

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
JUNE 15, 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, June 15, 2023, at 9:00 a.m. This District Board meeting was held at Banning Lewis Ranch ~ The Barn 9150 Braemore Heights, Colorado Springs 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

Directors Excused Were:

Victoria Niemi, Treasurer

Heidi Westberg, Assistant Secretary

Also, In Attendance Were:

Krista Baptist and Korben Heim; CliftonLarsonAllen, LLP ("CLA") Colin Mielke, Esq.; Seter & Vander Wall PC, Rollie Colby, Scott McGrath, J. Larson, Velma Hendrickson, Arnold J. Wiens, Darlene Fletcher, Ginny Beteille, Sherri Pierson, Margaret Mecca, Elizabeth (BJ) Mirafior, Lillian Rigdon, Jan Cass, Jeanette O'Brien, Loretta Pennie, Sherri Parrish, Phillip Parrish, Joh DeLuca, Kevin Bradley, Suzanne Qualia, Silvia Buoniconti, Frank Buoniconti, Rick Tober; 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 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. Following review, upon a motion duly made by Director Cass, seconded by Director Giddens and, upon vote, unanimously carried, the Board excused the absences of Director Niemi and Director Westberg.

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

Scott McGrath noted that the Handbook received at the time of the sale noted daily family hours for the pool and the Barn are from 3 PM to 6 PM and residents can have up to four guests. He noted that he moved here because of the proximity of his grandchild/grandchildren. He stated he is now being told that he cannot use these amenities.

Rick Tober noted the lack of dog waste stations throughout the community. He noted there are currently two dog waste stations in the community. He submitted a proposal for an additional six stations. **Map of proposal attached to the minutes.**

Sylvia Buoniconti stated that behind 6032 Bennach Grove, behind the walkway, a plastic culvert is laying on top of the water rather than running through it. There has been a tremendous amount of high weeds due to all the rain so you really have to look closely.

Sherri Parrish sighted the lamp post on Torresdale View has been hit by an object and is now crooked. She noted that it has been in this condition for "quite a while and has yet to be repaired." The last time she viewed the lamppost it was working but was still bent.

BJ Mirafior noted her concern about the serviceberry tree, plant genus/family called Amelanchier, that had been planted by Oakwood's landscaping company in her backyard. Several sources she found indicated that the berries from the tree are toxic to dogs. I had asked to have the tree removed and replaced with a more appropriate tree. Shazam's Mike Hodge was her point of contact. She also wanted to alert the residents of the potential danger the Serviceberry tree berries post to their pets.

Velma Hendrickson noted that there is a dead tree in the grass area between the curb and the sidewalk at 9066 Manse Grove.

Minutes from May 18, 2023 Board Meeting: Following review, upon a motion made by Director Cass, seconded by Director Hubert and, upon vote, unanimously carried, the Board approved the Minutes from the May 18, 2023 regular Board meeting, as presented.

Minutes from working Board meeting on May 25, 2023: Following review, upon a motion made by Director Cass, seconded by Director Hubert and, upon vote, unanimously carried, the Board approved the Minutes from the May 25, 2023 working Board meeting, as presented.

FINANCIAL
MATTERS

Director Cass noted that April financial reports were not prepared for the meeting, and therefore he requested the District accountant not attend this meeting. Financial reports will be presented at the next regular meeting.

LEGAL
MATTERS

Resolution Regarding Disposal of Personal Identifying Information: Attorney Mielke reviewed the Resolution regarding Disposal of Personal Identifying Information with the Board. Following review, upon a motion duly made by Director Cass, seconded by Director Hubert and, upon vote, unanimously carried, the Board adopted the Resolution regarding Disposal of Personal Identifying Information, as presented.

MANAGER
MATTERS

Representative from the Board to Participate in the Cooperation Committee: The Board discussed the Cooperation Committee functions for the public. It was stated that the representatives remain in place year-to-year and there will be no change from Director Cass and Director Niemi serving on the Committee. No action was taken.

DIRECTOR
MATTERS

Brightview Landscape Maintenance Performance: Director Cass noted that Director Niemi has stated she has spent a lot of time with the new person in charge of the landscaping. Director Garmong of District No. 1 and Mr. Miller drove through the District and are addressing areas that need work. Director Cass and his wife walked through the District and stated there are a lot of weeds south of Bennach grove. Director Cass stated that members of the public may contact Mr. Miller with concerns regarding Brightview's work.

