

**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, October 3, 2023
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 September 5, 2023 Regular and September 21, 2023 Special Meeting (enclosure).

VII. FINANCIAL MATTERS

- A. Review and Consider acceptance of the Bill.com claims report for August 2023 Totaling \$207,254.03 including water fund costs (enclosure).
- B. Review and Accept August 31, 2023 Financial Statements (to be distributed).
- C. Review and Accept Cash Position Schedule as of October 2023 (to be distributed).

VIII. DIRECTOR DISCUSSION – ACTION

- A. Update on Fire Mitigation Project – Michael Mysliwicz
- B. Update on BMR-TCR Water Main Connector – Director Grant.
- C. Consideration of Collection Firm for Delinquent Fines and Fees.
- D. Update on Roadside Drainage and Road Shoulder Repairs – Director Smith.
- E. Update on Chip Seal Paving Project – Director Grant.
- F. Comcast Fiber Installation – Director Booth.
- G. Other Director Matters.

IX. ATTORNEY MATTERS

- A. Update on November Special Election Ballot Issue.
- B. Executive Session Pursuant to Section 24-6-402(4)(b) C.R.S., for the purpose of receiving legal advice regarding a request for assurances from a third party.

X. OTHER BUSINESS

- A. Confirm Quorum for November 7, 2023 Board Meeting.

XI. ADJOURNMENT

The next regular meeting is scheduled for November 7, 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
SEPTEMBER 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, September 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

Director Jay Smith was absent and excused

Also, In Attendance Were:

Nic Carlson; CliftonLarsonAllen LLP
Tim Flynn; Collins Cole Flynn Winn & Ulmer, PLLC (MS Teams)
Mike Mysliwicz; 4275 Bell Mountain Drive

I. CALL TO ORDER Director Grant called the meeting to order at 6:05 p.m.

II. DECLARATION OF QUORUM/ **Disclosure of Conflicts:** No Conflict-of-Interest Disclosures were necessary.

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

III. APPROVAL OF AGENDA Upon a motion duly made by Director Vrabel, seconded by Director Dassel and, upon vote, unanimously carried, the Board approved the Agenda as amended to include Items 9 E-G and Item 10 A.

IV. COMMUNITY COMMENTS **Public Comments:** There were no public comments.

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V. BOARD VACANCIES

Consider Slate of Officers: Upon a motion duly made by Director Vrabel, seconded by Director Dassel and, upon vote, unanimously carried, the Board approved the following slate of officers as follows:

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

VI. APM PROJECT STATUS REPORT

No report. APM representative was not present.

VII. MANAGER'S REPORT/ ADMINISTRATIVE MATTERS

A. Review and Consider Approval of the Minutes of August 1, 2023 Regular Meeting: Director Grant reviewed the August 1, 2023 Regular Meeting Minutes with the Board. Following review, upon a motion duly made by Director Dassel, seconded by Director Booth and, upon vote, unanimously carried, the Board approved the August 1, 2023 Regular Meeting Minutes, as presented.

VIII. FINANCIAL MATTERS

A. Review and Consider Acceptance of August 2023 Bill.com Claims Report Totaling \$86,626.57 including Water Fund Costs: Director Grant reviewed the August 2023 Bill.com claims report 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 August 2023 Bill.com claims report totaling \$86,626.57 including Water Fund costs, as presented.

B. Review and Accept Cash Position Schedule as of September 2023: 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 September 2023, as presented.

IX. DIRECTOR ITEMS

A. Update on Fire Mitigation Project– Michael Mysliwicz: Mr. Mysliwicz provided an update noting that the lowest bid came in at \$4,474 over budget. He stated that Douglas County could match half of the difference and that if some work cannot be completed due to rock outcroppings or steep terrain, the scope of work might be reduced, which would reduce the contract amount to be paid. The Board discussed and determined that an additional amount of \$2,237 would be acceptable, if necessary. He noted that work is scheduled to begin mid-November. Following discussion, upon a motion duly made by Director Vrabel, seconded by Director Dassel and, upon vote, unanimously carried, the Board approved acceptance of the bid from Dove Creek Forestry of \$172,474.

