



**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
BENT GRASS METROPOLITAN DISTRICT
HELD AUGUST 4, 2020 AT 10:30 A.M.**

Pursuant to posted notice, the special meeting of the Board of Directors of the Bent Grass Metropolitan District was held on Tuesday, August 4, 2020 at 10:30 AM, via electronic means and telephone conference call.

Attendance

In attendance were Directors:

*Randle Case II, President
*Lena Gail Case, Director
*Bryan Long, Director
Brian Bahr, Director
Randy DeYoung, Director

Also in attendance were:

Kevin Walker, WSDM
*Pete Susemihl, Susemihl, McDermott & Downie, P.C.
*Ron Waldthausen, Land First Inc
Brad Lam

*= Present at meeting site 102 E. Pikes Peak Ave., Suite 200, Colorado Springs, CO 80903

1. Call to Order & Introductions:

President Case II called the meeting to order at 10:30 a.m. and confirmed a quorum.

2. Approval of the July 7, 2020 Minutes:

Mr. Walker noted he distributed an amended version of the minutes this morning. Director Case moved to approve the July 7, 2020 Minutes as revised; seconded by Director Bahr. Motion passed unanimously.

3. Public Comment:

There was no public comment.

4. Review of Financials and Approval of Payables:

- a. Financial statements are being updated with bonds and audit recommendations for next month: Mr. Walker explained the payables included in the packet were signed in the middle of last month, so they need to be ratified by the Board. He noted the financials are not accurate yet due to the Audit and bond issue last month, so he will provide accurate financial statements to the Board in a

few weeks. Director Bahr moved to ratify the Payables; seconded by Director Case. Motion passed unanimously.

5. Board President Report:

President Case II reported Woodmen Hills Metro District did accept two inclusions at their meeting on July 23rd. President Case II participated in that meeting as an owner and spoke on behalf of the Bent Grass Metro District to provide a background. They accepted both the Barr Holding site which is approximately 9 acres, and the Case International Development commercial site which is approximately 8 acres. He noted they are proceeding to get final inclusion agreements. President Case II reported the undergrounding of Sterling Ranch wastewater line was finalized and installed.

6. Manager's Report:

a. Metro District covenant enforcement

- Review of formal structure: Mr. Walker explained the district will assign the declarant's rights to a to be formed non-profit called Bent Grass Covenants. Mr. Susemihl noted if the Board approves, he will form the corporation. He explained the covenant enforcement is now in the hands of the district pursuant to the covenants. The covenants say once the declarant no longer owns property in the district, covenant enforcement falls to the district. The district will assign the covenant enforcement to the non-profit corporation and the district's role will then be limited to covering the costs of covenant enforcement and architectural review. He noted the Board will need to appoint three members to the corporation.

Mr. Lam discussed the condition of the community and issues with mobile homes and trailers being left parked in front of houses, and issues with landscaping because of no enforcement mechanism being in place.

- Plan for 2020: Mr. Walker discussed the plan for moving forward with the covenant enforcement. The first step will be to create a Board for the Bent Grass Covenants non-profit and to hold board meetings and later host an informational meeting for the community. The Board discussed qualifications to be appointed on the new Bent Grass Covenants Board. Mr. Susemihl confirmed the Board could appoint anyone and they do not have to be resident or director. Director Bahr recommended Mr. Vorwaller and Mr. Jarrett for the Board and who currently serve on the Ventana Covenant Committee. He also suggested seeking out a resident from the community to serve as well. The Board discussed enforcing covenants on all residential lots in the District.

Director Case moved to authorize the appropriate officers of the Bent Grass Metropolitan District to execute an assignment of covenants and the Resolution authorizing by the Special District Act and Service Plan to take over succession of the declarant's rights and create and enforce a covenant committee for Bent Grass Covenants, a Colorado not for profit corporation; seconded by Director Bahr. Motion passed unanimously. Mr. Walker will send out an agreement for next Board meeting for his organization engaging the covenant enforcement. Mr. Lam left the meeting.

Mr. Walker informed the Board he was notified by text that both Mr. Jarrett and Mr. Vorwaller agreed to serve on the Bent Grass Covenant Committee. Director

Case moved to approve Mr. Vorwaller and Mr. Jarrett as board members to Bent Grass Covenants for a 1-year term from today or until their successor can be appointed; seconded by Director Bahr. Motion passed unanimously.

- b. Bent Grass Meadows Drive South Reimbursement Request
 - Approval of documents for granting of subordinate note: President Case II reported they are refining the documents and continue to work on getting this finalized.
- c. Request for approval of Agreement to maintain drainage tracts – Challenger parcel
 - Completed and signed: Mr. Walker reported the District has official agreements to maintain the drainage areas all the way from north to south in the new development. He noted the plat has been recorded as well.
- d. Review of Bentgrass/Meridian drainage improvement: Mr. Walker said he does not think there has been any new activity, so these are still items outstanding that Challenger is working on.

7. Development Updates:

Mr. Waldhausen discussed his meeting with the County and noted they delayed him until the Residential Plat No. 2 was recorded. Mr. Bahr could not verify if the plat was recorded. He added that they told him the improvements may not meet current requirements. President Case II discussed the inclusions and that they are getting calls from brokers wanting to do development in the area. Falcon Marketplace seems to be moving forward yet again. President Case II noted the project at the end of Woodmen Road and Highway 24 is moving forward with land use opportunities on the southeast side of Highway 24. Director Bahr reported the sales team was given 5 lots released to them and they were all under contract in a matter of a couple weeks which is faster than the absorption indicated on our study, so good news for the District.

8. Review and Action on:

- a. Woodmen Road/Bent Grass Meadows Drive Access Update: There were no updates.
- b. Bent Grass Meridian Traffic Signal Update: President Case II noted the applications for the signal were submitted and waiting on County approval.

9. Executive Session to receive reports from consultants on water resources issues and receive legal advice: The Board indicated there was no need for an executive session.

10. Other Old Business:

There was no discussion.

11. New Business:

There was no discussion.

12. Confirm and Set Next Meeting:

The Board confirmed the meeting scheduled for September 1, 2020.

13. Adjournment:

Director Bahr moved to adjourn; seconded by Director Case. Motion passed unanimously at 11:21 AM.

Respectfully Submitted,
Walker Schooler District Managers

By: Kristina Kulick for the Recording Secretary