

MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5  
(THE "DISTRICT")  
HELD  
MARCH 16, 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, March 16, 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  
Victoria Niemi, Treasurer  
\*Kathryn Giddens, Secretary  
Dawson Hubert, Assistant Secretary  
Heidi Westberg, Assistant Secretary

\*Attended virtually

Also, In Attendance Were:

Krista Baptist, Korben Heim and Rob Lange; CliftonLarsonAllen, LLP  
Colin Mielke; Seter & Vander Wall, PC

ADMINISTRATIVE  
MATTERS

**Call to Order and Agenda:** Director Cass called the meeting to order at 9:02 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 designated the Districts' website as the 24-hour posting location. Director Cass introduced Director Westberg and welcomed her to the Board.

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

Ann Bradley requested new spin bikes as the ones in place currently have broken pedals and broken water bottle holders. She stated that she has quotes for replacements or repairs of the existing bikes.

Wendy Tomme, member of the public, requested that the Board of Directors walk the audience through the election process and clarify how programs and initiatives are decided to help increase transparency with the community on these processes.

Kevin Bradley requested that management and consultants provide biographies to the community on the website in a similar fashion to how the Board has done. Director Cass and Ms. Baptist will confer further on this request.

**Minutes from the January 19, 2023 Regular Board Meeting and the February 16, 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 January 19, 2023 regular Board meeting and from the February 16, 2023 regular Board meeting, as presented.

## FINANCIAL MATTERS

**Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of December 31, 2022:** Mr. Lange reviewed the Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of December 31, 2022 with the Board. Following review, upon a motion duly made by Director Cass, seconded by Director Hubert and, upon vote, unanimously carried, the Board accepted the Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of December 31, 2022, as presented.

**Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of January 31, 2023:** Mr. Lange reviewed the Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of January 31, 2022 with the Board. Director Cass requested that line items be reviewed for accuracy. Discussion ensued. Following review and discussion, upon a motion duly made by Director Cass, seconded by Director Hubert and, upon vote, unanimously carried, the Board accepted the Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of January 31, 2023, as presented.

**Schedio Group Engineer's Report and Verification of Costs No. 6:** Mr. Lange reviewed the Schedio Group Engineer's Report and Verification of Costs No. 6 with the Board. Director Cass requested to have access to the LAI report for review. Following review, upon a motion duly made by Director Cass, seconded by Director Niemi and, upon vote, unanimously carried, the Board accepted the Schedio Group Engineer's Report and Verification of Costs No. 6 as presented.

**Payment of Claims:** Mr. Lange reviewed the Claims with the Board. Following review, upon a motion duly made by Director Cass, seconded by Director Niemi and, upon vote, unanimously carried, the Board approved payment of Claims in the amount of \$5,249.80, as presented.

**Other:** The Board discussed the OakwoodLife fundraising policy to handle and deposit cash raised by events. No action was taken.

#### LEGAL MATTERS

**Appointment of Officers:** Following review, upon a motion duly made by Director Cass, seconded by Director Hubert and, upon vote, unanimously carried, the Board appointed the following officers:

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

**Other:** None.

#### MANAGER MATTERS

**Other:** Ms. Baptist provided updates to the Board regarding progress relating to final approval by Banning Lewis Ranch Metropolitan District No. 1 of the Retreat Resident Handbook. The Board is expected to review and consider approval of the Handbook at the April meeting based on current progress.

Ms. Baptist updated the Board on options for clarifying parking rules in front of the Barn as well as the pool and spa contracts being in place for the upcoming operational season. There was no update on the request for streetlights in private areas. Ms. Baptist will provide an update to Director Cass before the April meeting.

#### DIRECTOR MATTERS

**Discussion Regarding Reimbursement of Director Incurred Costs:** The Directors discussed allowing reimbursement for office supplies, paper, ink, and mileage for trips to Denver to meet with the attorney in person when necessary. All Directors agreed to the foregoing items.

**Discussion Regarding May 2, 2023 Election:** Director Cass provided an update to the Board. He discussed the election nomination and cancellation processes. The public posed a question regarding self-nomination outreach in the wake of Director Smith's resignation. Discussion ensued. No action was taken.

**Discussion Regarding Reserve Study Schedule:** Director Cass and Ms. Baptist provided updates to the Board on contractor selection and timing of the Reserve Study. No action was taken.

**Committee Updates:**

**Finance Committee:** Director Cass discussed the Barn space usage and event funds. He also presented the resolution regarding the funding request approval procedures and explained the need for a procedure to be in place. Discussion ensued. The Resolution was tabled until the April 2023 meeting.

A resident requested that all items be provided to all residents prior to Board discussion and decision. No action was taken.

**Communications Committee:** Director Cass explained the self-nomination process and appointing a Director versus how elections are required to be held. Only one nomination was received by the DEO before the deadline. The DEO declared that the election can be cancelled, and Director Westberg was appointed by acclamation per the Board of Directors' decision at their previous meeting in February.

It was noted that a bulletin board for communication is now up in the mail room of the Barn.

Director Cass provided updates on the website for increased communication and transparency directly from the Board to the residents including status updates, phase 1 usage, and how and when registration information will be sent to members. He also requested that entire meeting packets be posted for public review prior to the meeting. According to legal counsel, there is some liability concern to protect private information. Ms. Baptist noted that per statutory requirement, meetings are noticed, and agendas provided on the open, already existing District website.

**Oakwood Life Committee:** Director Hubert explained that continuing to disregard the parking usage in front of the Barn puts the temporary occupancy permit at risk and that continued solutions are being explored to increase communication around how the parking is intended to be used.

He also stated that they are working on key fobs and access to have the doors unlocked during the 9-5 business hours. No decision

regarding this has been made yet, but it is an ongoing item that the committee is exploring solutions to.

**Facilities Committee:** Director Niemi provided a reminder to those present that a volunteer meeting was taking place on March 17, 2023 and asked for those interested to attend or contact her directly for further information.

She also gave a presentation regarding the current pickleball court damage and repair status. Questions ensued relating to the warranty status and repair responsibility with multiple identified parties at fault for damage identified. No action was taken.

**Other:** Director Cass posed a question regarding the turn-over of the Barn and pool to Banning Lewis Ranch Metropolitan District No. 1. Ms. Baptist stated that they expect this to come soon, and further information will be provided when available. Director Cass questioned the ability to complete acceptance of the facility prior to the pool and spa being completely operational. No action was taken.

#### OTHER BUSINESS

**Other:** Director Cass noted that the next regular meeting is scheduled for April 20, 2023.

#### ADJOURNMENT

There being no further business to come before the Board at this time, Director Cass adjourned the meeting at 10:50 a.m.

Respectfully submitted,

By Kathryn Midders  
Secretary for the Board