

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
JULY 20, 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, July 20, 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:

Robert Cass, President
Kathryn Giddens, Secretary
Dawson Hubert, Assistant Secretary
Heidi Westberg, Assistant Secretary

Directors Excused Were:

Victoria Niemi, Treasurer

Also, In Attendance Were:

Korben Heim and Rob Lange; CliftonLarsonAllen, LLP ("CLA")
Colin Mielke, Esq. and Marissa Peck, Esq.; Seter & Vander Wall, PC
Sherri Pierson, Loretta Pennie, Heidi Wiems, Ginny Beteille,
Margaret Mecca, Annette Ellison, Rita Steinhauer, Kendra Evans,
Mark Davis, George Smith, Deb Nussdorfer, Suzette Blankenstein,
Sue Harmon, Jan Cass, Bob Burnett, Michelle Burnett, Alice Bolton,
Jay Tomme, Lauren Gallop, Susan Separk, Wharton Separk,
Marianne Gonzales, Kathleen Gerhardt, Becky Moracio, Dan
Akerhielm, Karen Plazs, John DeLuca, Judy __, Suzanne Ovalia,
Mark Amis (not listed on attendance sheet), Scott Johnson, Jane __,
(not listed on attendance sheet) Tim Hogan, Joann Larson, Members
of the Public

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Director Cass called the meeting to order at 9:00 a.m. Following review, upon a motion duly made by Director Cass, seconded by Director Hubert and, upon vote, unanimously carried, the Board approved the agenda, as amended to include Item V.B. (What is V. B.?)

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

RECORD OF PROCEEDINGS

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 Districts' website as the 24-hour posting location.

Following review, upon a motion duly made by Director Cass, seconded by Director Giddens and, upon vote, unanimously carried, the Board excused the absence of Director Niemi.

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

Suzanne Qualia ~ "My comments are regarding the landscaping crews and their work both behind Lochside View and in general within the Retreat. Assuming positive intent ~ I believe I can speak on behalf of the residents in that we appreciate the beautification efforts that are taking place. But in the quest for supplier management and quality standards, I recommend the following feedback to BrightView, Colorado Scapes and/or any other subcontractors hired to achieve the outcomes. 1. Littering must stop. Littering in Colorado Springs is a Class 2 Petty Offense. The first conviction carries a fine between \$20 and \$500, the second conviction carries a fine between \$50 and \$1,000, and subsequent convictions carry a fine between \$100 and \$1000. I recommend that for the next couple of weeks, the BOD/facilities team monitor and enforce the littering laws for Colorado Springs to raise supplier awareness of this problem and get it to stop. The littering is not new. I've lived here since May of 2021 and it's been ongoing and distracting. These contractors need to better train their employees and hold them to higher standards. It appears that unless there is pain, there will be no change. In case evidence is needed, see the exhibits provided. (Resident held up a plastic bag containing trash.) I didn't have to try hard, the following 2 exhibits occurred on my morning walk this morning and I only picked up one example of many of each. Exhibit A - plastic. It's everywhere. Not only plastic, but cans, plastic tarps, food wrappers, etc. as well. It's a mess back there. (And in other areas of the Retreat after landscaping & maintenance efforts). Exhibit B ~ chicken bone. I've pulled numerous of these out of my dog's mouth and so-far have been successful. If I'm unsuccessful and need to take my dogs to emergency vet services to get them extracted, I will be passing this bill on to Metro District 1 and MD1 can decide how they want to hold the contractors accountable. The other impact of these food scraps left behind is that it's encouraging wildlife closer to Lochside and making them bolder, case in point, is the coyote that came up on the paved trail and challenged a walker with her dogs in broad daylight. #2 ~ excessive speed on the paved path by motor vehicles. It's dangerous and reckless. Solving these two problems will

RECORD OF PROCEEDINGS

go a long way to the beautification and safety of our Retreat.”

Mark Davis: “Can we please have the main entry/exit gates similar to the sales office hours? I believe we should not leave the “Barn” doors open (unlocked) during business hours. Leaving the doors unlocked would enable people to access the Barn and pool without any accountability.”

Scott Johnson: “The Lifestyle Team came up with a value of ‘34’ on a scale of 1 – 5, I am not sure what that mean? So, I made the survey in line with a 1 – 5 scale. For example 0 = 1, 100 = 5, 6 = 5 etc. I divided 100 by 20 to get 5, for some other values that were not 100. If it was not a whole number, I rounded down or up. Based on bogus data they made a recommendation to the MD1 president to add one extra day based on no real analysis of the survey. The ‘majority’ of the people surveyed want more grandkids hours at the pool. So why does the majority have to settle with 3 of 7 days a week? This does not seem like a balanced approach.” Bar graph attached.

