

# RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF  
THE CONSOLIDATED BELL MOUNTAIN RANCH  
METROPOLITAN DISTRICT  
(THE "DISTRICT")

HELD  
DECEMBER 5, 2023

A regular meeting of the Board of Directors ("Board") of the Consolidated Bell Mountain Ranch Metropolitan District ("Metro District") was convened on Tuesday, December 5, 2023 at 6:00 p.m. at Lowell Ranch, 2330 S. I-25, East Frontage Road, Castle Rock, CO 80104.

## ATTENDANCE

### Directors In Attendance Were:

Russell Grant, President  
Steve Vrabel, Vice President  
Jeanne Dassel, Assistant Secretary/Treasurer  
John Booth, Assistant Secretary/Treasurer  
Jay Smith, Secretary/Treasurer

### Also, In Attendance Were:

Nic Carlson & Korben Heim; CliftonLarsonAllen LLP  
Tim Flynn; Collins Cole Flynn Winn & Ulmer, PLLC  
Gwen Kalvelage, 3983 Bell Mountain Drive

I. CALL TO ORDER Director Grant called the meeting to order at 6:00 p.m.

II. DECLARATION OF QUORUM/ **Disclosure of Conflicts:** Upon polling, no Conflict-of-Interest Disclosures were stated by any of the Directors.

### DIRECTOR

**Quorum and Location of Meeting:** A quorum and location of meeting was confirmed. Upon a motion duly made by Director Dassel, seconded by Director Vrabel and, upon vote, unanimously carried, the Board excused the absence of Director Booth.

### QUALIFICATIONS/POTENTIAL CONFLICTS OF INTEREST

III. APPROVAL OF AGENDA Upon a motion duly made by Director Vrabel, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Agenda as amended to change item VII-D to discussion only and the addition of IX-A as Executive Session to receive legal advice regarding debt collection.

### IV. COMMUNITY COMMENTS

None.

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### V. APM MONTHLY REPORT

Mr. McKillip provided an update to the Board. Discussion ensued regarding ditch repairs and the coordination with property owners.

It was noted that the road base material recently distributed does not match the material previously used. Mr McKillip explained that the vendor, Martin Marietta, has changed their mix composition. Mr McKillip will work with the vendor to see if there is a mix closer to the old mix composition and he will seek credit for the differing mix load that was delivered.

A discussion regarding developing a master plan for drainage ditch repairs and repairs needed for horse trails ensued. Director Smith will develop a plan for drainage ditch repairs. Director Dassel will be involved in developing a plan for equestrian trails. Although a formal agreement between the District and the Equestrian Center has not yet been established, the plan is for APM to maintain the horse trails in 2024. APM was requested to provide a proposal for maintaining the the horse trails in 2024.

A discussion regarding dumping fill dirt at the Park ensued. APM was directed to smooth out the piles of fill dirt at the northeast corner of the Park. No additional dirt should be dumped at the Park, except for APM spoils generated on BMR. APM is to post new signage at that location stating "No Dumping"

Due to the Fire Mitigation/ Fuel break project, it is difficult to now ascertain the trail routing for the Ed Young and Sunset Ridge trails, although if the Trail APP is used, the routing can easily be followed. Additional trail markers need to be obtained and placed on the trails so that the trails can be followed without the assistance of the Trail APP. Director Grant will order new trails signs. In the meantime, portions of the two trails should be temporarily closed until they can be properly marked.

### VI. MANAGERS REPORT/ADMINISTRATIVE MATTERS

**A. Review and Consider Approval of the Minutes of October 3, 2023 Regular Meeting:** Following review and discussion, upon a motion duly made by Director Dassel, seconded by Director Booth and, upon vote, unanimously carried, the Board approved the November 7, 2023 Regular Meeting Minutes, as amended with edits.

### VII. FINANCIAL MATTERS

**A. Review and Consider Approval of Claims Report/Check Register for November 30, 2023 Totaling \$61,758.27, Including Water Fund Costs and an additional claims report totaling \$20,780.00:** The Board presented questions regarding Director Fees. Following review and discussion, upon a motion duly made by Director Vrael, seconded by Director Dassel and, upon vote, unanimously carried,

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the Board approved the claims report/check register dated November 30, 2023 totaling \$61,758.27 and \$20,780.00 as presented.

**B. Review and Accept October 31, 2023 Unaudited Financial Statements:** Upon a motion duly made by Director Dassel, seconded by Director Booth and, upon vote, unanimously carried, the Board accepted the October 31, 2023 Unaudited Financial Statements, as presented.

**C. Review and Accept Cash Position Schedule as of December 2023:** Following review and discussion, upon a motion duly made by Director Dassel, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the Cash Position Schedule as of December 2023, as presented.

