

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING/WORKING SESSION OF
THE BOARD OF DIRECTORS OF THE
BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5
(THE “DISTRICT”)
HELD
MAY 25, 2023

A Special meeting/Working Session of the Board of Directors of the Banning Lewis Ranch Metropolitan District No. 5 (referred to hereafter as the “Board”) was convened on Thursday, May 25, 2023, at 6:00 p.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
Victoria Niemi, Treasurer

Also, In Attendance Were:

Krista Baptist; CliftonLarsonAllen, LLP (“CLA”)
Steve Langer, Rosemary Langer, Jean White, Deb Prato, Pat O’Connor, Loren Gallup, John DeLuca, Anne Micena, John Micena, Alice Bolton, Tom Kammer, Heidi Kammer, Connie Rumford, Paul Rumford, Deanna King, Jolina Borah, Brian Borah, Phyllis Bender, Mary Taylor, Deb Nussdorfer, Geore Smith, Deb Maes, Sandy Lacey, Howard Ours, Patty Ours, Sharon Lane, Dennis Lane, Sam Meracca, Becky Meracco, Nancy Holloway, Tammy Avanzi, Ron Mc Nanue, Chris Gross, Sharon Boston, Pamel Hardy Summey, Karen Plaza, Ed Plaza, Marianne Gonzalez, Deanna King, Scott Johuson, Shirley Johuson, Vicki Anderson, Tom Fitzgerald, Karen Fitzgerald, Stacy Hayes, Julia Hayes, Dave Walker, Marion Walker, Betty Haverland, Gary Haverland, Bonnie Nadermann, Juanita Hunter, Tom Hunter, Kenda Evans, Herma Smith, James Bolek, Sharon Bolek, Richard Canedo, Janet Hill, Mike O’Malley, David Margiotta, Cynthia Margiotta, Ian Lunoe, Suzette Blankenship, Daryl Blankenship, Patrick Driscoll, Lisa Driscoll, Penne Drake, Doug Drake, Scott Edgerton, Deb Edgerton, Butch Pemberton, Lorna Sanzo, Heidi Wiems, Arnold Wiems, Sharon Lane, Dennis Lane, Daniel Smith, Allison Silkwood, Greg Silkwood, David Lape, Maria Pruett, Chris Stears, Tracy Stears, Donna Boenig, Jeffrey Nash, Dana Laekey, Ken Westberg, Ann Wiems, Heidi Wiems, Lorna Sanzo, Chris Grajek, Jim Grajek, Andrea Peoples, Velma Hendrickson, J. Larson, David Nagel, Deb Nagel, Silvia Buoniconti, Frank Buoniconti, Chaylene Moreley,

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Keith Lewinger, Constance Martin, Suzanne Ovalia, Thomas Spain, Patricia Siegel, Ginny Beteille, Jeanette O'Brien, Margaret Mecca, Nancy Menard, Judith Austin, Jan Cass, Kathi Reffert, Darlene Fletcher, Sherri Pierson, Wharton Separk, Susan Separk, Michele Burnett, Bob Burnett, Gerry Cohen, Rita Steinhauer, Sara Moracco, Becky Moracco, Nancy Holloway, Joelle De Meter, Cindy Dalton:
Members of the Public

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Director Cass called the meeting to order at 6:00 p.m.

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

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.

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

Keith Lewinger stated that you must put cameras at all entry points recording all license plates. Use cameras checking license plates to open gates for residents who have registered.

Margaret Mecca said to be sure you copy all petitions before submitting to District 1.

Doug Drake stated that the District needs security guard(s) until all gates are secured. He also suggested that they secure all possible gates to include pedestrian gates. He would also like the District to implement security system so deliveries/repairs have to call house to get in.

Ginny Beteille said that the Oakwood sales people should 'man' the gate to allow people access to the sales office. They financially benefit from every home they sell. They could take shifts during their workday. Oakwood needs to take over this problem. The safety of the residents is extremely important. Oakwood tells them that they are a secure/gated community; they need to make it happen. She also thanked the Board for having this very important informational meeting, stating that they all are an awesome Board that works very hard for the residents.

An unnamed resident requested that they increase lighting in the

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community; at gates and on corners that are dark. They stated that the District should have a security/safety committee.

Another unnamed resident posed the question: has the Board thought of CCTV on the streets?

