

MINUTES OF THE REGULAR MEETING OF THE BOARD OF
DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT

Held: Monday, March 6, 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
Carly Fenton
Andrea Stewart
Steve Daniels

Director Lutz was absent. Absence is deemed excused unless otherwise noted in these minutes.

Also present were Trisha Harris, Esq. White Bear Ankele Tanaka & Waldron, District General Counsel; Alex Fink and Allison Williams, CliftonLarsonAllen, LLP, District Accountants; Mark Becker, MSI HOA, District Manager; and Brian Dobler and Gene Gray, 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 2:01 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 from December 5, 2022 Regular Meeting
- First Amendment to 2023 Annual Administrative Resolution
- Consider Approval of Resolution Designating Meeting Posting Location

Financial Matters

Review and Consider
Acceptance of Unaudited
Financials

Mr. Fink presented the unaudited financials with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the financials.

Review and Consider
Approval of Claims

Mr. Fink presented the claims with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the claims.

**Facilities/Management
Matters**

Ratification of Waste
Management Agreement

Ms. Bigley presented the Waste Management Agreement with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the agreement.

Discuss Status of
Erosion/Prairie Dog Project

Mr. Daniels presented an update regarding the prairie dog project with the Board and it was noted that the prairie dog project is going as planned.

Discuss Environmental
Landworks Company, Inc.
Updated and Extended Berm
Proposal

The Board engaged in a general discussion regarding the updated and extended berm proposal. The Board is going to obtain a proposal from Valor and will also be publishing a notice to publicly bid on the project.

Consider Approval of
Amendment to Independent

The Board engaged in a general discussion regarding the amendment to the Independent Contractor Agreement with

Contractor Agreement with Environmental Landworks Company, Inc. for Seeding to be Performed in 2023

Environmental Landworks for seeding in 2023. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Consider Approval of Valor Landscaping Tree Spraying Proposal

The Board engaged in a general discussion regarding reaching out to vendors for tent caterpillar applications to not exceed a cost of \$1,125. It was noted that Mr. Becker is to contact Environmental Landworks regarding spraying for boxelder bugs and if that work was included in the Environmental Landworks contract. Matter is tabled until the next meeting.

Legal Matters

Update on May 2, 2023 Election

Ms. Harris provided an election update to the Board. It was noted that there were only three self-nomination forms received, and there were three seats available on the Board, therefore the upcoming election is to be cancelled. Directors Bigley and Daniels both acknowledged and thanked Director Fenton for her work on the Board over the years.

Discussion Regarding Collection Counsel

Ms. Harris discussed with the Board that White Bear and Ankele is no longer providing collection services prior to the point of foreclosure. It was noted that any foreclosure work is to be performed by Altitude Community Law as the District's foreclosure counsel, and that any other collection work would also be done through Altitude Community Law.

Other Business

Ms. Bigley discussed the with Board of Directors about an email received from a resident that a home within the District being used for Airbnb. The Board and legal counsel discussed that the current language in the Declaration allows for rental of all or a portion of a home, and does not specifically prohibit short term rentals. Legal counsel is to provide examples of options of what might be done to address this issue if necessary.

Public Comment

Mr. Gray thanked Ms. Fenton for her service on the Board of Directors.

Mr. Dobler thanked the Board for all of their work and is looking forward to seeing the progress on the berm project.

Next Meeting

June 5, 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 4:48 p.m.

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

Stephen Daniels
Stephen Daniels (Jun 7, 2023 14:38 MDT)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 5th day of June 2023.