

**HAWTHORN METROPOLITAN DISTRICT**

**REGULAR MEETING**

Monday, March 4, 2024 at 2:00 P.M.

<https://www.hawthornmetrodistrict.org>

*This meeting will be held via Zoom and can be joined through the directions below:*

<https://us06web.zoom.us/j/81129000264?pwd=vpLvn2rkXQhZm86bspnKoMatEdpnQ7.1>

Meeting ID: 811 2900 0264

Passcode: 004477

Call In: 720-707-2699

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Krystal Bigley, President	Term to May 2027
Brittany Lutz, Treasurer	Term to May 2025
Stephen Daniels, Secretary	Term to May 2027
Andrea Stewart, Assistant Secretary	Term to May 2025
Stephen Bonneau, Assistant Secretary	Term to May 2027

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**NOTICE OF REGULAR MEETING AND AGENDA**

1. Call to Order/Declaration of Quorum
2. Director Conflict of Interest Disclosures
3. Approval of Agenda
4. Consent Agenda –The items listed below are a group of items to be acted on with a single motion and vote by the Board. An item may be removed from the consent agenda to the regular agenda, by any Board member. Items on the consent agenda are then voted on by a single motion, second, and vote by the Board.
  - a. Approval of Board Meeting Minutes from the December 4, 2023 Meeting **(enclosure)**
  - b. Approval of Annual Meeting Minutes from the December 4, 2023 Meeting **(enclosure)**
  - c. Ratify CliftonLarsonAllen LLP Special Districts Payroll Services Statement of Work **(enclosure)**
  - d. Ratify CliftonLarsonAllen LLP Special Districts Master Services Agreement **(enclosure)**
  - e. Ratify CliftonLarsonAllen LLP Special Districts Preparation Statement of Work **(enclosure)**
  - f. Ratify MSI 2024 Fee Addendum **(enclosure)**
  - g. Ratify First Addendum to Environmental Landworks Company, Inc. for Sidewalk Grading **(enclosure)**
5. Financial Matters
  - a. Review and Consider Acceptance of Unaudited Financials **(enclosure)**
  - b. Review and Consider Approval of Claims **(enclosure)**

6. Legal Matters
  - a. Consider Adoption of 2024 Resolution Designating Meeting Notice Posting Location (**enclosure**)
  
7. Facilities/Management Matters
  - a. Discuss Status of Erosion Along Highway 93 and Discussions with CDOT
  - b. Discuss Berm Construction
  - c. Discuss Retaining Wall Damage and Repair
  - d. Discuss (Dolby) ARF #76344842 Painting Denial
  
8. Other Business
  
9. Public Comment – Members of the public may express their views to the Board(s) on matters that affect the District(s) that are not otherwise on the agenda. Comments will be limited to three (3) minutes per person.
  
10. Adjourn

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT

Held: Monday, December 4, 2023, at 2:00 p.m. via teleconference and in person at the Golden Recreation Center, 1470 10<sup>th</sup> Street, Golden, Colorado

**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 Linda Brodsky, Joe Perry, Gene Gray and Brian Dobbler, 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 2:00 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 September 11, 2023 Regular Meeting
- 2022 Annual Report
- Renewal of General Liability Schedule and Limits and Property Schedule and Authorization to Bind Coverage
- Authorization of Renewal of Special District Association of Colorado Membership for 2024
- Workers' Compensation Coverage with Colorado Special Districts Property and Liability Pool

## **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.

Conduct Public Hearing on  
2024 Budget

Ms. Williams opened the public hearing on the proposed 2024 Budget. Ms. Williams noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Adoption of  
Adopting 2024 Budget,  
Imposing Mill Levy and  
Appropriating Funds

Ms. Williams reviewed the 2024 Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the Resolution adopting the 2024 Budget, appropriating funds therefor and certifying mills for the General Operating Expenses fund, mills for the Debt Service Obligations fund, and mills for the Contractual Obligation Expenses fund as shown in the 2024 Budget, subject to receipt of final assessed valuation.

Consider Auditor Engagement Letter for 2023 Audit

Ms. Williams presented the Auditor Engagement Letter for the 2023 Audit. Following discussion, upon a motion duly made and seconded, the Board approved the Auditor Engagement Letter for the 2023 Audit.

### **Legal Matters**

Consider Adoption of 2024 Annual Administrative Resolution

Ms. Harris presented the 2024 Annual Administrative Resolution to the Board. Following discussion, upon a motion duly made and seconded, the Board approved the 2024 Annual Administrative Resolution.

