

**MINUTES OF THE SPECIAL BOARD MEETING  
OF THE BOARD OF DIRECTORS OF THE  
BRADLEY HEIGHTS METROPOLITAN DISTRICT NOS. 1, 2, AND 3  
HELD APRIL 18, 2023  
AT 8:30 AM**

Pursuant to posted notice, the special meetings of the Board of Directors of the Bradley Heights Metropolitan District Nos. 1, 2 and 3 were held on Tuesday, April 18, 2023, at 8:30 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  
Rebecca Harris, 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  
Nathan Steele  
Rob Fuller  
Blaine Perkins

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 8:30 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: Director O’Sullivan moved to approve the Agenda as presented; seconded by Director Long. Motion passed unanimously.
4. Approval of March 14, 2023 Meeting Minutes: After review, Director Long moved to approve the March 14, 2023 Meeting Minutes; seconded by Director O’Sullivan. Motion passed unanimously.
5. District Manager Report
  - a. Discuss Service Plan Amendment: Mr. Walker noted he is waiting until after the councilmember change at City Council to proceed on the service plan amendment.
  - b. Right of Way Acquisition Update: Mr. Walker provided an update on the right of way acquisition. Condemnation efforts have been put on hold and work is being done to clean up the ownership issues.
6. President of the Board Report: President Case II reported the owner, architect, and contractor meetings are being held every two weeks and the next meeting is April 25<sup>th</sup> at 8:30 AM.
7. Development Status Review
  - a. Engineering Update: Mr. Grundy presented the monthly engineering and construction report.
    - i. Schedule: Mr. Grundy provided an update on the schedule.
  - b. Plan Updates
    - i. Roadway/ Utility/ Storm Water: Mr. Odor provided an update on utilities, road, and storm plans. He noted cost savings from the pond revisions.
    - ii. Channel Design: The Board discussed channel design.
    - iii. 24” and 16” Water Line Update: Mr. Grundy discussed the water main extension project. Mr. Grundy discussed additional insurance coverage for the water main materials.
  - c. Review and Approve Classic Consulting Contract: Mr. Grundy presented the Classic Consulting contract for the water main extension project. The service amount is \$15,950. The Board discussed the 15% charge for Norwood. After review, Director O’Sullivan moved to approve the Classic Consulting Contract in the amount of \$15,950; seconded by Director Robert Case. Motion passed unanimously.
  - d. Colorado Interstate Gas Company, LLC Amended Encroachment Agreement: Mr. Grundy presented the Colorado Interstate Gas Company, LLC Amended Encroachment Agreement to complete the crossings. After review, Director O’Sullivan moved to approve the Colorado Interstate Gas Company, LLC/ Kinder Morgan Amended Encroachment Agreement; seconded by Director Byers. Motion passed unanimously.
  - e. Construction Schedule/Construction Contracts Approval/Ratify/Pre-Approval: Mr. Grundy presented Change Order No. 11 for \$5,061.03. Director Long moved to approve Change Order No. 11 for \$5,061.03; seconded by Director O’Sullivan. Motion passed unanimously. Mr. Grundy presented a Change Order for the Frazee contract for additional insurance coverage in the amount of \$4,953. Director O’Sullivan moved to approve the Change Order for \$4,953; seconded by Director Byers. Motion passed unanimously. Mr. Grundy presented a Change Order for Entech to complete construction inspection and testing for the water main project in the amount of \$25,785. Director O’Sullivan moved to approve the Entech Change Order in the amount of \$25,785; seconded by Director Long. Motion passed unanimously.
  - f. Update on Construction Budget and Assurance: There will be a budget update at the June Board meeting.
  - g. Redemption Hill Church: There was no update.
  - h. Challenger Homes: Director Byers provided an update and noted they are on Filing 2, there are lots under contract and they will be recording their first plat. Mr. Walker confirmed the District can get their plat recorded in 30 days. The Board discussed parks and amenities.
  - i. Bradley Ridge: Director O’Sullivan provided an update and presented the newest concept plan. The Board discussed the CDOT access permit.

8. Financial Matters
  - a. Approve Unaudited Financial Reports through April 18, 2023: Ms. Harris presented the Unaudited Financial Reports through April 18, 2023.
  - b. Review and Approve Payables through April 18, 2023: Ms. Harris presented the Payables through April 18, 2023. Mr. Walker requested approval for an additional bond request. Director O’Sullivan moved to approve the Payables and additional bond request of \$3,341,376.92 to include \$327,305.05; seconded by Director Byers. Motion passed unanimously.
9. Legal Matters
  - a. Director Appointment Effective May 3, 2023 – Byers: Mr. Allen explained that due to a technical timing issue with the Self Nomination form, Director Byers’ current term ends on May 2<sup>nd</sup> at 7:00 PM. The Board can appoint him to a new 2-year term effective May 3, 2023. Director Long moved to appoint Jim Byers to a 2-year term effective May 3, 2023; seconded by Director O’Sullivan. Motion passed unanimously.
10. Other Business
  - a. Next Regular Meeting scheduled for May 9, 2023, at 9:00 AM.
11. Adjourn: The Board unanimously adjourned the meeting at 9:55 AM.

Respectfully Submitted,

*Rebecca Harris*

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By: Recording Secretary