

# RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5  
(THE "DISTRICT")  
HELD  
DECEMBER 21, 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, December 21, 2023. 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:

Steve Langer, Director  
Victoria Niemi, Treasurer  
Kathryn Giddens, Secretary  
Dawson Hubert, Assistant Secretary  
J. Larson, Director

### Also, In Attendance Were:

Krista Baptist, Robert Lange; CliftonLarsonAllen, LLP  
Colin Mielke; Seter & Vander Wall, P.C.  
Tim Hogan, Cindy Hogan, Heidi Wiens, Arn Wiens, Margaret Mecca,  
Mark Davis, Loren Gallup, Kathy Henry, Kathy Brown, Leslie  
Arneson, Karen Plaza, Lisa Phelps, Greg Silkwood, Gary Haverland,  
Jeanette O'Brien, Betty Haverland, Sue Harmon, Virginia Beteille-  
Hock, Velma Hendrickson, Loretta Pennie, Jim Dries, Joyce Kaplan,  
Esther McGehee, Patricia Wolf, Anette Ellison, Lillian Rigdon,  
Suzanne Qualia, Victoria Anderson, Maria Prett, Darlene Fletcher, Phil  
Parrish, Sherri Parrish; Members of the Public

## ADMINISTRATIVE MATTERS

**Call to Order and Agenda:** Director Langer called the meeting to order at 9:05 a.m. Following review, upon a motion duly made by Director Giddens, seconded by Director Hubert and, upon vote, unanimously carried, the Board approved the agenda, as amended deferring the agenda item V. v. a. regarding cost to host BB web page.

**Disclosures of Potential Conflicts of Interest:** There were no conflicts to be filed.

**Quorum, Location of Meeting and Meeting Notices:** A quorum was confirmed.

It was noted that the meeting was noticed on the website and posted as

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required. It was noted that the notice of the budget hearing was published in The Gazette as required.

**Minutes from the November 16, 2023 Special Board Meeting:**

Following review, upon a motion duly made by Director Giddens, seconded by Director Niemi and, upon vote, unanimously carried, the Board approved the November 16, 2023 special Board meeting minutes, as amended to (1) have the minutes reflect that certain budget-related documents are authorized to be signed by the District's consultants pursuant to the District's annual administrative resolution, and (2) show that the Facilities Committee made certain recommendations, rather than those recommendations being by the Board.

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

Virginia Beteille-Hock: "This is an ongoing safety issue at our vehicle entrance gates. This issue was given to Kelly almost 2 years ago. Have we been given an answer to when the entrances will be illuminated? If not, what is planned to correct this safety issue? How much longer do the residents have to wait to get this safety issue resolved?"

Kathy Henry: "Concern regarding ice on sidewalks after the last snow, plowing and shoveling are great. However, ice formation on the sidewalks is dangerous, especially considering the age group. My husband fell on the ice, and if not for Sam showing up, I would not have been able to pick him up. I also observed a woman walking her dog past my house having to hold on to the fence to walk on the sidewalk due to the ice. I reported my husband's fall to the lady at the Barn front desk. She told me salt is not used in the neighborhood. However, it is used in front of the Barn. I believe the issue of ice on the sidewalks is a safety concern to the community and should be addressed or someone is going to be seriously hurt."

Suzanne Ovalia: "To build on Kathy's comment, public walkways didn't appear plowed or shoveled despite personal sidewalks and driveways being well maintained. Who is responsible for common sidewalk shoveling (around barn, walkways to trails)?"

Jeanette O'Brien: "Why is \$60,000 a year going to the Ranch House? An issue with the Barn and snow removal: only a small swath of snow was removed from the drive to front door. Ice and snow remained on sidewalks and entry was not included in initial "swath" to the front door."

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Mark Davis: “1) Complaints about landscaping - we can get improved service; however it may increase our HOA. 2) What percentage of our residents have returned their age certification survey? The consequences of non-compliance would be that we lose our 55+ HUD status and families with children would be a part of our community and accommodations such as playgrounds and basketball courts could be priorities for land use over pick ball courts. 3) Flying W dinner was awesome.”

### FINANCIAL MATTERS

**Special Revenue Fund Financials as of September 30, 2023 from Banning Lewis Ranch MD No. 1:** Mr. Lange reviewed the Special Revenue Fund Financials with the Board.

**Resolution Regarding Funding Request:** The Board discussed the roles and structures of the Finance Committee. The Board concurred with continuation of adopted resolution and resulting processes set forth therein.

### LEGAL MATTERS

**Update Regarding Status of Litigation:** Mr. Mielke updated the Board regarding litigation related to construction of The Barn, noting that mediation occurred on December 12<sup>th</sup> and the parties are continuing to discuss the possibility of settlement.

**Status of BLR MD5 Comments on BLR1 Budget documents for Cooperation Committee meeting held October 11, 2023:** Mr. Mielke noted that Cooperation Committee representatives submitted a list of requests to the Cooperation Committee prior to the meeting in October and that the requests will continue to be monitored throughout the year.

**Consider appointment of J Larson to the Banning Lewis Ranch Cooperation Committee:** Mr. Mielke noted that Director Niemi has decided to step down as a District representative on the Cooperation Committee to make room for Director Larson to fill that role. Upon motion made, seconded and unanimously carried with Director Larson abstaining, the Board appointed Directors Larson and Giddens as the District’s Cooperation Committee representatives.