Director Cass also noted that Director Niemi submitted the concrete/sidewalk issue report to District No. 1. The expectation is to have repairs completed before the sidewalks are accepted by District No. 1. No action was taken.

Establishing a Safety and Security Committee: Director Cass discussed establishing a Safety and Security Committee with the Board. He stated that he had some materials to send to the Board for consideration. An organizational meeting was held with some volunteers for input and purpose. The item was tabled.

The Board is still working with District No. 1 regarding security concerns. No further updates were provided.

Committee Updates:

Finance Committee: Director Cass provided an update. He stated that the Board has stopped receiving receipts for expenditures by Oakwood Life. There was a meeting on June 8, 2023 with Thomas Garmong (District No. 1), Attorney Mielke, Mr. Miller, and Director Cass at which this issue and other coordination issues related to District No. 5, District No. 1, and Oakwood Life were discussed. Director Cass stated the meeting did not go as well as he had hoped, but the parties confirmed their desire to work cooperatively on community matters moving forward. Another meeting is anticipated to occur in the future to gauge progress on the cooperation. Director Cass further stated that there should be more transparency regarding who make decisions for Oakwood Life and District No. 1, and how those decisions are made.

Director Cass also talked about safety and security. He stated that Director Garmong is entertaining the idea to have the gates closed and to pay for a guard. He has since put that into Oakwood's budget. They are unsure if that will be put into effect this year or next year. Director Cass will follow up. The feedback received from Oakwood is that they are taking safety seriously.

The Board also discussed the need for a cash management policy including accountability provisions because there is no way to tell if we are being double billed through the OL invoice for items that were paid for with cash. We also do not know where any of the cash that has been collected is or if it has been spent.

Director Cass further noted that Mr. Garmong stated during their recent meeting that District No. 1 doesn't plan to accept the gates or perimeter fencing in the community until all the perimeter fencing is complete. Director Cass noted that damage to the perimeter fencing and gates will be the responsibility of Oakwood to repair until those improvements are conveyed to District No. 1.

Ms. Larson is in charge of tracking performance and action items. Director Cass handed out a document to Board members and it will be posted on the resident website.

Communications Committee: Director Giddens provided an update. She stated that she is still looking for volunteers with computer experience and identifying residents who are either not listed on the www.theretreatbb.us website or have not activated their account.

Oakwood Life Committee: The Committee met June 13th. There is still a question about where to send the results of the survey regarding key fobs and access to The Barn. Ms. Baptist stated the results of the survey should be sent to Mr. Miller at CLA. Additional questions that were noted:

Who does District No. 5 report to for board meeting? Ms. Baptist said to start with Josh Miller. She noted the primary point of contact depend on the situation.

Is District No 5 submissive to District No. 1? Ms. Baptist noted they are equal depending on the situation.

Who does Kelly Leid report to? Ms. Baptist noted she does not know. Information known to be true includes Ashley Maniscalco reports to Kelly Leid. The Bard director disseminates all directions from District No. 1. Mr. Miller send information to Ms. Maniscalco which she forwards to Retreat residents. It was stated that if a resident has a concern/problem with Oakwood Life, to contact Ms. Maniscalco with a copy to Mr. Miller. However, if the situation is out of the scope of Ms. Maniscalco's responsibilities, do not involve her.

Facilities Committee: There was a discussion about Brightview Landscape Maintenance performance. Director Cass noted that Director Niemi spent time with Brightview's new landscape representative. The discussion included information about the front yard issues have not been resolved. Mr. Garmong and Mr. Miller drove around the community and were not pleased with what they saw. If a resident has a concern or complaint, she/he should take pictures of their concern and email the information to Mr. Miller so he can coordinate with Brightview to remedy the situation. It was noted that the Facilities Committee has identified cracks in sidewalks that need to be repaired prior to acceptance by District No. 1. It was noted the replacement of dead trees and plants is not included in the fixed price maintenance contract. The costs for those replacements are reimbursed as an additional cost and not included in the original budget.

Director Cass discussed the establishment of a safety and security committee noting this be discussed at the July meeting.

OTHER BUSINESS

Director Cass provided an update, stating that there is a webpage called myneighborhoodupdate.net that shows police activity in the last 30 days.

It was also stated that there may have been another burglary on Haster Grove.

ADJOURNMENT

There being no further business to come before the Board at this time, Director Cass adjourned the meeting at 9:58 a.m.

Respectfully submitted,

By Kathryn Giddens
Secretary for the Board