



## MOUNTAIN VISTA METROPOLITAN DISTRICT

Regular Board Meeting held in person and virtually  
8605 Explorer Dr, Colorado Springs, CO 80920

**Thursday, November 2, 2023 – 10:00 a.m.**

**\*\* Please join the meeting from your computer, tablet or smartphone\*\***

<https://video.cloudoffice.avaya.com/join/019683831>

United States: +1 (213) 463-4500

Access Code: 019-683-831

| Board of Director | Title                | Term     |
|-------------------|----------------------|----------|
| Brian Bahr        | President            | May 2025 |
| John Eliot        | Vice President       | May 2025 |
| Richard Vorwaller | Assistant Secretary  | May 2027 |
| Julie Hendershot  | Assistant Secretary  | May 2027 |
| Craig Anderson    | Treasurer/ Secretary | May 2027 |

### AGENDA

1. Call to Order
2. Declaration of Quorum/Director Qualifications/ Disclosure Matters
3. Approval of Agenda
4. Consent Agenda (These items are routine and may be approved in one motion. There will be no separate discussion of these items unless requested, in which event, the item will be heard immediately)
  - a. Approval of Board Meeting Minutes from the October 5, 2023 (enclosure)
  - b. Ratify approval of Payables through the Period ending October 19, 2023 (enclosure)
5. Management Matters
  - a. Manager's Report (enclosure)
6. Public Comment (Limited to 3 minutes and only items not on the agenda)
7. Insurance Matters
  - a. Review and Consider Approval for Annual SDA Membership
8. Financial Matters
  - a. Conduct a Public Hearing on the 2024 Budget and Consider Adoption of Resolution Adopting the 2023 Budget Amendment, Adopting the 2024 Budget, Appropriating Funds, and Certifying Mill Levies (**enclosure**)
9. New Business
  - a. Review and Consider Approval for WSDM 2024 District Management Engagement (**enclosure**)
  - b. Review and Consider Approval for Tree Wrapping Proposal (**enclosure**)
  - c. Establish 2024 Meeting Schedule
10. Adjourn
  - a. Next Regular Meeting Date – \_\_\_\_\_





**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
MOUNTAIN VISTA METROPOLITAN DISTRICT  
HELD OCTOBER 5, 2023, AT 10:00 AM**

Pursuant to posted notice, the regular meeting of the Board of Directors of the Mountain Vista Metropolitan District was held on Thursday, October 5, 2023, at 10:00 AM, at 8605 Explorer Dr, Colorado Springs, CO 80920 and virtually via video teleconference.

Attendance

In attendance were Directors:

Brian Bahr (Excused)  
Craig Anderson  
John Eliot  
Richard Vorwaller

Also in attendance were:

Heather Smith, WSDM  
Rebecca Harris, WSDM  
Kevin Walker, WSDM  
Pete Susemihl, Susemihl, McDermott & Downie, P.C.  
Eric Stedman, Resident

1. Call to Order: Director Eliot called the meeting to order at 10:02 a.m.
2. Declaration of Quorum/ Director Qualifications/ Disclosure Matters: Ms. Smith confirmed a quorum was present with President Bahr excused. Mr. Susemihl confirmed all Directors are qualified and disclosures have been filed.
3. Approval of Agenda: Director Eliot moved to approve the Agenda as stands; seconded by Director Vorwaller. Motion passed unanimously.
4. Review Letter of Interest to Fill Vacant Position and Consider Appointment: Ms. Smith presented a second letter of interest from property owner, Julie Hendershot, to fill the vacant position on the Board. Ms. Smith discussed the letter of interest provided by Eric Stedman at the last Board meeting and noted that the outstanding issue of the unpaid trash fees has not been resolved. Director Anderson commented that he does not support a person being on the Board who refuses to pay a required fee. Director Eliot commented that he doesn't understand not adhering to the District and then wanting to serve on the District Board and noted it feels like a conflict. Director Eliot discussed Julie Hendershot's letter of interest and noted she seems very qualified and does not have the conflict. Director Eliot moved to appoint Julie Hendershot to fill the vacancy. Director Vorwaller commented that he supports appointing Julie Hendershot. The motion was seconded by Director Anderson. Motion passed unanimously. Mr. Susemihl will send the Oath of Office and noted the term will expire in May 2025.

