



## VENTANA METROPOLITAN DISTRICT

Regular Board Meeting

Via video and telephone conference

**Wednesday, July 8, 2020 – 10:00 a.m.**

Brian Bahr, President - Term to May 2022  
Bruce Peele, Secretary/ Treasurer - Term May 2022  
Richard Vorwaller - Term to May 2022  
Patrick Jarrett - Term to May 2020  
Jennifer Herzberg - Term to May 2020

### MINUTES

1. Call to Order: President Bahr called the meeting to order at 10:00 a.m.
2. Declaration of Quorum/Director Qualifications/ Disclosure Matters: Ms. Hardekopf confirmed a quorum and that Board members were present. Mr. Susemihl confirmed all disclosures were properly filed with the Department of Local Affairs, State of Colorado.

Directors in attendance were:

Brian Bahr, President  
Richard Vorwaller, Director  
Bruce Peele, Director  
Jennifer Herzberg, Director

Also in attendance were:

Rebecca Hardekopf, Walker Schooler District Managers  
Kevin Walker, Walker Schooler District Managers  
Pete Susemihl, Susemihl, McDermott & Downie, P.C.

3. Approval of Agenda: Director Vorwaller moved to approve the Agenda; seconded by President Bahr. Motion passed unanimously.
4. Regular Business Items:
  - a. Approval of Board Meeting Minutes from the June 10, 2020 Meeting
  - b. Approval of Payables for the Period ending July 8, 2020
    - General Fund – \$ 27,343.64
    - Bond Fund – \$ -
    - **TOTAL – \$ 27,343.64**
  - c. Acceptance of Unaudited Financial Statements as of June 30, 2020, and the schedule of cash position updated as of June 30, 2020

Director Vorwaller moved to approve the Regular Business Items; seconded by President Bahr. Motion passed unanimously.

5. Market Update/Construction/Operations: Director Vorwaller reported they are building the remaining homes in Filing 6 and everything is sold out. Construction is moving along at a good pace.
6. District Management Matters
  - a. Manager's Report with COVID-19 updates: Ms. Hardekopf discussed the suggestion that security costs be covered by Challenger. Director Vorwaller explained they will need more time to discuss this topic internally at Challenger.

Ms. Hardekopf reported the District applied for a COVID relief grant to cover the costs between March and May and estimated costs between June through the end of the year with the understanding the gym will remain open after the pool closing with an employee.

Ms. Hardekopf discussed the basketball hoop location and the previous spot is no longer available due to a sidewalk that will be built and asked the Board for guidance on an alternate location. Director Vorwaller said he can discuss this with Challenger in detail and report back to the Board.

Ms. Hardekopf reported the pool was opened on June 14, 2020 with a volunteer Certified Pool Operator and 2 aquatic facility employees. She discussed an incident where the pool was closed on July 16<sup>th</sup> due to not having an available pool attendant to check chemicals. There was a resident that jumped the fence and allowed her dog into the pool as well as 4 additional guests. She has had her access suspended to the Rec Center and pool. The Board discussed costs related to cleaning after the dog was in the pool. Ms. Hardekopf explained they were able to get the dog out of the pool quickly. The Board recommended a 30-day suspension. Ms. Hardekopf noted an incident they are investigating of a non-resident that broke into the pool with his dog last night and the police detained the individual. The Board discussed pressing trespassing charges.

Ms. Hardekopf went over the Rec Center operations surrounding COVID and that they have been operating on a reservation only basis for the facilities. Residents can email their request to use the pool and gym. There have been a few issues of people not social distancing or bringing in outside guests, but they have been monitoring the situation closely. Communication has been sent reminding residents of the new rules and guidelines as well as specific violation warnings have been sent. Ms. Hardekopf noted they have the key fob programmed at the gate and are working on getting the latch repaired. Ms. Hardekopf discussed possible pool repairs for next year.

