

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT NO. 2

Held: Monday, March 1, 2021, at 2:00 p.m. via Teleconference

Due to the Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders issued by the Colorado Department of Public Health and Environment, and the threat posed by the COVID-19 coronavirus, this meeting will be held via teleconference.

**Attendance**

The special meeting of the Board of Directors of the Hawthorn Metropolitan District No. 2, was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following Directors, having confirmed their qualification to serve on the Board, were in attendance:

Krystal Bigley  
Carly Fenton  
Matthew Cavanaugh  
Andrea Stewart  
Brittany Lutz

Also present were Megan J. Murphy, Esq., and Trish Harris, Esq. White Bear Ankele Tanaka & Waldron, District General Counsel; Alex Fink, CliftonLarsonAllen LLP, District Accountant; Peggy Ripko, Special District Management Services, Inc., District Manager; and homeowners.

**Call to Order**

It was noted that a quorum of the Board was present and the meeting was called to order.

**Conflict of Interest Disclosures**

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Murphy inquired into whether members of the Board 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 participation of the

members present was necessary to obtain a quorum or to otherwise enable the Board to act.

**Approval of Agenda**

Ms. Murphy presented the agenda to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

**Financial Matters**

Acceptance of Unaudited Financials and Approval of Claims

Mr. Fink presented the Board with the December 31, 2020 unaudited financial statements. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the unaudited financial statement.

Mr. Fink presented the Board with claims in the amount of \$52,713.69. Mr. Fink noted the District revenues are allocated approximately 27% to the general fund for operations and maintenance and 73% for debt service. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the claims.

Consider Approval of Engagement of Auditor for 2020 Audit

Mr. Fink presented the Board with the audit engagement letter for Dazzio & Associates. Mr. Fink stated that the District is required to conduct an annual audit by state statute and the District's bond documents. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the engagement letter.

Other Financial Matters

None.

**Public Comment**

Homeowner, Mindy Robinson, frustrated about prairie dog extermination, commented that she purchased her home with the understanding that nature would be around, and she would like to understand where the funds came for extermination efforts. She also asked if this agenda item could this be put to a neighborhood vote in the future as well as an environmental impact study before this is done again. She also asked if the easement is owned by CDOT or part of the neighborhood.

Director Bigley commented that this was brought by the public and addressed by the Board at the request of the public. The Board reviewed options and decided to go with extermination.

Homeowner, Kim Defeo, commented on the prairie dog extermination. Her homes backs up to the open space and really enjoys the prairie dogs. She put mesh on her fence to prevent prairie

dogs from coming into her yard. She would like natural vegetation to come back to the hill.

Director Lutz responded that prairie dogs have been on the agenda several times as the Board received many complaints about prairie dogs prior to approving the extermination. She also commented it is good to have neighbors attend the meeting and provide comments.

Ms. Ripko responded that she will add bullet points for upcoming meetings.

Homeowner, Ash Bradin, commented that they started flying a flag (pride flag) outside of their house, they are not required to notify the Board when a flag is going to be flown but decided to do so anyway, and asked about the flags being flown for only holidays that are known to the Board. Director Lutz commented to Ash Bradin that she is thankful to Ash for coming to the meeting and expressing their concerns. Director Stewart noted those from the public that have commented today, that it is great and it is great to get the word out. Director Fenton also noted that the Board really appreciate people coming and participating in the meeting.

Homeowner, Kim Defeo said thank you for bringing this up and wants this to be an inclusive neighborhood.

**Consent Agenda**

Following a summary by Ms. Murphy, the item on the consent agenda was approved by one motion duly made and seconded, and unanimously carried.

1. Minutes from November 16, 2020 Special Meeting

**Facilities/Management Matters**

District Manager Update

Ms. Ripko provided a District Manager update to the Board. Ms. Ripko reminded the Board that new homeowners receive a welcome letter and can sign up on the District's website to receive newsletters.

Update of Completed Project to Fix Drainage on Hill East of Soccer Field

Deferred.

Update of Completed Project to Replace Additional (24) Dead Trees

Ms. Ripko provided an update of the replacement of the 24 dead trees and that they will be installed in Spring 2021.

Update Regarding Spring Seeding

Ms. Ripko provided an update regarding Spring seeding. The contractor is going to provide an updated proposal which include reseeding more area. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized Director Bigley and Director Lutz to approve the updated proposal. Director Cavanaugh commented that seeding should occur sometime in May and the agreement should be on square footage or acreage basis.

Update Regarding Erosion Near 93rd and 58th by Jefferson County

Ms. Ripko provided an erosion update near 93<sup>rd</sup> and 58<sup>th</sup> and is continuing to ask Jefferson County about this issue. Director Bigley requested to have a meeting setup with Jefferson County regarding this issue.

Discussion and Consider Approval of Environmental Landworks Company Recommended Proposals

Ms. Ripko provided an overview of the proposals from Environmental Landworks Company (“Environmental Landworks”) to the Board for consideration.

Regarding Tract A, Director Bigley asked for a landscape architect from Environmental Landworks to put a proposal together to improve this area.

Regarding cleaning the forebays and drain pans Ms. Ripko recommends getting proposals for the next meeting.

Director Lutz asked Ms. Ripko about snow removal invoices from Environmental Landworks that seemed particularly large. Ms. Ripko will investigate and follow up with Director Lutz.

Covenant Enforcement Update

Ms. Ripko provided a covenant enforcement overview to the Board.

Discussion of Architectural Review Committee

Deferred.

Discussion of Architectural Review Guidelines Changes

The Board engaged in discussion regarding Residential Improvement Guidelines and the display of flags. The Board requested suspension of display of all flags until the Board can make a decision after another meeting. Homeowner, Ash Brandin, commented that flying flags allows everyone to express themselves until this can be addressed in a special meeting. The Board directed legal counsel to schedule a special meeting to discuss this issue.

Consider Approval of First Amendment to Independent Contractor Agreement with Environmental Landworks Company, Inc. for Landscape Maintenance Services

Ms. Ripko presented the First Amendment to Independent Contractor Agreement with Environmental Landworks for landscape maintenance services. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the amendment.

### **Legal Matters**

Consider Approval of Right-of-Way Agreement (Non-Exclusive) between the District and North Table Mountain Water and Sanitation District

Ms. Murphy presented the Right-of-Way Agreement (Non-Exclusive) between the District and North Table Mountain Water and Sanitation District. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement subject to final review by Director Bigley and Director Fenton.

Consider Approval of Temporary Construction Easement Agreement between the District and The Bark Yard LLC

Ms. Murphy presented the Temporary Construction Easement Agreement between the District and The Bark Yard LLC. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement subject to final review by Director Bigley and Director Fenton. The Board directed legal counsel to investigate the possibility of the District getting a water tap as part of this agreement.

Consider Approval of Reciprocal Easement Agreement between the District and The Bark Yard LLC

Ms. Murphy presented the Reciprocal Easement Agreement between the District and The Bark Yard LLC. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement subject to final review by Director Bigley and Director Fenton. The Board directed legal counsel to investigate the possibility of the District getting a water tap as part of this agreement.

### **Director Matters**

Director Bigley presented proposals for composting and will be discussed at the next meeting.

Director Matt Cavanaugh resigned from the Board. The Board thanked him for his service and accepted his resignation.

### **Other Business**

None.

### **Adjournment**

There being no further business to come before the Board and following discussion and upon motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting

*Carly Fenton*

Carly Fenton (Jun 26, 2021 21:11 CDT)

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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 7th day of June, 2021.