

RECORD OF PROCEEDINGS

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

HELD
APRIL 11, 2024

A special meeting of the Board of Directors ("Board") of the Consolidated Bell Mountain Ranch Metropolitan District ("Metro District") was convened on Thursday, April 11, 2024 at 6:00 p.m. at the Philip & Jerry Miller Library, 100 S. Wilcox Street, Castle Rock, CO 80104.

ATTENDANCE

Directors In Attendance Were:

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

Also, In Attendance Were:

Korben Heim; CliftonLarsonAllen LLP
Tim Flynn; Collins Cole Flynn Winn & Ulmer, PLLC
John McKillip; APM
Gwen Kalvelage; 3983 Bell Mountain Drive
Larry Lomison; 501 Chandelle Road
Jeff Wedgwood; 1520 King Mick Court
Molly Rowells; 1253 Rosewind Circle
Jack & Bev Shiker; 4424 Mariposa Road
Dan Foster; 4559 Mariposa Road

I. CALL TO ORDER Director Grant called the meeting to order at 6:12 p.m.

II. DECLARATION OF QUORUM/
DIRECTOR **Disclosure of Conflicts:** Upon polling, no Conflict-of-Interest Disclosure was required from any of the Directors.

QUALIFICATIONS/
POTENTIAL **Quorum and Location of Meeting:** A quorum and location of meeting was confirmed.
CONFLICTS OF
INTEREST

III. APPROVAL OF
AGENDA Upon a motion duly made by Director Vrabel, seconded by Director Booth and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

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IV. COMMUNITY COMMENTS

The public provided positive comments on APM's performance during the last snow event.

Mr. Wedgwood noted he is working on a summary of legal issues discussed at the joint Metro District/HOA study session meeting held on March 13, 2024. The HOA is planning a slash pickup event and will ensure they meet the Metro District rules and regulations.

V. APM MONTHLY REPORT

Mr. McKillip reported:

- a. Because there was high water consumption at the BMR front gate flower beds last year, it was believed that there could be a leak in the water line serving the front gate. When that water line was activated this year, a faulty pipe connection that was installed by the HOA contractor, American Design & Landscape, was discovered that caused the excessive water consumption. APM fixed the faulty connection. Mr. Wedgwood indicated that the HOA would discuss this issue with their contractor.
- b. Work is in progress regarding the repair items that were identified during their monthly "drive around" inspection.
- c. Mr. McKillip has started working on cost estimates for landscape work for homeowner hillside restorations and associated drainage ditch retrenching.
- d. Landscape cleanup at the front gate and the Community Park is in progress and the irrigation system for the Park is being put back in service.
- e. Knothead Tree and Lawn Care will be spraying the trees for insects at the front gate, Bell Mtn Pkwy median and Community Park.
- f. Discussion ensued regarding trail maintenance. There are some large repairs that need to be done on several trails. Some trail closures may be needed.

VI. MANAGERS REPORT/ADMINISTRATIVE MATTERS

A. Review and Consider Approval of the Minutes of March 5, 2024 Regular and March 13, 2024 Special Study Session Meeting: Director Vrabel stated he took issue with item VIII-G of the March 5 minutes as written. Following review and discussion, upon a motion duly made by Director Booth, seconded by Director Dassel carried, the Board approved with Director Vrabel opposing, the March 5, 2024 Regular Meeting and March 13, 2024 Special Study Session Meeting Minutes, as presented.

VII. FINANCIAL MATTERS

A. Review and Consider Approval of Claims Report/Check Register for March 2024 Totaling \$60,317.07, Including Water Fund Costs: Director Grant reviewed the claims with the Board. 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 claims report/check register dated March 2024 totaling \$60,317.07, as presented.

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B. Review and Accept February 29, 2024 Unaudited Financial Statements:

Director Grant reviewed the February 29, 2024 Unaudited Financial Statements with the Board. Following review, upon a motion duly made by Director Vrabel, seconded by Director Dassel and, upon vote, unanimously carried, the Board accepted the February 29, 2024 Unaudited Financial Statements, as presented.

C. Review and Accept Cash Position Schedule as of April 2024:

Director Grant reviewed the April 2024 Cash Position Schedule with the Board. Following review, upon a motion duly made by Director Vrabel, seconded by Director Dassel and, upon vote, unanimously carried, the Board accepted the Cash Position Schedule as of April 2024, as presented.

**VIII. DIRECTOR
DISCUSSION-
ACTION**

A. Update on Fire Mitigation Project-Director Grant: Director Grant stated that the reimbursements from the State and Douglas County are yet to be received; however, we hope to receive them by the end of the month.

B. Update on BMR-TCR Water Main Connector – Director Grant: Director Grant reported that the major construction for this project is complete; however, repair of the private driveway leading from the Cactus Rose cul-de-sac to the entrance of the access road leading to the water storage tanks is yet to be done.

C. Update on Relocation of Loop Road next to Community Park – Director Grant: Director Grant reported that he has been in contact with the homeowners of Lot 56 adjacent to the loop road and they are amenable to selling the sliver of their property that the loop road encroaches on. Mr. Flynn pointed out that acquiring an easement for the Metro District to use this property would be much easier than acquiring an actual sale of the land. If an easement can be negotiated, it will not be necessary to relocate the loop road. Director Grant will pursue acquiring an easement from the homeowners.

