

RECORD OF PROCEEDINGS

MINUTES OF THE COMBINED REGULAR MEETING OF THE BOARDS OF DIRECTORS OF THE

FOSSIL RIDGE METROPOLITAN DISTRICT NO. 1 FOSSIL RIDGE METROPOLITAN DISTRICT NO. 2 FOSSIL RIDGE METROPOLITAN DISTRICT NO. 3

Held: Monday, March 13, 2023, 6:30 p.m.

Attendance The combined regular meeting of the Boards of Directors of the Fossil Ridge Metropolitan District Nos. 1-3 was called and held at 6:30 p.m., as shown, in accordance with Colorado law. The meeting was conducted as a virtual meeting. Mr. Pacheco inquired whether any of the Board members had any potential conflicts of interest on matters coming before the board. Daniel Dominic of District No. 3 stated that he has filed a disclosure of a potential conflict of interest with the office of the Secretary of State, noting that he is the President of the HOA. There were no other conflicts disclosed. The following Directors were in attendance:

District 1:

Tom Waterman – President
Craig Brown – Vice President
David Wilson – Treasurer
Dave McGraw – Secretary
Terry Larson - Asst. Sec.

District 2:

Terry Larson – President
Ted Michelsen - Vice President
Alan Plumhoff – Treasurer
Gerry Reese – Secretary
Tom Waterman – Assistant Secretary

District 3:

Aaron Hochstein – President
Daniel Dominic – Vice President
Mike McCleary – Treasurer
Andrew Amend – Secretary
Greg Taylor – Assistant Secretary

Consultants:

Marcos Pacheco, District Manager, Community Resource Services
Mat Birkeness, Community Manager, Community Resource Services
Kelley Duke, Esq., Legal Counsel

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Others identified in attendance:

Bob Mero
Peggy Waterman
Dave Rohlf
Liz Nahon
Andy Gregory
Anastasia Urban
Max Bryant
Libby Vernon
Ed du Bray

- Call to Order** Quorums of the Boards were present, and the Directors confirmed their qualifications to serve. Mr. Pacheco confirmed that the meeting has been properly noticed. The meeting was called to order at 6:30 p.m.
- Approve Agenda** The Boards reviewed the meeting agenda.
- District 1: Director Waterman moved to approve the agenda as presented. Upon a second by Director McGraw, a vote was taken, and the motion carried unanimously.
 - District 2: Director Michelsen moved that the Board approve the agenda as presented. Upon a second by Director Reese, a vote was taken, and the motion carried unanimously.
 - District 3: Director Hochstein moved that the Board approve the agenda as presented. Upon a second by Director Dominic, a vote was taken, and the motion carried unanimously.
- Election Update** Director McGraw reported that there were 6 positions open for election in May across the three Districts. Only 4 seats received self-nominations. Therefore, the elections have been cancelled due to lack of resident participation.
- Legal Matters** Director Waterman gave an in-depth report on the status of legal matters with Brookfield.
- Legislative Matters** Mr. Pacheco provided an update on several House Bills and how they could impact the District.
- Public Comment** No public comments were made.
- Consent Agenda** The Boards reviewed the consent agenda.
- District 1: Director Waterman motioned to approve the consent agenda. Upon a second by Director McGraw, a vote was taken, and the motion

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carried unanimously.

- District 2: Director Michelsen motioned to approve the consent agenda. Upon a second by Director Reese, a vote was taken, and the motion carried unanimously.
- District 3: Director Hochstein motioned to approve the consent agenda. Upon a second by Director Dominic, a vote was taken, and the motion carried unanimously.

Financial Matters

Director Wilson provided an update and highlighted areas of interest for the 2022 Business Plan Wrap Up.

