board.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Sargent and, upon vote, unanimously carried, the following slate of officers were appointed:

President	Michael Lund
Treasurer	John Ocwieja
Secretary	AJ Beckman
Assistant Secretary	Valerie Swanson
Assistant Secretary	Scott Wood
Assistant Secretary	Todd Sargent

§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2024: Mr. Beckman discussed with the Board §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2024.

Following discussion, upon motion duly made by Director Lund, seconded by Director Sargent and, upon vote, unanimously carried, the Board directed staff to post the Transparency Notice on the Special District Association's website and the District's website.

RECORD OF PROCEEDINGS

District Insurance and Special District Association (“SDA”) Membership: The Board discussed the District’s insurance and SDA 2024 membership.

Following discussion and review, upon a motion duly made by Director Wood, seconded by Director Swanson and, upon vote unanimously carried, the Board ratified renewal of the District’s general liability insurance coverage, public officials’ coverage, workers’ compensation coverage and instructed consultants to proceed with actions necessary to bind coverage. The Board further ratified renewal of the District’s SDA membership.

OPERATIONS AND MAINTENANCE MATTERS

Update from Arrowhead Landscaping: Mr. Watkins reviewed the report with the Board. He reported that the native mowing that was required by the town is complete. This is included in the scope of native mowing included in the 2024 Landscaping Service Contract. Mr. Beckman and Director Ocwieja noted that the annual scope of work for native mowing may need to be adjusted. Mr. Watkins reported that Arrowhead has added an ATV to the equipment dedicated to the District for snow removal in 2024. Arrowhead will have at least three pieces of equipment available for all snow events. In addition, a fourth piece of equipment will be added for large storms. Director Wood asked if the District will have consistent staffing for landscaping services in 2024. Mr. Watkins advised the Board that barring unforeseen circumstances the staffing will be consistent. Mr. Watkins then advised the Board that the scope of work for the 2024 service contract has been modified to include pricing for each task.

The Board discussed tree trimming and the scope of services for the 2024 landscaping contract. Mr. Watkins advised the Board that Arrowhead will prune limbs no higher than ten feet above the ground. Director Wood raised concerns about volunteer trees (“suckers”) growing from the roots of larger trees, and stumps left from prior tree removal along Sheridan Boulevard. The Board discussed a potential stump grinding project for 2024. Director Wood thanked Arrowhead for their response to a recent snow removal event. Mr. Watkins recommended removing pre-emergent weed treatments for native grass from the 2024 service contract as he sees little value in the treatment. Mr. Beckman suggested that he and Director Ocwieja work on the scope of work with Arrowhead for 2024 and present the updated scope of work and service contract to the Board for consideration at the January Board meeting. Mr. Gaines asked about the percentage of sprinkler heads working on Vista Ridge Parkway and Mountain View Boulevard. Mr. Watkins noted most are working, however water quality issues have compromised the ability to maintain consistent and reliable irrigation in this area.

Following the conclusion of this portion of the meeting, representatives from Arrowhead Landscaping excused themselves from the meeting.

RECORD OF PROCEEDINGS

ADMINISTRATIVE
MATTERS
CONTINUED
FINANCIAL
MATTERS

Public Comment: There was no public comment.

Payment of Claims: Ms. Dam 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 November 16, 2023, in the amount of \$355,740.92.

Financial Statements and Schedule of Cash Position: Ms. Dam reviewed with the Board the unaudited financial statements dated September 30, 2023 and schedule of cash position for the period ending September 30, 2023, updated as of November 2, 2023.

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 dated September 30, 2023 and schedule of cash position for the period ending September 30, 2023, updated as of November 2, 2023.

2023 Audit: The Board discussed the engagement of Schilling & Company, Inc. to perform the 2023 Audit.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to perform the 2023 Audit, not to exceed the amount of \$6,000.

Public Hearing on 2023 Budget Amendment:

Following review and discussion, the Board determined that a 2023 Budget Amendment was not necessary.

Public Hearing on 2024 Budget: The Board opened the public hearing to consider the proposed 2024 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2024 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.

