

# 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  
AUGUST 1, 2023

A regular meeting of the Board of Directors ("Board") of the Consolidated Bell Mountain Ranch Metropolitan District ("Metro District") was convened on Tuesday, August 1, 2023 at 6:00 p.m. at Lowell Ranch, 2330 S. I-25, East Frontage Road, Castle Rock, CO 80104 and MS TEAMS.

## ATTENDANCE

### Directors In Attendance Were:

Russell Grant, President  
Steve Vrabel, Vice President (MS Teams)  
Jay Smith, Assistant Secretary/Treasurer  
Jeanne Dassel; TBD

Director John Booth was absent and excused.

### Also, In Attendance Were:

Josh Miller; CliftonLarsonAllen LLP  
Tim Flynn; Collins Cole Flynn Winn & Ulmer, PLLC (MS Teams)  
John McKillip, Jr. APM  
Calvin Bills; 180 Starburst Circle  
Gwen Kalvelage; 3983 Bell Mountain Drive  
Molly Rowells; 1253 Rosewind Circle  
Mike Mysliwiec; 4275 Bell Mountain Drive  
Ann Molner; 4219 Serenade Road  
Barb Epstein; 1265 Nightfire Circle  
Eric Sztanko; 1756 Wildfire Circle

I. CALL TO ORDER Director Grant called the meeting to order at 6:04 p.m.

## II. DECLARATION OF QUORUM/ DIRECTOR QUALIFICATIONS/ POTENTIAL CONFLICTS OF INTEREST

**Disclosure of Conflicts:** No Conflict-of-Interest Disclosures were necessary.

**Quorum and Location of Meeting:** A quorum and location of meeting was confirmed.

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### 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 presented.

### IV. COMMUNITY COMMENTS

**Public Comments:** Barbara Epstein addressed a couple of concerns she had; 1) she asked if there were any plans for the Metro District to “clean up” the portion of East Plum Creek that flows under the bridge on Bell Mountain Parkway. Director Dassel stated that the area along East Plumb Creek was a protected habitat of the Preble jumping mouse that requires approval from the US Fish and Wildlife Service before any human modifications can be made to the protected area. She indicated she would contact the USFWS for information regarding what is permissible and noted that an update will be provided in the BMR newsletter; 2) Ms. Epstein inquired about the split rail fence along Bell Mountain Parkway and the frontage road. She stated that a couple of rails are down and need to be repaired. Director Grant acknowledged that the fencing along Bell Mountain Parkway belongs to the Metro District and will be repaired before winter. The fencing along the frontage road belongs to the Equestrian Center. 3) Ms. Epstein asked that now the Equestrian Center is closed, who is responsible for maintaining the horse trails. Director Grant stated that the Metro District is responsible for trail maintenance and that APM will be cutting the grass along the horse trails.

Gwen Kalvelage thanked APM for their recent work. She stated she is concerned about the drainage ditch washouts. APM stated that all washouts have been inventoried. Mr. McKillip, Jr. noted he will look further into the areas discussed. Additionally, Ms. Kalvelage asked if residents can become responsible for maintaining flower beds at the BMR entrance. Concern was expressed concerning regarding insurance coverage for residents and will further be researched.

Molly Rowells informed the Board that she has resigned from the Firewise Committee and stated that the contractor removing the slash is not picking up the slash in a timely fashion. She stated that debris piles are accumulating in the Metro District easement. The Metro District will contact the HOA on this matter.

**Consider Appointment(s) to the Board:** Director Grant stated that the Board received six applications for the two vacant positions. At the Special CBMRMD meeting held on 20 July 2023, the Board voted to offer positions to John Booth and Jeanne Dassel. Both accepted the appointments and were administered the Oath of Office by Director Grant. The appointments have been filed with the County Clerk, Division of Local Government, and Douglas County District Court.. Hence, John Booth and Jeanne Dassel are now Directors on the CBMRMD.

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### V. BOARD VACANCIES

**Consider Slate of Officers:** The Board deferred selection of officers until the September Board meeting, when all Directors can participate.

### VI. APM PROJECT STATUS REPORT

Mr. McKillip, Jr. reviewed his report with the Board. He noted that APM has expended significant effort repairing drainage ditch washouts. He also noted that additional concrete gutters are needed at several locations. The Board noted that the washouts on road shoulders and trails are a priority at this point. A possible leak in the Park restroom roof needs to be investigated.

### VII. MANAGER'S REPORT/ ADMINISTRATIVE MATTERS

**A. Review and Consider Approval of the Minutes of July 5, 2023 Regular and July 20, 2023 Special Meeting:** Director Grant reviewed the July 5, 2023 Regular Meeting and July 20, 2023 Special Meeting Minutes with the Board. Following review, upon a motion duly made by Director Smith, seconded by Director Vrabel and, upon vote, unanimously carried, the Board approved the July 5, 2023 Regular and July 20, 2023 Special Meeting Minutes as presented.

### VIII. FINANCIAL MATTERS

**A. Review and Consider Acceptance of July 2023 Bill.com claims report totaling \$56,282.90 including Water Fund costs:** Director Grant reviewed the July 2023 Bill.com claims report with the Board. Following review, upon a motion duly made by Director Dassel, seconded by Director Grant and, upon vote, unanimously carried, the Board accepted the July 2023 Bill.com claims report totaling \$56,282.90 including Water Fund costs, as presented.

