

**RECORD OF PROCEEDINGS  
MINUTES OF A SPECIAL MEETING AND BUDGET HEARINGS  
OF THE BOARD OF DIRECTORS OF  
FOUR CORNERS METROPOLITAN DISTRICT**

**HELD:** Monday, October 18, 2021, at 11:00 a.m. via telephone conference

**ATTENDANCE:**

A special meeting of the Board of Directors of the Four Corners Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado; a conference telephone was in use at the meeting location in compliance with C.R.S. 11-57-211 and 24-6-402-(1)(b), with the following directors present and acting:

David Waldner (by videoconference/phone)  
Alex Carlson (by videoconference/phone)

Also, present by videoconference/phone: David Greher, Collins, Cockrel and Cole, LLP, District Counsel; Diane Wheeler, Simmons and Wheeler, District Accountant; and Angela Elliott, Teleos Management, District Manager; and David Starnes (RMCS) public.

**CALL TO ORDER:**

On behalf of the Board, District Counsel Greher called the meeting to order at 11:12 a.m. and noted for the record that a quorum was present.

**DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST:**

The Board noted that disclosure statements had been filed on behalf of the members of the Board of Directors with the Office of the Colorado Secretary of State and with the Board of Directors of the District. Upon motion duly made, seconded, and unanimously carried, the Board directed that said disclosures be incorporated herein.

**PUBLIC COMMENT:** None

**APPROVAL OF MINUTES:**

Manager discussed typos in the minutes and reviewed with the Board the minutes of the June 21, 2021, special meeting. Following discussion, upon motion duly made and seconded, and unanimously carried, the Board approved the minutes of the June 21, 2021 special meeting, as corrected.

**FINANCIAL MATTERS:**

A. Approval and Ratification of Payment of Claims. Tabled.

B. FINANCIAL STATEMENTS ENDING JULY 31, 2021. District Accountant Wheeler discussed the July 31, 2021. The developer has advanced \$22,003 and this district is only paying legal, accounting, management and insurance bills.

Following discussion, upon motion made by Director Waldner, seconded by Director Carlson, and unanimously carried, the Board accepted the July 31, 2021, financial statements.

**LEGAL MATTERS:**

**A. CONDUCT PUBLIC HEARING ON THE PROPOSED 2022 BUDGET AND CONSIDER ADOPTION OF RESOLUTION TO ADOPT THE 2022 BUDGET, CERTIFY MILL LEVIES AND APPROPRIATE SUMS OF MONEY:**

Upon motion duly made by Director Waldner, seconded by Director Carlson, and unanimously carried, the Board authorized District Counsel Greher to open the public hearing.

On behalf of the Board, District Counsel Greher opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that the publication of Notice stating that the Board would consider adoption of the budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing.

No further comments were made and upon motion duly made by Director Waldner, seconded by Director Carlson, and unanimously carried, the public hearing was closed.

Following discussion, the Board considered the Resolution to adopt the 2022 Budget, Certify Mill Levies and Appropriate Sums of Money. Upon motion duly made by Director Carlson, seconded by Director Waldner and unanimously carried, the District (1) approved the 2022 budget, (2) certified a mill levy of 45.000 mills to be certified by the District Accountant for collection in 2022, (3) approved the appropriation and expenditure of funds as detailed therein, (4) authorized Director Waldner as President to sign the necessary documentation, and (5) directed District Manager to file the 2022 budget with the Division of Local Government prior to January 30, 2022.

**B. CONSIDER ADOPTION OF EXCLUSION OF WORKERS COMPENSATION COVERAGE RESOLUTION:**

District Counsel Greher discussed this Resolution as annually adopted stating the appointed officials of the District are not deemed employees.

Following discussion, upon motion duly made, seconded, upon vote and unanimously carried, the Board adopted the Resolution Excluding Workers Compensation Coverage.

**C. DISCUSS SB 21-262 AND ANY OTHER NEW LEGISLATION.**

District Counsel Greher discussed emails among board members for logistics or scheduling purposes are not subject to the open records act. He also discussed that virtual meetings have been approved moving forward.

**D. CONSIDER ADOPTION OF 2022 REGULAR ELECTION RESOLUTION AND APPOINTING A DESIGNATED ELECTION OFFICER:**

District Counsel Greher discussed the upcoming election May 3, 2022, and following discussion, upon motion duly made, seconded and upon vote, the Board adopted the 2022 Regular Election Resolution and appointed Sarah H. Luetjen as the Designated Election Official.

Further discussion followed on appointments to fill vacancies. Director Waldner is looking for prospects to fill the vacancies.