B. Update on Replacement of the BMR Entrance Logs – Director Vrabel:

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Director Vrabel provided an update to the Board. At the August meeting of the HOA, the HOA Board decided not to provide any funding for this project at this time. A work order has been written for APM to stain the ends of the cut off logs. Following discussion, upon a motion duly made by Director Vrabel, seconded by Director Dassel and, upon vote, unanimously carried, the Board suspended further action on this project until such time that the HOA provides funding for the project.

C. Update on BMR-TCR Water Main Connector – Director Grant: Director Grant provided the Board with an update noting that the major tank construction is complete. Testing and connection to the new water main is yet to be done. The brush has been cleared along the entire pipeline route and excavation has started at the tank site. Delivery of the packaged pump station has been delayed until mid-October.

D. Update on Roadside Drainage Ditch and Road Shoulder Damage Repairs – Director Smith: Director Smith was not in attendance, but it was reported that work has been completed for all agreements that were executed and the District will pursue reimbursement from homeowners.

E. Update on Chipseal Paving Project - Director Grant: Director Grant provided an update to the Board noting that work is in progress. The crack sealing has been completed and the emulsion and gravel have been applied to the roadways. The final fog seal is scheduled to be applied on Thursday, September 7th.

F. Update on Equestrian Center Agreement: No progress has been made regarding the cancellation of the agreement between the Equestrian Center and the District and the transfer of ownership of the trail's computer application to the District. Director Dassel noted that the sale agreement is at a standstill. Discussion ensued regarding closing portions of the trail during installation of the new water pipeline.

G. Resident Complaint Regarding Paint Damage to Owner's Car: Director Grant explained to the Board that on 24 Aug, with his permission, Kolbe Striping striped Bell Mountain Parkway and Bell Mountain Drive between Glade Gulch Rd and Old Gate Rd to test a new striping equipment. Application of the striping was done at no cost to the District. A resident travelling north on Bell Mtn Dr passed the striping truck that was going south. The resident inadvertently drove on the wet paint centerline that had just been applied for some distance. Yellow paint was splattered in the vehicle's wheel wells and along the driver side of the car. The resident is seeking compensation of over \$6,000 to remove the yellow paint from his car. Director Grant referred the resident to Kolbe Striping for resolution.

H. Other Director Matters: None.

X. ATTORNEY MATTERS

A. Update on Special Election Ballot: Attorney Flynn provide updates on the November special election ballot. He reviewed the election calendar and budget calendar and possible changes due to the election ballot and proposition HH. Attorney

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Flynn advised the Board of the Fair Campaign Practices Act and the statutory limitations.

XI. OTHER
BUSINESS

A. Quorum confirmed for October 3, 2023 Board Meeting Date: The Board anticipates that a quorum will be available for the October 3, 2023 Board meeting.

XII.
ADJOURNMENT

There being no further business to come before the Board at this time, Director Grant adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Secretary for the Meeting

RECORD OF PROCEEDINGS

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

HELD
SEPTEMBER 21, 2023

A special meeting of the Board of Directors (“Board”) of the Consolidated Bell Mountain Ranch Metropolitan District (“Metro District”) was convened on Thursday, September 21, 2023 at 6:00 p.m. virtually via MS Teams.

ATTENDANCE

Directors In Attendance Were:

Russell Grant, President

Steve Vrabel, Vice President

Jeanne Dassel, Assistant Secretary/Treasurer

Jay Smith, Secretary/Treasurer

Director John Booth was absent and excused

Also, In Attendance Were:

Nic Carlson; CliftonLarsonAllen LLP

Tim Flynn; Collins Cole Flynn Winn & Ulmer, PLLC

I. CALL TO ORDER Director Grant called the meeting to order at 6:10 p.m.

II. DECLARATION OF QUORUM/ **Disclosure of Conflicts:** No Conflict-of-Interest Disclosures were necessary.

DIRECTOR QUALIFICATIONS/ POTENTIAL CONFLICTS OF INTEREST **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.

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

IV. DIRECTOR DISCUSSION **Consider Approval of Resolution in Opposition to the Statewide Proposal - Proposition HH:** Director Grant and Attorney Flynn reviewed the Resolution with the Board. Following review and discussion, upon a motion duly made by Director Dassel, seconded by Director Vrabel and, upon vote, unanimously carried, the Board approved Resolution in Opposition to the Statewide Proposal – Proposition HH, subject to revisions of Resolution numbering date change. Attorney Flynn will make

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the appropriate changes and acquire signatures. It will then be sent to CLA for posting on the District website.