**D. Discussion Regarding the Proposed 2024 Budget:** The Public Hearing for the 2024 Budget was conducted at the 7 November Metro District meeting. The Board and consultants discussed the proposed 2024 Budget. It was noted that the State of Colorado Legislature has changed the budget deadlines as follows:

- Assessor certifies final valuation of property to local governments: 3 Jan 2024.
- Adopt the 2024 budget and certify mill levies: 10 Jan 2024.

The Board deferred action on the District's budget resolutions until the January 2, 2024 meeting.

### VIII. DIRECTOR DISCUSSION- ACTION

**A. Update on Fire Mitigation Project- Michael Mysliwicz:** Director Grant provided an update to the Board. Dove Creek Forestry is working along the Ed Young trail and is about 24% complete with the total project. Twenty acres out of 83 acres has been cleared. The contractor will be moving to the Sunset Ridge trail around 18 Dec 2023.

**B. Update on BMR-TCR Water Main Connector – Director Grant:** Director Grant provided an update noting that the new water storage tank is complete and has been tested. He stated the pipeline is complete, except for the tie-in to the Crystal Valley water line, which is not yet complete. The packaged booster pump has been installed and all connections have been made at the station. The water line should be operational by the end of March 2024, after all final inspections and acceptance by Douglas County and the State have been completed.

**C. Update on Comcast Fiber Installation – Director Booth:** Director Booth provided an update to the Board stating that the last segment of the underground flexible conduit is underway, between Chandell Rd and Bell Mountain Drive. Final landscaping of the disturbed earth will be completed after installation of the utility vaults. Installation of the new fiber cable in the conduit has not yet been scheduled.

**D. Acquisition of the Electronic BMR Trail Application and Potential Fence Maintenance Repair– Director Dassel:** Director Dassel provided an update noting difficulty in contacting prior ownership of the Equestrian Center to transfer ownership

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of the BMR Trail APP to the District pursuant to the executed Cancellation Agreement. The District is in the process of obtaining an APP developer to maintain the software. Director Booth is assisting in this process and continuing efforts will be made to contact prior ownership.

Director Dassel shared that in her discussions with the new owners of the BMREC, that there are several issues that need to be addressed in more depth. She does not feel that any real progress on the trail access issues has been made, but will continue the conversations and report on progress to all Directors when it occurs.

**E. Update on Roadside Drainage and Road Shoulder Repairs – Director Smith:**

Director Smith updated the Board stating this topic was covered in the APM report regarding the hillside/ditch repairs. He has received County feedback to fix beams and re-seed the parcel and noted that the damage caused by channeling of drainage downhill has yet to be addressed. Director Smith will file a claim for damage repair to the County.

**F. Other Director Matters:** None.

**IX. ATTORNEY  
MATTERS**

**A. Executive Session, if necessary, Pursuant to Section 24-6-402(4)(e) C.R.S. for the purpose of receiving legal advice regarding debt collection:** Upon a motion duly made by Director Dassel, seconded by Director Vrabel and, upon vote, unanimously carried, the Board entered into Executive Session at 8:01 p.m.

Upon a motion duly made by Director Dassel, seconded by Director Vrabel and, upon vote, unanimously carried, the Board adjourned out of Executive Session at 8:13 p.m.

No action was taken.

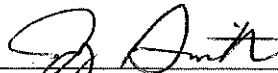
**X. OTHER**

**A. Confirm Quorum for January 2, 2024 Board Meeting:** The Board confirmed that a quorum should be available for the January Board meeting.

**XI. ADJOURNMENT**

There being no further business to come before the Board at this time, Director Grant adjourned the meeting at 8:14 p.m.

Respectfully submitted,

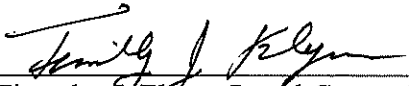
  
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Secretary for the Meeting

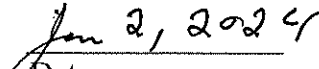
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### ATTORNEY'S STATEMENT

Pursuant to Section 24-6-402(2)(d.5)II(B) C.R.S., I Timothy J. Flynn, attest that I am the attorney for the Consolidated Bell Mountain Ranch Metropolitan District and that I was present at the time the Board convened an Executive Session on Tuesday, December 5, 2023 at approximately 8:01 p.m. for the purpose of obtaining legal advice from counsel regarding debt collection matters. I further attest that the Executive Session was not recorded because it constituted a privileged attorney/client communication. The Board did not adopt any policy, rule, regulation, or take any formal action during the Executive Session.

  
\_\_\_\_\_  
Timothy J. Flynn, Legal Counsel

  
\_\_\_\_\_  
Date