**E. UPDATE ON AMENDING SERVICE PLAN:**

Mr. Starnes is working with the Town and Bond Counsel to exclude the apartments and with no additional mill levy.

The Board, upon motion duly made, seconded, and unanimously carried, directed District Counsel Greher to move forward drafting the Exclusion Agreement and closings are anticipated in June or July of 2022. District Counsel Greher would like to have the Service Plan amended in the next few months.

**F. UPDATE ON BOND ISSUE:**

Discussed above with the exclusion of the apartments from service plan.

**G. CONSIDER ADOPTION OF RESOLUTION ESTABLISHING POSTING PLACE:**

Manager discussed the resolution and will forward to board members for posting online. Following discussion, upon motion duly made, seconded and unanimously carried, the Board adopted the Resolution establishing posting place of public meetings online.

**H. DISCUSSION ON OPERATING FEE AGREEMENT**

District Counsel Greher discussed the multifamily parcel and if the Town had authorized adjusting the operating mill levy. He further discussed if an operating fee agreement is likely needed, the Agreement and a Resolution would be recorded. The fee must have a specific fund and use, i.e., landscaping, street sweeping.

The Board directed District Counsel Greher to draft an operating agreement to be ratified at the next Board meeting.

**DIRECTOR MATTERS:**

A. Discuss possible appointments to fill vacancies. Discussed during adoption of Resolution Calling for 2022 Election.

**MANAGEMENT MATTERS:**

2022 Meeting Dates/Times: Manager suggested to the Board meeting dates for 2022 around the sale of the property or the bond issue. Following discussion, the Board suggested to meet on the 3<sup>rd</sup> Thursday of February, May, August, and November 2022 at 10:30 a.m.

2022 Administrative Resolution: Manager presented the Resolution concerning 2022 Administrative Matters for Manager, Accountant, Legal Counsel and Bond Counsel to perform certain tasks on a recurring basis in the operation of the District.

Discussion followed on the posting place; newspaper and officers to remain the same. The location of all the meetings will be held via teleconferencing.

Following discussion and upon motion duly made, seconded, upon vote and unanimously carried, the Board adopted the 2022 Administrative Resolution.


**OTHER BUSINESS:** None.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 11:54 a.m.

The foregoing minutes constitutes a true and correct copy of the minutes of the above-referenced meeting and was approved by the Board of Directors of the Four Corners Business Improvement District.

Respectfully,

  
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Secretary of the Board

**RECORD OF PROCEEDINGS OF  
A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF  
FOUR CORNERS METROPOLITAN DISTRICT**

**HELD:** Monday, June 21, 2021, at 10:30 a.m. via telephone conference in light of the COVID 19 Pandemic

**ATTENDANCE:**

A special meeting of the Board of Directors of the Four Corners Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado; a conference telephone was in use at the meeting location in compliance with C.R.S. 11-57-211 and 24-6-402-(1)(b), with the following directors present and acting:

David Waldner (by videoconference/phone)  
Alex Carlson (by videoconference/phone)

Also, present by videoconference/phone: David Greher, Collins Cockrel & Cole, District Counsel; Diane Wheeler, Simmons and Wheeler, District Accountant; Angela Elliott, Teleos Management, District Manager; and David Starnes (RMCS) public.

**CALL TO ORDER:**

On behalf of the Board, Director Carlson called the meeting to order at 10:32 a.m. and noted for the record that a quorum was present.

**DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST:**

The Board noted that disclosure statements had been filed on behalf of the members of the Board of Directors with the Office of the Colorado Secretary of State and with the Board of Directors of the District. Upon motion duly made, seconded, and unanimously carried, the Board directed that said disclosures be incorporated herein.

**PUBLIC COMMENT:** None – no public attended.

**RATIFY AGREEMENT TO PROVIDE LEGAL SERVICES BY AND BETWEEN FOUR CORNERS METROPOLITAN DISTRICT AND COLLINS COCKREL & COLE:**

Following discussion, upon motion duly made, seconded, upon vote and unanimously carried, the Board ratified the legal services agreement between Four Corners Metropolitan District and Collins Cockrel & Cole.

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Four Corners Metropolitan District  
June 21, 2021

**APPROVAL OF MINUTES:**

The Board reviewed the minutes of the March 18, 2021, regular meeting. Following discussion, upon motion duly made, seconded, upon vote and unanimously carried, the Board approved the minutes of the March 18, 2021, regular meeting.

