



**VENTANA METROPOLITAN DISTRICT**  
Regular Board Meeting  
11007 Hidden Prairie Pkwy.  
Fountain, CO 80817  
**Wednesday, November 13, 2019 – 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. and confirmed a quorum was present.
- 2. Declaration of Quorum/Director Qualifications/ Disclosure Matters:** 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  
Patrick Jarrett, Director  
Jennifer Herzberg, Director

Also in attendance were:

Peter Susemihl, Susemihl, McDermott & Downie, P.C.  
Rebecca Hardekopf, Walker Schooler District Managers  
Kevin Walker, Walker Schooler District Managers  
Riley Walker, Walker Schooler District Managers  
Members of the Public (See Sign-In Sheet)

- 3. Approval of Agenda:** Mr. Susemihl requested to add an agenda item under Legal for the declaration of a and election in 2020 and designation of a Designated Election Official. Director Vorwaller moved to approve the agenda as amended; seconded by Director Jarrett. Motion passed unanimously.
- 4. Regular Business Items:**
  - Approval of Board Meeting Minutes from the September 11, 2019 Meeting
  - Approval of Payables for the Period ending November 13, 2019
  - Acceptance of Unaudited Financial Statements as of October 31, 2019, and the schedule of cash position updated as of October 31, 2019.

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

5. **Market Update/Construction/Operations:** Director Vorwaller reported there are approximately 30 lots left to sell in Filing 5 and they have completed the paving and first lift for Filing 6. They are just waiting on the City of Fountain to give the approvals for the plat so we can start selling and building. He noted we have quite a list of buyers that are interested in Filing 6, so sales should be strong.

6. **District Management Matters**

- a. **Manager's Report:** Ms. Hardekopf reported that she and Mr. Riley Walker did a community walk-through with residents to go over concerns in the neighborhood. The residents were adamant that they want the native grass replaced by the mailboxes, so it will be replaced with rock. The residents also expressed concerns about hail damage on the fences not being repaired, so violation notices were sent to those with damage. Bollards were ordered for lighting the trail at the park. The landscaping in the medians will be redone next year so that the corner-view is not obstructed. The stairs to access the park off Hidden Prairie will need maintenance.

Ms. Hardekopf told the Board there was a request from a resident to install an in-ground basketball hoop in the cul-de-sac. Mr. Walker noted the area it would be installed may be an easement. He said there was also discussion of installing a hoop in the Rec Center parking lot, but there were concerns with it being so close to the entrance of the community. The back parking lot by the trail head was also suggested. The Board discussed that they would not want to put it near residents who may not like it, so they would want to put it in an area where there are not adjacent residents.

Ms. Hardekopf noted that the District's website will be moving to a new more modern platform next Spring.

Ms. Hardekopf reported that residents would like to establish the community as a no-soliciting zone to prevent door to door sales. She spoke with City of Fountain Code Enforcement and they suggested doing a Board Resolution. Ms. Hardekopf pointed out that Challenger Homes and groups such as the Girl Scouts and Boy Scouts may want to be excluded from the resolution, or another option is leaving it up to the residents to enforce no-soliciting at their property. Mr. Riley Walker noted that if they established the community as a no-soliciting zone, a sign would need to be posted which would require a permit. Director Herzberg said that she already thought the community was a no-soliciting zone and she would be in support of no soliciting for the whole community. She added that girl scouts and boy scouts can sell to friends and they don't necessarily need to go to a stranger's house to solicit. Mr. Walker explained that if the Metro District puts up the sign then they are responsible for enforcement and going after those who solicited, and that could be a potential legal liability. The Board discussed that even if the responsibility was on Code Enforcement, it is very difficult to enforce.

- b. **Billing**

- 50 Reminder Letters were sent
- 249 Residences as of 11/7/2019

- c. **Recreation Center update:** Ms. Hardekopf noted there were requests from residents to turn around the treadmills because they wanted to see if someone came into the Rec Center, so there will be mirrors installed instead. Residents are still requesting a dog wash at the Rec Center, and it was explained to them that it was not approved as a capital expense by the current Board. There were complaints about the cleanliness of the Rec Center, so the carpets were cleaned and maintenance was shifted to a resident owned company.

Ms. Hardekopf discussed the consideration for a change in pool maintenance. She went over the costs associated with hiring an employee in the summer part-time to manage the pool, versus hiring a company that will just come and test the chemicals. Mr. Walker discussed the benefits and savings of hiring two part-time employees for the Summer. The Board agreed and discussed that it would be good to have someone at the Rec Center during the high-traffic summer months. Ms. Hardekopf noted there have been no more complaints regarding dogs on construction sites, and only one complaint was received about loud music. Residents requested a gazebo at the park and depending on material, costs vary from \$5,000 to \$15,000. Ms. Hardekopf received complaints from residents about the speeding from construction workers and there was a car accident reported where a construction worker ran a stop sign and struck a resident's vehicle. Workers are also now driving on the trail in the back filing.

