

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
MAY 18, 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, May 18, 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:

Krista Baptist, Korben Heim and Rob Lange; CliftonLarsonAllen, LLP (“CLA”)
Colin Mielke, Esq.; Seter & Vander Wall, PC
Loretta Pennie, Margaret Mecca, Ginny Beteille, Deb Nussdoerfer, Sue Harmon, Bob Burnett, Michele Burnett, Karen Plaza, Dan Akerhhielm, Loren Gallop, Dave Nagel, George Smith, Lillian Rigdon, Esther McGehee, Priscilla Davies, Karen Green, Mark Davis, Velma Hendrickson, J. Hendrickson Larson, Jan Cass, Dana Lackey, Suzanne Qualia; Members of the Public

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Director Cass called the meeting to order at 9:05 a.m. Following review, upon a motion duly made by Director Cass, seconded by Director Giddens and, upon vote, unanimously carried, the Board approved the agenda, as presented.

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.

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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.

Dave Nagel: made comments about the dog policy with relation to picking up mail from the mail room in The Barn. He would like to see an accommodation that allows somewhere to hook up his dog while he is picking up his mail. He also noted he would like to be able to sit on the patio with his dog.

Bob Burnett: stated he appreciates the Board efforts. He noted the lawn and planters within the community gates seems to be neglected. He also noted that the strip bordering the curb on Haster Grove has not been planted yet. He is wondering when that will happen.

May 2, 2023 Regular Director Election:

Attorney Mielke provided confirmation that the election was not held, the results had been certified, and the process was concluded. Director Cass explained the election and election cancellation process to those in attendance. No action was taken.

Filing of Oaths of Directors: Legal counsel confirmed the Director Oaths were filed with the County and the Division of Local Government before the deadline.

Appointment of Officers: Following discussion, upon motion duly made by Director Hubert, seconded by Director Cass and, upon vote, unanimously carried, the following slate of officers were appointed for the District:

President: Robert Cass
Secretary: Kathryn Giddens
Treasurer: Victoria Niemi
Assistant Secretary: Heidi Westberg
Assistant Secretary: Dawson Hubert

Minutes from the April 20, 2023 Regular Board Meeting:

Following review, upon a motion duly made by Director Cass, seconded by Director Westberg and, upon vote, unanimously carried, the Board approved the Minutes from the April 20, 2023 regular Board meeting, as presented.

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FINANCIAL MATTERS

Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of March 31, 2023: Mr. Lange reviewed the Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of March 31, 2023 with the Board. Director Cass posed the following discussion points:

1. Was OakwoodLife paid for the first part of January 2022 when their contract was not executed?
2. Review of the billing services line item and provide clarifications.
3. Should they plan for part time staff funding based on budget?
4. Based on discussions the Board has had with OakwoodLife, OakwoodLife does not think they have money for events. The Board would like clarification on why they are saying that.
5. What was the OakwoodLife conference and why was District 5 billed?
6. Meeting status for District 1 and District 5 discussion – no further contact has been made with District 1 to-date after request in April.
7. Status of rental revenue policy. Mr. Lange confirmed that a draft was in Mr. Leid's possession for review and comment.

The Board discussed items as listed above. No action was taken.

LEGAL MATTERS

None.

MANAGER MATTERS

Ms. Baptist and Director Cass discussed the finalization of the Ranch Pass regarding its usage. Director Cass requested updates be made to the document to confirm its date of issuance and authority.

Director Cass asked Ms. Baptist for updates regarding landscaping clarifications requested from Brightview. Ms. Baptist stated that there was no further update. Director Cass expressed frustration that the request was almost a year old without being resolved. No action was taken.

DIRECTOR MATTERS

Status of Final Copy of Budget Request Procedure for Signature:
It was stated that the final copy of the Budget Request Procedure is ready for signature.

Committee Updates:

Finance Committee: Director Cass noted that after the Reserve Study is completed, a Reserve Fund account should be established. The committee is working on building a spreadsheet model

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concerning the long-term debt. He also noted that the county assessor valuations increased. Mrs. Cass noted that a representative from the Assessor's office will present information in a two-hour presentation on Tuesday, May 23, 2023 starting at 6:00 p.m. It was noted that Ms. Maniscalco will send out a notice to the community and attendance will be limited to seventy persons.