**FINANCIAL MATTERS:**

A. Approval and Ratification of Payment of Claims: District Accountant Wheeler presented the current payment of claims, totaling \$36,722.71, from November 30, 2020, to May 7, 2021, subject to funding and defining Spencer Fane's invoices. Further discussion followed on Spencer Fane's invoice of \$28,506 relating to a past bond issue and the District recalled pursuing a bond issue a few years back for \$14M plus. Director Waldner will follow up with Spencer Fane on the past due invoices in anticipation they will wait until the new bond issue.

District Accountant Wheeler asked again for the bank statements that should be accessed by the District Accountant. Director Waldner will attempt again to grant access to District Accountant Wheeler.

Following discussion, upon motion made, seconded, upon vote and unanimously carried, the Board approved the outstanding payment of claims in the amount of \$36,722.71, when funds are available.

B. Approval of Audit Exemption.

District Accountant Wheeler discussed the audit exemption and requested the Exemption be ratified.

Following discussion upon motion made, seconded, and upon vote unanimously carried, the Board ratified the Four Corners Business Improvement District Audit Exemption.

**LEGAL MATTERS:**

A. Update on Amendment to Service Plan: Tabled.

B. SB 21-262 Special District Transparency and HB 21-1278 Electronic Meetings and HB21-273.

District Counsel Greher summarized the bill:

1. Districts organized after January 1., 2000 are required to provide to mail or email the call for nominations and provide them by at least one other method which includes (1) publishing the call for nomination, as required; or (ii) including as a prominent part of a newsletter, annual report, billing insert, etc.; or (iii) posting on the District's official website; or (iv) posting in at least three public places within the District boundaries and in the office of the Clerk and Recorder.

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Four Corners Metropolitan District

June 21, 2021

2. Districts organized after January 1, 2000, are required to set up and maintain a website by January 1, 2023.
3. Districts organized after January 1, 2000, are required to file an annual report by September 1 for preceding year.
4. Provide homeowners with a disclosure notice including anticipated fee and tax amounts to newly constructed residences.
5. Prohibition of Dominant eminent domain powers without written resolution from jurisdiction which the property to be condemned is in.

District Council Greher discussed the bill will be effective September 2021.

District Counsel Greher discussed HB21-1278 approved and allows districts to continue electronic meetings and SB21-231 that changes ratio of valuations and how Districts can adjust mill levy. This may affect the Four Corners BID district.

### **DIRECTOR MATTERS:**

#### **A. Discussion and possible action on proposal for Bond Counsel Services from Kline Alvarado Veio with the District for bond issue:**

Following discussion, upon motion duly made, seconded, upon vote and unanimously carried, the Board approved Bond Counsel Services from Kline Alvarado Veio subject to Board and District Counsel review.

District Counsel Greher discussed there may be only one Bond issue, either with Four Corners Metropolitan District or the Four Corners Business Improvement District.

#### **B. Discussion and possible action on proposal from Piper Sandler for Investment Banking Services with the District for bond issue:**

Following discussion, upon motion duly made, seconded, upon vote and unanimously carried, the Board approved Investment Banking Services from Piper Sandler subject to Board and District Counsel review.

District Counsel Greher discussed there may be only one Bond issue, either with Four Corners Metropolitan District or the Four Corners Business Improvement District.

#### **C. Discuss proposed adjustment to boundary between Metro District and BID: Tabled.** An amendment will take place in the future.

### **MANAGEMENT MATTERS:**

Discussion followed on obtaining a website for the District. Manager will proceed on website.

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Four Corners Metropolitan District  
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**OTHER BUSINESS:**

The Board discussed in person meetings or via teleconferencing. Following discussion, upon motion made, seconded and unanimously carried, the Board will continue its meetings via teleconferencing.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 10:55 a.m.

The foregoing minutes constitutes a true and correct copy of the minutes of the above-referenced special meeting and was approved by the Board of Directors of the Four Corners Metropolitan District.

Respectfully,

  
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Secretary of the Board



**RECORD OF PROCEEDINGS OF  
A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF  
FOUR CORNERS METROPOLITAN DISTRICT**

**HELD:** Thursday, March 18, 2021, at 10:30 a.m. via telephone conference in light of the COVID 19 Pandemic

**ATTENDANCE:**

A regular meeting of the Board of Directors of the Four Corners Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado; a conference telephone was in use at the meeting location in compliance with C.R.S. 11-57-211 and 24-6-402-(1)(b), with the following directors present and acting:

David Waldner (by videoconference/phone)  
Alex Carlson (by videoconference/phone)

Also, present by videoconference/phone: Ron Fano, Spencer Fane, LLP, District Counsel; Diane Wheeler, Simmons and Wheeler, District Accountant; Don Cullen, Teleos Management, District Manager; and David Starnes (RMCS) public. District Manager Angela Elliott phoned in at 11:08 a.m.

