

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT NO. 2

Held: Monday, September 13, 2021, at 2:00 p.m. via Teleconference

This meeting was 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  
Andrea Stewart  
Brittany Lutz

Also present were Trish Harris, Esq. White Bear Ankele Tanaka & Waldron, District General Counsel; Peggy Ripko, Special District Management Services, Inc., District Manager, Alex Fink, CliftonLarsonAllen, LLP, District Accountant, Marco Buttram, Environmental Landworks.

**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. 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**

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

**Discussion Regarding Metropolitan Districts**

Ms. Bigley discussed the distinction between the District and Homeowners Associations, and noted that the District, as a quasi-governmental entity, conducts its business at public meetings, and all decisions are noted in the minutes of the meetings, which are public records that are open to inspection by the public.

**Public Comment**

None

**Financial Matters**

Acceptance of Unaudited Financials and Approval of Claims

Mr. Fink presented the unaudited financials. The Board asked for a breakdown of landscape expenses to date so that the Board can have a better idea of where the district is relative budget in relation to future seeding or other landscaping work going forward.

**Consent Agenda**

Ms. Harris reviewed the items on the consent agenda with the Board. Ms. Harris advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. Minutes from June 7, 2021 Special Meeting
- b. Minutes from March 25, 2021 Special Meeting

**Facilities/Management Matters**

District Manager Update

Ms. Ripko provide the District Managers update to the Board

Consider Approval of Independent Contractor Agreement with Environmental Landworks for 2021/2022 Snow Removal

Ms. Ripko presented the Independent Contractor Agreement with Environmental Landworks for 2021/2022 Snow Removal. Mr. Buttram discussed the pricing and the snow removal map with the Board. Upon a motion duly made and seconded, the Board approved the contract, subject to final confirmation of the snow removal map to be corrected as discussed.

Consider Approval of Independent Contractor Agreement with

Ms. Ripko presented the Independent Contractor Agreement with Environmental Landworks for the Hillside Washout Drainage Project. The Board discussed the project with Mr. Buttram.

Environmental Landworks for Hillside Washout Drainage Project

Following discussion, upon a motion duly made and seconded, the Board approved the Independent Contractor Agreement with Environmental Landworks for the Hillside Washout Drainage Project.

Consider Approval of Agreement with Environmental Landworks for Dog Station Work

Ms. Ripko presented the Agreement with Environmental Landworks for Dog Station Work. The Board discussed the project with Mr. Buttram. Following discussion, upon a motion duly made and seconded, the Board approved the Agreement with Environmental Landworks for Dog Station Work.

Discussion with Environmental Landworks about Cleanout Project and Consider Approval of Agreement

Ms. Ripko presented, noting that this is a one-time charge to clean out the retention ponds, and that going forward, the clean out of the retention ponds will be added to the landscape maintenance contract as part of the scope of services to be provided under that contract.

Update Regarding Erosion Near 93<sup>rd</sup> and 58<sup>th</sup> by Jefferson County

Ms. Ripko provided an update. Jefferson County has indicated that this is a CDOT issue. Ms. Ripko's office has been trying to determine the correct person at CDOT to contact and has not been able to get a response from CDOT. The Board directed Ms. Harris and Ms. Ripko to work on this matter.

Covenant Enforcement Update

Ms. Ripko presented and discussed that SDMS has been conducting inspections twice a month through the summer, and will be scaling back to once a month starting in October, until March of next year, when inspections will then go back to twice a month again for the spring and summer months.

Discussion regarding proposed paint color pallet.

Ms. Ripko presented several colors which were similar to the original color palette used by the builder. The colors presented did not mark the body, body 2, trim or accent to match which the Board originally requested from SDMS at the June 25, 2021 special meeting. The Board discussed the desire to have a second set of color combinations developed to incorporate a blue color scheme to allow for additional community options and ease for ARC. Motion to authorize Ms. Bigley and Ms. Lutz to work with Benjamin Moore and/or Sherwin Williams community color specialists to develop the same and then submit color palettes to the Architectural Review Committee to finalize.

## **Legal Matters**

Consider Approval of Amended and Restated Resolution Establishing

Ms. Harris presented the Amended and Restated Resolution Establishing Guidelines for the Processing and Collection of Delinquent Fees and Charges. The Board noted that SDMS needs

Guidelines for the Processing and Collection of Delinquent Fees and Charges

to be sending out fee notices to owners at the beginning of December so that owners have adequate notice of the January 1 due date for the fees. Following discussion, upon a motion duly made and seconded, the Board adopted the Amended and Restated Resolution Establishing Guidelines for the Processing and Collection of Delinquent Fees and Charges.

Consider Approval Resolution Designating the Location of Regular Meetings of the Board of Directors

Ms. Harris presented the Resolution Designating the Location of Regular Meetings of the Board of Directors. Following discussion, upon a motion duly made and seconded, the Board adopted the Resolution Designating the Location of Regular Meetings of the Board of Directors.

Consider Approval of Amendment to Amended and Restated Residential Improvement Guidelines and Site Restrictions

Ms. Harris presented, and the Board discussed. Following discussion, the Board directed Ms. Harris to revise the proposed amendment to specifically allow for sale and for rent signs, and commercial signs as discussed. Ms. Harris will prepare and present at the next meeting.

Update Regarding Approval of Temporary Construction Easement Agreement between the District and The Bark Yard LLC and the Permanent Easement with North Table Mountain Water and Sanitation District.

Ms. Harris reported that the Temporary Construction Easement with the Bark Yard was executed and recorded. The Permanent Easement with North Table Mountain Water and Sanitation District (NTMWSD) has been executed and Ms. Harris is waiting on receipt of the recorded Permanent Easement from NTMWSD. Upon receipt of that, the matter will be concluded and Ms. Harris will prepare an invoice to the Bark Yard for reimbursement of the District's legal fees as provided for in the Temporary Construction Easement.

Discuss Recent Legislation Affecting Districts

Ms. Harris discussed some of the legislation recently passed as it relates to or impacts the District.

Update on the Dissolution of Hawthorn Metropolitan District No. 1

Ms. Harris provided an update. The Court granted the order approving the dissolution of District No. 1 on September 10. Once WBA receives the certified copy of the order, it will be recorded. The final step will be for the developer, Golden Peaks, LLC to execute a Special Warranty Deed conveying Tract D to District No. 2.

Resident request letter (Eric Killian) to District/ Collection Matter

The Board discussed the request from the owner to waive the \$150 in legal fees added to his account. The Board discussed SDMS not providing confirmation that it had sent any notices to the owner prior to the file being turned over to legal counsel. Follow discussion, upon Motion made and duly seconded, the Board will waive the \$150 in legal fees, with SDMS to reimburse the District for those fees.

**Director Matters**

The Board discussed concerns with the level of service currently provided by SDMS. The Board directed Director Bigley to coordinate with Ms. Harris to develop a request for proposals for other possible management companies to consider.

**Other Business**

The Board discussed top seeding of the park and seeding the native area on the hill. Motion to authorize Director Bigley and Director Stewart to work with Marco at Environmental Landworks to develop a seeding plan to be implemented, up to \$20,000.

**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 (Dec 15, 2021 13:48 MST)

---

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 6<sup>th</sup> day of December, 2021.