

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT

Held: Monday, December 5, 2022, 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  
Brittany Lutz  
Steve Daniels

Also present were Trisha Harris, Esq. White Bear Ankele Tanaka & Waldron, District General Counsel; Alex Fink, CliftonLarsonAllen, LLP, District Accountant; Mark Becker, MSI HOA, District Manager; and Brian Dopler, Kem Defeo, Nicole Starkey, Michelle London, Mindy Robinson, Hilary Kunz, Ryan Krueger and Mike Wofsey member 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. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- Minutes from September 12, 2022 Special Meeting
- 2023 Annual Administrative Resolution, subject to changing the time for the September meeting to 2:00 p.m.
- Resolution Calling the May 2, 2023 Election
- Ratification of 2021 Annual Report
- Property and Liability Schedule and Limits

## **Consultant Contracts**

Consider Approval of CLA 2023 Statement of Work

Mr. Fink presented the CLA 2023 Statement of Work with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Consider Approval of Independent Contractor Agreement for Landscape Maintenance

Ms. Bigley presented the Independent Contractor Agreement for Landscape Maintenance with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the following services: #4 Native Edge for edge mowing services; #5 Native Fence Line Mowing; #6 Wrap and Unwrap Trees for only the newly planted trees at \$24 per tree; #12 IPS Beetle Preventative Spray to be completed once in the Spring of 2023 and Spring of 2024, for a total of \$602; and Winter Watering.

Consider Proposals for Legal Services

Ms. Harris presented the proposals for Legals Services to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Flat Fee Option Number 1.

## **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.

Conduct Public Hearing on 2022 Budget Amendment and Consider Adoption of Resolution Amending 2022 Budget

The 2022 Budget Amendment was not necessary. No action taken.

Conduct Public Hearing on 2023 Budget and Consider Adoption of Resolution Adopting 2023 Budget, Imposing Mill Levy and Appropriating Funds

Director Bigley opened the public hearing on the proposed 2023 Budget. Ms. Harris 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.

Mr. Fink reviewed the 2023 Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2023 Budget, appropriating funds therefor and certifying mills for the General Operating Fund, and mills for the Debt Service Fund as shown in the 2023 Budget, subject to receipt of final assessed valuation.

Consider Approval of Auditor Engagement Letter

Mr. Fink reviewed the Auditor Engagement Letter with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the letter.

### **Facilities/Management Matters**

Discuss Status of Erosion/Prairie Dog Project

Ms. Lutz discussed the status of the erosion and prairie dog project with the Board. It was noted that the prairie dog mitigation has been proceeding and the contractor has advised that the activity has been reduced to a level that proceeding with reseeding on the slope to the north is advised. Reseeding is scheduled to take place within the next two weeks. The Board engaged in a general discussion regarding the proposed berm along Highway 93. The Board received a proposal from Environmental Landworks, but Mr. Becker is working with other contractors for additional proposals.

### **Other Business**

Ms. Bigley announced that the Board meetings for 2023 will be held on March 6<sup>th</sup>, June 6<sup>th</sup>, September 11<sup>th</sup> and December 4<sup>th</sup> at 2:00 p.m.

**Public Comment**

Ms. Starkey addressed the Board regarding the necessity to have legal counsel attend every meeting, commented on the condition of the common area of the neighborhood association and objected to the mitigation of the prairie dogs.

Mr. Wofsey, Ms. Defeo and Ms. Kunz addressed the Board also objecting the mitigation of the prairie dogs.

Mr. Dabler addressed the Board supporting the mitigation of the prairie dogs.

**Next Meeting**

March 6, 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.

*Carly Fenton*

Carly Fenton (Mar 21, 2023 08:48 PDT)

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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 6<sup>th</sup> day of March 2023.