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## RECORD OF PROCEEDINGS

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### Minutes of the Special Meeting Board of Directors of Mountain Sky Metropolitan District October 25, 2023

A special meeting of the Board of Directors of the Mountain Sky Metropolitan District was held at 2:00 p.m., October 25, 2023, remotely via Zoom.

#### **Attendance**

The following Directors were present and acting:

- Gene Osborne
- Kimberly Martel
- Christopher Pelton (Absence Excused)
- Stephen Newcomb

Also present:

- Angela Elliott, Teleos Management Company
- Evan Redmond, Teleos Management Company
- Joan Fritsche, Fritsche Law, LLC
- Eric Weaver, Marchetti & Weaver, LLC
- Avery Weaver, Marchetti & Weaver, LLC
- Chase Hanusa, IDES
- Members of the Public

#### **Call to Order**

Chairman Osborne noted a quorum of the Board was present, that the meeting notice had been properly posted, and that the Directors had confirmed their qualifications to serve, and therefore called the meeting of the Board of Directors of the Mountain Sky Metropolitan District to order at 2:07 p.m.

#### **Disclosures**

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 Director Osborne disclosed his 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 a written disclosure for Director Osborne was filed with the Secretary of State and the Board prior to this meeting.

#### **Public Comment**

Property owners present commented that they wanted some sort of speed reducing remedy installed for Mountain Sky Drive and Monte Vista as cars have consistently been speeding down these streets. Director Newcomb will investigate speed reducing options with the property owners and bring recommendations to the next meeting.

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## MOUNTAIN SKY METROPOLITAN DISTRICT

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October 25, 2023, Meeting Minutes

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**Resignation of  
Kim Herman**

The Board accepted the resignation of Director Kim Herman.

**Election of Board  
Secretary**

Upon a motion duly made by Chairman Osborne and seconded by Director Newcomb, it was unanimously

**RESOLVED**, to elect Stephen Newcomb as Secretary of the Board. The Board Officers are as follows:

Gene Osborne – President  
Chris Pelton – Vice President  
Stefan Newcomb – Secretary  
Kim Martel – Treasurer

**Minutes**

The Minutes of the July 21, 2023, regular Board meeting were reviewed by the Board.

Upon a motion duly made by Director Martel and seconded by Chairman Osborne, it was unanimously

**RESOLVED**, to approve the minutes of the July 21, 2023 regular Board meeting as presented.

**Management**

Mr. Redmond reviewed the management report, including covenant violations & Design Review applications received and processed since the last Board meeting.. Mr. Redmond provided updates on the community backyard landscaping completion and will follow up with property owners until completion. Mr. Redmond discussed DRC applications and audits.

Mr. Redmond discussed utilizing new software for DRC applications and covenant violations called Smartwebs.

**Legal Matters**

Ms. Fritsche reviewed with the Board a Resolution Accepting Certain Tract Landscaping and Storm Drainage Public Infrastructure located on Tracts C–H and Tracts J-L to be conveyed by Bill of Sale from FL Mountain Sky, LLC for initial acceptance. Mr. Hanusa reviewed IDES Mountain Sky Metropolitan District Cost Certification Report #3 certifying the inventory and costs of the Public Infrastructure being conditionally accepted in the amount of \$722,968.90 noting areas of concern and the list of conditions to be met for initial acceptance by the

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# RECORD OF PROCEEDINGS

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MOUNTAIN SKY METROPOLITAN DISTRICT

October 25, 2023, Meeting Minutes

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District.

Upon a motion duly made by Director Newcomb and seconded by Director Martel, it was unanimously,

**RESOLVED**, to approve the Resolution Accepting Certain Tract Landscaping and Storm Drainage Public Infrastructure located on Tracts C–H and Tracts J-L by Bill of Sale from FL Mountain Sky, LLC for conditional initial acceptance. Chairman Osborne abstained from the vote.

Ms. Fritsche reviewed the multi-party Regional Storm Drainage Infrastructure Construction, Ownership and Maintenance Agreement re: a future Landscape Maintenance Easement on a portion of Tract B. No Board action was required.

Ms. Fritsche reviewed a Memorandum of Understanding regarding Regional Storm Drainage Infrastructure and Tract B Dedication between FL Mountain Sky LLC and the District anticipated to be entered into between the parties.

Upon a motion duly made by Director Newcomb and seconded by Director Martel, it was unanimously,

**RESOLVED**, to approve the Memorandum of Understanding regarding Regional Storm Drainage Infrastructure and Tract B Dedication between FL Mountain Sky LLC and the District. Chairman Osborne abstained from the vote.

