

**CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN
DISTRICT 8390 E. CRESCENT PKWY., STE. 300
GREENWOOD VILLAGE, CO
80111 Phone: 303-779-5710 Fax:
303-779-0348
www.BMRmetro.org**

NOTICE OF REGULAR MEETING AND AGENDA

DATE: Tuesday, January 2, 2024
TIME: 6:00 p.m.
PLACE: Lowell Ranch
2330 S. I-25, East Frontage Road
Castle Rock, CO 80104

<u>Board of Directors</u>	<u>Office</u>	<u>Term Expires</u>
Russell Grant	President	May 2025
Steve Vrabel	Vice President	May 2025
Jay Smith	Secretary/Treasurer	May 2027
Jeanne Dassel	Assistant Secretary/Treasurer	May 2025
John Booth	Assistant Secretary/Treasurer	May 2025

- I. CALL TO ORDER**
- II. DECLARATION OF QUORUM / DIRECTOR QUALIFICATIONS / DISCLOSURE OF CONFLICTS**
 - A. Present disclosures of potential conflicts of interest.
 - B. Confirm quorum and location of meeting.
- III. APPROVAL OF AGENDA**
- IV. COMMUNITY COMMENTS**
 - A. Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.
- V. APM MONTHLY REPORT – John McKillip, Jr.**
- VI. MANAGER’S REPORT / ADMINISTRATIVE MATTERS**

- A. Review and Consider Approval of the Minutes of December 5, 2023 Regular Meeting (enclosure).

VII. FINANCIAL MATTERS

- A. Review and Consider acceptance of the Bill.com claims report for December 2023 Totaling \$124,266.10 including water fund costs (enclosure).
- B. Review and Accept Cash Position Schedule as of December 2023 (to be distributed).
- C. Consider Approval of 2024 Proposed Budget and Adoption of Resolution to Adopt 2024 Budget (enclosure).

VIII. DIRECTOR DISCUSSION – ACTION

- A. Update on Fire Mitigation Project – Michael Mysliwicz
- B. Update on BMR-TCR Water Main Connector – Director Grant.
- C. Update on Comcast Fiber Installation – Director Booth.
- D. Acquisition of the electronic BMR Trail Application – Director Dassel.
- E. Update on Roadside Drainage and Road Shoulder Repairs – Director Smith.
- F. School bus parking signs on Autumn Sun Circle – Director Vrael.
- G. Road repairs at 3891 Windchant Circle – Director Vrael.
- H. Other Director Matters.

IX. ATTORNEY MATTERS

X. OTHER BUSINESS

- A. Confirm Quorum for February 6, 2024 Board Meeting.

XI. ADJOURNMENT

The next regular meeting is scheduled for December 5, 2023

RECORD OF PROCEEDINGS

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 QUALIFICATIONS/ **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.

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.

RECORD OF PROCEEDINGS

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 Vlabel, seconded by Director Dassel and, upon vote, unanimously carried,

RECORD OF PROCEEDINGS

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

RECORD OF PROCEEDINGS

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 Vrael 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 Vrael 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,