- District 1: Director Brown motioned that the Board accept the 2022 Business Plan Wrap Up. Upon second by Director McGraw, a vote was taken, and the motion carried unanimously.
- District 2: Director Michelsen motioned that the Board accept the 2022 Business Plan Wrap Up. Upon second by Director Waterman, a vote was taken, and the motion carried unanimously.
- District 3: Director McCleary motioned that the Board accept the 2022 Business Plan Wrap Up. Upon second by Director Hochstein, a vote was taken, and the motion carried unanimously.

Director Reese updated the Boards on the status of the year-end variance reports and highlighted areas of interest and areas to watch.

- District 1: Director Wilson moved that the Board accept the 2022 Year-End Variance Reports. Upon second by Director McGraw, a vote was taken, and the motion carried unanimously.
- District 2: Director Larson moved that the Board accept the 2022 Year-End Variance Reports. Upon second by Director Plumhoff, a vote was taken, and the motion carried unanimously.
- District 3: Director Dominic moved that the Board accept the 2022 Year-End Variance Reports. Upon second by Director Hochstein, a vote was taken, and the motion carried unanimously.

Director Wilson reported and recommended that the boards engage the auditor Haynie and Company for three years, subject to annual appropriation.

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- District 1: Director Brown moved that the Board engage with Haynie and Company. Upon second by Director Wilson, a vote was taken, and the motion carried unanimously.
- District 2: Director Michelsen moved that the Board engage with Haynie and Company. Upon second by Director Larson, a vote was taken, and the motion carried unanimously.
- District 3: Director Amend moved that the Board engage with Haynie and Company. Upon second by Director McCleary, a vote was taken, and the motion carried unanimously.

The Board was presented with an opportunity to appoint John Wendling to the Finance Committee.

- District 1: Director Brown moved that the Board appoint John Wendling to the Finance Committee. Upon second by Director Waterman, a vote was taken, and the motion carried unanimously.
- District 2: Director Larson moved that the Board appoint John Wendling to the Finance Committee. Upon second by Director Plumhoff, a vote was taken, and the motion carried unanimously.
- District 3: Director Taylor moved that the Board appoint John Wendling to the Finance Committee. Upon second by Director Amend, a vote was taken, and the motion carried unanimously.

Maintenance and Operations Matters

Snow Removal: Director Brown reported on the history of snow removal in the area. The decision in the past was to stick with an 8” trigger depth in June 2020. The residents were offered a 4” trigger depth but opted not to change. There has been extensive discussion since the decision was made. Director Brown provided an in-depth review of the upcoming decisions. The Boards then heard from community members Bob Mero and Dave Rohlf about the parameters they believe need to be evaluated. The public was then allowed to make public comment and provide feedback to Director Brown and the Board and will continue to work with Director McCleary to talk about possible solutions moving forward.

Landscape Update: Mr. Birkeness reported that landscape crews began the spring clean-up process on March 13 and will work over the next few weeks, weather permitting. Pesticides will be applied to turf and bed areas. Aeration

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also began the same week, and at the end of the month, the Landscape Committee will meet and begin executing their plans. Director McCleary asked questions about ornamental grasses that have not been cut back yet. Mr. Birkeness confirmed he will check with the landscaper to ensure they are handling the grasses properly.

Maintenance Items at the Retreat: Mr. Birkeness reported on the monument pillar damage and that it has been sent to insurance for repair. If approved, he will provide information to the Boards as needed. Additionally, there is landscaping damage that he will also get quotes for. Director Brown then asked follow up questions of Mr. Birkeness for which he provided clarification.

Pool Contractor Renewal: Mr. Birkeness provided an update regarding the pool contract – several board members have seen the contract, and Mr. Birkeness recommended that the Boards approve it as presented. Director Brown expressed appreciation for the efforts from Mr. Birkeness on this project.

- District 1: Director Brown moved to that the Board approve the pool contract that was presented. Upon a second by Director Waterman, a vote was taken, and the motion carried unanimously.