A different unnamed resident stated that it is the awesome and involved people that make this community the great place that it is. It takes each and every one of them to make this happen on an ongoing basis. They advised attendees to enroll in the www.theretreatbb.us website which was established by the District 5 Board as a direct communication between the Board and the residents. They also advised attendees to enroll in the www.memberplanet.com website to know what social activities are taking place each month.

Director Westberg stated that it looked like a (resembled Shazam) truck was seen driving around and turning onto Lythmore at 4:40 a.m. They obviously have the code to the gate and so do many of the subs ~ why~ according to Oakwood's own CC&R'S you cannot run a business out of a house. These are owned by an LLC and should never have been able to run two businesses out of the corner house on Melvik & Clarin. She asked why this is allowed. Shazam & Oakwood should be working out of the sales office or a construction trailer, not in the middle of a neighborhood. She asked if there is a common denominator with the two homes that were broken into. She posed that idea that workers were possibly casing the homes, stating that is only her opinion. She said that workers, if given a code, should have their one code so they can be tracked. She also said that Oakwood needs to provide large metal signs stating "NO SOLICITING" to be placed at all gates.

Wharton and Susan Separk stated the following regarding perimeter and pedestrian gates: they can still be opened manually by anyone. One only needs to reach through the gate and press the release bar and the gates will open. There was mention that these gates would be locked and a code required for entry, but that has never been done. It is not unusual to see people who obviously do not live in this community using these entry points. Regarding vehicle entry points, they stated that these points should never remain open for 24 hours (or longer) as they were the weekend of May 20th for a community yard sale or any other event. If there is a public event, open the gates only for the duration of the event. Only the public should have 24-hour access. Vehicle Entry Gates (Vista del Tierra) should be open only between 10:00 am and 6:00 pm which are the business hours of Oakwood Homes. They also addressed teenagers riding motorcycles

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on the pedestrian greenway trail stating that it is just an observation, and nothing can really be done about it. Teenagers on motorcycles (probably in excess of 60mph) occasionally use the pedestrian “greenway/tail” behind Lochside View and Bennach Grove from the new construction area to Dublin for their personal speedway. This is outside of the gated/fenced perimeter, but it is used regularly by residents of The Retreat. Again, nothing can be done about that other than signs posted that say “No Motorized Vehicles Allowed”. They also discussed the need for either police and/or a private security service. In the 19 months they have lived here, they have never seen a police car or private security service of any kind circulate through this area. The fact that The Retreat is supposed to be a “gated” community, the need for increased security should not be necessary, but it appears from recent events that it is necessary. They also provided the caveat that there is a gate at Berriedale View that can be entered without a code or fob. While this is a weak spot in security, at least restrict the points that can be controlled (for example: Pedestrian Gates and Vehicle Entry Gates on Dublin and Vista del Tierra).

DIRECTOR MATTERS

Burglary Events on Syre Point: Pat O’Connor, the victim of the burglary on Syre Point, described what she saw when she entered her home around 5:30 pm on Friday, May 19, 2023. She stated the house did not have an alarm. She also noted the violent way the thief/thieves went through everything including jewelry (noting they only took the valuable jewelry). Pictures were removed from walls, and two small safes were popped open. Pat stated her next-door neighbor’s house was also burglarized with entry gained through the patio door. Additionally, Pat’s neighbor (Bernie) noticed two guys in orange vests. The police ran the license plates, noting either the plates or the car were stolen. It was also noted the cleaning crew was there on Monday. For future reference, Pat suggested that homeowners take pictures of valuable items in the home and talk with the insurance company about carrying a rider on the homeowners insurance. She said if you see something, say something.

Appliance Thefts on Bennach (new construction): It was noted that in the construction area there had been theft of items from the homes that were under construction.