5. Regular Business Items: Director Eliot moved to approve the Regular Business Items as presented; seconded by Director Anderson. Motion passed unanimously.
  - a. Approval of Board Meeting Minutes from the September 7, 2023
  - b. Ratify approval of Payables through the Period ending September 21, 2023
  - c. Acceptance of Unaudited Financial Statements as of September 30, 2023, and the schedule of cash position updated as of September 30, 2023
6. Management Matters
  - a. Manager's Report: Ms. Smith presented the Manager's Report.
7. Public Comment: Mr. Stedman asked if the Board members are owners. Mr. Susemihl confirmed that each board member is eligible under Colorado Statute. Director Vorwaller confirmed he owns a home in the District and pays the trash fee every month. Ms. Harris also confirmed that all homes, even the model homes owned by Challenger pay the trash service fee. Ms. Harris explained that the other directors are eligible because they have a contract to purchase eligible property in the District, but they do not pay the trash fee because they do not own property that has trash service. Mr. Stedman referenced a court case from Highland Ranch and Mr. Susemihl explained that the directors are eligible to be appointed to the Board if they under contract to purchase and that court case referenced does not apply to this District's organization. Mr. Stedman commented that he has formed a Recall Committee.
8. General Business:
  - a. Discuss Vehicle Accident Insurance Claim and Consider Approval for Repairs: Ms. Smith reviewed the status of a vehicle accident insurance claim. The District's insurance will work with the driver's insurance to resolve the damage. Ms. Smith requested Board approval to authorize WSDM to proceed with repairs subject to the proposed cost being approved by insurance. Director Eliot moved to approve and authorize repairs subject to insurance approval; seconded by Director Vorwaller. Motion passed unanimously.
  - b. Discuss and Consider Approval of the 2023-2024 Season Snow Removal Contract: Ms. Smith presented the 2023-2024 Season Snow Removal Contract with Weisburg Landscape Maintenance. After review, Director Eliot moved to approve the Snow Removal Contract; seconded by Director Anderson. Motion passed unanimously.
  - c. Review and Consider Approval of the Bioswale Repair Proposal on 2 Lots: Ms. Smith presented the bioswale repair proposal for \$3,120.20 to clear the bioswales on two lots downstream. The Board reviewed the proposal and discussed bioswale maintenance moving forward. Director Vorwaller moved to approve the bioswale repair proposal as stipulated; seconded by Director Eliot. Motion passed unanimously.
  - d. Mr. Susemihl discussed the upcoming Annual Town Hall Meeting. Mr. Susemihl also discussed Proposition HH which will be on the ballot in November.
9. Adjourn: There being no further business to come before the Board, Director Eliot moved to adjourn at 10:30 a.m.; seconded by Director Anderson. Motion passed unanimously.
  - a. Next regular meeting date – November 2, 2023 at 10:00 a.m.
  - b. Annual Townhall Meeting Date – November 2, 2023 at 11:00 a.m.

