

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT

Held: Monday, September 11, 2023, at 2:00 p.m. via teleconference

Attendance

The regular meeting of the Board of Directors of the Hawthorn Metropolitan District 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
Andrea Stewart
Brittany Lutz
Steve Daniels
Stephen Bonneau

Also present were Trisha Harris, Esq. White Bear Ankele Tanaka & Waldron, District General Counsel; Allison Williams, CliftonLarsonAllen, LLP, District Accountants; Mark Becker, MSI HOA, District Manager; and Melissa Kuhn, Gene Gray and Brian Dobler, members of the public.

Call to Order

It was noted that a quorum of the Board was present and Director Bigley called the meeting to order at 2:02 p.m.

Conflict of Interest Disclosures

Ms. Harris advised the Board 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 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. Harris 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

Director Bigley presented the agenda to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda.

Consent Agenda

Director Bigley reviewed the items on the consent agenda with the Board. Each item on the Consent Agenda was considered separately. Upon motions duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- Minutes of June 5, 2023 Regular Meeting

Financial Matters

Review and Consider
Acceptance of Unaudited
Financials

Ms. Williams presented the unaudited financials to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the financials.

Review and Consider
Approval of Claims

Ms. Williams presented the claims to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the claims.

**Facilities/Management
Matters**

Discuss Status of Erosion
Along Highway 93 and
Discussions with CDOT

Ms. Bigley reported that she, Mr. Daniels and Ms. Harris met onsite with CDOT representatives on August 2nd and discussed the erosion issue along Highway 93. CDOT suggested some alternative solutions to the berm originally contemplated by the District. CDOT will be coming out to do some work on the area of Highway 93 and 58th. The District may still build a berm for prairie dog mitigation to the east side of the sidewalk in that area once CDOT has completed its work.

Review and Consider
Approval of Proposal from
Environmental Landworks
for Repair of Retention Wall

Ms. Bigley presented the proposal from Environmental Landworks for the repair of the retention wall, noting that there are some areas of the retaining wall that have completely collapsed and some that are leaning. Mr. Becker has contacted the District’s insurance company and will be meeting onsite with the adjuster to determine what insurance coverage there may be for the repair. No action was taken, pending the outcome of the meeting with the adjuster. The Board may schedule a special meeting to discuss further.

Review and Consider
Approval of Independent
Contractor Agreement with
Environmental Landworks

Ms. Bigley presented the Independent Contractor Agreement with Environmental Landworks for 2023/2024 snow removal to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the

for 2023/2024 Snow
Removal

agreement subject to updating the map to include the sidewalk at the corner of Gilbert Way and 60th to the west of the mailbox kiosk.

Legal Matters

Review and Consider
Approval of Amendment to
the Residential
Improvement Guidelines
and Site Restrictions

Ms. Harris presented the Amendment to the Residential Improvement Guidelines and Site Restrictions to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the amendment subject to revisions as discussed.

Discuss Write-off of Past
Due Balance

Ms. Harris discussed the recommendation from special collection counsel to write-off the balance on a past due account due to not having an adequate ledger, stemming from unpaid fees that were imposed prior to the Board terminating the operation fee. Following discussion, upon a motion duly made and seconded, the Board unanimously approved writing off this balance and any other past due balances for which there is not an adequate ledger.

Other Business

Ms. Bigley discussed the District’s newsletter and directed MSI to send out a newsletter at least once per year.

The Board discussed the timing for ARC reviews, noting that the 45-day deadline for a reply starts from complete submission of the plans.

Public Comment

Ms. Kuhn thanked the Board for working on the retaining wall issue. She noted that there are ARC documents on the public website and on NABR that are inconsistent. Ms. Kuhn offered to work with Ms. Bigley to identify those items and offered to assist with the newsletter.

Mr. Gray thanked the Board for continuing to work on the Highway 93 erosion issue and for its work on the retaining wall issue. He also addressed the Board regarding exterior fence staining and concerns with debris in the nature area. The Board will add an annual sweep of that area to the scope of work of the landscape maintenance contract for the next year.

Next Meeting

December 4, 2023 at 2:00 p.m.

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 at 4:23 p.m.

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

Stephen Daniels

[Stephen Daniels \(Dec 23, 2023 08:56 MST\)](#)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 4th day of December, 2023.