### **Facilities/Management Matters**

Consider Approval of Independent Contractor Agreement with Environmental Landworks for 2024/2025 Landscape Maintenance

Ms. Bigley presented the Independent Contractor Agreement with Environmental Landworks for 2024/2025 Landscape Maintenance to the Board. Following discussion, upon a motion duly made and seconded, the Board approved the Independent Contractor Agreement with Environmental Landworks for 2024/2025 Landscape Maintenance with the following additional services added:

- Additional Fall Aeration: \$570
- Native Edge to Edge Mow: \$5,000 (once per month from April through September, two included in the contract)
- Native Fence Line Mowing: \$2,199 (four mows total per year)
- Native Broadleaf Spray: \$3,500 (two applications)
- Irrigation Pump System Maintenance: \$2,210 (performed by irrigation pump specialist in Spring, Summer and Fall)
- Turf Top Dressing and Over Seeding of East and West Fields Only: \$2,500 (one time, at the time of aeration)
- Open Space Clean Up: \$1,315 (one time)
- Drain Pan Clean Up: \$4,800 (one time)
- IPS Beetle Preventive Spray: \$1,278 (February-May)
- Box Elder Spray: \$325 (July-August)
- Box Elder Spray: \$325 (August-September)

Discuss Status of Erosion Along Highway 93 and Discussions with CDOT

Ms. Bigley discussed that CDOT came out and laid seed grass and did some drainage work in that area. They did not do anything on the District's side of the sidewalk, and there may be some French drains, or the like, that may need to be done on the District's side in the future after the District sees the impact of CDOT's work over time.

**Discuss Berm Construction** Ms. Bigley discussed that the Board had previously approved a berm to be constructed in the area where CDOT recently did its work. With that work being done, a berm is not needed there, but there may be work to be done on the District’s side of the sidewalk. The Board will wait and see CDOT’s work holds up and evaluate further at a future date.

**Retaining Wall Damage**

**Discuss Status of Insurance Claim** Ms. Bigley discussed that the retaining wall collapsed in August. An insurance claim was submitted, and the insurance company engaged an engineer to inspect the wall. The claim was denied on the grounds that the failure of the wall was due to a construction defect. The statute of repose on any construction defect claim has expired.

**Consider Approval of Independent Contractor Agreement with Environmental Landworks for Retaining Wall Repair** Ms. Bigley presented the proposal from Environmental Landworks for repair of the retaining wall. Following discussion, upon a motion duly made and seconded, the Board approved the first line item on the scope of work on the agreement with Environmental Landworks (the repair/replacement of the portion of the wall that failed), with that portion to be repaired/replaced as soon as possible. The Board will evaluate the repair/replacement of the remainder of the wall and the landscaping at a later date.

**Other Business** None

**Public Comment** Linda Brodsky addressed the Board about the maintenance of the tree lawns along 59<sup>th</sup> from the open space to Eldora.

**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 4:05 p.m.

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

*Stephen Daniels*  
Stephen Daniels (Mar 5, 2024 14:47 CST)  
Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 4th day of March, 2024.

MINUTES OF THE ANNUAL MEETING  
PURSUANT TO §32-1-903(6), C.R.S.  
OF THE BOARD OF DIRECTORS OF  
HAWTHORN METROPOLITAN DISTRICT

Held: Monday, December 4, 2023 at 1:30 p.m.

The meeting was held via teleconference/Zoom and in person at the Golden Recreation Center, 1470 10<sup>th</sup> Street, Golden, Colorado

**Attendance**

The meeting was held in accordance with the laws of the State of Colorado. The following directors 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 Linda Brodsky, Joe Perry, Ryan Krueger and Brian Dobbler, members of the public.

**Call to Order:**

Director Bigley called the meeting to order at 1:32 p.m.

**Presentation Regarding the Status of Public Infrastructure Projects within the District(s)**

Ms. Bigley presented the status of Public Infrastructure Projects within the District.

No action was taken by the Board.

**Presentation Regarding Outstanding Bonds (if necessary)**

Ms. Williams presented the Outstanding Bonds.

No action was taken by the Board.

**Review of Unaudited Financial Statements**

Ms. Williams presented the Unaudited Financial Statements.

No action was taken by the Board.

**Open Floor for Questions**

No questions were raised by public in attendance.

