

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
OCTOBER 19, 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, October 19, 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:

Victoria Niemi, Treasurer
Kathryn Giddens, Secretary
Dawson Hubert, Assistant Secretary
Heidi Westberg, Assistant Secretary

Also, In Attendance Were:

Krista Baptist; Korben Heim and Rob Lange; CliftonLarsonAllen, LLP ("CLA")
Colin Mielke, Esq. and Marissa Peck, Esq.; Seter & Vander Wall, PC
Cindy Hogan, Tim Hogan, Michele Burnett, Bob Burnett, Heidi Wiens, Arnold Wiens, Annette Ellison, Patricia Wolf, Mark Davis, Suzie Patterson, Rollie Colby, Loren Gallop, Lisa Phelps, Lesle Arnesu, Steve Langer, Daryl Blankenstein, Jim Dries, Marion Dries, Wharton Separk, Susan Separk, Dave Sheeren, Teri Spiers, Jay Tomme, Lillian Rigdon, Karen Plaza, Suzanne Qualia, Elizabeth Miraflor, Esther McGhee, Sherri Parrish, Phil Parrish, Ginny Beteille, Jeanette O'Brien, Loretta Penne, Sandra Kemp, Sue Harmon, Margaret Mecca, J. Larson, Velma Hendrickson, Celeste Martello, Julie Parker, Alice Bolton, Sherri Pierson, Becky Morocco, George Swinston, members of the public.

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Upon a motion duly made by Director Hubert, seconded by Director Niemi and, upon vote, unanimously carried, the Board called the meeting to order at 9:07 a.m. Following review, upon a motion duly made by Director Hubert, seconded by Director Giddens and, upon vote, unanimously carried, the Board approved the agenda, as amended to move Item I.E. to the end of the meeting and adding Item III.C. to "Discuss Annual Meeting Requirements".

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

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 District's website as the 24-hour posting location.

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

Sue Harmon: Commented on the Barn fob/pass usage by a contractor on October 18, 2023 at 9:00 a.m. during a Safety and Security Meeting. It was noted that a member of the Committee spoke to Ashley about this particular concern. Ashley told the committee member that this man is a contractor for the pool and that "The District" approved him to have a fob. Ashley also stated she provides fobs to other contractors who come to work in the Barn during hours she is not present. This also has "District" approval.

Mark Davis: Discussed Proposition HH and upcoming election issues.

Julie Parker: Commented on safety in the neighborhood and notices of registered sex offenders in The Retreat. She noted that the State says we are to receive notice when a sex offender moves into the neighborhood. To her knowledge, this never occurred. Questions to consider are 1) How will neighbors be notified in the future? 2) Will anything be done to monitor the number of sex offenders moving here?

Virginia Beteille-Hock: Asked whether there is an update as to when there will be lights from Braemore to Syre for walkers at night and at the gated entrances into The Retreat. How does the Board plan to monitor that Brightview doesn't 'pad' its budget with \$50,000 that they said that they will absorb for their landscaping errors?

Terry Spears: Dublin Gate Entry: water drainage and broken sprinklers, improper maintenance, landscape damage due to the water on level ground, sidewalk (concrete) damage (due to the water), construction traffic, emergency entrance sign. There are also pigeon problems.

Alice Bolton: Understands that Ashley may need to hand out fobs, but she feels that the Board should be made aware of who has been given fobs.

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Minutes from the September 21, 2023 regular Board meeting:

Following review, upon a motion duly made by Director Niemi, seconded by Director Hubert and, upon vote, unanimously carried, the Board approved the minutes from the September 21, 2023 regular Board meeting.

FINANCIAL
MATTERS

September 30, 2023 Financial Statements: Mr. Lange reviewed the Financial Statements with the Board. Following discussion, upon a motion duly made by Director Hubert, seconded by Director Niemi and, upon vote, unanimously carried, the Board accepted the September 30, 2023 Financial Statements.

August 31, 2023 Special Revenue Fund Financial from Banning Lewis Ranch MD No. 1: Not discussed.

2024 Budget Requests: Discussion ensued regarding the OakwoodLife event budget and costs, special projects for 2024 and the District No. 1 draft budget.

LEGAL MATTERS

Update regarding status of litigation: There was no update.

Cooperation Committee Meeting: Attorney Mielke discussed the purpose and opportunity for the Cooperation Committee, including the plan for the landscape maintenance bid package for 2024. District No. 5 will provide a list of suggestions and feedback to District No. 1.

Annual Meeting Requirements: Attorney Mielke reviewed the annual meeting requirements, to be held via a separate meeting immediately before the budget hearing meeting.

MANAGER
MATTERS

Ms. Baptist confirmed the irrigation blow-outs are beginning and the age audit is in progress.

DIRECTOR
MATTERS

Committee Updates: New Chairs of the Committees will be appointed at the next meeting.

Facilities Committee Updates: Director Niemi discussed the pool/spa, sidewalk repairs and maintenance policies.