Retired Police Officer Safety Advice:

Bob Burnett, a retired police officer from Cherry Hill Village, presented a PowerPoint presentation with the following safety advice:

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- Do not enter the residence if it appears to have been broken into
- Call the police
- Hire only contracted people (i.e. cleaning folks, contractors, etc.)
- Remain in the room while cable/repair folks are working in the house
- Stolen items can be hidden in items such as towels or vacuum bags
- Be leery of folks wearing vests ~ they should have ID tags
- Limit access to your house including the basement ~ only one way in and out
- Remove valuables from the work area
- Activate/install a simple alarm or camera system
- Invest in a safe that can be bolted to the floor
- Don't brag about valuables (guns, jewelry, coins, etc.) with casual friends or neighbors
- Use timers for inside lights when not at home
- Use/install outside lights that go on at dusk and off in daylight in front and back of house
- Get window well covers that lock to restrict basement access
- Create contact list of neighbors
- Inform neighbors of travel plans
- Have neighbors stop by house at random times
- Don't leave the garage door open
- Take car keys/fobs in the house
- Take garage door opener in the house when leaving the car
- Secure expensive bikes
- Store tools in cabinets
- If you observe unknown (cable, landscapers) folks in the backyard, call the police
- Take note of what they are wearing and a description of the person
- Try to get license plate number and/or make, model, and color of vehicle along with any defects in the vehicle (dents, broken fender, lights, etc)
- Note direction the vehicle is traveling
- Put 1/2" dowel in sliding glass door to help prevent entry
- Don't risk your life over a piece of property
- People on drugs are dangerous

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- Drug users rob houses and go directly to pawn shops
- Transients ~ be aware ~ generally are wearing backpacks
- Low paid workers feel entitled to your property ~ steal and then go to pawn shop
- Look out for solicitors ~ ask for a business card; maybe casing your house
- Keep an eye out for organized car or bike thief gangs

Questions Residents Asked Director Cass After PowerPoint

Presentation: The following comments and questions were brought before the Board:

The police have a relationship with pawn shop dealers. The pawn shop cannot sell items for thirty days. The person pawning merchandise is given a card for retrieving the merchandise.

Has the community thought about having CCTVs? Cameras can be hard-wired versus battery operated. Fake cameras are a waste of time. A rookie thief might be deterred by a security sign in the front yard. A professional burglar will ignore the sign because (s)he knows how long it will take the cops and security folks to go through the process of responding to a call.

What percentage of robberies involve an automobile versus a walk-in? Car thefts are more prevalent. Thieves will put stolen merchandise on the curb and a truck will come by to pick it up.

Resident-Proposed Petition: Loren Gallup stated that they are circulating a petition which states:

We, the residents of The Retreat at Banning Lewis Ranch, are petitioning for complete 24/7 closure of the perimeter gates surrounding our neighborhood. Recent robberies occurring during daylight and evening hours make us feel insecure. Most residents purchased a home in The Retreat because of the secure perimeter fence that was advertised by the Oakwood and Classic Sales staff.

It was noted that Director Cass sent an email to Oakwood and District management asking about the authority to leave the gates open. On Monday, Mr. Miller replied he is working with District 1 about the transfer of ownership. Mr. Miller noted that he cannot give Director Cass an answer at this time.

Director Hubert noted that the sales office needs to have 9:00 a.m. – 5:00 p.m. access, a hurdle that needs to be looked at. There was a

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discussion about having the sales office providing access to potential buyers, even if it takes an additional amount of time for them to gain access to the community.

It was noted that construction workers should have to go to the far gate to gain access to the community.

Neighborhood Watch Program: There was a discussion about starting a Neighborhood Watch Program. A member of the public noted that this topic was introduced about 18 months ago, and at that time the decision was not to go forward with plans for a Neighborhood Watch Program.

A member of the public asked the following questions:

1. What is the reason the guard shack was not being utilized as a means of entry to the community? The answer was that it is not meant to be a functioning guard shack.
2. Are there cameras at each of the entrances to the community? It was noted the area is very dark at night. It was also noted that sticking your arm out the window to put the fob up to the sensor or push numbers on the keypad leaves the driver of the vehicle vulnerable.
3. Can large metal signs stating “NO SOLICITING” be installed at each entry?
4. Why are two businesses operating out of the model homes? It was noted that they should be working in the construction area.
5. It was noted that along with knowing the neighbors on either side of our home, we should also know the neighbors behind our homes and across the street - all of which creates a safety net for security.

Safety and Security Fair Event:

The Board discussed holding a safety and security fair event. No action was taken.

Other:

Bob reminded the audience of the need to respect each other's efforts to keep the community safe. He also reminded the audience there are liability issues to be considered.

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ADJOURNMENT

There being no further business to come before the Board at this time,
Director Cass adjourned the meeting at 8:00 p.m.

Respectfully submitted,

By Kathryn Siddons
Secretary for the Board