**Adjournment**

Upon a motion duly made, seconded, and upon vote, unanimously carried, the meeting was adjourned at 1:47 p.m.

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

*Stephen Daniels*  
Stepheh Daniels (Mar 5, 2024 14:47 CST)

Secretary for the Meeting

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF THE  
HAWTHORN METROPOLITAN DISTRICT**

**DESIGNATING MEETING NOTICE POSTING LOCATION**

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WHEREAS, the Hawthorn Metropolitan District (the "District" ) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to § 24-6-402(1)(a), C.R.S., the District is a local public body and subject to the provisions of §§ 24-6-401, et seq., C.R.S.; and

WHEREAS, pursuant to § 32-1-903(2) and § 24-6-402(2)(c), C.R.S., the District shall be considered to have given full and timely notice to the public if notice of the meeting is posted, with specific agenda information if available, on a public website of the District no less than twenty-four (24) hours prior to the meeting; and

WHEREAS, pursuant to § 24-6-402(2)(c), C.R.S., the District shall make the notice posted on the public website accessible at no charge to the public, consider linking the notice to any appropriate social media accounts of the District, and, to the extent feasible, make the notices searchable by type of meeting, date of meeting, time of meeting, agenda contents, and any other category deemed appropriate by the District; and

WHEREAS, pursuant to § 24-6-402(2)(c), C.R.S., the District shall designate a place within the boundaries of the local public body at which it may post a notice no less than twenty-four (24) hours in advance of the meeting in the event that the District is unable to post the notice online due to exigent or emergency circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARDS AS FOLLOWS:

1. Pursuant to § 24-6-402(2)(c), C.R.S., the Board hereby designates <https://www.hawthornmetrodistrict.org/> as the website at which notices of District meetings will be posted twenty-four (24) hours in advance.

2. Pursuant to § 24-6-402(2)(c), C.R.S., the Board hereby designates the following location for the posting of its meeting notices twenty-four (24) hours in advance in the event that the District is unable to post notice on the District's website:


The three mailbox kiosks



ADOPTED MARCH 4, 2024.

**DISTRICT:**

**HAWTHORN METROPOLITAN DISTRICT,**  
a quasi-municipal corporation and political  
subdivision of the State of Colorado

By:   
Krystal L. Bigley (Mar 5, 2024 21:57 MST)  
Officer of the District

Attest:

By:   
Stepheh Daniels (Mar 5, 2024 14:47 CST)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

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General Counsel to the District

*[Signature Page to Resolution Designating the Meeting Notice Posting Location]*











# 2024-03-04 Execution Packet (Hawthorn MD)

Final Audit Report

2024-03-06

Created:	2024-03-05
By:	Andie Eckstrum (aekstrum@wbapc.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAakqMwONFnFqLyw82RBT4r-Ov5bNcu8GfF

## "2024-03-04 Execution Packet (Hawthorn MD)" History

-  Document created by Andie Eckstrum (aekstrum@wbapc.com)  
2024-03-05 - 8:13:56 PM GMT- IP address: 8.53.117.233
-  Document emailed to krystalbigley@gmail.com for signature  
2024-03-05 - 8:14:01 PM GMT
-  Document emailed to m840wells@gmail.com for signature  
2024-03-05 - 8:14:01 PM GMT
-  Email viewed by m840wells@gmail.com  
2024-03-05 - 8:38:16 PM GMT- IP address: 174.29.84.70
-  Signer m840wells@gmail.com entered name at signing as Stephen Daniels  
2024-03-05 - 8:47:07 PM GMT- IP address: 174.29.84.70
-  Document e-signed by Stephen Daniels (m840wells@gmail.com)  
Signature Date: 2024-03-05 - 8:47:09 PM GMT - Time Source: server- IP address: 174.29.84.70
-  Email viewed by krystalbigley@gmail.com  
2024-03-06 - 4:56:34 AM GMT- IP address: 174.29.81.54
-  Signer krystalbigley@gmail.com entered name at signing as Krystal L. Bigley  
2024-03-06 - 4:57:03 AM GMT- IP address: 174.29.81.54
-  Document e-signed by Krystal L. Bigley (krystalbigley@gmail.com)  
Signature Date: 2024-03-06 - 4:57:05 AM GMT - Time Source: server- IP address: 174.29.81.54
-  Agreement completed.  
2024-03-06 - 4:57:05 AM GMT