Ms. Fritsche reviewed the snow removal contract with Mendoza's Landscaping, LLC

Upon a motion duly made by Director Martel and seconded by Director Newcomb, it was unanimously,

**RESOLVED**, to approve the snow removal contract with Mendoza Landscaping for the 2024 season with an updated map of service areas and fee schedule.

Ms. Fritsche reviewed the 2024 Landscaping Agreement with Mendoza's Landscaping, LLC

The Board determined to table this item until the next Board meeting so that the contract will be based on an updated scope of work for tract improvements

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MOUNTAIN SKY METROPOLITAN DISTRICT

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October 25, 2023, Meeting Minutes

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conditionally accepted by the District.

Ms. Fritsche reviewed Property and Liability Insurance coverage for the District. This was informational only.

Ms. Fritsche presented the Resolution Determining not to Provide Workers Compensation Insurance Coverage for Uncompensated Members of the Board of Directors.

Upon a motion duly made by Director Martel and seconded by Director Newcomb, it was unanimously,

**RESOLVED**, to approve the Resolution Determining not to Provide Workers Compensation Insurance Coverage for Uncompensated Members of the Board of Directors.

Ms. Fritsche presented the 2024 Annual Administrative Resolution.

Upon a motion duly made by Director Newcomb and seconded by Director Martel, it was unanimously,

**RESOLVED**, to approve the 2024 Annual Administrative Resolution.

**Public Budget  
Hearing on 2023  
Amended Budget**

Chairman Osborne opened the public hearing on the 2023 budget amendment. No public comments were made. The public hearing was closed. Mr. Weaver presented the Resolution to Amend 2023 Budget.

Upon a motion duly made by Director Newcomb and seconded by Director Martel, it was unanimously,

**RESOLVED**, to approve the 2023 Budget Amendment.

**Public Hearing on  
Proposed 2024  
Budget**

Chairman Osborne opened the public hearing on the 2024 proposed budget. No public comments were made. The public hearing was closed.

Mr. Weaver presented the 2024 Budget. Upon a motion duly made by Director Newcomb and seconded by Director Martel, it was unanimously,

**RESOLVED**, to adopt the 2024 Budget, appropriate funds, and set mill

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## MOUNTAIN SKY METROPOLITAN DISTRICT

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October 25, 2023, Meeting Minutes

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levies.

### Financials

Mr. Weaver presented the Preliminary Financial Statements dated September 30, 2023.

Upon a motion duly made by Director Martel and seconded by Director Newcomb, it was unanimously

**RESOLVED**, to accept the Preliminary Financial Statements dated September 30, 2023.

Mr. Weaver presented the claims paid since the last Board meeting in June for ratification.

Upon a motion duly made by Director Martel and seconded by Director Newcomb, it was unanimously

**RESOLVED**, to ratify the claims paid since June 17, 2023.

Mr. Weaver presented the claims payables for approval,

Upon a motion duly made by Director Newcomb and seconded by Director Martel, it was unanimously

**RESOLVED**, to approve the claims payable as presented.

Mr. Weaver confirmed the authorized signatories on the District checking account. No Board action was needed.

Mr. Weaver discussed the engagement of an auditor to conduct the District's 2023 audit and suggested the Board retain Fredrick Zink & Associates who conducted the 2022 audit.

Upon a motion duly made by Director Newcomb and seconded by Director Martel, it was unanimously

**RESOLVED**, to approve the 2023 Audit to be completed by Fredrick Zinc & Associates, CPAs with an estimate of \$6,500.

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### Director Matters

Ms. Elliott discussed the Board vacancy. The Board tabled filling the position until the next Board meeting and will solicit interest from property owners and residents via email outside of meeting.

Ms. Elliott discussed resident appointments to Design Review Committee and informed the Board there are 2 members interested in joining the DRC Committee: Stephanie Voss and Gary Schleuger.

Upon a motion duly made by Director Newcomb and seconded by Chairman Osborne, it was unanimously

**RESOLVED**, to appoint Stephanie Voss and Gary Schleuger to the DRC Committee. Mr. Redmond will work with the DRC on applications.

Ms. Elliott went over the 2024 Meeting Schedule for Board consideration and approval.

Upon a motion duly made by Director Martel and seconded by Director Newcomb, it was unanimously

**RESOLVED**, to set the 2024 meeting schedule as presented. The dates are as follows: March 4, June 3, and October 21, 2024, remotely at 10:00 a.m.

