



**MOUNTAIN VISTA METROPOLITAN DISTRICT NO 2**

Regular Board Meeting held virtually  
and at

8605 Explorer Dr, Colorado Springs, CO 80920

**Thursday, November 3, 2022 – 10:30 a.m.**

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

<https://video.cloudoffice.avaya.com/join/590332732>

United States: +1 (213) 463-4500

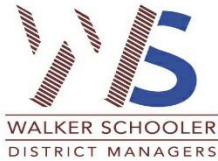
**Access Code: 590-332-732**

<b>Board of Director</b>	<b>Title</b>	<b>Term</b>
John Eliot	President	May 2025
Kim Shockley	Assistant Secretary	May 2023
Richard Vorwaller	Assistant Secretary	May 2023
Michael Suggs	Vice President	May 2025
Craig Anderson	Treasurer	May 2025

**AGENDA**

1. Call to order
2. Declaration of Quorum/Director Qualifications/ Disclosure Matters
3. Approval of Agenda
4. Review and Approve Meeting Minutes from June 2, 2022 (enclosed)
5. Management Matters
  - a. Update on Inclusion and Exclusion of Barnes Rd
6. Financial Matters
  - a. Discuss Bank account set-up
  - b. Bond Issuance
  - c. Tax Identification Number
  - d. Budget Hearing 2023
    - i. Review and Adopt 2023 Budget Resolution
7. Legal Matters
  - a. Review and approve Resolution for 2022 Audit Exemption (enclosed)
  - b. Review and approve Resolution to establish Building Permit Fees (enclosed)
  - c. Review and approve Resolution Calling Election (enclosed)
  - d. Establish 2023 Meeting schedule
8. Developer Reimbursement
9. Public Comment and Public Sign-In Attendance Sheet  
(Limited to 3 minutes and only for items not on the agenda)
10. Other Business
  - a. Next Regular Meeting Date December 1, 2022 at 10:30am
11. Adjourn





**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2  
HELD JUNE 2, 2022 AT 10:00 AM**

Pursuant to posted notice, the regular meeting of the Board of Directors of the Mountain Vista Metropolitan District No. 2 was held on Thursday, June 2, 2022 at 10:00 AM, via in person and virtual.

Attendance

In attendance were Directors:

John Eliot (via phone)  
Kim Shockley (via phone)  
Richard Vorwaller - Excused  
Michael Suggs (via phone)  
Craig Anderson

Also in attendance were:

Kevin Walker, WSDM  
Rebecca Hardekopf, WSDM (via phone)  
Pete Susemihl, Susemihl, McDermott & Downie, P.C.

1. Call to Order: The meeting was called to order at 10:30 AM by Mr. Walker.
2. Declaration of Quorum/ Director Qualifications/ Disclosure Matters: Mr. Walker confirmed a quorum was present and all Directors are qualified. Directors Vorwaller and Shockley were excused. Mr. Susemihl confirmed he would file disclosures with the Secretary of State.
3. Approval of Agenda: Director Eliot moved to approve the Agenda as presented; seconded by Director Anderson. Motion passed unanimously.
4. Appointment of Director Office: The Board agreed to appoint John Eliot as President, Michael Suggs as Vice President, Craig Anderson as Treasurer, and Kim Shockley and Richard Vorwaller as Assistant Secretary.
5. Management Matters
  - a. SDA Membership: Mr. Susemihl noted if the District decides to join the Special District Association, they can receive insurance coverage under the SDA. Mr. Walker recommends the District join the SDA because the insurance coverage is better and affordable.
  - b. Insurance Coverage with Colorado Special District Property and Liability Pool
    - i. Surety Bonds: Mr. Susemihl reported he has received a surety bond for the Directors.
    - ii. Director and officer coverage: If the Board decides to join the SDA, Mr. Walker will get a quote for coverage.