Respectfully Submitted,

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Craig Anderson, Secretary



**Mountain Vista Metropolitan District**  
**PAYABLES**  
10/19/2023  
**GENERAL FUND ACCOUNT**

| Company                        | Invoice       | Date       | Amount              | Comments |
|--------------------------------|---------------|------------|---------------------|----------|
| City of Colorado Springs       | 48023056      | 10/1/2023  | \$ 35.55            |          |
| City of Colorado Springs       | 48028902      | 10/1/2023  | \$ 5.40             |          |
| City of Colorado Springs       | 48028901      | 10/1/2023  | \$ 57.60            |          |
| City of Colorado Springs       | 48028903      | 10/1/2023  | \$ 7.65             |          |
| City of Colorado Springs       | 48032108      | 10/1/2023  | \$ 125.10           |          |
| City of Colorado Springs       | 48032232      | 10/1/2023  | \$ 71.55            |          |
| City of Colorado Springs       | 48022821      | 10/1/2023  | \$ 84.15            |          |
| City of Colorado Springs       | 48023097      | 9/1/2023   | \$ 29.25            |          |
| City of Colorado Springs       | 48033655      | 10/1/2023  | \$ 32.85            |          |
| Colorado Springs Utilities     | 2657352726    | 10/5/2023  | \$ 5,622.49         |          |
| Colorado Springs Utilities     | 3882724424    | 10/5/2023  | \$ 15.57            |          |
| Colorado Springs Utilities     | 5666367862    | 10/5/2023  | \$ 4,209.29         |          |
| Holladay Grace                 | 1158-3865     | 9/28/2023  | \$ 2,656.09         |          |
| HC Hammers Construction        | 2023-SW-025.5 | 8/31/2023  | \$ 3,020.00         |          |
| Mailing Services Inc           | 18593         | 10/16/2023 | \$ 299.91           |          |
| Susemihl Mcdermott Downie P.C. | 35610         | 9/30/2023  | \$ 1,626.55         |          |
| Weisburg Landscape Maintenance | 52148         | 10/17/2023 | \$ 175.00           |          |
| Weisburg Landscape Maintenance | 51992         | 9/25/2023  | \$ 5,052.50         |          |
| WSDM District Managers         | 7695          | 9/30/2023  | \$ 3,768.16         |          |
| <b>TOTAL</b>                   |               |            | <b>\$ 26,894.66</b> |          |

**DEBT SERVICE FUND ACCOUNT**

| Company | Invoice | Date      | Amount   | Comments          |
|---------|---------|-----------|----------|-------------------|
| UMB     | 81023   | 8/10/2023 | 8,737.42 | Aug. & Sept. 2023 |

**TOTAL FOR ALL FUNDS** \$ 35,632.08 \_\_\_\_\_, President

Kirkpatrick Funds \$ 393,364.36  
9/21 Draw \$ (35,632.08)  
Kirkpatrick Funds After Draw \$ 357,732.28





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## MEMORANDUM

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**TO:** MOUNTAIN VISTA METROPOLITAN DISTRICT BOARD OF DIRECTORS  
**FROM:** HEATHER SMITH  
**SUBJECT:** MONTHLY MANAGERS REPORT FOR NOVEMBER – 2023  
**DATE:** OCTOBER 29, 2023  
**CC:** REBECCA HARRIS

### Landscape Maintenance:

- Bioswales: New bioswale erosion concerns at 4379 Prairie Agate and 4463 Zircon Drive. Proposal for clean-out and restoration on agenda for October.
- Filing 6: Landscape maintenance has been accepted by the City and transitioned to the District. Challenger is in the process of obtaining title insurance for the final turn-over of the Filing 6 assets to the District.
- Weed Control & Native Mowing: Upon review of the Development Plan, the bioswales may need to have a Committee for the purpose of educating members and overseeing maintenance. Management will be strategizing on this over the winter.

### General Maintenance:

- Retaining Wall Repairs: The retaining wall near the round-a-bout on Graphite and Shale sustained substantial damage during the heavy rains in June. At the September meeting, the Board approved a repair proposal from Hammers Construction, which has since been updated to include the required Performance Bond and FEMA required verbiage. This is currently under review.
- Perimeter Wall Repairs: Haladay Grace has been engaged for repairs to the perimeter wall. The contract was approved by the insurance adjustor on October 12<sup>th</sup>. The material order has been placed and we are awaiting a final installation date.

