

**MINUTES OF THE REGULAR BOARD MEETING
OF THE BOARD OF DIRECTORS OF THE
BRADLEY HEIGHTS METROPOLITAN DISTRICT NOS. 1, 2, AND 3
HELD FEBRUARY 14, 2023
AT 9:00 AM**

Pursuant to posted notice, the regular meetings of the Board of Directors of the Bradley Heights Metropolitan District Nos. 1, 2 and 3 were held on Tuesday, February 14, 2023, at 9:00 a.m., at 119 N. Wahsatch Avenue, Colorado Springs, CO, and via tele/videoconference: <https://video.cloudoffice.avaya.com/join/451389423>.

Attendance

In attendance were Directors:

Randle Case II, President
Bryan Long, Vice President
Robert Case, Assistant Secretary
Ray O’Sullivan, Treasurer/Secretary
Jim Byers, Assistant Secretary

Also in attendance were:

K. Sean Allen, Esq., White Bear Ankele Tanaka & Waldron
Kevin Walker, WSDM District Managers
Adam Noel, WSDM District Managers
Jeff Odor, Matrix Design Group
Eric Smith, Matrix Design Group
Chris Grundy, Project Manager
David Neville, Kiemele Family Partnerships
John Radcliffe
Timothy Brewer, Condemnation Legal Counsel

Combined Meeting: The Board of Directors of the Districts have determined to hold a joint meeting of the Districts and to prepare joint minutes of actions taken by the Districts in such meetings. Unless otherwise noted herein, all official action reflected in these minutes shall be deemed to be the action of all Districts. Where necessary, action taken by an individual District will be so reflected in these minutes.

1. Call to Order: The meeting was called to order by President Case II at 9:00 AM.
2. Declaration of Quorum/Director Qualifications/ Disclosure Matters: President Case II indicated that a quorum of the Boards was present and stated that each Director has been qualified as an eligible elector of the Districts pursuant to Colorado law. The Directors confirmed their qualification. Mr. Allen advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Harris reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State’s Office and the Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. Allen inquired into whether members of the Boards had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The Boards determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Boards to act.
3. Approval of Agenda: The Board approved the agenda as presented.
4. Approval of January 10, 2023, Meeting Minutes: After review, Director O’Sullivan moved to approve the January 10, 2023 Meeting Minutes; seconded by Director Long. Motion passed unanimously.

5. District Manager Report
 - a. Discuss possible Service Plan Amendment: Mr. Walker discussed the possible Service Plan Amendment. Mr. Walker outlined the new City Policy allows for 20 mills for O&M and wanted to see if the Board would like the Manager to look into the possibility of amending the current Service Plan to adopt this possible mill levy. After discussion, the Board agreed to request Mr. Walker provide an analysis and recommendation at the next meeting.
6. President of the Board Report: President Case II noted the field contractor meeting was held yesterday and will be discussed later in the meeting as well as updates on the 24” water line.
7. Development Status Review
 - a. Engineering Update: Mr. Grundy presented the Engineering Report.
 - i. Schedule: Mr. Grundy presented an updated schedule from Wildcat.
 - b. Plan Updates
 - i. Roadway/ Utility/ Storm Water: Mr. Odor provided an update on the roadway, utility, and storm water plans. Mr. Walker asked the Board to approve a request by Galloway engineering to be the engineer for the District on roadways to be built by the District but in areas where Galloway is the current Engineer. Director Long moved to authorize Galloway to proceed with the designing those roadways for the District.; seconded by Director Byers. Motion passed with Director O’Sullivan abstaining.
 - ii. Channel Design: Mr. Odor reported the Corps of Engineers have communicated there may be a possibility to get the channel designated as non-jurisdictional which would reduce requirements. Mr. Odor noted there is a meeting scheduled with the Boy Scouts regarding their site and the flood plain. The Board discussed a potential PILOT Agreement with the Boy Scouts.
 - iii. 24” and 16” Water Line Update: Mr. Grundy noted they will have 4-6 bids tomorrow for the water main extension project since Wildcat is unable to complete the project. The Board discussed that the COS Airport has advised it will be building the entire segment of their line on airport property in Waterview North. Director O’Sullivan noted the City’s new annexation ordinance might impact Waterview North from being annexed into the City.
 - c. Construction Schedule/Construction Contracts Approval/Ratify/Pre-Approval: Mr. Grundy requested Board approval to move forward with the dirt work for the ponds. Director O’Sullivan moved to approve giving a limited notice to proceed with Wildcat for the earth work construction portion of the four ponds; seconded by Director Byers. Motion passed unanimously.
 - d. Update on Construction Budget and Assurance: There were no updates.
 - e. Redemption Hill Church: There were no updates.
 - f. Challenger Homes: There were no updates.
 - g. Bradley Ridge: There were no additional updates.
8. Financial Matters
 - a. Approve Unaudited Financial Reports for January 31, 2023: Mr. Walker presented the Unaudited Financial Reports for January 31, 2023.
 - b. Payables through February 14, 2023: Mr. Walker presented the Payables through February 14, 2023, including an additional payable for insurance. Director O’Sullivan moved to approve both the Unaudited Financial Reports and Payables as presented; seconded by Director Robert Case. Motion passed unanimously.
9. Legal Matters
 - a. May 2023 Director Election Status Report: Mr. Allen confirmed the Self Nomination forms were received for Directors Randle Case II and Bryan Long, and Director Byers still needs to complete his Self-Nomination form.

10. Other Business
 - a. Next Regular Meeting scheduled: March 14, 2023, at 9:00 AM.
11. Executive Session Pursuant to §24-6-402(4)(a) and §24-6-402(4)(e) CRS for purposes of receiving legal advice and directing negotiations pursuant to the Marksheffel ROW needed for roadways: Director O’Sullivan moved to enter into Executive Session pursuant to §24-6-402(4)(a) and §24-6-402(4)(e) CRS for purposes of receiving legal advice and directing negotiations pursuant to the Marksheffel ROW needed for roadways; seconded by Director Long. Motion passed unanimously at 9:46 AM. Director Long moved to come out of Executive Session; seconded by Director Byers. Motion passed unanimously at 10:40 AM. Moved to approve the engagement of an appraiser to determine the value of the property in question, approve the surveyor for purposes of determining the property and the legal description in question, approve the acquisition of and hiring of a title company for purposes of providing either a litigation guarantee or detailed title search for purposes of determining all interested parties in the property in question, approve and authorize the sending of open records requests to the City and County for purposes of obtaining information concerning the property in question, and approve and authorize Timothy Brewer to continue to attempt to communicate with LP Associates as well as prepare and send a request for execution of potentially quit claim deed from LP Associates to the District for purposes of correcting the legal description dedicating the right of way; seconded by Director Byers. Motion passed unanimously with Directors Robert Case and Ray O’Sullivan excused.
12. Adjourn: The Board unanimously adjourned the meeting at 10:49 AM.

Respectfully Submitted,

Rebecca Harris

By: Recording Secretary