

## 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  
FEBRUARY 7, 2023

A regular meeting of the Board of Directors of the Consolidated Bell Mountain Ranch Metropolitan District (referred to hereafter as the "Board") was convened on Tuesday, February 7, 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

Frank Strand, Secretary/Treasurer

Ed Ammon, Assistant Secretary/Treasurer (via teleconference)

Absent and Excused: Director Jay Smith

#### Also, In Attendance Were:

Nic Carlson; CliftonLarsonAllen LLP

Tim Flynn; Collins Cole Flynn Winn & Ulmer, PLLC

John McKillip, Jr.; APM

Molly Rowells; 1253 Rosewind Circle

Doug & Fay Sampson; 4601 High Spring Road

Robert Kingsley; 4131 Bell Mountain Drive

Eric Sztanko; 1756 Wildfire Circle

Ann Molner; 4219 Serenade Road

Gwen Kalvelage; 3983 Bell Mountain Drive

Heather Raney; 1252 Nightfire Circle

HOA Firewise Committee

I. CALL TO ORDER Director Grant called the meeting to order at 6:02 p.m.

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

DIRECTOR QUALIFICATIONS/POTENTIAL CONFLICTS OF INTEREST A quorum was confirmed. Upon a motion duly made by Director Strand, seconded by Director Vrabel and, upon vote, unanimously carried, the Board excused the absence of Director Smith.

III. APPROVAL OF AGENDA Director Strand amended the Agenda to add item 8K: Christmas lights. Upon a motion duly made by Director Strand, seconded by Director Vrabel and, upon vote,

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unanimously carried, the Board amended the Agenda for additional Item 8K.

### IV. COMMUNITY COMMENTS

**Public Comment:** Ms. Rowells and members of the HOA Firewise Committee addressed the Board and discussed upcoming fire mitigation efforts. The Committee has scheduled a Townhall type meeting for BMR residents at the Lowell Ranch meeting hall on Tuesday, 28 February 2023 starting at 6 P.M. The Larkspur Fire Marshall will attend to respond to several questions that residents have regarding fire mitigation.

### V. APM PROJECT STATUS REPORT

Mr. McKillip reviewed his report with the Board noting that the only current ongoing work is snow removal. He also stated that APM will soon begin replacing damaged roadside delineators. The Board accepted his report.

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

**A. Review and Consider Approval of the Minutes of January 3, 2023 Regular Meeting:** Director Grant reviewed the January 3, 2023 Regular Meeting Minutes with the Board. Following review, upon a motion duly made by Director Strand, seconded by Director Vrabel and, upon vote, unanimously carried, the Board approved the January 3, 2023 Regular Meeting Minutes as presented.

**B. Update on Safety Grant:** Mr. Carlson provided an update noting that the Special District Association of Colorado awarded the District \$2,733.10 for action taken on a safety related item of removing the logs over the BMR front entrance that had severely deteriorated.

### VII. FINANCIAL MATTERS

**A. Review and Consider Acceptance of January 2023 Bill.com claims report totaling \$34,681.27 including water fund costs of \$12,162.35:** Director Grant reviewed the January 2023 Bill.com claims report with the Board. Following review, upon a motion duly made by Director Strand, seconded by Director Vrabel and, upon vote, unanimously carried, the Board accepted the January 2023 Bill.com claims report totaling \$34,681.27 including water fund costs of \$12,162.35, as presented.

**B. Review and Accept December 31, 2022 Unaudited Financial Statements:** Director Grant reviewed the December 31, 2022 Unaudited Financial Statements with the Board. Following review, upon a motion duly made by Director Strand, seconded by Director Vrabel and, upon vote, unanimously carried, the Board accepted the December 31, 2022 Unaudited Financial Statements, as presented.

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

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### VIII. DIRECTOR ITEMS

**A. Update on Fire Mitigation Project State & County Grant Awards – Director Ammon:** Director Ammon updated the Board noting that the District was awarded \$84,000 in grant money from the State plus \$42,000 from Douglas County. Director Ammon will work with the HOA Firewise Committee regarding the implementation of the Metro District fire mitigation plan.

**B. Update on Replacement of the BMR Entrance Logs – Director Vrabel:** Director Vrabel updated the Board regarding the status of the entrance log replacement. As decided at the January Board meeting, Director Grant approached Michael Rowells, HOA president, with the suggestion that the HOA use some of its reserve funds to fund the project to replace the logs over the entrance gate. Since the HOA originally paid for installation of the support columns and logs at the front gate, there is precedence for the HOA to spend money for modification of the front gate entrance. A meeting will be set up for Metro District and HOA representatives to further discuss possible HOA funding for this project.

**C. Project to Repair/Overlay Portion of Bell Mountain Drive - Director Grant:** Director Grant updated the Board, noting that he recommends obtaining a design to fix the portion of the road between Glade Gulch and Old Gate Road. He and Director Strand will establish a preliminary design, the basis of which will be used for a formal “Request for Bid” that can be advertised.

**D. Update on Research for Gating BMR – Director Vrabel:** Director Vrabel and Director Grant provided an update to the Board. Without doing in depth research, Mr. Flynn had previously provided his general thoughts on the subject to the District, which were provided to the HOA. There are two major issues that prevent BMR from gating the community.

1. Under state law, any time a public entity – whether it is a county, city, or special district like CMBRMD owns roads, those roads are deemed to be held by the public entity in trust for the benefit of the traveling public. Gating the roads would interfere with the general public’s right of travel.