- iii. Workers Compensation for Board members: There was no discussion.
  - c. Appointment of District Counsel: There was no discussion.
  - d. Appointment of District Manager and Accountant – WSDM: There was no discussion.
  - e. Appoint WSDM as the official custodian of public records: There was no discussion.
6. Financial Matters
- a. Bank Account: Mr. Walker reported they will be opening a bank account with Eastern Colorado Bank.
  - b. Bond Issuance: Director Eliot discussed that until there is a closing with Challenger, he would not want to move forward with a bond issuance. He confirmed the plan is for Challenger to fund the operations of the District.
  - c. Tax Identification Number: Mr. Walker will get the tax identification number as soon as the district court decree is received.
7. Board Compensation: Mr. Susemihl recommends the Board waives the compensation for Directors for attendance at meetings. Director Eliot moved to waive Board compensation; seconded by Director Anderson. Motion passed unanimously.
8. Schedule Regular Meeting Date, Times, and Place: The Board agreed to schedule regular meetings on the first Thursday of each month at 10:00 AM.
9. Developer Reimbursement: Mr. Susemihl reported he has drafted a standard developer reimbursement agreement that says the developer is making advances and building infrastructure for the District and will be reimbursed from revenue from the District or from a bond issue. He noted that he does not have the entity that should be a party to the agreement. Director Eliot said they expect to have a first closing with Challenger the first or second week of July, and then they will be the developer entity. He recommended waiting until the first closing before executing a reimbursement agreement. He also suggested that the reimbursement agreement address the need to prioritize infrastructure. Both parties agree the preference is to prioritize Barnes Road followed by the channel improvements. Director Shockley joined the meeting. Director Eliot provided an update on the closings with Challenger and noted development and road construction is anticipated for Fall 2022.
10. Public Comment: There was no public comment.
11. Other Business:
- a. Next Regular Meeting Date: The next regular meeting is scheduled for July 7, 2022 at 10:00 AM, if needed.
12. Adjourn: The Board adjourned the meeting at 10:54 AM.

Respectfully Submitted,  
WSDM – District Managers

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By: Recording Secretary



RESOLUTION  
MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2

A RESOLUTION SUMMARIZING REVENUES AND EXPENDITURES, ADOPTING A BUDGET, AND APPROPRIATING SUMS OF MONEY TO THE FUNDS AND IN THE AMOUNTS SET FORTH HEREIN FOR THE MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2 (THE “DISTRICT”), EL PASO COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2023 AND ENDING ON THE LAST DAY OF DECEMBER 2023 AND AMENDING THE 2022 BUDGET.

WHEREAS, the Board of Directors of the District has authorized its consultants to prepare and submit a proposed budget to said governing body at the proper time;

WHEREAS, the proposed budget has been submitted to the Board of Directors of the District for its consideration;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 3, 2022 and interested electors were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2, EL PASO COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO:

Section 1. Budget Revenues. That the estimated revenues for each fund as more specifically set out in the budget attached hereto are accepted and approved.

Section 2. Budget Expenditures. That estimated expenditures for each fund as more specifically set out in the budget attached hereto are accepted and approved.

Section 3. Adoption of Budget. That the budget as submitted and attached and incorporated herein by this reference, and if amended, then as amended, is hereby approved and adopted as the budget of District for the year stated above and the amended budget for 2022 is approved...

Section 4. Levy of General Property Taxes. That the foregoing budget indicated that the amount of money necessary to balance the budget for Contractual Obligations is \$4,780. That the foregoing budget indicated that the amount of money necessary to balance the budget for Operations and Maintenance is \$1,195. That the valuation for assessment, as certified by the El Paso County Assessor, is \$119,940.

Section 5. Mill Levy. That for the purposes of meeting all Contractual Obligations payments of the District for the budget year, there is hereby levied a tax of 30.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District. That for the purposes of meeting all expenses of operations and maintenance of the District for the budget year, there is hereby levied a tax of 10.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 6. Property Tax and Fiscal Year Spending Limits. That, being fully informed, the Board finds that the foregoing budget and mill levies do not result in a violation of any applicable property tax or fiscal year spending limitation.

Section 7. Certification. The District's agents are hereby authorized and directed to immediately certify to the County Commissioners of El Paso County, Colorado, the mill levies for the District hereinabove determined and set.

Section 8. Appropriations. That the amounts set forth as expenditures and balances remaining, as specifically allocated in the budget attached hereto, are hereby appropriated from the revenues of each fund, to each fund, for the purposes stated and no other.

ADOPTED AND APPROVED this 3rd day of November 2022.