Water Quality Ponds Proposals: Director Larson provided an update that pond B2 was not worked on last year by Brookfield. This proposal is an effort to not allow the ponds to become untreated and out of control. It is anticipated that the money spent would be reimbursed by Brookfield, but it is not a guarantee. There are two proposals. One from Colorado Pond and Lake, and the other is Aquatic Associates in Fort Collins. Both companies will focus on the algae issue. They will also look at other issues in the pond. The reason this is being evaluated now is because the issues in the pond need to be dealt with before the summer season. Aquatic Associates proposal is far superior and more in depth. The Aquatic Associates proposal price is just over \$18,000.00, with work beginning in April, however the proposal will not be sufficient for all the work that will be required. There was then extensive discussion and conversation about the work that needs to be done.

- District 1: Director Larson moved that the Board approve the contract from Aquatic Associates. Upon a second by Director McGraw, a vote was taken, and the motion carried unanimously.

Mailbox Pedestal Painting: Director McGraw reported that there are several pedestals on the mailboxes in need of painting. There are 80 pedestals, 52 of

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which need to be painted. Director Reese then reported that it would cost roughly \$150/pedestal. There is an opportunity to get that somewhat cheaper with more pedestals needing paint rather than the initial 20 figured. This project is in the reserve study and budgeted in 2023. It is anticipated that this will cost no more than \$10k. The contractor that would be used is the same that was used for painting the interior of the retreat. Mr. Birkeness also added that there are some areas where the top of the mailboxes may also need painting, and that will affect the overall price. There is also opportunity to have the HOA paint the boxes.

- District 1: Director Wilson moved that the Board approve painting in an amount not to exceed \$10,000.00. Upon a second by Director McGraw, a vote was taken, and the motion carried unanimously.

Engineer Update: Director Larson provided an update that he has been working with the District Engineer to generate a report about hardscape and dry stack wall repairs, meaning anything concrete, asphalt, etc. and owned by the District. There is a list of items that need to be tended to this year. The work that will be tackled will fall within the budget that was adopted. Next, he discussed landscape walls. The District Engineer evaluated all of these and has made a priority list of what needs to be taken care of this year. Again, this will fall within the budget that was adopted. Lastly, sewer cleaning, as part of the IGA, needs to be completed. Director Larson reported on the process to complete this cleaning. The cost to do this will be roughly \$100k.

Executive Sessions

Kelly Duke, general counsel for the Districts, certified that the executive session was limited to the following topics that are authorized by CRS 24-6-402(4)(b) to be addressed in executive session: receive advice of legal counsel on a) the process for acceptance of public improvements; and, b) District Eligible Costs and associated accrued interest.

- District 1: Director McGraw motioned to enter into executive session. Upon a second by Director Waterman, a vote was taken, and the motion carried unanimously.
- District 2: Director Michelsen motioned to enter into executive session. Upon a second by Director Larson, a vote was taken, and the motion carried unanimously.
- District 3: Director Hochstein motioned to enter into executive session.

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Upon a second by Director Dominic, a vote was taken, and the motion carried unanimously.

The Boards reconvened the public meeting at 9:42 PM by the following motions:

- District 1: Upon a motion by Director Brown to adjourn the session, Director Wilson seconded, and a vote was taken and passed unanimously.
- District 2: Upon a motion by Director Plumhoff to adjourn the executive session, Director Larson seconded, and a vote was taken and passed unanimously.
- District 3: Upon a motion by Director Dominic to adjourn the executive session, Director Hochstein seconded, and a vote was taken and passed unanimously.

Directors returned to the public meeting and Kelly Duke, legal counsel for Districts 1, 2 and 3 certified for the record that the communications in executive session this evening constituted the attorney client privilege communication, were not recorded, and were limited to the matters properly noticed in the posted agenda.

Adjournment

There being no further business to come before the Boards, the meeting was adjourned at 9:42 p.m. by unanimous vote.

Respectfully submitted,



Secretary of the Meeting