- d. **Landscape maintenance status and review:** Ms. Hardekopf discussed proposed landscaping changes to the medians and removal of native grass at the mailboxes. President Bahr commented on the proposed change in landscaping and explained that the City of Fountain must approve exactly what goes in and where, so the development plan would have to be amended. He advised verifying the process first so that the District is not in violation.
- e. **Ventana Community Covenants:** Mr. Susemihl explained he investigated the legality of levying fines to the non-profit corporation. He said the District is fine doing that, but to strengthen the argument he drafted the following two Resolutions. Director Vorwaller moved to approve the Resolutions for Adoption Regarding Covenant Charges and Penalties, and Adoption Regarding Covenant Enforcement; seconded by Director Herzberg. Motion passed unanimously.
- Resolution for Adoption Regarding Covenant Charges and Penalties
  - Resolution for Adoption Regarding Covenant Enforcement

## 7. Legal Matters:

- a. **Adoption of Resolution Regarding Certification of Delinquent Fees to the County Treasurer for Collection:** Mr. Susemihl explained the Resolution allows the District to certify delinquent fees to the County Treasurer for collection. Mr. Susemihl noted the debt must be at least 6 months old. Director Jarrett moved to adopt the Resolution Regarding Certification of Delinquent Fees to the County Treasurer for Collection; seconded by Director Vorwaller. Motion passed unanimously.

- b. Declaration of Designated Election Official:** President Bahr moved to approve Mr. Susemihl as the Designated Election Official. Mr. Susemihl explained that he would be authorized to cancel the election and declare the nominees to be the elected officials in case we do not have more nominees than vacancies. He confirmed that Directors Herzberg and Jarrett were up for election. He explained that the legislature is changing district elections to the odd numbered years, so they will be running for three-year terms instead of four-year terms. Director Vorwaller seconded the motion. Motion passed unanimously.

## **8. Financial Matters:**

- a. Public Hearing on Resolution for adoption of the 2019 Budget Amendment and 2020 Budget:** President Bahr opened the public hearing for the 2019 Budget Amendment and the 2020 Budget. Mr. Walker went over the 2020 Budget and noted the District will have an additional \$35,000 from Rec Center dues from the additional homes. General property tax revenue is also going up \$20,000. President Bahr asked about the developer advances. Mr. Walker explained a portion of park fees are going into operating. President Bahr asked about an analysis to determine if the District is going to be financially self-supporting going forward. Mr. Walker said he has not done the complete analysis, but he believes the District will be close at the end of next year because of the additional taxes and Rec Center dues and expenses will remain about the same. Mr. Walker will complete the analysis next year when he has the actual numbers. Mr. Walker noted the budget reflects an increase in cost for the District Manager because hours spent have been more than projected. Mr. Walker discussed utility expenses and that less was budgeted for utilities and more for maintenance. President Bahr asked if it would help management costs to hold Board meetings every other month instead of monthly. Mr. Walker confirmed that would help. The Board agreed they would support holding meetings every other month. Mr. Walker pointed out savings in janitorial, maintenance repairs, and pool operations for the Rec Center. President Bahr asked if there is a liability with having our own employees testing chemicals. Ms. Hardekopf explained they would need to be certified and the insurance would cover workman's comp. Director Herzberg asked if WSDM would be responsible for hiring the employees and managing them. Mr. Walker confirmed they would handle that. In general, expenses are tracking below expected and revenues are tracking about the same. Mr. Walker said there is not a cash reserve and instead it is used to pay interest on the bonds. Director Vorwaller moved to approve the Resolution for Adoption of the 2019 Budget Amendment and 2020 Budget; seconded by Director Jarrett. Motion passed unanimously.
- b. Adoption of 2019 Mill Levy Certification:** Mr. Susemihl explained the mill levy went up slightly from last year due to the Gallagher adjustment. Mr. Susemihl noted the approval of the Resolution is with the understanding that Walker Schooler District Managers will adjust the figures once the final assessed valuation is received.

**9. Public Comment:** There was no public comment.

**10. Other Business:** Next Regular Meeting Date – 10:00 AM on December 11, 2019: Mr. Walker noted he had scheduled a meeting with WSDM and the community but it was

cancelled due to the snow storm, but he intends to reschedule it for the first of the year. The Board discussed cancelling the December meeting and planning to meet in January unless something comes up.

**11. Adjournment:** The meeting was adjourned at 10:34 a.m.

Respectfully submitted,

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

THESE MINUTES ARE APPROVED AS THE OFFICIAL NOVEMBER 13, 2019  
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