**B. Review and Accept June 30, 2023 Unaudited Financial Statements:** Director Grant reviewed with the Board. Following review, upon a motion duly made by Director Dassel, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the June 30, 2023 Unaudited Financial Statements, as presented.

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

### IX. DIRECTOR ITEMS

**A. Update on Fire Mitigation Project (Fuel Break) – Michael Mysliwicz:** Mr. Mysliwicz provided an update on the fuel break project to the Board noting that emails are being circulated by the Forest Service to potential vendors eligible to bid. He stated there was some concern that the areas being cleared under the project to install the new water pipeline and the areas being cleared by the fuel break project may interfere with each other; however, since the fuel break work will start on the Ed Young trail, this should not be a problem. A mandatory site visit is planned for 9 August 23 and bids will be due on 18 August 2023. The Board also discussed the need to close portions of the affected horse trails during the pipeline construction and during the fuel break project.

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

Director Vrabel stated this item was not currently listed on the agenda for the next HOA meeting. Director Grant stated that although the HOA Board had expressed support for funding this project at the 24 Feb 2023 meeting, he had with the HOA Board; he has requested that the HOA formally vote on this issue at the 3 August 2023 HOA meeting. Director Vrabel requested that APM stain the cut ends of the remnants to the existing logs, since it will be some time before this project can be completed.

**C. Chipseal Paving Project 2023:** Director Grant stated that the A-1 Chipseal Company was the only respondent to the project request for bids with a bid price of \$179,977.50. The scope of work includes crack sealing as well as chip sealing work. Director Grant distributed the project Work Site Location Map showing the affected streets, which are: Autumn Sun Cir, Cactus Rose, Glade Gulch Rd (BMDr to Nightwind Cir), High Spring Rd, Mariposa Rd, Bell Mtn Pkwy (crack seal only) and Bell Mtn Dr (Glad Gulch Rd to Old Gate Rd, crack seal only). Because the work may not be able to be performed before winter weather, work must be started by 30 June 2024. The contractor bids are firm through that date. Following review and discussion, upon a motion duly made by Director Grant, seconded by Director Vrabel and, upon vote, unanimously carried, the Board approved the bid with A-1 Chipseal for the chipseal paving project in the amount of \$179,977.50 as presented.

**D. Update on BMR-TCR Water Main Connector – Director Grant:** Director Grant stated that all easements are in place and a Notice to Proceed has been issued for the pipeline. He informed the Board that work will start at the north end of the pipeline, near The Ridge neighborhood of Crystal Valley Ranch. He noted that the water storage tank construction is complete except for final testing and connection to the new water pipeline.

**E. Update on Roadside Drainage Ditch and Road Shoulder Damage Repairs – Director Smith:** Director Smith updated the Board stating that the APM Report provided most of the updates. The drainage ditch and hillside restoration has been completed at three locations. He also noted that the drainage ditch and walking path have been repaired at 4131 Bell Mountain Drive. The homeowner needs to reimburse the Metro District for this work. Attorney Flynn will send a demand letter. Director Smith stated that the goal is to do 5-7 combination drainage ditch/ hillside repairs per year going forward, using the established process. He also noted there is severe washout ditch damage on Riva Rose Circle. Much of the damage is due to the drainage from the Douglas County property at the end of Riva rose Cir. Director Smith has been in contact with the County stormwater office regarding necessary repairs. An on-site meeting is being established.

**F. Horse Trail Maintenance and Trail Location Cell Phone Application- Director Grant:** Calvin Bills addressed the fact that the current contract with the Equestrian Center requires them to submit a letter of cancellation to the Metro Board and that the Equestrian Center is still legally obligated to maintain the horse trails for 2023. As

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already approved by the Board, the Metro District is willing to release the Equestrian Center from their obligation to maintain the horse trails in 2023 in exchange for ownership of the digital horse trail application that was developed by the Equestrian Center. The Equestrian Center is to draft such an agreement. Mr. Flynn stated that the current easements will remain intact when the property sells.

**G. Other Director Matters:** None.

### X. ATTORNEY MATTERS

**A. Update on Steven's Ranch Conveyance Conversation with the County:** Director Grant noted this was previously discussed under Item IX-E.

**B. Consider Adoption of Resolution Calling a November 7<sup>th</sup> Special Election and Approving a Ballot Question:** Attorney Flynn provided details on the updated verbiage of the resolution, stating that adoption of the Ballot question would extend the current mill levy for General Fund BMR property taxes and would remove the limit/ cap of \$500,000 that can be collected. He also requested approval of the IGA with Douglas to place the BMR Ballot issue on the 7 November Special Election Ballot.

Following review, upon a motion duly made by Director Grant, seconded by Director Vrabel and, upon vote, unanimously carried, the Board adopted the Resolution Calling a November 7<sup>th</sup> Special Election and Approving a Ballot Question, as presented and authorized approval of the IGA with Douglas County for the ballot issue to be placed on the Douglas County Special Election Ballot.

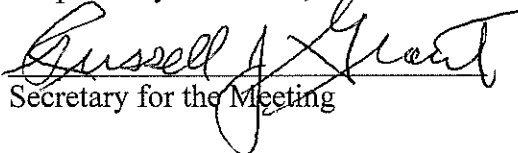
### XI. OTHER BUSINESS

**A. Quorum confirmed for September 5, 2023 Board Meeting Date:** The Board anticipates that a quorum will be available for the September 5, 2023 Board meeting.

### XII. ADJOURNMENT

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

Respectfully submitted,

  
Secretary for the Meeting