### MANAGER MATTERS

**Barn Status:** Ms. Baptist provided updates to the Board, noting that work scheduled in early January needs to be completed before another inspection can be performed to obtain the building’s certificate of occupancy (CO). It was noted that residents should expect an email from OakwoodLife (OL) for updates.

**Monthly Board Meeting Agenda Setting Process:** Director Langer reviewed the agenda setting process with the Board. Following

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discussion, upon a motion duly made by Director Giddens, seconded by Director Niemi and, upon vote, unanimously carried, the Board approved the monthly Board meeting agenda setting process and operate as discussed for meeting preparation.

**Return Rate On Age Audit Procedure Status:** Ms. Baptist provided updates on the return rate to the Board, noting that 165 audits were received and completed, another 85 were received but not completed with some missing items, and 123 have not been received.

### DIRECTOR MATTERS

#### **Committee updates:**

**Facilities Committee:** The Board was provided with updates regarding the pickleball court snow removal maintenance. It was noted that only approved vendors are to perform maintenance on courts. Further discussion will be upcoming relating to rules for the pickleball. Director Langer requested the status of sidewalk transfer to Banning Lewis Ranch Metro District No. 1. Ms. Baptist to request information from the Banning Lewis Ranch Metro District No. 1.

**OakwoodLife Committee:** Director Hubert discussed with the Board the completion of the dog tie station at the front of the Barn facility, improved staffing hours for the Barn and additional shower curtains being installed for privacy.

**February Town Hall Updates:** Director Langer discussed the intent and structure of holding meetings in a town hall format. No action was taken.

**Benchmarking/Performance Discussion:** Director Langer reviewed the benchmarking/performance with the Board, noting the intent of the formalization of process and next steps in the process. A go-ahead vote from Board to continue with this process. Following discussion, upon a motion duly made by Director Giddens, seconded by Director Niemi and, upon vote, unanimously carried, the Board approved to continue formalizing benchmarking process.

**Formalized Direct Line of Communication with OakwoodLife Staff:** The item was deferred to later in the agenda.

**Hot Tub Cover:** No updates were provided.

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### **Safety and Security Committee:**

#### **Discussion Regarding Assignment of Committee Chair:**

Following discussion, upon a motion duly made by Director Langer, seconded by Director Giddens and, upon vote, unanimously carried, the Board appointed Director Niemi as the safety and security chair, Director Langer as the facilities chair.

**Committee Updates:** Director Niemi provided updates on the Committee's initiatives in 2024, including but not limited to: entrance gates lighting, AED machine for the pickleball courts, continued ice mitigation during winter months, CPR classes, balance classes, how to use equipment classes, AED use class, and how to keep the community informed on contractors who have fobs and entrance access to the Barn.

### **Finance Committee:**

**Finance Committee Scope:** Director Langer reviewed and discussed the presented scope and committee meeting schedule of the 3rd Monday of each month from 9am to 11am. Upon a motion duly made by Director Langer, seconded by Director Niemi, with a vote of Directors Langer, Niemi, Giddens, Hubert, yea with Director Larson abstaining, the Board approved the Finance Committee scope, as presented.

**Surveillance AUP:** This item was tabled to January 2024. Ms. Baptist recommended to Director Langer to review the Surveillance AUP further with Banning Lewis Ranch Metro District No. 1.

**Templates for Board Correspondence Relating to Open Meetings Act Adherence:** The Board reviewed the templates and explanations of need for use were provided. The Board unanimously concurred with their use.

**Budget Amendment Email:** Director Larson reviewed and explained correspondence from accounting regarding the Budget Amendment email.

**Reserve Budget/Reserve Study:** No updates were provided, and no action was taken.

### **OakwoodLife Request to the District Board and**

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**Recommendations Presented to MD No. 1:** The Board discussed the request from Kelly Leid to have one singular point of contact from the District Board and Committees, naming President Langer as that person. Director Langer and Mr. Leid met to discuss this item, and the Board agreed to use the singular point of contact method for the first quarter of 2024 and evaluate the progress. Following discussion, upon a motion duly made by Director Hubert, seconded by Director Larson and, upon vote, unanimously carried, the Board approved the communication process as outlined above and reevaluate after the first quarter of 2024.

### **Communications Committee:**

**Cost to Host BB Web Page:** This item was removed from the agenda and the Board did not discuss the cost to host BB web page.

**Issues Logging Process:** This item was tabled to January 2024 meeting.

**Proposed Board Meeting Schedule:** The Board discussed the proposed meeting schedule. Director Giddens proposed third Thursday bi-monthly, starting January 2024. Following discussion, upon a motion duly made by Director Langer, seconded by Director Giddens and, upon vote, unanimously carried, the Board approved the proposed Board meeting schedule, as presented.

**Initiate Talk, Procedure, and Purpose of Suggestion Box on Community Website:** This item was tabled to January 2024 meeting.

**Metro District Task Force Survey updates:** This item was tabled to January 2024 meeting.

**Lifestyle Survey Reminder:** Director Langer provided updates to the Board.

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

There being no further business to come before the Board at this time, upon a motion duly made and seconded by Director Langer, the Board adjourned the meeting at 11:38 a.m.

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Respectfully submitted,

By \_\_\_\_\_  
Secretary for the Board