

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
APRIL 20, 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, April 20, 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

Also, In Attendance Were:

Krista Baptist, Korben Heim and Rob Lange; CliftonLarsonAllen, LLP
("CLA")
Colin Mielke, Esq.; Seter & Vander Wall, PC
Tim Hogan, Cindy Hogan, Arn Wiens, Heidi Wiens, Margaret Mecca,
Darlene Fletcher, Mark Davis, Velma Hendrickson, Loretta Pennie,
David Nagel, Kevin Bradley, John DeLuca, Darlene DeLuca, Dave
Knutson, Bonnie Knutson, Jerry Cohen, Chris Grajek, Sherri Pierson,
Jan Cass, Jeanette O'Brien, Butch Pemberton, Kathy Pemberton,
George Smith, Deb Nussdorfer, Michele Burnett, Anthony Wolf,
Lillian Rigdon, Esther McGehee, Dan Akerhielm, Tony Gonzalez,
Laura Minardi, Susan Separk, Wharton Separk, Loren Gallop, Sherri
Parrish, Karen Green, Priscilla Davies; Members of the Public s

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 Westberg 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

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as the 24-hour posting location.

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

Speaker X.

- 1) What is the timeline for completing the paved bike trail system in BLR?
- 2) What is the timeline for the Stetson Hills Blvd. to be extended into BLR?
- 3) When will the black fencing be repaired on our properties? Our one year is coming up soon, and I would like these replacements done soon.
- 4) Will the pool/spa at the Retreat be open this summer?
- 5) When will the ADA openers be installed at the Barn?
- 6) When will the events center divider be installed?

Butch Pemberton

- 1) Let me begin by saying Thank You to all the Metro District 5 Board members for all the hard work and long hours you put in working to make our community a quality place to live. I think it is important that the residents understand that the Metro District 5 Board is a messenger to Metro District 1 with zero power to make decisions or make changes to how our community is run. Those powers are all vested in the Metro District 1 Board of Directors that consists entirely of Oakwood Homes employees. We residents can come to the meetings and voice our concerns but will continue to see no action taken as evidenced by the following example:
- 2) Eleven months ago, I addressed two safety issues concerning our community. The first being the capabilities of Emergency responders being able to gain quick access to the community using the siren activation of the entrance gates. I asked how often the system was tested and if the results of the testing could be posted so the residents could have some semblance of comfort knowing that emergency responders would not be delayed when responding. Later that month Ashley reported that the system was tested and performed to standard, and then nothing following that test. Three months ago, a resident who lives nearby an access gate posted on Facebook that on two occasions within one week they had to assist Emergency responders access that community. There are now additional means of access provided to emergency responders in the event that the siren activation fails, but these measures involve time when seconds count in saving the life of a loved one. The second issue was posting along the curb area the street house addresses of homes located in the rear of common use driveways. House numbers are not visible at night from the street, Again, Emergency responders spend time searching

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for homes that may be in the rear area of common driveways, even if they know that community has this set up.

3) The failure of OakwoodLife to provide monthly activity accounting statements that are required by contract with Metro District 1 to be posted on the OakwoodLife Website (that does not currently exist) for resident information. This is the only way we as a community can have knowledge of how our dues are being used for the betterment of the entire community, not just a select few. OakwoodLife is managed by Kelly Leid, who is an Oakwood Homes employee who has failed to comply with numerous contract requirements in the past so we as a community must understand that Metro District 1 will not hold him responsible or accountable to perform to the standards of the contract.

Kevin Bradley

1) Dogs in the barn ~ where did this policy come from ~ Utah or Aurora? Dogs are allowed in Lowe's, Home Depot, and Scheels, I can carry a side arm into the barn to pick up my mail, but my dog has to stay at home. Where's the logic? Do we have an option to pick-up our mail outside?

2) March 29, 3-8 PM ~ Private party in the movement room: a) Oakwood sales used the room not allowing resident's to use the facility.

3) CLA ~ In March I asked for the biographies of the CLA staff that works with the MD 5 board, but as of yet that information has not been provided.

4) Spin bikes ~ reported to Ashley and Crystal as broken in January and still not repaired as of April. Doing my own research, I learned that new parts are not available. We might be waiting a long time to find used parts.

5) What is the timeline for completion of the bike path?

6) Regarding the dog park ~ Bright view has not emptied the waste containers or garbage cans in at least two weeks.

Mark Davis

1) regarding right turn from the Retreat on to Dublin Blvd.

2) noted that might take a special assessment to create a left turn lane.

3) provided reasons not to have dogs in the mail room.

4) noted that Lowe's and Home Depot have signs that say dogs aren't allowed in the store, but people ignore them.

Tony Gonzalez

1) provided comments about dogs in the mail room.

2) provided comments about the left turn lane discussion noting that it might be a line of sight issue for safety.