D. Discussion of Snow Plowing and damage to Mail Boxes – Director Vrabel:

Director Vrabel informed the Board that the posts upon which the mailboxes are installed are too small to sustain the impact from a large amount of snow thrown from a snowplow blade. Unless the HOA installs larger posts, we can expect that a few mailbox posts will be damaged every year due to snow removal operations.

E. Update on COMCAST Fiber Installation & Reclamation – Director Booth:

Director Booth stated that the new fiber cable and landscape reclamation is complete. We will see how the new seeding takes, but there are no outstanding issues right now.

F. Update on Acquisition of the Electronic BMR Trail Application – Director Booth:

Director Booth informed the Board this is moving along with some challenges requiring changes to application. He would like to revisit compensation with Sean Molloy in lieu of simply depending on “volunteer” effort. Discussion ensued regarding the App layer that exhibits property lines and the possibility of

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adding building zones to the App. Director Booth stated that there is a 30 April deadline for changes to be implemented on some elements of this application. Sean is confident that he can meet the 30 April deadline to make the necessary modifications for the App.

G. New Form for Requests by Residents for Metro Approval – Director Booth:

Director Booth presented a CBMRMD Homeowner "C" Zone Modification Request Form for approval. Upon a motion duly made by Director Dassel, seconded by Director Vrabel and, upon vote, unanimously carried, the Board approved the form with the provision that Attorney Flynn's comments would be incorporated in the verbiage contained in the block preceding the homeowner's signature.

Director Booth presented a Homeowner Modification Request Form submitted by Chris & Sandra Sheets to execute a fire mitigation project at 4622 High Spring Rd. Upon a motion duly made by Director Dassel, seconded by Director Vrabel and, upon vote, unanimously carried, the Board approved the Request Form with the provision that Attorney Flynn's comments would be incorporated in the verbiage contained in the block preceding the homeowner's signature.

Director Grant discussed the HOA BMR Design Review Committee Improvement Request Form that includes a Block for Metro District approval for projects that include work in multiple building zones where both the HOA and the Metro District have jurisdiction and/or interest. Director Grant discussed the DRC Improvement Request Form submitted by Thomas and Laura Paton for a septic system repair/replacement at 4052 Serenade Road that would be installed in the "A" and "C" zones of the property. Director Grant had reviewed and approved the project documents "out of cycle" due to the urgency of the septic system repair/ replacement. The Board ratified the Metro Board approval. As a matter of normal approval procedure in the future when a homeowner request involves work in multiple building zones, the Metro District will approve the work necessary in the "C" zone using the CBMRMD approval form and attach it to the DRC form as the source document of the Metro District approval.

H. Develop Policy on Residents Mowing their POSPE (C-Zone) and Update Metro Rules:

It was noted that current rules do not allow mowing of C-Zone. Director Booth discussed his findings regarding native mowing and his interest in taking on a project to get guidance and possible drafting of a revised policy regarding this issue.

I. Update on Planning for Drainage Ditch and Homeowner Slope Restorations

– Director Smith: Director Smith reported that he has completed his initial survey of BMR to identify areas where hillside restorations are needed and locations where drainage ditches need to be retrenched. APM is in the process of preparing cost estimates for the identified work. Several letters of notification have already been sent to affected homeowners; several more are yet to be sent. Drainage ditches along

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walking paths will also be evaluated. Director Dassel brought up the fact that one resident wants to use rock for the work that needs to be done on his hillside restoration. Director Smith will take the homeowner's request under consideration. He stated that terracing/regrading will keep all rock restorations in place to prevent washouts.

J. Claim Filed with Douglas County for Reimbursement for Damages on Riva Rose Circle: Director Smith reported that the County has yet to respond regarding the claim that CBMRMD has submitted for reimbursement for damages caused by the washout from the County owned property at the end of the Riva Rose Circle cul-de-sac.

IX. ATTORNEY MATTERS

A. Executive Session Pursuant to Section 24-6-402(4) (b) C.R.S. for purpose of obtaining legal advice from counsel regarding a proposed agreement between the CBMRMD and the Bell Mountain Ranch Equestrian Center: Upon a motion duly made by Director Smith, seconded by Director Vrabel and, upon vote, unanimously carried, the Board entered into Executive Session at 7:24 p.m.

Upon a motion duly made by Director Dassel, seconded by Director Booth and, upon vote, unanimously carried, the Board adjourned out of Executive Session at 7:54 p.m.

There was no action taken.

X. OTHER

A. Confirm Quorum for May 7, 2024 Board Meeting: The Board confirmed that a quorum should be available for the May 7, 2024 Board meeting.

XI. ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Dassel, seconded by Director Vrabel and, upon vote, unanimously carried, the Board adjourned the meeting at 7:55 p.m.

Respectfully submitted,


Secretary for the Meeting

XII. 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 Thursday, April 11, 2024 at approximately 7:24 p.m. for the purpose of obtaining advice from legal counsel regarding a proposed agreement between the CBMRMD and the Bell Mountain Ranch Equestrian Center. The Board did not adopt any policy, rule, regulation, or take any formal action during the Executive Session.


Timothy Flynn, Attorney

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Collins, Cole, Flynn, Winn, Ulmer, PLLC