### Billing Update:

- 4<sup>th</sup> Quarter bills went out 10/6
- 12 Liens remain in place for dues and fees not yet paid

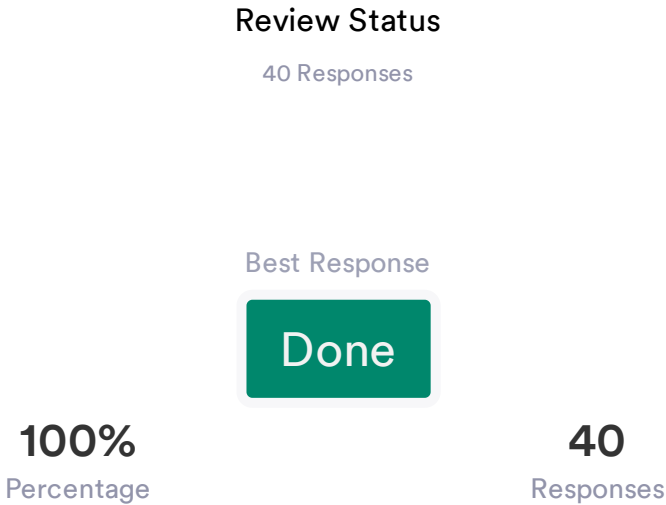
### Mountain Vista Covenant Matters (additional reports attached)

- Violations issued YTD:
  - 66 Violations have been issued to date for 2023.
    - 11% pertaining to nuisance behaviors
    - 59% pertaining to weeds and lawn maintenance