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Jane Larson

1) Logged on to BLR website to view minutes and noted that March and April are coming soon. It was explained that the minutes from the March meeting have to be approved at the April meeting before they can be posted on the website.

Minutes from the March 16, 2023 Special Board Meeting:

Following review, upon a motion duly made by Director Cass, seconded by Director Niemi and, upon vote, unanimously carried, the Board approved the Minutes from the March 16, 2023 special Board meeting, as presented.

**FINANCIAL
MATTERS**

March 31, 2023 Unaudited Financial Statements District No. 5: Mr. Lange reviewed the March 31, 2023 Unaudited Financial Statements with the Board.

The Board noted that the last OakwoodLife detail provided was in January. The Board requested OakwoodLife provide details for the months of February and March and continue to provide monthly updates moving forward. The Board also noted that there was a full labor charge on the invoice in January from OakwoodLife even though the contract didn't begin until later in January. Director Cass requested a face-to-face meeting on the matter.

Discussion ensued regarding debt service funds and payment of bonds.

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 March 31, 2023 Unaudited Financial Statements.

Previous and Current 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 current claims and ratified approval of previous claims.

Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of February 28, 2023:

Mr. Lange reviewed the Special Revenue Fund Balance Sheet and the Special Revenue Fund Statement of Activities as of February 28, 2023 with the Board. Discussion ensued regarding the allocation process, various contracted costs, cash policy for OakwoodLife, the election and Designated Election Official ("DEO") costs and invoicing and, various other budget items. Director Cass noted an ongoing discussion with

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legal for options on requesting renegotiation of facilities agreement with Banning Lewis Ranch Metropolitan District No. 1.

LEGAL MATTERS

Attorney Mielke provided an update to the Board regarding the litigation related to the Barn construction and requested that the Directors inform legal counsel of any incomplete or below standard items.

MANAGER MATTERS

Ms. Baptist informed the Board that the Handbook will be addressed at the next Banning Lewis Ranch Metropolitan District No. 1 Board meeting.

Ms. Baptist informed the Board that review was continuing regarding the annual budget for OakwoodLife that was indicated to have been submitted for the Cooperation Committee in 2022.

Ms. Baptist addressed the Warranty Walk for the Barn on April 24, 2023 and noted that Director Niemi will participate to give a District No. 5 Facilities Committee perspective.

Director Cass noted that there has been a lot of dog waste accumulating around the community.

DIRECTOR MATTERS

Budget Request Procedure: Director Cass detailed the purpose and intent of procedure, noting that the Budget Committee works with the requesting party to determine feasibility and direction. The Budget Committee then provides recommendation to the Board at a future Board meeting.

Following review and discussion, upon a motion duly made by Director Cass, seconded by Director Niemi and, upon vote, unanimously carried, the Board approved the budget request procedure, as presented.

Committee Updates:

Finance Committee: Director Cass provided an update to the Board regarding the 2022 Budget amendment for Banning Lewis Ranch Metropolitan District No. 1 and inquired about what the OakwoodLife contract allows them to pay for. No action was taken.

Communications Committee: Director Giddens provided an update to the Board regarding the status of all residents being in the data base and the ongoing work to determine this. Director Giddens also informed the Board that if residents let the

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Communications Committee know that they do not want to be included the Committee will stop sending them follow ups and reminder.

Flyers detailing how to sign up for the website are being made and will be available at upcoming events. There is now a Bulletin Board in the mailroom with information for residents about the Communication Committee initiatives.

It was noted that the Communications Committee is looking for volunteers with computer experience.

OakwoodLife Committee: Director Hubert informed the Board that a volunteer is interested in making a matrix for issue tracking. The Board will follow up on the proposal. No action taken.

Discussion ensued regarding the access issue to the Barn and it was noted that some members of the public were requesting that the Barn be opened and unlocked from 8:00 a.m. to 5:00 p.m. or 9:00 a.m. to 5:00 p.m. Several issues regarding use of the Barn by grandchildren, issues with dogs and parking issues were also discussed by the Board.

Facilities Committee: Director Niemi noted that the Facilities Committee is working on documenting street and sidewalk issues with corresponding addresses.

Director Niemi provided an update to the Board regarding the bocce and pickleball courts. It was noted that contracts have been signed and work will begin once temperatures have reached a low of fifty-five degrees Fahrenheit.

It was noted that the Facilities Committee is requesting volunteers who have computer expertise.

The committee has completed the Barns item inventory.

Director Cass requested more information regarding when bike items needing maintenance were submitted, by who and to what company. No action was taken.

OTHER BUSINESS

The Board discussed Oakwood meeting and rental of space in the Barn, the dog park signage and cleanup.

ADJOURNMENT

There being no further business to come before the Board at this time,

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Director Cass adjourned the meeting at 10:54 a.m.

Respectfully submitted,

By Kathryn Hiddens
Secretary for the Board