Ms. Hardekopf discussed landscape maintenance and noted the tree replacement and median bushes are complete. Ms. Hardekopf spoke to the City of Fountain regarding horses on the trails and equine are allowed on all public trails. The District can restrict access to the park and open space if signs are posted.

- b. Food Trucks – Food Trucks have been scheduled for July and the community continues to provide positive feedback.

c. Billing

- July 6, 2020 bills were sent out for 3<sup>rd</sup> QRT
- 316 Residences as of 7/1/2020
- 35 Residents with Past due balances, and deactivated Key Fobs

7. Legal Matters: There was no discussion.

8. Financial Matters:

- a. Financial Analysis: Ms. Hardekopf reported they completed an analysis to give an idea on the District's financial standing. Ms. Hardekopf explained the District averages \$9,500 monthly income generated from Rec Center dues and the average monthly costs are \$10,900. There are 2 lump sum payments received from taxes that total just over \$100,000 that are used to cover community expenses. The District is short \$1,500 a month with just income from the Rec Center. Ms. Hardekopf noted that giving a one-month credit back to the residents would not hurt the District financially in the long run because of the Operations and Maintenance taxes. The Board agreed they are in support of a one-month credit given to Residents for time of closure. Mr. Walker noted he would be happy to host a virtual informational meeting to discuss the details of the dues and how they are used within the District.
- b. Refund/ Credit given to Residents for time of closure: President Bahr moved to waive one-month Rec Center fees and provide an educational meeting for the community to discuss where their fees are used within the District; seconded by Director Herzberg. Motion passed unanimously.
- c. Change to Rates for Closings: Ms. Hardekopf explained the proposal for a closing rate change. There is an issue with Title Companies that results in a proposed \$40 charge for a transfer of ownership fee at closing. The Board agreed to the proposed rate change. Director Peele moved to approve the \$40 transfer of ownership fee at closing; seconded by Director Vorwaller. Motion passed unanimously.
- d. 2019 Audit Update: Mr. Walker updated the Board on the 2019 Audit and noted the qualified opinion was included in the last few years due to the Old Pueblo Road Improvement Corporation has failed or refused to respond. The State Auditor has said this needs to be fixed and cleaned up this year or sometime next year they could potentially take the step to hold up tax funds. Mr. Walker said he does not think they will do that, but it is still a threat. He has been trying to get in touch with Steve Edelman from Old Pueblo Road by email. The Audit should be distributed to the Board for review in the next week. President Bahr noted that he does not believe the reimbursement agreements count as debt and they should not be on the financials at all. He has never been given a good answer from an auditor as to why a reimbursement agreement should be considered debt to the District because the District did not enter into a debt, it entered into a reimbursement agreement. Mr. Susemihl agreed and noted there is usually a clause in the reimbursement agreement that states it is not debt and not a multi-fiscal year obligation and is subject to annual appropriation. Mr. Walker said he will push back on this point and be back in touch with the Board.
- e. Bond issue update: Mr. Walker explained how the bond issue could potentially help clean up the issue with Old Pueblo Road and noted he has been in

discussions with D.A. Davidson. Mr. Walker said we should have an engagement letter and preliminary financial run on a bond issue soon. Mr. Walker noted they received comments on the service plan amendment.

9. Public Comment: There was no public comment.
10. Other Business: Next Regular Meeting Date –10:00 AM on August 12, 2020. The Board agreed to continue to host a virtual public meeting. President Bahr moved to continue to host a monthly virtual public meeting; seconded by Director Herzberg. Motion passed unanimously.
11. Adjournment: President Bahr moved to adjourn; seconded by Director Peele. Motion passed unanimously at 10:33 a.m.

Respectfully submitted,

By: \_\_\_\_\_  
Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL JULY 8, 2020 MINUTES OF THE VENTANA METROPOLITAN DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

\_\_\_\_\_  
Brian Bahr, President

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Bruce Peele, Secretary/ Treasurer

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Rich Vorwaller, Director

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Patrick Jarrett, Director

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Jennifer Herzberg, Director