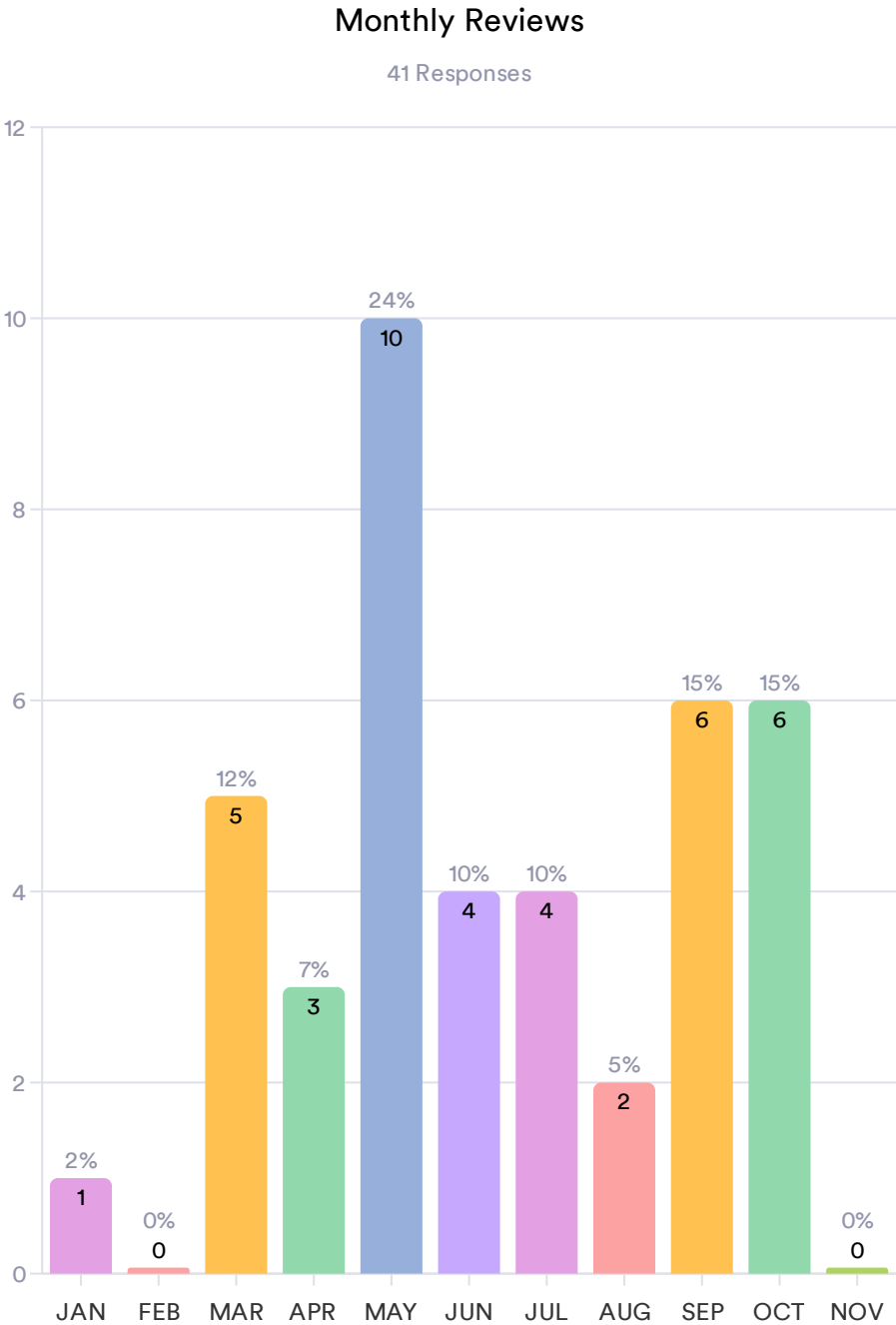


- 14% pertaining to vehicle violations (parked incorrectly/ unapproved trailer)
  - 2% pertaining to general lack of maintenance or unsightliness
  - 5% pertaining to unapproved installations
- 38 violations are receiving fines.
- Architectural Submissions Reviewed:
  - 41 Submissions reviewed YTD: (35 approved, 4 approved with stipulations, 1 awaiting review)
    - 19% Landscaping
    - 13% Detached Structure/ Building
    - 13% Shed
    - 8% Fence
    - 11% Patio/Arbor/Deck
    - 4% Solar Panels
    - 8% Paint
    - 25% Other Category

# Year to Date Data: Mountain Vista Architectural Submission Form



| Data        | Response | %    |
|-------------|----------|------|
| Done        | 40       | 100% |
| In Progress | 0        | 0%   |
| Todo        | 0        | 0%   |

