

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5
(THE "DISTRICT")
HELD
SEPTEMBER 21, 2023

A regular meeting of the Board of Directors of the Banning Lewis Ranch Metropolitan District No. 5 (referred to hereafter as the "Board") was convened on Thursday, September 21, 2023, at 9:00 a.m. This District Board meeting was held at Banning Lewis Ranch – The Barn, 9150 Braemore Heights, Colorado Springs, Colorado 80927 and via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Victoria Niemi, Treasurer
Kathryn Giddens, Secretary
Dawson Hubert, Assistant Secretary
Heidi Westberg, Assistant Secretary

Also, In Attendance Were:

Krista Baptist and Rob Lange; CliftonLarsonAllen, LLP ("CLA")
Colin Mielke, Esq.; Seter & Vander Wall, PC
Margaret Mecca, Ginny Beteille, Jeanette O'Brien, Cindy Hogan,
Dave Sheeren, David Clarke, Velma Hendrickson, Steve Langer, Sue
Harmon, Bonnie McGowan, Mark Davis, Gerry Cohen, Wharton
Separk, Susan Separk, Dan Akerhielm, Kendra Evans, Anette Ellison,
Kevin Bradley, Deb Guthmiller, Esther McGehee, Loren Gallup,
Sherri Parrish, Kelly Lunde, J. Larson, Debra Prato, Sherri Pierson,
Karen Green, Rita Steinhawer, Ian Lunde; members of the public.

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Upon a motion duly made by Director Giddens, seconded by Director Westburg and, upon vote, unanimously carried, the Board called the meeting to order at 9:06 a.m. Following review, upon a motion duly made by Director Giddens, seconded by Director Niemi and, upon vote, unanimously carried, the Board approved the agenda, as amended to move Item II before Item I.D and add Item I.F. "Acknowledge resignation of Robert Cass."

Disclosures of Potential Conflicts of Interest: There were no conflicts to be disclosed.

Quorum, Location of Meeting and Meeting Notices: A quorum was confirmed, and the Board confirmed the meeting location at the Barn with the option to attend virtually and designated the District's website as the 24-hour posting location.

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FINANCIAL MATTERS

Cash Position and Property Tax Statements: Mr. Lange reviewed the Cash Position and Property Tax Statements with the Board. Following discussion, upon a motion duly made by Director Hubert, seconded by Director Niemi and, upon vote, unanimously carried, the Board accepted the Cash Position and Property Tax Statements.

July 31, 2023 Special Revenue Fund Financial from Banning Lewis Ranch MD No. 1: Mr. Lange reviewed the July 31, 2023 Special Revenue Fund Financials with the Board. Mr. Lange and the Board discussed CLA's costs, and Mr. Lange confirmed that the District is allocated 13% of the accounting costs for the Banning Lewis Ranch community because the District accounts for 13% of homes built in Banning Lewis Ranch. Mr. Lange noted that the District is not responsible for the Barn's utility payments yet because the Barn has not been turned over to the District No. 1 yet. The Board reiterated its desire to have OakwoodLife provide receipts for expenditures to show they are properly attributed to OakwoodLife's contracted services.

2022 Draft Audit: Mr. Lange reviewed the 2022 Draft Audit with the Board. The Board requested that Mr. Lange provide projected bond maturity dates to the Board via email. Mr. Mielke confirmed he will review the draft audit and provide comments no later than the following Monday. Following discussion, upon a motion duly made by Director Westberg, seconded by Director Hubert and, upon vote, unanimously carried, the Board approved the 2022 Draft Audit subject to final revisions by legal counsel and approved execution of the Representation Letter by Director Niemi.

ADMINISTRATIVE MATTERS CONTINUED

Public Comment: The Board opened the meeting for public comment.

Jeanette O'Brien: Why are we still paying \$460 - \$480 for a Ranch Pass? Each household pays \$168 per Year. How many of us use the facility? Those that want to access it could buy a day pass.

Virginia Beteille-Hock: First, I'd like to continue to thank Bob Cass for the time and effort in his steadfastness in researching and letting us know how our monthly is really being spent. He's keeping us informed on the B.B. website. I also want to thank Kathi Giddens for posting on the "Retreat Facebook" this information so more residents can become informed. Also, thanks to all the residents that come to the Board meetings to show support. I wish I knew how to change the apathy that seems to exist here. What we as residents do with this info is critical. If not, it's like letting the fox in the chicken coop. Let's continue to stay informed through reading the B.B. website and Retreat Facebook

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which hold info from the B.B. website.

Sherrri Parrish: Three lights in the parking lot are flashing all night long every 5.5 seconds in sync. Crystal was advised probably over a week or two weeks ago.

Mark Davis: Gate closing hours for the main gate. When will lawns be mowed again? Do we need to pay for the Ranch House passes?