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

Account	PO/Cont	Check #	Invoice	Date	Date Paid	Description	Amount
10-000-06300	0	5832	3985489	11/29/2023	12/29/2023	11 District Mgmt	4,013.63
**** TOTAL **** Clifton Larson Allen, LLP							4,013.63
10-000-06570	0	5833	40555	12/20/2023	12/29/2023	11 - 12 Bathrooms	520.00
10-000-06600	0	5833	40556	12/18/2023	12/29/2023	11 & 12 Snow removal	3,735.00
10-000-06570	0	5833	40558	12/18/2023	12/29/2023	11 General cleanup	510.00
10-000-06550	0	5833	40559	12/18/2023	12/29/2023	11 Street/Shoulder maint	4,421.08
20-000-06575	0	5833	40560	12/18/2023	12/29/2023	Sign project	9,199.05
10-000-06550	0	5833	40561	12/18/2023	12/29/2023	11 Street/Shoulder maint	4,110.00
10-000-06551	0	5833	40562	12/18/2023	12/29/2023	11 Inspection/Drive aroun	1,870.00
10-000-06570	0	5833	40564	12/20/2023	12/29/2023	11 work dirt piles	1,300.00
**** TOTAL **** Advanced Property Maintenance							25,665.13
10-000-06340	0	5834	11 07 23	11/07/2023	12/29/2023	11/7 General Election cos	1,504.88
**** TOTAL **** Douglas County Clerk & Recorder							1,504.88
10-000-06100	0	5835	36897	11/30/2023	12/29/2023	11 Accounting	3,305.33
**** TOTAL **** Simmons & Wheeler							3,305.33
40-000-06455	0	5836	12 08 23	12/08/2023	12/29/2023	11 Water Legal	145.00
**** TOTAL **** Johnson & Repucci, LLP							145.00
10-000-06450	0	5837	4857	12/07/2023	12/29/2023	11 Legal	2,481.25
40-000-06450	0	5837	4857	12/07/2023	12/29/2023	11 Legal (Water)	280.75
**** TOTAL **** Collins Cole Flynn Winn & Ulmer, PL							2,762.00
10-000-06576	0	5838	12 06 23 3	12/06/2023	12/29/2023	11 Water (Park)	98.38
10-000-06576	0	5838	12 06 23 3	12/06/2023	12/29/2023	11 Water (Common Area)	326.75
**** TOTAL **** Castle Rock Water							425.13
40-000-08157	0	5839	0073924-IN	02/09/2023	12/29/2023	02/09 Waste Water Hauling	1,878.00
40-000-08157	0	5839	0074192-IN	02/13/2023	12/29/2023	02/13 Waste Water Hauling	939.00
40-000-08157	0	5839	0081167-IN	05/31/2023	12/29/2023	05/25 Waste Water Hauling	508.00
**** TOTAL **** Mc Donald Farms Enterprises, Inc							3,325.00
20-000-01400	0	5840	146043	12/08/2023	12/29/2023	Fire Mitigation - AR Coun	5,195.00
20-000-01400	0	5840	146043	12/08/2023	12/29/2023	Fire Mitigation -AR State	10,390.00
20-000-06574	0	5840	146043	12/08/2023	12/29/2023	Fire Mitigation Project/E	5,195.00
20-000-01400	0	5840	146045	12/14/2023	12/29/2023	Fire Mitigation -AR State	20,780.00
20-000-06574	0	5840	146045	12/14/2023	12/29/2023	Fire Mitigation Project/E	10,390.00
20-000-01400	0	5840	146045	12/14/2023	12/29/2023	Fire Mitigation - AR Coun	10,390.00
20-000-01400	0	5840	146049	12/19/2023	12/29/2023	Fire Mitigation -AR State	10,390.00
20-000-01400	0	5840	146049	12/19/2023	12/29/2023	Fire Mitigation - AR Coun	5,195.00
20-000-06574	0	5840	146049	12/19/2023	12/29/2023	Fire Mitigation Project/E	5,195.00
**** TOTAL **** Dove Creek Forestry Inc							83,120.00

*** GRAND TOTAL ***

9 124,266.10

RESOLUTION 2023-11-1

CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT
DOUGLAS COUNTY, COLORADO

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT, DOUGLAS COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2024, AND ENDING ON THE LAST DAY OF DECEMBER, 2024

WHEREAS, the Board of Directors (“Board”) of Consolidated Bell Mountain Ranch Metropolitan District (the “District”) appointed a Budget Officer to prepare and submit a proposed 2024 budget to the Board at the proper time; and

WHEREAS, the Budget Officer submitted a proposed budget to the Board on or before October 15, 2023 for its consideration; and

WHEREAS, upon due and proper notice published on October 12, 2023 in the *Douglas County News-Press* in accordance with the law, said proposed budget was open for inspection by the public at the offices of CliftonLarsonAllen, LLP, located at 8390 E. Crescent Parkway, Suite 300, Greenwood Village, Colorado, and interested electors of the District were given the opportunity to file or register any objections to the proposed budget; and a public hearing was held on November 7, 2023, at 6:00 p.m., at Lowell Ranch, 2330 South I-25, Castle Rock, CO 80104; and

WHEREAS, the proposed budget has been prepared to comply with all terms, limitations and exemptions, including but not limited to reserve transfers and expenditure exemptions, under Article X, Section 20, of the Colorado Constitution and other laws and or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or were planned to be expended from reserve fund balances so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Directors of the Consolidated Bell Mountain Ranch Metropolitan District, Douglas County, Colorado as follows:

Section 1. That the estimated expenditures for each fund for the calendar year beginning on the 1st day of January 2024, and ending on the last day of December 2024, are as follows:

General Fund	\$ 702,197
Capital Project's Fund	\$ 11,500
Debt Service Fund	\$ 746,350
Water Service Fund	\$ <u>660,000</u>
Total Sums Appropriated	\$2,120,047

Section 2. That the estimated revenues for each fund for the calendar year beginning on the 1st day of January, 2024 and ending on the last day of December 2024 are as follows:

General Fund	
From 2023 year-end fund balance	\$ 82,197
From sources other than general property tax	\$ 120,000
From the general property tax levy	\$ <u>500,000</u>
Total General Fund	\$ 702,197
Capital Project's Fund	
From 2023 year-end fund balance	\$ 335,530
From sources other than general property tax	\$ 13,000
From the general property tax levy	\$ <u>0</u>
Total Capital Project's Fund	\$ 348,530
Debt Service Fund	
From 2023 year-end fund balance	\$ 448,171
From sources other than general property tax	\$ 35,000
From the general property tax levy	\$ <u>673,768</u>
Total Debt Service Fund	\$1,156,939
Water Service Fund	
From 2023 year-end fund balance	\$ 718,385
From sources other than general property tax	\$ 5,000
From the general property tax levy	\$ <u>0</u>
Total Water Service Fund	\$ <u>723,385</u>
Total Revenue – General Fund, Capital Project's Fund, Debt Service Fund, and Water Service Fund	\$2,931,051