DISTRICT  
BOARD OF DIRECTORS

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

**MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2**  
**2023 BUDGET**  
**GENERAL FUND**

	2022 PROJ/AMEND	2022 BUDGET	2023 BUDGET
<b>GENERAL FUND BEGINNING BALANCE</b>	\$	-	\$ -
<b>REVENUES</b>			
PROPERTY TAXES - O&M	\$ -	\$ -	\$ 1,194.90
SPECIFIC OWNERSHIP TAXES - O&M	\$ -	\$ -	\$ 83.64
LATE FEE	\$ -	\$ -	\$ -
BUILDING PERMIT FEES (\$2000/Unit)	\$ -	\$ -	\$ -
INTEREST EARNINGS	\$ -	\$ -	\$ -
DELINQUENT TAX AND INTEREST	\$ -	\$ -	\$ -
ABATEMENT TAX & INTEREST	\$ -	\$ -	\$ -
TRASH SERVICE (\$180*340)	\$ -	\$ -	\$ -
DEVELOPER ADVANCE	\$ -	\$ -	\$ 30,000.00
<b>TOTAL REVENUES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 31,278.54</b>
<b>TOTAL REVENUES AND FUND BALANCE</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 31,278.54</b>
<b>EXPENDITURES</b>			
LEGAL	\$ -	\$ -	\$ 10,000.00
ELECTION	\$ -	\$ -	\$ -
DISTRICT MANAGEMENT	\$ -	\$ -	\$ 15,000.00
INSURANCE	\$ -	\$ -	\$ -
SDA DUES	\$ -	\$ -	\$ -
TREASURER FEE - O&M	\$ -	\$ -	\$ 17.92
AUDIT/ ACCOUNTING	\$ -	\$ -	\$ -
TRASH SERVICE	\$ -	\$ -	\$ -
COPIES AND POSTAGE	\$ -	\$ -	\$ -
UTILITIES	\$ -	\$ -	\$ -
MISCELLANEOUS	\$ -	\$ -	\$ -
LANDSCAPING MAINTENANCE & REPAIR	\$ -	\$ -	\$ -
STORMWATER FEE	\$ -	\$ -	\$ -
CONTINGENCY	\$ -	\$ -	\$ -
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 25,017.92</b>
Transfer to Bond Fund		\$ -	\$ -
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,260.62</b>
EMERGENCY RESERVE: State Required 3%	\$ -	\$ -	\$ 750.54
ASSESSED VALUATION	0.00	0.00	119,490.00
MILL LEVY	0.000	0.000	10.000



**MOUNTAIN VISTA METROPOLITAN DISTRICT NO.2**  
**2023 BUDGET**  
**BOND FUND**

	2022 PROJ/AMEND	2022 BUDGET	2023 BUDGET
<b>DEBT FUND BEGINNING BALANCE</b>	\$ -	\$ -	\$ -
<b>REVENUES</b>			
PROPERTY TAXES	\$ -	\$ -	\$ 3,584.70
SPECIFIC OWNERSHIP TAXES	\$ -	\$ -	\$ 250.93
DELINQUENT TAX AND INTEREST	\$ -	\$ -	\$ -
ABATEMENT TAX & INTEREST	\$ -	\$ -	\$ -
INTEREST INCOME	\$ -	\$ -	\$ -
TRANSFER FROM GENERAL FUND			
<b>TOTAL REVENUES</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 3,835.63</u>
<b>TOTAL REVENUES AND FUND BALANCE</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 3,835.63</u>
<b>EXPENDITURES</b>			
PRINCIPAL AND INTEREST PAYMENTS	\$ -	\$ -	\$ -
BANK SERVICE CHARGES	\$ -	\$ -	\$ -
CO TREASURER'S FEE	\$ -	\$ -	\$ 53.77
COST OF ISSUANCE	\$ -	\$ -	\$ -
TRUSTEE FEE	\$ -	\$ -	\$ -
RESERVE AND OTHER FUNDS	\$ -	\$ -	\$ -
TRANSFER TO CAPITAL PROJECT FUND	\$ -	\$ -	\$ -
<b>TOTAL EXPENDITURES</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 53.77</u>
<b>ENDING FUND BALANCE</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 3,781.86</u>
ASSESSED VALUATION	0.000	0.00	119,490.00
MILL LEVY	0.000	0.000	30.000



**MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2  
RESOLUTION FOR EXEMPTION FROM AUDIT**

A RESOLUTION APPROVING AN EXEMPTION FROM AUDIT FOR FISCAL YEAR 2022 FOR THE MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2, EL PASO COUNTY, COLORADO.

WHEREAS, the Board of Directors wishes to claim exemption from the audit requirements of Section 29-1-603, C.R.S.; and

WHEREAS, Section 29-1-604 C.R.S. states that any local government where neither revenue nor expenditures exceeds \$750,000, may with the approval of the state auditor, be exempt from the provisions of Section 29-1-603 C.R.S.; and

WHEREAS, neither revenues nor expenditures exceeded \$100,000 for fiscal year 2022;

WHEREAS, an application for exemption form audit has been prepared by Peter Susemihl who is skilled in government accounting; and

WHEREAS, said application for exemption from audit has been completed in accordance with regulations issued by the state auditor.

NOW THEREFORE, be it resolved by the Mountain Vista Metropolitan District No. 2 that the application for exemption from audit for the fiscal year ending December 31, 2022 has been reviewed and is hereby approved by a majority of the Board of Directors and that those Directors have signified their approval by signing below and that this Resolutions shall be attached to and become a part of the application for exemption from audit for the fiscal year ended December 31, 2022.

Adopted this 2<sup>nd</sup> day of March 2023.