Deb Nussdorfer: “Family Hours including use of Pool OWL Survey (June 2023): AFTER review of survey, the grandkid hours were extended from 2 to 3 days a week. While open-ended questions generally provide rich responses, analyzing qualitative data to reach conclusions can be over whelming due to the variations in individual responses. It’s also difficult to use open-ended questions as a gauge for the greater population since each response is unique. Surveys are often used for identifying trends or patterns. Here is a summary perspective from one person. **Q1:** What hours do you see yourself using the pool the most? **Response:** Open ended and vague answers hard to tabulate. Most residents did not specify weekdays vs weekends. Mornings 31%, Afternoons 40%, Evenings 29%. **Q2:** In your opinion, what would be the ideal duration for family hours for children under the age of 19 to use amenities in the Retreat community? **Response:** Responses ranged from 0 to 24 hours. Some indicated number of days per week (frequency not duration), many did not. Some recommendations for standard hours for each approved day, others wanted rotating hours. **Q3:** Are there specific days of the week that you believe would be more suitable for the additional family hours? If yes, please specify which days and provide reasons. **Response:** Assumes person wants more additional family hours. 38% did not want more hours. 20% want 6-7 days. Some responses suggest shorter hours with more frequency. **Q4:** How important is it to you, on a scale of 1 to 5 (1 meaning not important at all; 3 meaning somewhat important and 5 meaning extremely important), to extend the family hours specifically for children under the age of 19 to use the pool? **Response:** Question not clear. Data is

RECORD OF PROCEEDINGS

not usable. People entered all numbers from 0 to 100 and were uncertain as to what to say if they wanted less hours for family hours in the pool. **Q5:** In order for us to accommodate family hours for the Retreat pool, every household would need to sign a “family hours” specific waiver that acknowledges you and your family are swimming at your own risk (i.e. no lifeguards on duty). Do you understand and agree to do this? Response: 14 people stated no. What is the purpose of this waiver given at least 14 people have stated no? Since lifeguard was not an issue with residents why doesn't Oakwood Life request anyone bringing children sign? Residents already signed a waiver. **Q6:** Do you have any additional comments or suggestions regarding family hours for children under the age of 19? **Response:** 231 responses ~ some related to pool, others to use of Barn amenities (open area, party rental for kid's parties, game room, fitness equipment, green space, pickleball, dog park). People chose to move here: Because it is a 55+ anticipating no children; Because grandkids live close and they want to spend time together. All Retreat residents already pay for access to BLR pool and BLR Activities up to 4 times a year. All Retreat residents already pay for access to BLR pool and BLR activities 4 times a year. The trend I observe is a split in the community. I also think separating amenities for discussion may be helpful.

Velma Hendrickson: At last month's board meeting: “commented about replacing the dead trees. At this month's meeting She noted “the dead tree is still dead. MD1 reply was to contact the original landscaper. Verbally told that landscaper is reviewing all of Retreat. No notice received yet on the results of this review.”

J. Larson: asked about the dead trees between the sidewalk and the street and whether that is the responsibility of BrightView.

Tim Hogan noted a rumor about Oakwood suspending new home sales. He also requested closing gates as a security concern.

Jay Tomme “1. I would like the MD5 Board to work toward regaining voting right for the MD5 district which were handed over to MD1 by the original MD5 board before Retreat residents became the MD5 board. 2. I would like to have the current MD5 Board work towards gaining control of how the monthly \$288 fee is allocated. 3. Given Kelly Leid's apparent inability to respond timely to questions/concerns, I would like for the MD5 board to explore how to get another contractor to manage our lifestyle program. Kelly is at many times also not totally truthful or accurate in is comments and responses to residents. Note: This is not an issue addressed towards Ashley and Crystal. 4. The original Retreat handbook allowed for

RECORD OF PROCEEDINGS

grandchildren to enjoy the amenities 7 days per week between 3-6pm each day. The revised handbook reduced this to 2 days per week (Wed. and Sun.). This was then quickly amended to 3 days per week with Mon. hours of 2-5 pm, Thursday hours of 2-5 pm and Sunday hours of 1-5 pm. The end result is a loss of 4 days per week and worse yet, we were mis-lead by Oakwood or Oakwood Life since the majority of residents were provided the original handbook with family hours of 7 days per week. 5. We need better resolution of the number of guest passes that are available each day. The original handbook allowed for 4 guests per day with the option to pay for additional passes at \$5 each. The new and unimproved handbook only allows for 2 guests per day and no option for additional passes.”