Section 3. Subject to whatever changes may be necessary upon receipt of the final (December) Certification of Valuation from the County Assessor, the budget, as submitted, amended, and herein summarized by fund, is hereby approved and adopted as the budget of the Consolidated Bell Mountain Ranch Metropolitan District, for the 2024 calendar year, a copy of which is attached hereto as Exhibit A and shall be certified by the Treasurer, Secretary, Vice President, or President of the District to all appropriate agencies.

APPROVED AND ADOPTED on the 7th day of November, 2023.

CONSOLIDATED BELL MOUNTAIN
RANCH METROPOLITAN DISTRICT, a
quasi-municipal corporation and political
subdivision of the State of Colorado

By: _____
Russell J. Grant, Chairman

Attest:

Jay Smith, Secretary/Treasurer

SEAL

EXHIBIT A

**CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT
2024 BUDGET**

RESOLUTION 2023-11-2**CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT****DOUGLAS COUNTY, COLORADO**

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT, DOUGLAS COUNTY, COLORADO, FOR THE 2024 BUDGET YEAR

WHEREAS, the Board of Directors (“Board”) of Consolidated Bell Mountain Ranch Metropolitan District (“District”) adopted its budget for calendar year 2024 in accordance with the Local Government Budget Law, on November 7, 2023; and

WHEREAS, the Board of the District has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves or fund balances provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Consolidated Bell Mountain Ranch Metropolitan District, Douglas County, Colorado as follows:

Section 1. That the following sums are hereby appropriated from the revenue of the District to each fund for the purposes stated:

General Fund	\$ 702,197
Capital Project’s Fund	\$ 11,500
Debt Service Fund	\$ 746,350
Water Service Fund	<u>\$ 660,000</u>
Total Sums Appropriated	\$2,120,047

APPROVED AND ADOPTED on the 7th day of November, 2023.

CONSOLIDATED BELL MOUNTAIN
RANCH METROPOLITAN DISTRICT, a
quasi-municipal corporation and political
subdivision of the State of Colorado

By: _____
Russell J. Grant, Chairman

Attest:

Jay Smith, Secretary/Treasurer

SEAL

RESOLUTION 2023-11-3

CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT

DOUGLAS COUNTY, COLORADO

**A RESOLUTION LEVYING PROPERTY TAXES FOR YEAR 2023 FOR
COLLECTION IN 2024, TO HELP DEFRAY THE COSTS OF GOVERNMENT
FOR THE CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN
DISTRICT, DOUGLAS COUNTY, COLORADO,
FOR THE 2024 BUDGET YEAR**

WHEREAS, the Board of Directors (“Board”) of the Consolidated Bell Mountain Ranch Metropolitan District (“District”) has adopted the budget for 2024 in accordance with the Local Government Budget Law of Colorado, on November 7, 2023; and

WHEREAS, the amount of money necessary to balance the budget for general operating purposes from property tax revenue is \$500,000; and

WHEREAS, the amount of money necessary to balance the budget for debt service purposes from property tax revenue is \$673,768; and

WHEREAS, the 2023 valuation for assessment for the District, as certified by the Douglas County Assessor is \$29,945,640; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Consolidated Bell Mountain Ranch Metropolitan District, Douglas County, Colorado as follows:

Section 1. That for purposes of meeting all general operating expenses of the District during the 2024 budget year there is hereby levied a tax of 16.697 mills upon each dollar of the total valuation for assessment of all taxable property within the District to raise \$500,000 in revenue.

Section 2. That for the purpose of meeting all bond and interest payments of the District during the 2024 budget year, there is hereby levied a tax of 22.500 mills upon each dollar of the total valuation for assessment of all taxable property within the District to raise \$673,768 in revenue.

Section 3. That the Manager, Secretary, Treasurer, Vice President, or President of the District is hereby authorized and directed to immediately certify to the Board of County Commissioners of Douglas County, Colorado, the mill levies for the District as

hereinabove determined and set, or as adjusted, if necessary, upon receipt of the final (December) certification of valuation from the County Assessor in order to comply with any applicable revenue and other budgetary limitations.

APPROVED AND ADOPTED on the 7th day of November, 2023.

CONSOLIDATED BELL MOUNTAIN
RANCH METROPOLITAN DISTRICT, a
quasi-municipal corporation and political
subdivision of the State of Colorado

By: _____
Russell J. Grant, Chair

Attest:

Jay Smith, Secretary/Treasurer

SEAL