RECORD OF PROCEEDINGS

Ms. Dam reviewed the estimated 2023 expenditures and the proposed 2024 expenditures.

Following discussion, the Board considered the adoption Resolution No. 2023-11-02 to Adopt the 2024 Budget, Certify the Mill Levy and Appropriate Sums of Money. Upon motion duly made by Director Wood, seconded by Director Swanson and, upon vote, unanimously carried, the Resolution was adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2023. Mr. Beckman was authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2024, subject to final review by the Finance Committee.

DLG-70 Mill Levy Certification: Mr. Beckman discussed with the Board the DLG-70 Mill Levy Certification form.

Following discussion, upon motion duly made by Director Sargent seconded by Director Ocwieja 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.

CliftonLarsonAllen LLP 2024 Statements of Work: Ms. Dam reviewed with the Board the 2024 Statements of Work from CliftonLarsonAllen LLP.

Following discussion, upon motion duly made by Director Wood, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board approved the 2024 Statements of Work from CliftonLarsonAllen LLP.

2025 Budget Preparation: The Board discussed preparation of the 2025 Budget.

Following discussion, upon motion duly made by Director Swanson, seconded by Director Sargent and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2025 Budget. The Board determined to hold the public hearing to consider adoption of the 2025 Budget on November 24, 2024, at 5:30 p.m., at the Vista Ridge Community Center, 2750 Vista Parkway, Erie, Colorado 80516, and/or electronically depending on the direction of the Board.

Integrated Water Facilities Common Use Agreement: Attorney Erb reported the he has reviewed the Integrated Water Facilities Common Use Agreement and has outlined the cost sharing responsibilities of the parties as noted in the agreement. The conditions of the Agreement have been discussed among the District's consultants, however the way in which the cost sharing was calculated in the past remains unclear. Additional discussions with the golf course management will be

RECORD OF PROCEEDINGS

necessary to better understand their expectations. Attorney Erb suggested that following further discussions, modifications to the Agreement may be necessary.

LEGAL MATTERS

Landscaping Tracts from the Town of Erie via Quit Claim Deed: Director Ocwieja reported to the Board that he will be meeting with the Town of Erie in the coming weeks.

FRICO Water Lease Renewals (2024-2028) with G. Fonay; G. Hobbs; J. Riggans; R. Jobes and B. Carlson; R. Swain and Town of Erie: The Board entered into discussion regarding FRICO Water Lease Renewals (2024-2028) with G. Fonay; G. Hobbs; J. Riggans; R. Jobes and B. Carlson; R. Swain and Town of Erie. Mr. Beckman reported that the lease renewals are in process. He explained that each Agreement will need to be negotiated. Public Alliance has initiated contact with all of the parties; however, Mr. Beckman has requested that Ms. Schmidt work with the lease holders to negotiate and execute the Agreements.

Addendum to the Management Services Agreement with Public Alliance LLC for Management Services: Mr. Beckman reviewed with the Board the 2024 rate structure.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Swanson and, upon vote, unanimously carried, the Board approved the Addendum to the Management Services Agreement with Public Alliance LLC for management services.

Other: There were no other Legal matters to discuss.

OPERATIONS AND MAINTENANCE MATTERS CONTINUED

Manager Report: Mr. Beckman reviewed the November 28, 2023 report with the Board. He explained that the landscaping design updates, and irrigation design are nearly complete and advised the Board that upon completion he would like to hold a special meeting if necessary to approve the final designs and bid package. He then explained that the design for the proposed pump station equipment is complete and reviewed the design drawings with the Board. Mr. Beckman recommended that the Board authorize staff to proceed with the equipment procurement for the pump station components in order to offset potential manufacturing and delivery delays. Discussion ensued regarding screening and filtration of the non-potable water. Mr. Ortiz explained that the debris screen will include an automatic backwash feature to clear debris. He then advised the board that chlorination of the water is likely not necessary and recommended that the Board consider such treatment optional following the initial installation and observation period.