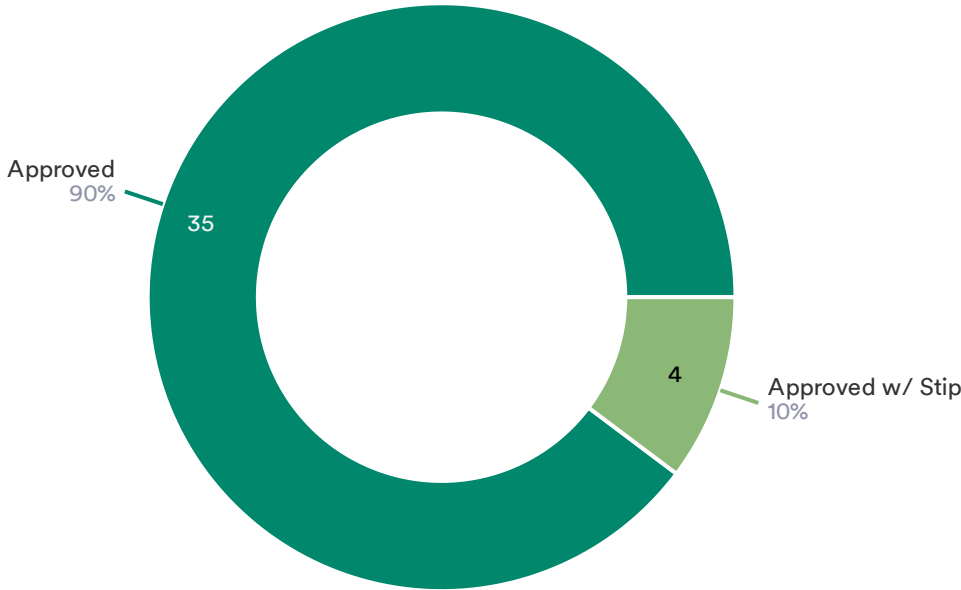


# Year to Date Data: Mountain Vista Architectural Submission Form

Approval Status

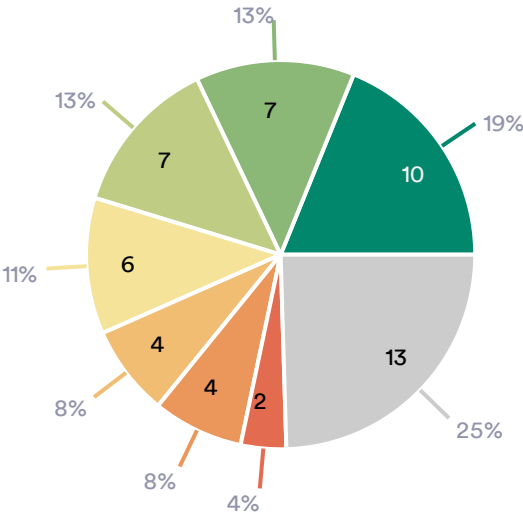
39 Responses

| Data                     | Response | %   |
|--------------------------|----------|-----|
| Approved                 | 35       | 90% |
| Approved w/ Stipulations | 4        | 10% |
| Denied                   | 0        | 0%  |
| Denied w/ Stipulations   | 0        | 0%  |



Type of Improvement

53 Responses



| Data                         | Response | %   |
|------------------------------|----------|-----|
| Landscaping                  | 10       | 19% |
| Detached Structure/ Building | 7        | 13% |
| Shed                         | 7        | 13% |
| Patio/ Arbor/ Deck           | 6        | 11% |
| Paint                        | 4        | 8%  |
| Fence                        | 4        | 8%  |
| Solar Panels                 | 2        | 4%  |
| Other entries                | 13       | 25% |







## **RE: 2024 Annual Engagement Letter**

This agreement constitutes a Statement of Work ("SOW") to the Original Service Agreement made by and between WSDM – District Managers and **MOUNTAIN VISTA METROPOLITAN DISTRICT** ("the District"). This engagement letters serves as a renewal to the services provided or additional services to be provided as prescribed below.

### **Management Services**

1. Meeting and Reporting Services – WSDM will continue to provide the following services:
  - a. Coordinate Board meetings, prepare and distribute meeting agenda and packet.
  - b. Prepare, file and post legal notices required in conjunction with meetings, ensuring meeting notices are properly and timely posted.
  - c. Contact Board members 72-hours prior to a scheduled meeting to ensure a quorum will be present. In the event of a cancelation of a meeting, contact and advise all parties of the cancelation and any changes to the meeting date, time and place, if available.
  - d. Distribute meeting packets by U.S. Mail and/or email, as determined by the Board.
  - e. Prepare for and attend Regular and Special Meetings of the Board.
  - f. Draft, revise and finalize the minutes of the meeting, circulate for review and comment ensuring all statutory requirements have been met.
  - g. Prepare and maintain a record of all Board members, consultants and vendors. Direct and oversee all service providers, consultants and employees.
  - h. Prepare and make annual compliance filings (but not judicial filings) with the various State and County officials, as required. Coordinate review and approval of annual compliance filings with the attorney.
  - i. Respond to inquiries made by various officials, property owners, or consultants in a timely and professional manner.
  - j. Set-up and maintain the official records of the District and service as Official Custodian for same pursuant to the Colorado Open Records Act.
  - k. Monitor requirements pertaining to HB 1343 (Illegal Aliens).
  - l. Insurance administration, including evaluating risks, comparing coverage, process claims, completing applications, monitoring expiration dates, processing routine written and telephone correspondence. Ensure all District contractors and subcontractors maintain required coverage for the District's benefit. Obtain quotes for insurance annually.
2. Elections – Upon request, WSDM may serve as a Designated Election Official (DEO) for District elections with familiarity with various laws, including, but not limited to the Special District Act,

the Colorado Local Government Election Code, the Uniform Election Code of 1992, to the extent not in conflict with the Colorado Local Government Election Code, and Article X, § 20 of the Colorado Constitution ("TABOR").

