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# RECORD OF PROCEEDINGS

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## Minutes of the Special Meeting Of the Board of Directors of Mountain Sky Metropolitan District April 7, 2022

A special meeting of the Board of Directors of the Mountain Sky Metropolitan District was held at 10:00 A.M., April 7, 2022 remotely via Zoom.

### Attendance

The following Directors were present and acting:

- Gene Osborne
- Kim Herman
- Kim Harrison
- Jim Dignan
- Jordan Honea

Also present and in attendance:

- JR Osborne, C3 Construction
- Angela Elliott, Teleos Management Company
- Cathy Baldwin, Teleos Management Company
- Joan Fritsche, Fritsche Law, LLC
- Eric Weaver, Marchetti & Weaver, LLC
- Rick Gonzales, Marchetti & Weaver, LLC

### Call to Order

Director Osborne, noted a quorum of the Board was present, and that the Directors have confirmed their qualifications to serve, and therefore called the meeting of the Board of Directors of the Mountain Sky Metropolitan District to order at 10:10 A.M.

### Disclosure

Ms. Fritsche advised the Board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member disclosed their conflicts of interest, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

Ms. Fritsche informed the Board that written disclosures for each of the Directors were filed with the Secretary of State and the Board prior to this meeting.

### Public Comment

There was no public comment.

### Minutes

Upon a motion duly made and seconded, it was unanimously

**RESOLVED**, to approve the minutes of the February 2, 2022 meeting as presented.

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**Construction** JR Osborne reported that paving for Phases 4 and 5 is expected to be completed at the end of April, paving for County Road 12 and County Road 9 ½ is expected to be started in the middle of next month, and playground equipment is being shipped. The homebuilder plans to close on an additional 41 lots in mid-May.

**Covenant Compliance & ACC** Ms. Baldwin reported that 7 violations related to trash cans have been issued and that most violations relate to the homeowners' unfamiliarity with living in a covenant-controlled community. Ms. Baldwin also reported that 14 Design Review committee ("DRC") requests have been received and are being addressed.

Ms. Baldwin informed the Board that the District does not have a specific procedure to address recurring covenant violations. Examples given include definition of the number of days to cure violations and definition of 'continuous and repetitious'. The Board asked Teleos to provide a procedural template they have found effective for addressing recurring violation enforcement in other districts and associations that the Board may consider and adopt at a future meeting. Director Osborne requested Director Herman work closely with Teleos in developing rules and regulations. Teleos will continue to request homeowners to submit landscaping plans to assure they are conforming with Design Guidelines.

Ms. Baldwin requested the irrigation system start-up date. Mr. Osborne reported that he is waiting for the City of Fort Lupton to turn on the irrigation system and will check with the City and advise Teleos when that is expected to occur.

**Legal** Election Update: At the end of the period to receive self-nomination forms there were no more candidates than Board vacancies and the election was cancelled. New terms of office will start after the May 3, 2022 election date. All five newly elected board members must take their Oath Of Office and those must be filed with the County Clerk & Recorder prior to the next Board meeting.

Ms. Fritsche then informed the Board that an invalid self-nomination form had been submitted by a homeowner/resident and that the Designated Election Official reached out to that homeowner but did not receive a response or corrected form before the deadline. The homeowner is now requesting a current Board member resign and the homeowner be appointed to fill the Board vacancy. The Board discussed the issues related to setting a precedent of asking an elected official to resign in order to create a vacancy and determined it would not be in the best interest of the District or community to set such a precedent and also to preserve the integrity of the election process and adhere to state laws. Ms. Fritsche indicated many candidates were confused by the lack of instructions on

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the Self-Nomination form. The Board asked Ms. Fritsche to advise the homeowner of the Board's decision and encourage the homeowner to attend future meetings and submit a self-nomination form at the next election to be held in May 2023. The Board expressed their desire that more community residents become involved with the District as the community grows and matures. The Board also requested Ms. Fritsche and Director Herman follow up with the homeowner personally. No formal action was taken by the Board.

Mr. Osborne informed the Board that a second reimbursement under the Cost Recovery Agreement is expected from the City of Fort Lupton. No further action is required by the Board at this time as the processes and procedures for reimbursement are in place.

Acceptance of platted open space tracts: No action was taken by the Board as this subject was tabled. It will continue to appear on future meeting agendas as necessary.

### **Financials**

Mr. Weaver presented the financial statements for the period ending February 28, 2022 and noted that there has not been a lot of activity so far this year. Mr. Weaver did inform the Board that some capital has been expended and a developer advance will be required to cover those expenditures. Upon a motion duly made and seconded it was unanimously

**RESOLVED**, to accept the financial statements for the period ended February 28, 2022 as presented.

Mr. Gonzales presented the claims paid since the last meeting as well as claims payable, and upon a motion duly made and seconded it was unanimously

**RESOLVED**, to approve the claims payable in the amount of \$22,100.53.

Mr. Weaver informed the Board that the audit is proceeding without issue and a draft will likely be available for Board consideration at the next meeting.

### **Directors Matters**

There were no Director matters.

### **Next Meeting Date**

The next meeting of the Board is scheduled to be held at 1:30 P.M., Wednesday, May 4, 2022 but being that is the day immediately following election day and there will not be sufficient time to qualify the newly elected directors the meeting will need to be rescheduled or cancelled closer to the date.

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MOUNTAIN SKY METROPOLITAN DISTRICT  
April 7, 2022 Meeting Minutes

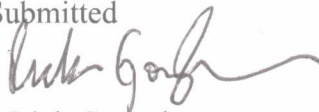
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## Adjournment

There being no further business to come before the Board and upon motion duly made and seconded it, was unanimously

**RESOLVED**, to adjourn the meeting at 10:56 A.M.

Respectfully Submitted



Rick Gonzales  
Secretary to the meeting