Mr. Beckman reviewed with the Board a proposal from HydroSystems-KDI, Inc. to replace the non-potable pumping system.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Wood, seconded by Director Swanson and, upon vote, unanimously carried, the Board approved the proposal from HydroSystems-KDI, Inc. to replace the non-potable pumping system, in an estimated amount of \$275,380, and authorized staff to proceed with ordering the equipment.

Stakeholders' Meetings to Determine Maintenance Responsibilities: Director Ocwieja reported that he will be meeting with the Golf Course management and the Town of Erie after the first of the year to clarify areas of maintenance responsibility between the two entities. He noted meetings with the stakeholder groups will follow.

Repairs to Sidewalks and Concrete Pathways: Mr. Beckman reviewed with the Board bids for repairs to the sidewalks. He noted the expected cost is approximately \$400,000. Director Ocwieja asked if Conservation Trust Fund money can be used for the project. Ms. Dam explained that the funds can be used to maintain or improve certain types of District infrastructure benefiting the public. The Board directed Attorney Erb to write a letter to the Conservation Trust Fund office clarifying that repairs to the concrete sidewalks and pathways are an appropriate use of such funding.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Board directed staff to put the project out to bid.

Fencing Repairs: Mr. Beckman reviewed the proposals for fence repairs. Mr. Ortiz explained that there is a small section of the retaining wall that will need to be repaired before the fencing work can begin. Director Ocwieja requested that the scope of work for the fence repairs specify that galvanized lag bolts and washers be used to secure the rails to the posts.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Board authorized the engagement of Jones Commercial Fencing and Masterful Masonry to perform project.

2024 Landscaping Services Agreement: The Board entered into discussion regarding a Landscaping Services Agreement between the District and Arrowhead Landscape Services, Inc.

Following discussion, upon motion duly made by Director Ocwieja, seconded by Director Wood and, upon vote, unanimously carried, the Board approved the Landscaping Services Agreement between the District and Arrowhead Landscape Services, Inc., subject final review by Director Ocwieja, Mr. Beckman and Attorney Erb.

RECORD OF PROCEEDINGS

Town of Erie Waterline Extension Phase 2B Update: Mr. Ortiz reported that the project is nearly completed.

2023 Landscaping Renovation Project: Mr. Beckman reported that Mr. Ortiz has been working with HydroSystems and Norris Designs to correct errors in landscaping plans as they compare to the actual conditions observed on the ground.

First Amendment to Agreement between the District and Hydrosystems-KDI, Inc. for Irrigation Design Work: The Board reviewed the First Amendment to Agreement between the District and Hydrosystems-KDI, Inc. for Irrigation Design Work.

Following discussion, upon motion duly made by Director Lund, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board ratified approval of the First Amendment to Agreement between the District and Hydrosystems-KDI, Inc. for Irrigation Design Work.

Final Landscape Plans: The Board deferred discussion.

Final Irrigation Plans: The Board deferred discussion.

Bid Package and Publication of Request for Bids: The Board deferred discussion.

2023/2024 Independent Contractor Agreements for 2024 Maintenance Services:

Agreement between the District and Arrowhead Landscape Services for Snow Removal Services: The Board reviewed an Agreement between the District and Arrowhead Landscape Services for Snow Removal Services.

Following discussion, upon motion duly made by Director Lund, seconded by Director Ocwieja and, upon vote, unanimously carried, the Board ratified approval of the Agreement between the District and Arrowhead Landscape Services for Snow Removal Services.

Proposal from Rocky Mountain Tree Care for Pruning and Replacement of Dead Trees: The Board reviewed a proposal from Rocky Mountain Tree Care for pruning and replacement of dead trees.

Following discussion, upon motion duly made by Director Wood, seconded by Director Sargent and, upon vote, unanimously carried, the Board approved the proposal from Rocky Mountain Tree Care for pruning and replacement of dead trees.

RECORD OF PROCEEDINGS

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 by Director Sargent, seconded by Director Wood and, upon vote, unanimously carried, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,


Secretary for the Meeting