DIRECTORS:

\_\_\_\_\_  
Richard Vorwaller

\_\_\_\_\_  
Craig Anderson

\_\_\_\_\_  
John Eliot

\_\_\_\_\_  
Michael Suggs

\_\_\_\_\_  
Kim Shockley



RESOLUTION  
A RESOLUTION OF THE BOARD OF DIRECTORS OF MOUNTAIN VISTA  
METROPOLITAN DISTRICT NO. 2 RELATING TO BUILDING PERMIT FEES

WHEREAS, Mountain Vista Metropolitan District No. 2, El Paso County, Colorado (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado duly organized and existing as a metropolitan district under the laws of the State of Colorado, including particularly Title 32 of the Colorado Revised Statutes; and

WHEREAS, in order to finance the cost of public infrastructure and to maintain the same, the District desires to adopt a building permit fee; and

WHEREAS, the District Board of Directors finds that such fees are authorized by CRS 32-1-1001(1)(j).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2, EL PASO COUNTY, COLORADO AS FOLLOWS:

**Section 1.** The Board of Directors hereby finds, determines and declares the necessity of providing for the orderly payment of the District’s costs of acquisition, operation, maintenance and repair of its public infrastructure and the full satisfaction of the District’s obligations incurred and to insure the health, safety and welfare of the inhabitants of the District.

**Section 2.** Pursuant to CRS 32-1-1001(1)(j), there shall be assessed and charged a one-time building permit fee of \$2,000 per platted single-family or multi-family residential lot and \$.25 per commercial square foot, which fee shall be assessed at the time of the issuance of building permit.

**Section 3.** The fee set forth above shall be effective October 6, 2022 and shall continue in effect until the District repeals or amends the fees.

**Section 4.** The fees shall be a perpetual charge and lien upon all the property in the District upon which the fees have been imposed from the date of the same become due and payable until paid, and such lien may be foreclosed by the District in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics’ liens.

**Section 5.** This Resolution shall be recorded in the records of the Clerk and Recorder of the County of El Paso, Colorado in order to provide a record notice of the District’s lien to all persons or entities purchasing property within the District.

**Section 6.** This Resolution, immediately on its adoption, shall be authenticated by the signatures of the President and Secretary of the District and recorded in the District book of Resolutions kept for that purpose.

ADOPTED AND APPROVED THIS 6TH DAY OF OCTOBER 2022.

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John Eliot, President

ATTEST:

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Craig Anderson, Secretary



**ELECTION RESOLUTION FOR 2023 REGULAR DISTRICT ELECTION**  
**MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2**

WHEREAS, the terms of office of two Directors shall expire after their successors are elected at the regular special District election to be held on May 2, 2023 (“Election”) and take office; and

WHEREAS, in accordance with the provisions of the Special District Act (“Act”) and the Uniform Election Code of 1992 (“Code”), and the Election must be conducted to elect 2 Directors to serve for a term of four (4) years; and

NOW, THEREFORE, be it resolved by the Board of Directors of the Mountain Vista Metropolitan District No. 2 in the County of El Paso, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 2, 2023, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Act, Code, and other applicable laws. At the time, 2 Directors will be elected to serve a three-year term.

2. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Code. The Designated Election Official shall notify the Colorado Secretary of State of the District’s determination and submit a Plan for conducting the mail ballot Election, which may be based on the standard plan adopted by the Secretary of State. There shall be no election precinct or polling place. All mail ballots shall be returned to the Designated Election Official’s office.

3. The Board of Directors hereby designate Peter M. Susemihl as the Designated Election Official of the District, who is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and the Act, Code, TABOR or other applicable laws. The Election shall be conducted in accordance with the Act, Code, TABOR and other applicable laws. Among other matters, the Designated Election Official shall publish the call for nominations, appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election, and printing of ballots, and direct that all other appropriate actions be accomplished.

4. Applications for mail-in ballots may be filed with the Designated Election Official at 660 Southpointe Ct., Suite 210, Colorado Springs, CO 80906, no later than the close of business on the 7<sup>th</sup> day prior to the election (Thursday, April 23, 2023), if the mail-in ballot is to be mailed to the elector, or until the close of business on the Friday immediately preceding the election (Friday, April 29, 2022), if the mail-in ballot will not be mailed to the elector.

5. Self-Nomination and Acceptance forms are available at the Designated



Election Official's office located at the above address. All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no later than the close of business (time: 5:00 p.m.) on Friday, February 24, 2023.

6. If the only matter before the electors is the election of Directors of the District and if, at the close of business on February 28, 2023, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than February 28, 2023, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.

7. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

8. Any and all actions previously taken by the Designated Election Official or the Secretary of the Board of Directors or any other persons acting on their behalf pursuant to the Act, the Code or other applicable laws, are hereby ratified and confirmed.

9. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

10. The provisions of this Resolution shall take effect immediately.

ADOPTED AND APPROVED this November 3, 2023.

MOUNTAIN VISTA METROPOLITAN  
DISTRICT

By \_\_\_\_\_  
President

ATTEST:

By \_\_\_\_\_  
Secretary