### Adjournment

There being no further business to come before the Board and upon a motion duly made by Chairman Osborn and seconded by Director Newcomb, it was unanimously

**RESOLVED**, to adjourn the meeting at 4:01 p.m.

  
Secretary

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## RECORD OF PROCEEDINGS

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### Minutes of the Special Meeting Board of Directors of Mountain Sky Metropolitan District July 21, 2023

A special meeting of the Board of Directors of the Mountain Sky Metropolitan District was held at 2:30 p.m., July 21, 2023, remotely via Zoom.

#### **Attendance**

The following Directors were present and acting:

- Gene Osborne
- Kim Herman
- Kimberly Martel\*
- Christopher Pelton\*\*

Also present:

- Angela Elliott, Teleos Management Company
- Evan Redmond, Teleos Management Company
- Joan Fritsche, Fritsche Law, LLC
- Eric Weaver, Marchetti & Weaver, LLC
- Avery Weaver, Marchetti & Weaver, LLC
- Jordan Honea, DR Horton
- JR Osborne, C3 Construction
- Michelle Sainio, Frederick/Zink & Co., PPC\*\*
- Members of the public

\* Arrival where indicated.

\*\* Departures where indicated.

#### **Call to Order**

Chairman Osborne noted a quorum of the Board was present, that the meeting notice had been properly posted, and that the Directors had confirmed their qualifications to serve, and therefore called the meeting of the Board of Directors of the Mountain Sky Metropolitan District to order at 2:36 p.m.

#### **Disclosures**

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 Directors Osborne and Herman 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.

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## MOUNTAIN SKY METROPOLITAN DISTRICT

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July 21, 2023 Meeting Minutes

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

**Public Comment** There was a discussion held about vehicles speeding through the Community and that Fort Lupton is responsible for policing violations. The residents who raised the issue will provide mitigation recommendations to the Board for the next meeting.

**Resignation of Board Member** Upon a motion duly made by Director Herman and seconded by Director Pelton, Kim Harrison's resignation from the Board was unanimously accepted.

**Election of Officers** Upon a motion duly made by Director Herman and seconded by Director Pelton, it was **RESOLVED** that the following Board Officers were elected unanimously:

**President** – Gene Osborne  
**Vice President** – Christopher Pelton  
**Secretary** – Kim Herman  
**Treasurer** – Kimberly Martel

**Review and Consider** Ms. Sainio described the audit process and reviewed the District's 2022 audit with the Board, stating the audit received a clean opinion, and answered questions. Upon a motion duly made by Director Herman and seconded by Director Pelton, it was unanimously,

**Acceptance of 2022 Draft Audit**

**RESOLVED**, to accept the 2022 Audit.

\*\* Ms. Sainio left the meeting.

\* Director Martel joined the meeting.

**Minutes**

Upon a motion duly made by Chairman Osborne and seconded by Director Herman, it was unanimously,

**RESOLVED**, to approve the minutes of the April 18, 2023, regular Board meeting as presented. Directors Martel and Pelton abstained due to not being on the Board at that time.



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# RECORD OF PROCEEDINGS

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MOUNTAIN SKY METROPOLITAN DISTRICT

July 21, 2023 Meeting Minutes

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## Landscape and Storm Drainage Update

Chairman Osborne recommended tabling a discussion on this matter to give the Developer time to complete the work required for the District to accept the public improvements and suggested leaving the item on the agenda for the next meeting.

## Management

Mr. Redmond reviewed the management report, including violations & Design Review applications processed and received since last meeting with the Board. Mr. Redmond provided the updates on the community backyard landscaping completion and will follow through with owners until completion.

Mr. Redmond discussed DRC applications and audit.

Director Martell offered to work with Mr. Redmond on monthly email blasts to the community and Directors Martell and Pelton expressed interest in the assisting with the selection of a new software system for the community.

## Legal Matters

Ms. Fritsche presented a Resolution regarding authorizing the District to open a new checking account for collection of fine revenue with Ms. Elliott as the authorized signatory on the account, for the periodic transfer of funds to the District's main checking account.

Following discussion and upon a motion duly made by Director Herman and seconded by Director Pelton, it was unanimously,

**RESOLVED**, to approve and ratify Resolution regarding District Checking Accounts and authorizations.

Ms. Fritsche discussed the need to increase Property and Liability Insurance Coverage for the District upon acceptance of the landscaping and drainage improvements. This item will remain as an agenda item.