3. Construction Oversight – Upon request, WSDM may provide extensive construction management. Our current experience principals have funded and managed over \$100,000,000 in public infrastructure including roads, water, wastewater, electric, gas, telecommunications and stormwater facilities.
4. Website Administration – WSDM will provide continued support and extensive experience, creating and updating the District website, specifically including the State Internet Portal Authority funded sites (SIPA) or provide continued hosting the district website under [www.wsdistricts.co](http://www.wsdistricts.co).
5. Employee Management – WSDM will provide management of full or part time employees including Operators in Responsible Control (ORC), field and operations employees, administrative employees, part time seasonal employees, Certified Pool Operators, etc. Maintain compliance with Human Resource aspects like; labor statutes, insurance, training, safety, etc. issues. Additionally, automated payroll services.
6. Covenant Enforcement and CCR Management – WSDM will continue to provide the following services:
  - a. Oversight of Architectural Control Committees or Design Review Committees, including, but not limited to, coordination of meetings, preparation of meeting materials, and attendance at meetings.
  - b. Conduct community inspections and site review of proposed improvements or architectural requests.
  - c. Provide enforcement of the recorded Covenant, Conditions, and Restrictions (CCRs) and Design Guidelines including, but not limited to, violation tracking and imposition of fines.
7. Insurance – WSDM will act as liaison for the annual insurance renewal and payment, as well as maintenance of Special District Association (SDA) membership, coordination of claims, as needed, and complete the annual insurance audit to ensure the district is properly covered.
8. Inclusion/ Exclusions of Property – WSDM will provide, assistance with Legal Counsel, coordinating any property inclusions into the District Boundaries or any property exclusions out of the District Boundaries. Determine property eligibility, present to the Board for approval, and file with proper local governing body.

### **Accounting and bookkeeping**

1. Standard Service – WSDM will continue to provide the following services (by a Certified Public Accountant):
  - a. Accounting:
    - i. Prepare monthly, quarterly, and annual Financial Statements.
    - ii. Reconcile bank statements and trustee statements on a monthly basis.
    - iii. Coordinate bank account setup and maintenance of signature cards.

- iv. Prepare and file Continuing Disclosure Notices with the Trustee and other required parties. Coordinate review with legal counsel.
- v. Coordinate capital project draws and requisitions.
- vi. Prepare and review all payments of claims prior to release to ensure funds are available.
- vii. Conduct a monthly review of all expenditures and coordinate preparation and distribution of same, monitoring to ensure the district is on track with the budget and appropriated expenditures.
- b. Accounts Payable:
  - i. Receive and review invoices for accuracy and appropriateness for payment. Code invoices in accordance with the budgeted line item.
  - ii. Prepare issuance of checks (or virtual checks) to be presented to the Board for approval and signatures. The claims (Payables) list will be included in the monthly meeting packets.
  - iii. Prepare funding requests, if required.
  - iv. Release payments to vendors once all approvals and funding have been received.
- c. Accounts Receivable:
  - i. Process deposit of revenues.
  - ii. Process bank charges and other miscellaneous accounts receivable matters.
- d. Financial Projections:
  - i. Provide multi-year forecasting upon Board request.
  - ii. Provide Utility consumption versus rate analysis, and possible water loss calculations upon Board request.
  - iii. Provide commercial billing and rate structure analysis.
- e. Budgets:
  - i. Prepare annual budget and budget message for approval by the Board and coordinate with legal counsel for same.
  - ii. Prepare or assist in the preparation of supplemental and/or amended budgets and accompanying documents, if required.
  - iii. Prepare and assist in the compliance of filing the annual Budget, or amendment, as needed.
- f. Audits:
  - i. Obtain proposals for conducting the annual audit for consideration at budget hearing meeting. Proposals should be included in the meeting packet.
  - ii. Coordinate and participate in audit bids, engagements, fieldwork and audit draft review.
  - iii. Assist the auditor in performing the annual audit, to accomplish timely completion and filing by statutory deadline.
  - iv. Help present the Annual Audit for approval by the Board to be filed in compliance with State, local, and federal requirements.
- g. Bonds:
  - i. Monitor and comply with Bond documents, State Statute, and Auditing requirements.
  - ii. Transfer debt obligated funds to correct Reserve Funding accounts as applicable



- iii. Coordinate principal and interest payments as required by the governing documents.
- iv. Coordinate with Bond counsel to issue bonds as directed by the Board of Directors
- v. Coordinate the proper compliance filing including but not limited to the DLG-30, etc.
- h. Developer Reimbursements/ Advances:
  - i. Coordinate with Developers to ensure all advances are received, tracked, or accounted for to fund the district as needed.
  - ii. Monitor and comply with Developer Reimbursement agreements and Auditing requirements.
  - iii. Coordinate principal and interest payments required by the Reimbursement agreement.

