



**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
BENT GRASS METROPOLITAN DISTRICT
HELD FEBRUARY 5, 2019 AT 10:30 AM**

Pursuant to posted notice, the regular meeting of the Board of Directors of the Bent Grass Metropolitan District was held on Tuesday, February 5, 2019 at 10:30 AM, at 102 E. Pikes Peak Avenue, Suite 200, Colorado Springs, CO 80903.

Attendance

In attendance were Directors:

Randle Case II, President
Bryan Long, Vice President/Secretary
Lena Gail Case, Director
Brad Lam, Director
Brian Bahr, Treasurer (by phone at 11:26 a.m.)

Also in attendance were:

Peter Susemihl, Susemihl McDermott & Cowan P.C.
Kevin Walker, WSDM
Lori VonFeldt, WSDM
Kristina Kulick, WSDM
Steven K. Mulliken, Mulliken Weiner Berg & Jolivet P.C.
Ron Waldthausen, Land First Inc

1. Call to Order & Certification of Quorum & the Agenda:

President Case called the meeting to order at 10:35 a.m. Director Bahr was excused. President Case confirmed there was a posting notice.

2. Approval of the 12/4/18, 12/12/18, 12/20/18, 1/15/19 Minutes:

The Board agreed to table the approval of the Minutes at this time.

3. Public Comment:

There was no public comment.

4. Review of Financials and Approval of Payables:

Ms. VonFeldt presented the Financials and noted they are still waiting on invoices from Woodmen Hills MD and Mr. Susemihl. Director Long asked what the monthly maintenance fee for landscape was. Mr. Walker explained it is a year-long fee that is paid monthly as part of the contract arrangement with them. Director Lam noted they are doing a good job. Director Lam

moved to accept the Financials and approve the Payables; seconded by Director Case. Motion passed unanimously.

5. Board President Report:

President Case said it has been a quiet month since the last meeting on 1/15/19. He noted there have been continued activities on some of the items that will be discussed later in the Agenda.

6. Manager's Report:

Mr. Walker said his discussion will be for items later in the Agenda. President Case noted they will most likely go into Executive Session and come out and discuss one or more items in continued regular session.

7. Development Updates:

President Case said they have not been able to reach Mr. Hodsdon with LSC Transportation Consultants today for a traffic signal update. Mr. Waldthausen said he spoke with him and he has not submitted the traffic report and it is still in progress. Mr. Waldthausen noted that the Dentist was unhappy with his \$3,000 a month property tax invoice. Director Lam noted the average purchase price in the area was \$300,000. Mr. Walker added that commercial property is assessed at 29%.

8. Review and Action on:

- a. Woodmen Road/Bent Grass Meadows Drive Access Update – President Case asked Mr. Walker if he has learned anything new about Falcon Marketplace. Mr. Walker said they are expected to break ground in the first quarter and development plans have been submitted.

9. Executive Session to receive reports from consultants on water resources issues and receive legal advice:

Director Case moved to go in to Executive Session to receive reports from consultants on water resources issues and receive legal advice; seconded by Director Lam. Motion passed unanimously at 10:47 a.m. Director Bahr joined the meeting by phone at 11:26 a.m. Director Bahr moved to come out of Executive Session; seconded by Director Lam. Motion passed unanimously at 12:01 p.m.

10. Review and Action on Woodmen Hills Metro District Proposal Intergovernmental or Other Agreement:

Director Bahr moved to approve, in concept, the draft amendment to the inclusion Agreement presented by and approved by the Woodmen Hills Metro District with the following conditions:

1. The property owners referenced in the Agreement be contacted by the Bent Grass District counsel, and
 - a.) Be given the opportunity to pre-purchase WAFs under the terms presented in the Agreement, and
 - b.) Be given the opportunity to indicate a willingness to sign the Agreement.
2. That an acceptable administrative procedure be developed with Woodmen Hills Metro District to track the initial 200 pre-purchased WAFs and that procedure be reflected in this Agreement.
3. The BGM District Management be authorized to seek funding either by the Bent Grass District or through a private entity and that the Agreement reflect the terms of that funding.
4. That the indemnification language be modified so that it only applies to Current Owners who have received a tap and have not paid for the WAF.

And, the Board authorizes the President or other authorized Officer to negotiate the terms of this Agreement and approve any modifications consistent with the intent of this motion.

Motion seconded by Director Lam. Motion passed unanimously.

Director Bahr left the meeting at 12:14 p.m. The Board received and reviewed a draft letter from special counsel, Steve Mulliken dated Feb 1, 2019 addressed to property owners and the Board has no objection to the proposed letter. Director Case asked to add language for clarification on the water acquisition fee being different than the water tap fee. President Case said every owner in the subdivision is paying \$36 for a water resource fee, so counsel needs to address this with Woodmen Hills MD Attorney Wayne Forman. President Case added that since Bent Grass owners are buying into the new WAF fee, Bent Grass owners shouldn't be paying it every month. Mr. Mulliken said their position is that we should be paying it. President Case instructed Mr. Mulliken to further investigate the monthly water resource fee. President Case said he wants to know what all the fees being charged add up to. Director Lam thinks they should now drop the water resource fee. Mr. Mulliken contacted Mr. Waldthausen about coming back to the meeting, but he was unable to join the meeting after Executive Session. Mr. Mulliken said he will contact Mr. Forman and Mr. Walker will call Woodmen Hill MD's manager Jerry Jacobson on these issues.

11. Other Old Business:

There was no discussion.

12. New Business:

There was no discussion.

13. Confirm and Set Next Meeting:

Director Lam moved to continue the meeting to February 21, 2019 at 3 p.m.; seconded by Director Long. Motion passed unanimously. Director Bahr was excused.

The next regular meeting date is March 5, 2019.

14. Adjournment:

The meeting was adjourned at 12:25 p.m.

Respectfully Submitted,
Walker Schooler District Managers

By: Kristina Kulick for the Recording Secretary