

**MINUTES OF THE REGULAR BOARD MEETING  
OF THE BOARD OF DIRECTORS OF THE  
BRADLEY HEIGHTS METROPOLITAN DISTRICT NOS. 1, 2, AND 3  
HELD DECEMBER 12, 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, December 12, 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  
Rylee DeLong, WSDM District Managers  
Eric Smith, Matrix Design Group  
Jeff Odor, Matrix Design Group  
Chris Grundy, Project Manager  
Rob Fuller, ROI  
Nathan Steele, ROI  
David Neville, Kiemele Family Partnerships  
Jeremy Raridon  
Ryan Case  
Joseph Zock  
John Radcliffe

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 at 9:00 a.m. by President Case II.
2. Declaration of Quorum/Director Qualifications/ Disclosure Matters: Mr. Walker 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. Mr. Walker 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: Mr. Walker added item 9.a. Ratify and Approve Covenants and Restrictions for Bradley Heights for Century Homes. Director Long moved to approve the Agenda as amended; seconded by Director O’Sullivan. Motion passed unanimously.
4. Approval of November 14, 2023 Meeting Minutes and November 14, 2023 Town Hall Meeting Minutes: After review, Director O’Sullivan moved to approve the November 14, 2023 Meeting Minutes and Town Hall Minutes; seconded by Director Long. Motion passed unanimously.
5. District Manager Report
  - a. Service Plan Amendment Status: Mr. Walker noted the City Council is set to consider the mill levy amendment request today at 10:00 a.m.. The desired Service Plan amendment changes District No. 2’s O&M mill levy cap from 10 mills to 20 mills which will mirror the City’s current policy of permitting an operations mill levy cap of 20 mills.
  - b. Right-of-way Acquisition Update: Mr. Walker provided an update on the right-of-way acquisition. Mr. Pat Broe’s company has indicated that it does not believe it has the authority to execute a quit claim deed to convey the subject property to the District. Therefore, the District will need to file for an immediate possession hearing with the District Court, make a FMV deposit and any entity that may claim ownership of the subject property will need to address the court, prove ownership and rights and make claims to the FMV funds.
6. President of the Board Report: President Case II noted updates will be provided and discussed on the Agenda.
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 roadway, utility, and storm plans.
    - ii. Channel Design: Mr. Odor provided an update on the channel design.
    - iii. 24” and 16” Water Line Update: Mr. Grundy provided an update on the water main extension project.
  - c. Construction Schedule/Construction Contracts Approval/Ratify/Pre-approval: Mr. Grundy presented Change Orders 4, 5, and 6. After review, Director O’Sullivan moved to approve the Change Orders 4, 5, and 6; seconded by Director Robert Case. Motion passed unanimously.
  - d. Update on Construction Budget and Assurance: Mr. Smith provided an update on the construction budget.
  - e. Redemption Hill Church: There was no update.
  - f. Challenger Homes: Director Byers provided an update on Challenger Homes and noted pavement was completed for the connection of Bradley Landing. Earth work for filing 5 is anticipated to begin in February 2024.
  - g. Bradley Ridge: Director O’Sullivan provided an update on Bradley Ridge and reported they submitted the last plat to the City. Director O’Sullivan discussed land area that will be exempt from school fees from the dedicated land.
8. Financial Matters
  - a. Approve Unaudited Financial Reports through November 30, 2023: The Board reviewed the Unaudited Financial Reports through November 30, 2023.
  - b. Review and Approve Payables through December 12, 2023: After review, Director Long moved to approve the Unaudited Financial Reports and Payables; seconded by Director O’Sullivan. Motion passed unanimously.

- c. Review and Consider Adoption of Resolution Concerning District Imposition and Collection of Plat Drainage Fee: Mr. Walker presented the Resolution Concerning District Imposition and Collection of Plat Drainage Fee. After review, Director O’Sullivan moved to approve the Resolution Concerning District Imposition and Collection of Plat Drainage Fee; seconded by Director Robert Case. Motion passed unanimously.
9. Legal Matters
  - a. Ratify and Approve Covenants and Restrictions for Bradley Heights for Century Homes: Mr. Walker presented the Covenants and Restrictions for the Century Homes development area within Bradley Heights. It was noted that the Covenants and Restrictions do not create a HOA but rather empower the District No. 2 to provide certain services like covenant enforcement and design review. An architectural review committee will be established to assist in the enforce the Covenants and Design Review Guidelines. Mr. Allen noted that pursuant to the Special District Act, the District No. 2 revenue needed to pay for these services must come from the actual area served which is the Century Homes development area. After review, Director O’Sullivan moved to consent to the Bradley Heights Metro District No. 2 enforcing the Covenants and Restrictions of Century at Bradley Heights; seconded by Director Byers. Motion passed unanimously.
10. Other Business
  - a. Next Regular Meeting scheduled: January 9, 2024 at 9:00 a.m.
11. Adjourn: The Board unanimously adjourned the meeting at 10:12 a.m.

Respectfully Submitted,

*Rebecca Harris*

---

By: Recording Secretary