### **Billing and Collections**

1. Standard Services—WSDM will continue to utilize the Continental Utility Solutions, Inc. (CUSI) billing software system for the residential billing, Bill.com invoicing software for review of invoices and processing of payments, and/or QuickBooks bookkeeping software -- as applicable.
  - a. CUSI system is compatible with the Automatic Meter Reading (AMR), Badger Beacon systems, as well as state of the art integration with direct payment options (Customer Web Portals, ACH, and Credit Card processing systems).
2. Additional Standard Services provided by WSDM will include:
  - a. Provide resolution of re-reading of meter reads, if necessary.
  - b. Customize billing system to download meter readings directly into billing software, allowing real-time/ automatic updates to customer accounts.
  - c. Produce and transmit customer invoices to a mailing facility or process the mailing in-house, whichever is more economical.
  - d. Process and make daily deposits of all receipts mailed directly to WSDM, the billing company, or the lockbox -- as necessary.
  - e. Communicate with customers and transmit Automated Clearing House ("ACH") authorization forms, allowing the District to initiate an ACH withdrawal of balance(s) due directly from the customer's checking or savings account, using dual controls.
  - f. Coordinate and provide correspondence regarding delinquent account balances, payment plans, termination of amenity access, and service shut-off notices in compliance with the District's collection policy and in coordination with the District's legal counsel.
  - g. Process final billing pay-off requests from the title company for upcoming closings and establish new owner's billing account.
  - h. Collect transfer fee on behalf of the District, due upon the transfer of property.
  - i. Process payment arrangements for customers facing economic hardship at the direction of the Board.
  - j. Process and transmit delinquency notices.
  - k. Process service shut-off notices and direct the District's operator to proceed with shutoff.
  - l. Certify delinquent account balances with the County, as applicable, in coordination with the District's legal counsel.

- m. Coordinate processing of statements of liens with the District's legal counsel, and release of liens as delinquent account balances are resolved.
- n. Respond to customer calls and inquiries in a timely and professional manner.
- o. Track Tap Fee payments and coordinate with the District's Water Operator to provide installation of a new Tap for water service – where applicable.

### **Customer Service**

1. WSDM will continue to provide customer service support via telephone, email, social media, text messaging, and fax for all customer inquiries and updates.
2. WSDM will continue to provide access to a 24-hour emergency response for after-hours emergencies via telephone at 719-447-4840.
3. WSDM will continue to collaborate with patrol officers, security teams, and local law enforcement where applicable; and will monitor security systems and surveillance camera's as needed.
4. WSDM will respond to non-emergency customer inquiries within 1 hour during regular business hours or first thing on the following business day.

### **Hourly Rates**

WSDM will continue to provide all applicable services listed to the District at a monthly cost not to exceed contractual monthly limit of **\$4,250/ month.**

|                                  |          |
|----------------------------------|----------|
| Principal                        | \$225.00 |
| Senior Manager                   | \$180.00 |
| Senior Accountant (CPA)          | \$190.00 |
| Assistant Manager                | \$150.00 |
| Bookkeeper                       | \$ 75.00 |
| Administrative/ Supporting Staff | \$ 50.00 |

- *Signature Page to Follow* -

Thank you,



Kevin Walker,  
President of WSDM

APPROVED AS SIGNED:

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Signature

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Title

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Date



**From:** [John Connolly](#)  
**To:** [Heather Smith](#)  
**Subject:** Mtn. Vista Metro Tree Wrap  
**Date:** Tuesday, October 24, 2023 10:30:53 AM

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Good Morning Heather, there is around 271 trees that need to be wrapped for the Winter. To do this service, it will cost \$4065.00. Let me know if you have any questions, and how you would like to proceed.

Have a good day.

John Connolly