Ms. Fritsche presented the 2023 Legislative update addressing a few specific bills.

## Financials

Mr. Weaver requested the Board approve opening a ColoTrust account for collection of the District's property taxes, which are currently deposited into the District's general checking account. The Debt Service tax revenue will remain in

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## MOUNTAIN SKY METROPOLITAN DISTRICT

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July 21, 2023 Meeting Minutes

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the ColoTrust account to collect interest until semi-annual debt service payments are due and funds transferred.

Upon a motion duly made by Director Martel and seconded by Director Herman, it was unanimously,

**RESOLVED**, to approve opening a ColoTrust account for collecting property tax revenue in an authorized interest bearing account.

\*\* Director Pelton left the meeting.

Mr. Weaver presented the Preliminary Financial Statements dated June 30, 2023.

Mr. Weaver presented the claims paid since the last meeting in April for ratification, including a developer advance repayment of \$249,841.38, and the approval of claims payable.

Upon a motion duly made by Director Herman and seconded by Chairman Osborne, it was unanimously,

**RESOLVED**, to ratify claims paid from April 14, 2023 through July 17, 2023, approve the claims payable and to accept the Preliminary Financial Statements for the period ended June 30, 2023, as presented.

With the resignation of Director Harrison, Mr. Weaver asked for a motion to remove Director Harrison as an authorized bank account signer and to approve a new second bank account signer. Upon a motion duly made by Director Herman and seconded by Chairman Osborne, it was unanimously,

**RESOLVED**, to add Director Martel, Board Treasurer, as an authorized bank account signer and to approve payment of District invoices in Bill.com as a back up to Chairman Osborne.

### Director Matters

Upon a motion duly made by Director Herman and seconded by Chairman Osborne, it was unanimously,

**RESOLVED**, to fill the Board vacancy with the appointment of Stephan Newcomb, an eligible elector of the District.

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MOUNTAIN SKY METROPOLITAN DISTRICT

July 21, 2023 Meeting Minutes

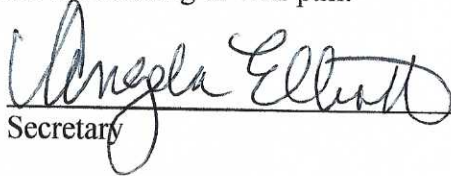
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After discussion, the Board determined to cancel its remaining two Board meetings for the year (August 2<sup>nd</sup> and November 1<sup>st</sup>) and combine the newly required Annual Meeting on October 25, 2023 at 1:30 p.m., followed by a special Board meeting and public budget hearing at 2:00 p.m., via Zoom.

### **Adjournment**

There being no further business to come before the Board and upon a motion duly made by Director Herman and seconded by Chairman Osborne, it was unanimously,

**RESOLVED**, to adjourn the meeting at 4:12 p.m.

  
Secretary

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## RECORD OF PROCEEDINGS

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### Minutes of the Special Meeting Board of Directors of Mountain Sky Metropolitan District April 18, 2023

A special meeting of the Board of Directors of the Mountain Sky Metropolitan District was held at 1:30 p.m., April 18, 2023, remotely via Zoom.

#### **Attendance**

The following Directors were present and acting:

- Gene Osborne
- Kim Harrison (excused)
- Kim Herman
- Jim Dignan
- Jordan Honea

Also present:

- Angela Elliott, Teleos Management Company
- Evan Redmond, Teleos Management Company
- Joan Fritsche, Fritsche Law, LLC
- Eric Weaver, and Avery Weaver, Marchetti & Weaver, LLC
- JR Osborne, C3 Construction
- Chase Hanusa and Barrett Marrocco, IDES Engineering

#### **Call to Order**

Chairman 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 1:33 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,

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MOUNTAIN SKY METROPOLITAN DISTRICT

April 18, 2023 Meeting Minutes

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**RESOLVED**, to approve the minutes of the February 1, 2023 regular Board meeting as presented.

**Construction**

Mr. Osborne reported that public infrastructure is complete and landscaping, irrigation and fencing improvements are ready for conditional acceptance by the District. A discussion followed concerning delaying a walk through scheduled on May 4<sup>th</sup> with the landscape contractor, Mr. Osborne, and representatives from IDES, Teleos Management, and DR Horton for the purpose of verifying the inventory and location of the public infrastructure.

**Management**

Mr. Redmond reviewed the management report with the Board. Mr. Redmond provided the updated spreadsheet on the community back yard landscaping completion, and will follow through with owners until completion.