V. ATTORNEY
MATTERS

None.

VI. ADJOURNMENT

There being no further business to come before the Board at this time, Director Grant adjourned the meeting at 6:29 p.m.

Respectfully submitted,

Secretary for the Meeting

Account	PO/Cont	Check #	Invoice	Date	Date Paid	Description	Amount
10-000-06300	0	5799	3871915	09/13/2023	09/29/2023	08 District Mgmt	3,306.51
		**** TOTAL ****	Clifton Larson Allen, LLP				3,306.51
10-000-06565	0	5800	2041860	09/06/2023	09/29/2023	Name plates	45.60
		**** TOTAL ****	Pepperdine's				45.60
10-000-06570	0	5801	40322	09/20/2023	09/29/2023	08 Operations Supervisor	765.00
10-000-06570	0	5801	40323	09/20/2023	09/29/2023	08/09 Bathrooms	280.00
10-000-06570	0	5801	40324	09/18/2023	09/29/2023	08/24-31 Irrigation Repai	3,865.61
10-000-06570	0	5801	40325	09/18/2023	09/29/2023	09 Landscape Maint	5,468.57
10-000-06550	0	5801	40326	09/18/2023	09/29/2023	Mobley Hillside Restorati	1,293.15
20-000-06575	0	5801	40327	09/18/2023	09/29/2023	Mobley Storm Ditch Restor	3,686.80
10-000-06550	0	5801	40328	09/18/2023	09/29/2023	Carlross Hillside Restorat	2,468.20
10-000-06570	0	5801	40332	09/18/2023	09/29/2023	Front entrance stain	1,169.85
10-000-06595	0	5801	40333	09/18/2023	09/29/2023	Roadbase for Ped Path	496.43
		**** TOTAL ****	Advanced Property Maintenance				19,493.61
10-000-06550	0	5802	155042	09/22/2023	09/29/2023	09/22 Asphalt patches	1,250.00
		**** TOTAL ****	Ferguson & Sons Paving				1,250.00
10-000-06450	0	5803	4141	09/11/2023	09/29/2023	08 Legal	3,543.06
40-000-06450	0	5803	4141	09/11/2023	09/29/2023	08 Legal (Water)	207.50
		**** TOTAL ****	Collins, Cockrel & Cole				3,750.56
40-000-06100	0	5804	36241	08/31/2023	09/29/2023	07-08 Accounting	270.00
10-000-06100	0	5804	36265	08/31/2023	09/29/2023	08 Accounting	1,130.34
10-000-06110	0	5804	36265	08/31/2023	09/29/2023	2022 Audit	44.00
		**** TOTAL ****	Simmons & Wheeler				1,444.34
10-000-06560	0	5805	13362	09/08/2023	09/29/2023	2023 Chipseal project	140,517.50
20-000-06560	0	5805	13362	09/08/2023	09/29/2023	2023 Chipseal - Glade Gul	40,000.00
10-000-02050	0	5805	13362	09/08/2023	09/29/2023	2023 Chipseal Project - r	(9,025.88)
		**** TOTAL ****	A-1 Chipseal				171,491.62
20-000-06575	0	5806	NE000145	08/23/2023	09/29/2023	Fire Mitigation Project	3,922.00
		**** TOTAL ****	Colorado State Forest Service				3,922.00
10-000-06565	0	5807	20543	08/24/2023	09/29/2023	Re-rope/paint flagpole	1,189.67
		**** TOTAL ****	Rocky Mountain Flag Company, LLC				1,189.67
10-000-06565	0	5808	09 06 23	09/06/2023	09/29/2023	Remove deer carcass/Reimb	325.00
		**** TOTAL ****	Russell Grant				325.00
10-000-06576	0	5809	30195-01	09/06/2023	09/29/2023	08 Water (Park)	710.33
10-000-06576	0	5809	30196-01	09/06/2023	09/29/2023	08 Water (Common)	324.79
		**** TOTAL ****	Castle Rock Water				1,035.12

*** GRAND TOTAL ***

10 207,254.03