Loren Gallup: Light pole at Syre Point and Armdale is being replaced on September 21st per Colorado Springs Utilities employee that she met on site the morning of the Board meeting.

David Clark: Started calling at week six regarding no mowing, and at week eight I called the Metro District and said I would pro-rate my dues – finally the lawn was mowed. Metro District did not respond to any of the three calls I made.

Bob Burnett: Brightview is doing a horrible job. Grass clippings are still being blown back onto the lawn. They are killing all the trees by weed eating at the base. Most if not all lawns have not been edged in a year. Can we get access to the contract because I will almost guarantee that they are not providing services agreed to. It appears CLA is not managing the contract. When was the last time they did a walk through? How often do they walk the property? Sidewalks are cracking and breaking down on Haster Grove? What is the status of concrete repair in the community?

There being no further public comment, the public comment period was closed.

Minutes from the August 17, 2023 Regular Board Meeting:

Following review, upon a motion duly made by Director Giddens, seconded by Director Westberg and, upon vote, unanimously carried, the Board approved the Minutes from the August 17, 2023 regular Board meeting as presented.

Resignation of Robert Cass: The Board acknowledged the resignation of Robert Cass from the Board.

LEGAL MATTERS

Update regarding status of litigation: Mr. Mielke provided an update on the litigation related to construction of the Barn, noting that all parties have been dismissed from the case except Oakwood, Farrington, and the District. Farrington is scheduled to provide supplemental discovery documents that Farrington believes supports

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its case. Litigation counsel will evaluate that documentation as part of its discovery process and will continue to explore opportunities to settle the case.

MANAGER MATTERS

None.

DIRECTOR MATTERS

Facilities Committee Updates: Director Niemi presented the following: Brightview has had a huge turnover and is trying to keep the contract. Brightview would like the community to give them a chance to keep the contract. Banning Lewis Ranch MD No. 1 is continually assessing alternate companies. Director Niemi noted that BrightView is in the process of planting \$50,000 worth of new trees to replace ones that died at no cost to the District. Director Niemi noted she will research the edging and mowing issues raised by members of the public.

A member of the public expressed concern that resident fees may have been used to pay for work done to enhance the look of the community for the Parade of Homes. No discussion ensued.

The Board discussed the disrepair of sidewalks in the community. Director Niemi noted that Mr. Josh Miller confirmed that major issues will be repaired, but that certain sidewalks had been turned over to District No. 1 by Oakwood and that Oakwood will not repair those areas.

Director Niemi noted that she has had conversations with Thomas Garmong, board member for District No. 1, and that he has been responsive and is working to address resident concerns.

Director Niemi further noted that fencing has been installed at the pickleball courts as previously discussed. The pool is expected to be covered for the winter and Oakwood is awaiting materials to make certain repairs to the pool in preparation for winter.

Oakwood Life Committee: Director Hubert presented the following: the OakwoodLife committee continues to work on its evaluation form for services rendered at the Barn. As always, we are trying to find a direct line of communications from the Board to the OakwoodLife Director. We have now modified our evaluation form twice in an effort to make it as fair as possible, yet not as complicated as what it seems to all of us. We will be asking Kelly Leid to meet with our Committee once per month for a short period of time, during his visits to Colorado, understanding he has a very

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busy schedule. This will be the first attempt, again, to establish a strong connection to OakwoodLife that may accelerate and overcome some long-standing issues.

Safety and Security Committee: Director Westberg presented the following: The Committee discussed having classes on topics such as elder abuse, scams, fire safety, and carbon monoxide detection. A few members asked about the placement of cameras and where the feed is accessible. The Committee is planning to request the following – 1) white reflective tape at the gates, 2) reflective tape for steps at the Barn, 3) landscaping lights at all gates. On September 20, a member of the Committee spoke with Shane and was told he was looking into it as an Oakwood landscape employee. Director Westburg noted that as the safety and security committee chair, she will follow up and put in a request for landscape lighting.

Communications Committee: Director Giddens presented the following: theretreatbb.us bulletin board in the mail room has been updated to reflect the most current President's message and related information. On August 31, 2023, two-hundred letters were mailed to residents noted as new or activation being sent on the B.B. website. The letter provided residents with instructions and contact information to either be invited to join the B.B. website or be marked inactive if they do not want to receive information through the B.B. website. To-date in the activation sent category, 83 residents received letters with 66 no-responses, equal to 79% no responses. In the new resident category, 117 residents received letters with 65 no responses, equal to 55% no responses. Director Giddens also noted there are 330 residents listed as active on the BB website.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Hubert, seconded by Director Westburg, the Board adjourned the meeting at 11:10 a.m.

Respectfully submitted,

By Kathryn Giddens
Secretary for the Board