**CALL TO ORDER:**

On behalf of the Board, District Counsel Fano called the meeting to order at 10:36 a.m. and noted for the record that a quorum was present.

**DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST:**

The Board noted that disclosure statements had been filed on behalf of the members of the Board of Directors with the Office of the Colorado Secretary of State and with the Board of Directors of the District. Upon motion duly made, seconded and unanimously carried, the Board directed that said disclosures be incorporated herein.

**PUBLIC COMMENT:**

No comments

**APPROVAL OF MINUTES:**

The Board reviewed the minutes of the November 12, 2020 regular meeting. Following discussion, upon motion duly made, seconded, upon vote and unanimously carried, the Board approved the minutes of the November 12, 2020 regular meeting.

**FINANCIAL MATTERS:**

A. Approval and Ratification of Payment of Claims: District Accountant Wheeler presented the current payment of claims, totaling \$4,649.08, District Accountant Wheeler also holding Teleos invoices June 2020 through February 2021 totaling \$4,573.77.

Following discussion, upon motion made, seconded, upon vote and unanimously carried, the Board approved the outstanding payment of claims in the amount of \$4,649.08 and Teleos Management invoices, of \$4,573.77.

B. Financial Statements ending December 31, 2020: District Accountant Wheeler discussed the December 31, 2020 financials. As of December 31, 2020, the General Fund had a \$10 balance; Capital Fund had a \$6,503 balance and Debt Service Fund had a \$86 balance.

Following discussion, upon motion made, seconded, upon vote and unanimously carried, the Board accepted the December 31, 2020 financial statements.

**LEGAL MATTERS:**

A. Discussion on Website set-up: Project still in the works, delays in the State's portal.

B. Update on Amendment to Service Plan:

District Counsel Fano discussed the Town of Erie's Urban Renewal Authority (TOEURA) is discussing the public financing agreement from Commercial to residential and prior to assignment will need to confirm the requirements of satisfying debt are still met.

TOEURA's approval is required for sale of the land from the current developer to Toll Bros., or any other developer.

The current property owners need to petition for approval of new boundaries between the Four Corners Metro District (residential) and the Four Corners Business Improvement District (commercial).

The process of amending the Service Plan/boundaries needs Town Council approval to finalize after District Counsel submits a Petition for Inclusions/Exclusions to the Court.

**DIRECTOR MATTERS:**

A. Project Update: commercial concept plans and Toll Brothers contract:

The Board engaged in discussions on the Toll Bros. conceptual plan was included in Board packet depicting the boundary updates. Toll Bros. plan includes 256 residential units comprised of townhomes; patio walk up cottages and Quad buildings.

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There are also two (2) apartment pads identified on the conceptual plan and multiple apartment developers have indicated interest, however not yet identified.

**B. Discuss proposed adjustment to boundary between Metro District and BID:**

Discussion followed on the schematic of the existing boundaries and proposed boundaries presented to the Boards that would require inclusion and exclusions of each District discussed above.

There is interest from commercial partners for development of this area. The final utility plan needs to be reviewed and approved by City Manager. Developer has meeting to finalize the final plat plan.

**C. Status of exclusion of 6.5-acre multi-family site/amend Service Plan:**

There are no plans at this time to exclude the 6.5 acres multi family site from the Districts boundary.

**D. Other Service Plan actions related to new concept and timing of residential and commercial improvements:**

Discussion followed on estimated timeline for moving dirt/ground breaking around October 2021, pending approval of utility and Final Plot Plat by Town Council.

**E. Vacancies on the District Board:**

The Board engaged in discussion of the three (3) open director seats on the Metro District board and the need to stagger the terms and publish of vacancies in local newspaper. The Board tabled further discussion.

**MANAGEMENT MATTERS:**

**A. 2021 Designated Posting Place**

Following discussion, upon motion duly made, seconded, upon vote and unanimously carried, the Board approved the Designated 24-hour Posting Location, on Erie Parkway, approximately 500 feet west of County Line Road.

**OTHER BUSINESS:**

Discussion followed on utilizing Bill.com that was approved in November, 2020. The approval profile will be sent to Director Waldner for signature to start the process.

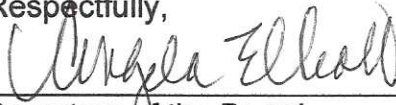
**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 11:15 a.m.

RECORD OF PROCEEDINGS  
Four Corners Metropolitan District  
March 18, 2021

The foregoing minutes constitutes a true and correct copy of the minutes of the above-referenced meeting and was approved by the Board of Directors of the Four Corners Business Improvement District.

Respectfully,



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Secretary of the Board