**Legal Matters**

Ms. Fritsche presented an Amended Resolution authorizing the Financing of Public Infrastructure dedicated to the City of Ft. Lupton in the amount of \$2,079,685.64, effective as of February 1, 2023.

Following discussion and upon a motion duly made and seconded, it was unanimously,

**RESOLVED**, to approve the Amended Resolution Authorizing the Financing of Public Infrastructure dedicated to City of Ft. Lupton.

Ms. Fritsche presented a Resolution Authorizing the Financing and Acquisition of Public Improvements for District ownership, operation, and maintenance.

Following discussion and upon a motion duly made and seconded, it was unanimously,

**RESOLVED**, to approve the Resolution Authorizing the Financing and Acquisition of Public Infrastructure Improvements for District ownership, operation, and maintenance, in the amount of \$722,968.90, subject to the satisfactory completion of the conditions outlined in the IDES Infrastructure Acquisition Report #1 and restated in the Resolution with the removal of the requirement for an irrigation system pressure test and provided that any and all repairs and landscaping replacement be identified and completed by June 15<sup>th</sup>, 2023.

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## MOUNTAIN SKY METROPOLITAN DISTRICT

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April 18, 2023 Meeting Minutes

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Ms. Fritsche presented a multi-party Regional Storm Drainage Infrastructure Construction, Ownership and Maintenance Agreement that will result in the City taking ownership of and maintenance responsibility for Tracts A and B and the regional storm drainage infrastructure installed on Tracts A, B and Murata Farms Tract J. After completion of the Regional Improvements, the District will agree to a Landscape Maintenance Easement for that portion of Tract B which is located outside of the detention pond boundary.

Following discussion and upon a motion duly made and seconded, it was unanimously,

**RESOLVED**, to approve a multi-party Regional Storm Drainage Infrastructure Construction, Ownership and Maintenance Agreement, subject to review and approval of any changes proposed by the City.

Ms. Fritsche presented the Amendment to the IDES Task Agreement.

Upon a motion duly made and seconded, it was unanimously,

**RESOLVED**, to approve the Amendment to the IDES Task Agreement, not to exceed \$15,000

Ms. Fritsche presented an update on the 2023 Directors' Election. The Election was cancelled, and the following homeowners were elected by acclamation to terms that take effect after May 2, 2023:

Kimberly Martel – 4-year term until May 2027

Christopher Pelton – 4-year term until May 2027

Further discussion followed concerning the intent of Director Harrison to resign at the end of the next Board meeting, creating a vacancy that could be filled by a homeowner.

### Financials

Mr. Weaver presented the claims paid since the last meeting for ratification in the amount of \$38,978.03 and the approval of claims payable for in the amount of \$25,267.74.

Mr. Weaver presented the financial statements for the period ending March 31,

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# RECORD OF PROCEEDINGS

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MOUNTAIN SKY METROPOLITAN DISTRICT

April 18, 2023 Meeting Minutes

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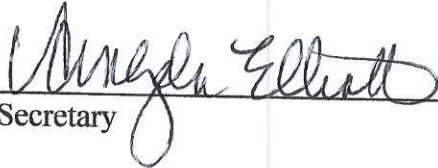
2023. Upon a motion duly made and seconded, it was unanimously,

**RESOLVED**, to ratify claims paid in the amount of \$38,978.03; approve the claims payable in the amount of \$25,267.74 and accept the financial statements for the period ended March 31, 2023, as presented.

**Director Matters**      There were no Director matters.

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

**RESOLVED**, to adjourn the meeting at 2:47p.m.

  
Secretary

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# RECORD OF PROCEEDINGS

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## Minutes of the Regular Meeting Board of Directors of Mountain Sky Metropolitan District February 1, 2023

A regular meeting of the Board of Directors of the Mountain Sky Metropolitan District was held at 1:30 p.m., February 1, 2023, remotely via Zoom.

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

- Gene Osborne
- Kim Harrison (excused)
- Kim Herman
- Jim Dignan
- Jordan Honea

Also present:

- Angela Elliott, Teleos Management Company
- Evan Redmond, Teleos Management Company
- Joan Fritsche, Fritsche Law, LLC
- Eric Weaver, Marchetti & Weaver, LLC
- JR Osborne, C3 Construction
- Chase Hanusa, IDES Engineering

**Call to Order** Chairman 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 1:35 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 November 2, 2022, special meeting as presented.