2. The BMR roads were originally constructed using tax exempt financing. Under the Internal Revenue Service Code, tax exempt financing is only available for improvements the general public will have access to. In the original tax-exempt bond documents (now a tax-exempt bank loan), the agreements entered into by the CMBRMD declared that the interest payments to loaning entity would be tax exempt. The CMBRMD legally can do nothing to jeopardize the tax-exempt status of the bonds/loans that were issued.

If the HOA wishes to further pursue this matter, they will need to address how the legal issues described will be addressed.

**E. Update on BMR-TCR Water Main Connector – Director Grant:** Director Grant updated the Board. Work on the new water storage tank is suspended until March 2023. The foundation for the new pump station is complete. Work on the new pipeline will

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commence after the construction easements are in place. Six easements need to be finalized. The easements with four BMR residents are on track to be completed by the end of February. The easements with the Sellers Creek HOA and the Douglas County Land Conservancy are still in legal review with the land owners.

**F. Discussion on Potential Sale of Equestrian Center to Adamo Homes – Director Grant:** Director Strand informed the Board that all four parcels owned by the Equestrian Center are now up for sale. Adamo Homes is still in the “due diligence” stage for their purchase offer and may have withdrawn their offer. They have not forwarded any additional questions to the Metro District.

**G. Election of Board of Directors, 2 May 2023 – Director Grant:** Director Grant informed the Board that the Call for Nominations has been posted and a blast email has been sent to the BMR Community. Self-Nomination and Acceptance forms must be returned to the Designated Election Official, Crystal Schott, not later than Friday, February 24, 2023 at 5:00 P.M. Self-Nomination and Acceptance forms are available from Crystal Schott at 165 Union Blvd, Ste 785, Lakewood, CO 80228 or by request to [cschott@cogovlaw.com](mailto:cschott@cogovlaw.com), phone 303-218-7203.

**H. Snow Removal Operations – Director Grant:** Director Grant reviewed the requirements with the Board. The snow removal contractor for BMR is Advanced Property Maintenance (APM), Castle Rock, Colorado. Snow removal and sanding operations begin when the accumulation of snow is approximately 2” deep or when roads and cul-de-sacs are extremely icy. Initially, snow in cul-de-sacs shall be removed to create a path at least two plow blades wide around the perimeter of a cul-de-sac. When snow accumulation reaches 4” in depth, snow will be cleared from the entire cul-de-sac, as time permits during severe snowstorms. The contractor is not responsible for damage to items hidden by snow, such as curbs, electric cords, etc.

When road conditions are snow packed or icy, sand and/or snow melt will be applied at all major intersections on Bell Mountain Pkwy., Glade Gulch Road and Bell Mountain Drive, as well as on the inclines of all roads. Contacts for snow removal operations are:

BMR – Frank Strand: Cell (720) 339-3781

APM Main Office: (303) 814-4018

**I. Ballot Issue for Douglas County 7 November 2023 Election – Director Grant:** The Board discussed the need to place a ballot item on the Douglas County November ballot to increase the amount of property tax revenue the Metro District can receive for operations and maintenance by \$200,000 to help establish a funding stream for Capital Projects. The Metro District needs to establish a concerted formal information campaign to explain to homeowners why this tax increase is needed. Without this increase, needed Capital Projects like major road repairs will go unfunded.

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**J. Quitclaim Deed for Tract T – Directors’ Parcel – Director Grant:** Director Grant informed the Board that a Quitclaim Deed is in the process of being executed to transfer ownership of Tract T, BMR Subdivision 1-A, from the current owners to the CBMRMD.

**K. Discuss Christmas Lights in Entryway:** Director Strand recommended the lights display be limited to the period beginning with the Castle Rock Starlighting (Saturday following Thanksgiving) to January 31<sup>st</sup>. Following discussion, upon a motion fully made by Director Strand, seconded by Director Vrabel and, upon vote, unanimously carried, the Board approved to limit the period of time that the Christmas light at the BMR front gate will be illuminated to the period of time starting with the Castle Rock Starlighting ceremony and ending on January 31<sup>st</sup>.

**L. Stevens Ranch Parcel Conveyance to CBMRMD- Director Grant:** Director Grant informed the Board that the Bond that was being held by Douglas County until completion of the Stevens Ranch infrastructure has been released. CBMRMD is now responsible for operating and maintaining the Stevens Ranch infrastructure. The Board believes that the Bond release was premature. Mr Flynn will reach out to the County to inquire as to why the bond was released without a formal acceptance of the infrastructure by the CBMRMD.

**IX. ATTORNEY  
MATTERS**

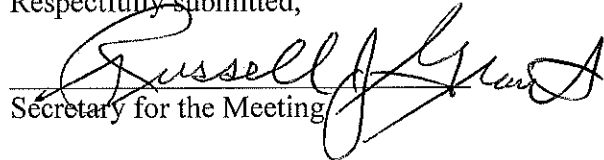
None.

**X. OTHER  
BUSINESS**

**A. Confirm Quorum for March 7, 2023 Board Meeting Date:** The Board anticipates that a quorum will be available for the March 7, 2023 Board meeting.

**XI. ADJOURNMENT** There being no further business to come before the Board at this time, Director Grant adjourned the meeting at 7:49 p.m.

Respectfully submitted,

  
Secretary for the Meeting