Communications Committee: Director Giddens noted the following information: the committee is marketing the Retreat Bulletin Board website at recent activities of horse racing, Mother's Day breakfast, and Advance Directive presentation by Ms. Hayes. Two cork boards have been placed in the mail room with information about the BB website with contact information listed. The second board will be used for Board of Director communications. Flyers will be distributed at the Memorial Day event marketing the BB website. Copies of the posters have been placed on tables today. A cork bulletin board has been purchased and will be hung in the mail room. The committee will continue to talk about Retreat BB website at community events to include Bingo, Trivia, Stitchery, Friendship Friday, etc. The committee would like to have a resident with computer experience be part of the committee and contact Director Giddens for more information. The committee is identifying residents that are either not listed on the BB website or have not activated their account. Using the current email system and the US Postal system, a letter with an enclosed postcard will be sent asking if the resident wishes to be included in the BB data base.

Oakwood Life Committee: Director Hubert noted the survey recently sent to residents about having Barn doors open is showing about 70% of responses are positive for having doors open. Questions Director Hubert asked: 1) Who should receive the results of the survey? Questions directed at Ms. Baptist included: Who is the oversight manager or District 1? Is it Mr. Miller working for CLA? 2) Does District 1 hold contract power over either OakwoodLife or Oakwood Homes, doing business as Clayton Properties? The answer to this is yes regarding OakwoodLife specifically. Is Mr. Miller, working for CLA, responsible for contract oversight as District 1 Manager? The answer to this is yes. 3) Was Mr. Fraley president of the District 1 Board when the contract with Clayton Properties Group II Inc. doing business as Oakwood Homes, aka Oakwood Life was signed to contract Management Services and Lifestyle Experience Programing. The answer to this is no. 4) How many members of

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the Banning Lewis Ranch District 1 Board are residents of District 1? The answer to this is 0. After discussion of roles, it was decided that Director Hubert would submit the survey results to Mr. Miller as the Metro District No. 1 manager.

Facilities Committee: Director Niemi submitted the following information: 1. Bocce courts are being completed as we speak. They will be ready for use in the next few days - the turf is being installed now. 2. Dog park - Brightview is emptying trash cans two times a week in the dog run and seems to be doing the job - the dog park rules signage has not been installed. Ms. Baptist stated that they will not be making a new sign but have some extras, but they have not been installed. Also, as per Ms. Baptist, the fences and gates that needed to be repaired were fine, but according to Mr. Bradley, a volunteer for the dog park, said they have not - please ask Ms. Baptist for an update 3. The Colorado utilities service was notified about broken light posts and leaning posts. They informed Director Niemi they will make this a priority, but since Director Niemi has been out of town, she has not verified that any of the work is completed. 4. The committee for streets and sidewalks is in the process of setting up picture with street addresses if work needing repair as the number of repairs is quite voluminous and once categorized will be turned over to District 1 for repairs to be completed. 5. The landscape committee has done their preliminary walk through of facilities and have documented any areas of concern or in need of repair - once it is categorized and organized by areas this will also be turned over to District 1 and Brightview. Also, once all water is turned back on it will be easier to see what has not survived winter weather. 6. A walk through with Ms. Baptist and Oakwood has taken place in the Barn prior to transferring barn from Oakwood to District 1. Director Niemi does not have a date as to when the work will be complete, but the committee was involved with the walk through and passed along all their concerns and repairs needed. 7. Pickle ball courts - Coloradoscapes will be doing all the repairs needed on the Pickle ball courts. All the materials for repair are on hand but until the rains look clear work will not begin. The temperature to start is already at optimum temperature but rains still might be imminent, so they are on hold daily. The courts will be done in progression with a few at a time - not to shut down all day.

OTHER BUSINESS

Director Cass asked for confirmation that District 1 will be making the decision on whether to approve the dog tie-up stations. Ms. Baptist confirmed.

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Director Cass requested that Ms. Baptist finds out if the gate "Hold Open" hours could be adjusted to correspond with the hours of the sales office.

Director Cass mentioned to those in attendance that when people have questions about the cash management process, they should ask the OakwoodLife team.

Director Cass confirmed that the next regular meeting is scheduled for June 15, 2023 at 9:00a.m. in the Barn and will be virtual as well for those that need to call in.

ADJOURNMENT

There being no further business to come before the Board at this time, Director Cass adjourned the meeting at 10:14 a.m.

Respectfully submitted,

By Kathryn Biddens
Secretary for the Board