

**MINUTES OF THE REGULAR BOARD MEETING
OF THE BOARD OF DIRECTORS OF THE
BRADLEY HEIGHTS METROPOLITAN DISTRICT NOS. 1, 2, AND 3
HELD JULY 11, 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, July 11, 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 (Excused)

Also in attendance were:

K. Sean Allen, Esq., White Bear Ankele Tanaka & Waldron
Kevin Walker, WSDM District Managers
Rebecca Harris, WSDM District Managers
Sue Gonzales, WSDM District Managers
Eric Smith, Matrix Design Group
Braden Hammond, BiggsKofford
Ryan Case
John

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. Director Byers was excused.
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: Director O’Sullivan moved to approve the Agenda as presented; seconded by Director Long. Motion passed unanimously.

4. Approval of June 13, 2023 Meeting Minutes: Director Long noted a correction to the Service Plan Amendment item that should have been to the City instead of County. After review, Director Robert Case moved to approve the June 13, 2023 Minutes as amended; seconded by Director Long. Motion passed unanimously.
5. Review and Consider Approval of the 2022 Audit: Mr. Hammond with BiggsKofford presented the 2022 Audit. Mr. Hammond noted they expect to issue a clean opinion which is the highest level of assurance they can provide. After review, Director O’Sullivan moved to approve the 2022 draft audit as presented to be filed by the deadline of July 31, 2023; seconded by Director Robert Case. Motion passed unanimously.
6. District Manager Report
 - a. Service Plan Amendment Status: Mr. Walker reported he has an appointment on July 14, 2023 with the City to discuss the proposed service plan amendment seeking an increase of the O&M mill levy cap from 10 to 20 mills.
 - b. Right-of-way Acquisition Update: Mr. Walker discussed the right-of-way acquisition and noted the Appraiser is moving forward.
7. President of the Board Report: President Case II noted the updates will be discussed later in the Agenda.
8. Development Status Review
 - a. Engineering Update: The Board reviewed the monthly engineering and construction report provided by Mr. Grundy.
 - i. Schedule: Mr. Smith provided an update on the schedule.
 - b. Plan Updates
 - i. Roadway/ Utility/ Storm Water: Mr. Smith provided an update on utilities, road, and storm plans. The Board discussed the road connection to the west in Aspen View. President Case II requested this issue be elevated.
 - ii. Channel Design: The Board discussed channel design.
 - iii. 24” and 16” Water Line Update: The Board discussed the water main extension project.
 - c. Construction Schedule/Construction Contracts Approval/Ratify/Pre-Approval: The Board discussed the temporary pond that is needed. Director O’Sullivan moved to approve up to \$150,000 of contingency for the conceptual project of doing pond mitigation for stormwater; seconded by Director Long. Motion passed unanimously. Director O’Sullivan moved to ratify the approval of Pay App #3 for \$792,870; seconded by Director Robert Case. Motion passed unanimously. Director O’Sullivan moved to approve Wildcat’s Pay App #13 for \$849,589.53; seconded by Director Long. Motion passed unanimously. The Board reviewed Change Orders #001 and #002 from Matrix. Director O’Sullivan moved to approve Change Order #002 for \$210,000; seconded by Director Long. Motion passed unanimously. Director O’Sullivan moved to approve Change Order #001 for \$17,000 for plats 1, 2, and 3; seconded by Director Long. Motion passed unanimously.
 - d. Update on Construction Budget and Assurance: Mr. Smith noted he will present an update on the construction budget at the next meeting.
 - e. Redemption Hill Church: There was no update. President Case II noted there is construction progress.
 - f. Challenger Homes: The Board discussed that permits are being pulled and fees paid for their communities.
 - g. Bradley Ridge: Director O’Sullivan provided an update on Bradley Ridge. The Board discussed the 3,000 yards of blue shale on Bliss Road that needs to be removed. The Board discussed the options of what to do with the removed material. Director O’Sullivan discussed that his property was overfilled by 6’ along the road.

9. Financial Matters
 - a. Approve Unaudited Financial Reports through June 30, 2023: Ms. Harris presented the Unaudited Financial Reports through June 30, 2023. After review, Director O’Sullivan moved to approve the Unaudited Financial Reports for Districts 1-3; seconded by Director Robert Case. Motion passed unanimously.
 - b. Review and Approve Payables through July 11, 2023: Ms. Harris presented the Payables through July 11, 2023. After review, Director O’Sullivan moved to approve the Payables for District 1; seconded by Director Robert Case. Motion passed unanimously. Ms. Harris presented the requisition request and pay application for District 2. The total requisition is \$899,312.03. Director O’Sullivan moved to approve the requisition request in the amount of \$899,312.03 for District 2; seconded by Director Robert Case. Motion passed unanimously.
 - c. Discuss Status of Establishing Platting Fees: Mr. Walker will continue to work on the proposed fee amount and give an update at the next meeting.
 - d. Ratify Contract with Appraiser: Director Long moved to ratify the contract with the Appraiser for the condemnation action; seconded by Director O’Sullivan. Motion passed unanimously.
10. Legal Matters: There were no legal matters.
11. Other Business
 - a. Next Regular Meeting scheduled for August 8, 2023, at 9:00 AM.
12. Adjourn: The Board unanimously adjourned the meeting at 10:30 AM.

Respectfully Submitted,

Rebecca Harris

By: Recording Secretary