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# RECORD OF PROCEEDINGS

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## MOUNTAIN SKY METROPOLITAN DISTRICT February 1, 2023 Meeting Minutes

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**Construction** JR Osborne reported that, except for landscaping, the remaining public infrastructure is complete and ready for District acceptance. Mr. Osborne reported that snow has impeded the landscape contractor's progress.

**Management** Mr. Redmond reviewed the management report with the Board. A discussion followed concerning fines not yet billed for covenant violations. Teleos will re-visit the violation locations and move toward an expedited resolution with property owners by late spring.

**Legal Matters** Ms. Fritsche presented a Resolution authorizing the Board to Accept Open Space Tracts by Special Warranty Deed that have been dedicated to the District by Plat in one or more transactions.

Following discussion and upon a motion duly made and seconded, it was unanimously

**RESOLVED**, to approve the Resolution Authorizing the Board to Accept the Open Space Tracts by Special Warranty Deed.

Mr. Hanusa presented the Mountain Sky Metropolitan District Cost Certification Report #2, dated February 1, 2023, prepared by IDES (the "Report"). The Report certifies District eligible public infrastructure costs in the amount of \$2,802,654.54 covering Phases 4-5 utility and street improvements, South College Avenue water system and street improvements, Cemetery Road street improvements, and Project wide landscaping improvements. The street, water, sanitary sewer, and storm sewer improvements are dedicated to the City of Fort Lupton and have received initial acceptance by the City. Ms. Fritsche presented the Resolution Accepting the Public Infrastructure Costs with a copy of the signed Report to be attached as Exhibit A. Upon a motion duly made and seconded, it was unanimously

**RESOLVED**, to approve the Resolution Accepting the Public Infrastructure Costs, subject to final review of the Report by Marchetti and Weaver.

Mr. Hanusa then reviewed the Infrastructure Acceptance Report # 1 (Report #1), prepared by IDES addressing the eligible landscaping, irrigation and fencing public improvements located on certain tracts. Report #1 contains several conditions that must be met before the District will accept the improvements for ownership, operation and maintenance. A walk through of the property will be scheduled for mid-May to confirm the inventory, location and condition of the

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# RECORD OF PROCEEDINGS

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## MOUNTAIN SKY METROPOLITAN DISTRICT February 1, 2023 Meeting Minutes

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improvements.

Ms. Fritsche presented the Assignments of Right To Reimbursement between Osborne Companies, C3 Construction and Equinox Group (“Assignors”) and FL Mountain Sky, LLC for the costs of public infrastructure which were paid for by Assignors for acceptance by the District. The District will reimburse FL Mountain Sky, LLC under their Funding and Reimbursement Agreement for the costs accepted by the District. Following discussion and upon a motion duly made and seconded, it was unanimously

**RESOLVED**, to consent to the Assignments of Right To Reimbursement between the Assignors and FL Mountain Sky LLC.

Ms. Fritsche presented the Snow Removal Agreement and Addendum with Mendoza Landscaping Company for ratification. Upon a motion duly made and seconded, it was unanimously

**RESOLVED**, to ratify the Mendoza Snow Removal Agreement and Addendum.

Ms. Fritsche presented the 2023 Landscaping Contract and Addendum with Mendoza Landscaping LLC. Upon a motion duly made and seconded, it was unanimously

**RESOLVED**, to ratify the 2023 Landscaping Contract and Addendum by and between Mendoza Landscaping LLC and the District.

Ms. Fritsche updated the Board on the 2023 Election to be held on May 2, 2023. The Notice of Election and Call for Nominations will be sent to each registered elector of the District by the DEO this week.

### **Financials**

Mr. Weaver presented the claims paid since the last meeting for ratification and stated all bills are current and there are no claims payable to report.

Mr. Weaver presented the financial statements for the period ending December 31, 2022. Upon a motion duly made and seconded, it was unanimously,

**RESOLVED**, to ratify claims paid in the amount of \$44,176.18 and accept the financial statements for the period ended December 31, 2022 as presented.

### **Director Matters**

There were no Director matters.

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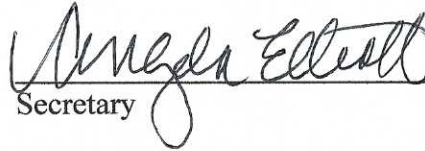
MOUNTAIN SKY METROPOLITAN DISTRICT  
February 1, 2023 Meeting Minutes

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**Adjournment**

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

**RESOLVED**, to adjourn the meeting at 2:18 p.m.

  
Secretary