The Brightview contract is in the process of being rebid to allow bids from other landscaping companies for District No. 1 as the landscaper and snow removal for The Retreat. A decision is scheduled after January 1, 2024 as to whether or not a new landscaper is engaged. The repairs and maintenance for the landscaping and maintenance is going very well. Residents should

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contact Director Niemi with any problems, including pictures which will be submitted to Josh Miller. Director Niemi is submitting the information to Mr. Miller, and since Brightview knows their contract is being reexamined, they are taking care of matters promptly, sometimes even within the same day. The Board requested residents not contact CLA directly because they charge approximately \$50 in fifteen-minute increments for every phone call or email submitted. The budget for the District Manager expenses from District No. 5 has gone from \$80,000 in 2023 to \$115,000 in 2024. The Board noted that costs may be reduced if residents contact board members directly. It is Director Niemi's understanding that all the water has been turned off this year, and she agreed verify this information in preparation for the next board meeting. District No. 5 is in negotiations with Mr. Miller and Mr. Garmong to decide which sidewalks will be redone and/or repaired. The District No. 5 Board has approved installing a fob on the back side of The Barn at the beginning of 2024. The pool has been covered and will remain covered until May, 2024, but there are still problems with the outdoor jacuzzi in the pool area. OakwoodLife has been unable to find a contractor to clean and maintain the chemicals in the jacuzzi. Director Niemi recommended not using the jacuzzi if the water is discolored, green, or cold as there may be harmful bacteria in the water. District No. 5 has ordered rules and regulation for usage of the dog run. District No. 5 has put together a schedule for maintenance with ColoradoScapes for power washing and snow removal on the pickle ball courts. At the beginning of the year, gates will be installed at the pickle ball courts. The gates will be locked after hours and during icy or snowy conditions. No one will be allowed on the courts except residents, friends and family of Retreat residents. The Board approved a \$2,500 budget amount to pay for a portion of the construction and installation of the practice backboard on the pickle ball court.

OakwoodLife Committee: Director Hubert presented the following: Event budget considerations, front desk staffing issues, new signage, and website as an information hub.

Director Hubert noted signage is being ordered by Ms. Baptist for a pedestrian fence entrance, traffic gates, and the Barn front door. They will look like some of the recent signs up in the dog park and on the pickle ball court. "Pool Closed" signs were also suggested. Front desk staffing was again brought to board members' attention many times during the past two weeks. There was no front desk personnel in the building, no greeter, and no floor attendant.

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Privacy curtain in the ladies' shower room was again brought to the Board's attention. To date, there has been no action taken. The committee would like to conduct a study as to the total capacity of the fob system and possible interface with the security system. A long-standing request has been better lighting at both the Dublin gate and the main gate of The Retreat. There has been a request for a suggestion box on TheRetreatBB.us website for resident comments and concerns. The committee has not created a rating system for OakwoodLife's performance. At the moment the contract has been renewed. The committee will be seeking advice from District No. 1 as to how they measure performance by the OakwoodLife contractor. Having a qualified staff on duty as scheduled as well as per contract would be a good start.

Safety and Security Committee: Director Westberg presented the following: Reflective tape is to be added at the vehicle and pedestrian gates, age-assistance course/Q&A's.

Ms. Baptist advised she is looking into reflective tape for all gates and steps at The Barn as well as lighting at all the gates. Bob Burnett created a Power Point presentation that the committee would like to present to all who may be interested ~ 2 one-hour sessions have been proposed. Director Niemi mentioned having information from New Balance Studio presented. Fencing has been extended south. Director Westberg also noted recently scammers are attempting to join The Retreat Facebook page. In order to be on The Retreat Facebook page there are questions that must be answered correctly. The administrators work diligently to keep The Retreat Facebook page safe and restricted to residents.

Finance Committee: No update.

Communications Committee: Director Giddens presented the following: There is a board in the mail room for community site postings and encouraging additional resident participation.

Check The Retreat BB bulletin board in the mailroom (between the door and the window inside the mailroom). The communication committee continues to follow-up with adding residents to the BB website. We have also started marking non-responses to the recent letter as inactive. That being said, anyone who is not on the website or is marked inactive can be activated by contacting Jeanette O'Brien (lsjobrien6354@yahoo.com) or Director Giddens (ktgiddens9109@yahoo.com). In addition, the BB website (under Rollie's leadership) continues to evolve and

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expand. This month there is a significant expansion to the Resident Group web pages. There is also a new item ~ **Offering** (willing to do dog walking, rides to airport, or selling an item etc.), **Seeking** (looking for an item or service), and **Want-Ads** (services or items you are seeking to sell or buy) set of web pages and the new Neighborhood Block web pages (membership determined by household plus all the features for resident groups). Coming next month ~ watch for the option to post business cards for yourself and for outside businesses that you recommend and support. The committee for the Retreat BB website welcomes other residents to join to help shape the website going forward.

OTHER BUSINESS

Consider appointment to Board Vacancy and Election of Officers:

Director Westberg announced her resignation from the Board. Following her resignation and further discussion by the Board, and upon a motion duly made by Director Hubert, seconded by Director Niemi and, upon vote, unanimously carried, the Board appointed J. Larson to fill the vacancy for the seat/term expiring in 2025 and Steve Langer to fill the vacancy for the seat/term expiring in 2027. Election of officers was tabled.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Hubert, seconded by Director Niemi, the Board adjourned the meeting at 10:38 a.m.

Respectfully submitted,

By Kathryn Middens
Secretary for the Board