Resident X reported front yard landscape concerns around Torrisdale/Mansgrove related to dead grass and weeds.

George Smith: “When I resigned from the BOD you were kind enough to stay after the meeting to listen to a statement I made. I said that every time a resident or small group of residents goes around the BOD we all suffer the consequences and believe me there are serious consequences. This board’s credibility lies in them being the voice of the community. We all need to keep that in mind. Apparently there has been some talk among some community residents about a law suit against Oakwood over the pool issues and other things. A law suit against Oakwood screws everyone in the Retreat. We all know that they are not selling many homes if any. Think about what happens when the word gets out that Oakwood is being sued by the residents. What do you think happens to sales then? We need to keep that in mind. Finally, this board has been working on many things behind the scenes and I’m happy to share with anyone some of those things I’m aware of. Recently, Bob Cass our board president has established a relationship with the president of the MD1 board and that connection has already produced results on some issues which prior to this we could not even get MD1 or CLA, MD1’s management company, or Oakwood to talk about. Hopefully, that relationship between Bob and the MD1 president continues and produces additional results.”

Rita Steinhauer: “When I bought my ‘duet’ I was told by the salesman (Scott Greeve) that my front yard would be “taken care of” grass mowed, snow shoveled (he gave no inches), weeds picked. None has been done. (snow was shoveled when over 6 in.?). I’ve lived her 1 yr, 3 months. Most of my front lawn is dead grass. Weeds are everywhere. 9084 Manse Grove is my address.”

RECORD OF PROCEEDINGS

Minutes from the June 15, 2023 Regular Board Meeting:

Following review, upon a motion duly made by Director Cass, seconded by Director Hubert and, upon vote, unanimously carried, the Board approved the Minutes from the June 15, 2023 regular Board meeting, as amended with Director Gidden's edits.

FINANCIAL MATTERS

May 31, 2023 Special Revenue Fund Breakout: Mr. Lange reviewed the breakout enclosed in the packet. Director Dawson asked for additional details on the District Management costs and budget, specifically meetings, allocation, resident and Director requests. Discussion ensued regarding the Barn expenses, noting the District is not to pay utilities for the Barn and the pool not being open by May 31st should result in no expenses indicated in the Special Revenue Fund. The Board discussed other expenses that were not recorded/submitted.

LEGAL MATTERS

Attorney Mielke gave an update on the Barn litigation, noting settlement was reached with one party. Negotiations are ongoing with the rest.

MANAGER MATTERS

None.

DIRECTOR MATTERS

Committee Updates:

Finance Committee: Director Cass discussed the review of Mr. Lange's Special Revenue Fund, various projects the Committee is working on, building of a debt pay-off model, possible funding requests in the budget season and additional details of OakwoodLife expenses to be delivered.

Communications Committee: Director Giddens provided an update. She reported enrollment for the resident website is 314 currently active. She thanked Lorette Pennie for volunteering to be on the Communication Committee. She noted a committee meeting is scheduled for 7/26/23. Discussion ensued regarding the District's website and the resident/community site.

Oakwood Life Committee: Director Hubert provided an update, noting the ongoing discussion with Oakwood Life

- Staffing for summer appears to be the same as staffing for the winter?
- Need to establish direct communication with Oakwood Life Direction ~ example: feedback for kid's policy, feedback on dog policy, etc.

RECORD OF PROCEEDINGS

Facilities Committee: Director Cass provided an update on Brightview landscaping, the Barn, pool and spa.

Safety and Security Committee: Director Cass discussed the scope and goals of a committee. Following discussion, upon a motion duly made by Director Cass, seconded by Director Westberg and, upon vote, unanimously carried, the Board appointed Director Westberg as the Chair for the Safety & Security Committee.

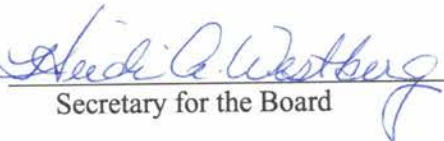
OTHER BUSINESS

Director Giddens (speaking as a resident) discussed concerns regarding speeding and people ignoring the STOP sign at Culrain Place and Braemore Heights noting the community and pedestrian safety.

ADJOURNMENT

There being no further business to come before the Board at this time, Director Cass adjourned the meeting at 10:26 a.m.

Respectfully submitted,

By 
Secretary for the Board