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# RECORD OF PROCEEDINGS

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## Minutes of the Regular Meeting Of the Board of Directors of Mountain Sky Metropolitan District June 1, 2022

A regular meeting of the Board of Directors of the Mountain Sky Metropolitan District was held at 1:30 P.M., June 1, 2022 remotely via Zoom.

**Attendance** The following Directors were present and acting:

- Gene Osborne
- Jim Dignan
- Jordan Honea

Directors Kim Harrison and Kim Herman were absent and excused.

Also present and in attendance:

- JR Osborne, C3 Construction
- 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 1:45 P.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 April 7, 2022 special meeting as presented.

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## MOUNTAIN SKY METROPOLITAN DISTRICT June 1, 2022 Meeting Minutes

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### Construction

JR Osborne reported that phases 4 and 5 have been preliminarily accepted by the City of Fort Lupton, paving for County Road 12 and County Road 9 ½ is starting next week, playground equipment will be installed soon, and FL Mountain Sky has paid for the relocation of a gas line necessary for the property owner to the north to complete the regional detention pond.

Mr. Osborne also reported the homebuilder plans to close on an additional 41 lots on June 2, 2022.

In response to a question from Ms. Baldwin, Mr. Osborne stated the second entrance into the community off of County Road 12 will be completed next week and that the contractor will be responsible for the maintenance during the one-year warranty period.

### Covenant Compliance & ACC

Ms. Baldwin reported numerous Covenant, Conditions and Restriction (“CCR”) violations most of which relate to fencing issues and recommended clearer fencing guidelines and drawings.

Ms. Baldwin also reported that 30 design review applications have been received since the last Board meeting held April 7, 2022 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.

### Legal

Ms. Fritsche presented the Resolution Adopting Covenant Enforcement Procedures for Continuing Violations and Repetitious Violations and the Resolution Amending Fee and Covenant Enforcement Fine Schedule. The Board discussed both resolutions. Mr. Weaver called attention to the Fee Schedule identifying the Transfer Fee of \$200 to be paid to the District by the homeowner at closing. Mr. Weaver reminded the Board that the Transfer Fee is paid to the management company. Upon a motion duly made and seconded it was unanimously

**RESOLVED**, to approve the Resolution Adopting Covenant Enforcement Procedures for Continuing Violations and Repetitious Violations as presented and the Resolution Amending Fee and Covenant Enforcement Fine Schedule as amended to reflect that the Transfer Fee in Exhibit A of the resolution is paid to the management company, not the district.

Mr. Gonzales informed the Board that it is most efficient for homeowners in the within the district to have a single point of contact regarding CCR, DRC and other

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community issues. The Management Company, currently Teleos LLC is the logical first point of contact but that service is not currently included in the scope of service of their Services Agreement with the District. Teleos has volunteered to prepare a new proposed scope of service for the Service Agreement that would identify them as first point of contact for the community's homeowners and residents. Upon a motion duly made and seconded it was unanimously

**RESOLVED**, to approve a change in the scope of service in the Service Agreement with Teleos LLC to include Teleos LLC as the first point of contact for homeowners and residents within the District subject to final review and approval by Chairman Osborne.

### Financials

Mr. Weaver presented the independent audit report for fiscal year 2021 and noted that no problems were encountered during the audit and the District received an unqualified opinion from the auditors. Upon a motion duly made and seconded it was unanimously

**RESOLVED**, to approve the 2021 audit report as presented pending final review and acceptance by legal counsel.

Mr. Weaver presented the unaudited financial statements for the period ending April 30, 2022. Following a brief discussion and upon a motion duly made and seconded it was unanimously,

**RESOLVED**, to accept the unaudited financial statements for the period ending April 30, 2022 as presented.

Mr. Gonzales reported that no claims have been paid since the last Board meeting so there are no claims paid to be ratified. Mr. Weaver then presented the claims payable report listing unpaid bills. Upon a motion duly made and seconded it was unanimously

**RESOLVED**, to approve the claims payable in the amount of \$9,467.34.

Mr. Weaver informed the Board that FL Mountain Sky has requested a partial repayment of developer advances made for capital expenditures and that the District has \$427,251 of revenue available to repay capital advances. Upon a motion duly made and seconded it was unanimously\*

**RESOLVED**, to approve a \$427,251.00 repayment of capital advances to FL Mountain Sky LLC.

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\*Chairman Osborne abstained from the vote due to a conflict of interest.

**Directors Matters** The Board determined to postpone election of Board until the next meeting date as not all Directors were in attendance.

**Next Meeting Date** The next meeting of the Board is scheduled to be held at 1:30 P.M., Wednesday, July 6, 2022.

**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 2:24 P.M.

Respectfully Submitted



Rick Gonzales  
Secretary to the meeting