

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF
DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT NO. 2

Held: Monday, September 14, 2020, 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 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 was Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Alex Fink, CliftonLarsonAllen LLP, District Accountant; Peggy Ripko, Special District Management Services, Inc., District Manager; and Eric Killian, Homeowner.

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.

Public Comment

Eric Killian discussed his proposal to amend the Residential Improvement Guidelines to allow wooden structures to be made from cedar and stained or left in their natural state.

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 June 1, 2020 Special Meeting

Facilities/Management Matters

District Manager Update

Ms. Ripko provided a District Manager update to the Board.

Covenant Enforcement Update

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

Discussion of Architectural Review Committee

The Board engaged in discussion regarding the Architectural Review Committee (the "ARC") which is comprised of resident volunteers. The volunteer members of ARC discussed receiving a quote from Special District Management Services, Inc. ("SDMS") to act as ARC moving forward. The reasoning is multifaceted. There has been significant time investment from resident volunteers and conflicts can emerge between ARC volunteer residents and other residents submitting architectural review requests while following governing documents. The latter places resident volunteers in uncomfortable positions with neighbors. Consistent deployment of governing documents is what the ARC is most interested in and believes SDMS can serve in this capacity for limited costs to the District since architectural review request forms should accompany payments. The ARC volunteer resident members would continue to review architectural requests where the governing documents are unclear. However, SDMS would move forward with approval and denials without the ARC volunteer resident members when governing documents provide clarity.

Consider Approval of First Amendment to Independent Contractor Agreement with Special District Management Services, Inc. for Architectural Review Services

Ms. Ripko presented the First Amendment to Independent Contractor Agreement with SDMS for Architectural Review Services to provide ARC review on an hourly basis at \$95/hour. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Consider Approval of Work Order with Environmental Landworks Company, Inc. for Removal of Trees

Ms. Ripko presented a proposal with Environmental Landworks Company, Inc. for removal of trees. Ms. Ripko stated that there was a freeze early in September which could have caused additional damage to trees. An arborist reviewed the trees and stated that trees that appear dead may come back next year. This proposal is to remove eight dead trees and install sod where the trees were located. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal with sod installation and irrigation work to be included.

Discussion Regarding Tree Planting

Ms. Ripko presented that she is working on a proposal from Environmental Landworks and will confirm planting season and health of trees prior to planting.

Discussion Regarding Proposal from Environmental Landworks Company, Inc. for Seasonal Tree Services

Ms. Ripko presented a proposal from Environmental Landworks for seasonal tree services. Ms. Ripko said the winter watering services would be determined based on the recommendation of Environmental Landworks and is typically done when snow fall is very light. Ms. Ripko also stated that the sudden freeze killed a lot of new trees last year because new trees are not as hearty. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal with the understanding that winter watering services would be subject to the amount of snow fall and Environmental Landworks recommendation.

Consider Approval of Independent Contractor Agreement with Environmental Landworks Company, Inc. for 2020-2021 Snow Removal Services

Ms. Ripko presented Independent Contractor Agreement with Environmental Landworks Company, Inc. for 2020-2021 Snow Removal Services. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Other Management Matters Ms. Ripko informed the Board that she is meeting with a representative from H2 Enterprise on Wednesday to discuss the next steps for weed removal and native grass seed installation.

The Board engaged in discussion regarding the mowing schedule. Ms. Ripko will confirm the mowing schedule with Environmental Landworks.

Ms. Murphy and Ms. Ripko discussed changes to guidelines proposed by Mr. Killian with the Board. This will be added to the next agenda for discussion by the Board.

Ms. Ripko will add a note to the community newsletter that if someone is needing help with snow removal they can contact the District to request assistance from a volunteer in the community.

Ms. Bigley noted that the sidewalk off Highway 93 continues to have debris and runoff. Ms. Ripko is investigating what is Jefferson County going to do. Ms. Ripko stated that Environmental Landworks is going to provide a proposal for the sidewalks near the soccer fields.

The Board engaged in a discussion to evaluate options to address prairie dogs in the community, such as removal, additional grass seeding, and eradication, to determine next steps in various common and native areas. The Board further discussed and confirmed that once prairie dogs cross into private property, it is up to the homeowner to deal with the issue as they see fit. Ms. Ripko responded that she reached out to Jefferson County about this and Jefferson County only tests prairie dogs for the plague when there is an indication that it is present. This item will be added to the next agenda for discussion.

Legal Matters

None.

Financial Matters

Consider Approval of
Payables/Financials

Mr. Fink presented the Board with the July 31, 2020 unaudited financial statements. Ms. Ripko stated the operations fee account was not setup until August, so the information for July was not available. Ms. Bigley asked where the Davey Tree payment of \$4,000 is reflected on the financial statement. Mr. Fink said he would investigate and follow up with Ms. Bigley. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the unaudited financial statement.

Mr. Fink presented the Board with check and electronic funds transfers. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the claims in the amount of \$88,912.62.

Other Business

Discussion Regarding Board Meeting and Budget Hearing on November 16, 2020 at 2:00 p.m.; Cancel December Meeting

The Board engaged in general discussion regarding the meeting schedule. Following discussion, upon a motion duly made and seconded, the Board determined to meet on November 2, 2020 at 2 p.m. and November 16, 2020 at 2 p.m. The December 7, 2020 meeting is cancelled.

Discuss 2021 Meeting Schedule

Deferred. This item will be added to the next agenda for discussion.

SDA Annual Conference, September 23 – 25, 2020; Deadline to Register September 15
Bill.com

Ms. Murphy noted that the SDA Annual Conference is September 23 – 25, 2020 and the deadline to register is September 15.

Ms. Bigley proposed adding additional Board members to Bill.com. Ms. Lutz agreed to be the Bill.com approver instead of Ms. Bigley.

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 (Nov 20, 2020 11:19 MST)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 16th day of November, 2020.