

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT NO. 2

Held: Monday, September 9, 2019, at 2:00 p.m. at 17685 W. 83rd Drive, Arvada, Colorado.

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

All Director absences are deemed excused unless otherwise specified.

Also present were:

Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Patrick Shannon, CliftonLarsonAllen, LLP, District Manager; Susie Ellis, Community Preservation Specialists; Alex Fink, CliftonLarsonAllen, LLP, District Accountant; and various members of the public.

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 with 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 noted that a quorum was present and 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 Board determined that 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

None.

Consent Agenda

The following items on the consent agenda were considered routine or administrative. Following a summary by Ms. Murphy the items on the consent agenda were approved by one motion duly made, seconded, and vote unanimously carried.

1. Minutes from June 3, 2019 regular meeting
2. Approval of Waiver for Tree Removal
3. Ratification of Annual Report

Facilities Management

District Manager Update

Mr. Shannon presented the Board with the district manager report. The Board engaged in a discussion regarding dead trees and noted that 19 out of the 27 trees died and will be covered under warranty with Davey Tree.

Consider Approval of Proposal from Homestead Painting LLC for Fence Repair

Mr. Shannon presented the Board with the proposal from Homestead Painting LLC for fence repair and noted that the entire project would be \$748. Following discussion, upon a motion duly made and seconded, the Board unanimously approved \$428 for the Gilbert repairs and \$320 for the dog park fence repairs, subject to final review by Director Fenton.

Review and Consider Approval of Proposal from Metco for Walkway Drainage at Eldora and 58th Cul-de-sac and Picnic Area

Mr. Shannon presented the Board with the proposals from Metco Landscape LLC (“Metco”) and Highland Landscaping for walkway drainage at Eldora and 58th cul-de-sac and picnic areas. Director Bigley asked Mr. Shannon to ask Metco for a more detailed proposal with visual aids. Director Cavanaugh suggested approving the Highlands proposal without the seeding. Following discussion, the Board directed Ms. Murphy to reach out to the County regarding gravel on the pathway in the southwest corner of the project. It was noted that CliftonLarsonAllen will include these projects as part of the 2020 budget and that Director Cavanaugh will meet with Director Bigley to review the proposals.

Review and Consider Approval of Proposal from Metco for Gravel Trail Renovation and Concrete Cleanup

Mr. Shannon presented the Board with the proposals from Metco and Highlands Landscaping for gravel trail renovation and concrete cleanup. No action was taken at this time.

Review and Consider Approval of Proposal from Metco for Native Grass Reseeding

Ms. Shannon presented the Board with the proposal from Metco for native grass reseeding and noted that the entire project would cost approximately \$40k-\$50k. Following discussion, the Board directed Mr. Shannon to reach out to Arnold Seed Company and Weed Wranglers for proposals.

Discuss Drainage Issue at 93rd and Flattop

The Board engaged in a discussion regarding drainage issues at 93rd and Flattop. No action was taken.

Weeds in Open Space

Mr. Shannon informed the Board that Metco mowed the beauty band for \$900. Director Bigley reminded the Board that the District is not

responsible for open space clean up.

Sports Fields

It was noted that soccer and football teams have been practicing on the field. Ms. Murphy explained that the current policy prohibits reservations. No action was taken at this time.

Covenant Enforcement Update

Ms. Ellis presented the Board with an update on covenant enforcement and noted that lawns, trees, and weeds are the biggest problems. She also noted that discussions with legal counsel regarding parking and RVs have been productive.

Director Bigley discussed homeowner installation of fence along the side of the home. Ms. Ellis stated that a resident moved a fence forward 4 feet without approval. The rest of the community has fences set back about 10 feet. The resident interpreted the setback requirement to be measured from the front of his porch not the front of his house. Following discussion, upon a motion duly made and seconded, the Board unanimously approved an extension until November to relocate the fence.

The Board discussed Ms. Ellis' 2020 contract renewal. Director Bigley asked Ms. Ellis to submit her proposed fees directly to legal counsel.

Director Fenton engaged in a discussion with the Board regarding maintaining lawns that are well groomed and asked the Board to consider adopting more clear guidelines. The Board requested Ms. Ellis provide photos of lawns that are "in a neat and attractive condition" to be posted on the website.

Director Fenton asked if there is a yard size that is too small to plant a tree in. Director Fenton noted there is a yard that is 8 feet by 16 feet and may be too small for a tree to be installed. The Board took no action at this time.

Director Lutz engaged in a discussion with the Board regarding overnight camping in the open space. Following discussion, the Board directed Mr. Shannon to order specific signs providing notice of rules or regulations to be prominently posted at all public entrances to the open space.

Architectural Review
Committee Update

Ms. Ellis noted that Mr. Pries resigned and that Directors Bigley and Fenton and Mr. Kaess are the current Architectural Review Committee members. Director Bigley asked Mr. Shannon to send an email blast and post on the website that the Committee is seeking one additional member.

Consider Approval of
Amendments to Residential
Improvement Guidelines and
Site Restrictions

Ms. Murphy presented the Board with the Amendments to Residential Improvement Guidelines and Site Restrictions for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the amendments.

Discuss Street Parking

The Board engaged in discussion regarding street parking and options for enforcement through the Covenants and Restrictions of Hawthorn

(the “Covenants”). Director Bigley stated that for the duration of the summer there has been an RV parked on the street. Following discussion, the Board directed Mr. Shannon to put information in the newsletter and send letters to homeowners stating that the Covenants require the garage area and driveway first be used for parking of vehicles (cars) before any street parking.

Consider Adoption of Resolution Adopting Event Sponsorship Request Policy

Ms. Murphy presented the Board with the Resolution Adopting Event Sponsorship Request Policy for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution and asked Mr. Shannon to reach out to vendors and include this in the newsletter.

Discuss Timing of Net Installation

The Board engaged in a discussion regarding the timing of the net installation. It was noted that the net will be installed on approximately May 15th and removed on approximately October 15th. Mr. Shannon noted that he will include this information in the newsletter.

Discuss and Consider Approval of Installation of Reservation Sign at Soccer Field

The Board engaged in a discussion regarding the installation of a reservation sign at the soccer field. Mr. Shannon noted that he will provide a proposal for signs at the next meeting.

Discuss Davey Tree 2020 Watering Schedule

The Board engaged in a discussion regarding the 2020 watering schedule for Davey Tree. Mr. Shannon noted that he will work with Davey Tree after the new trees are installed.

Discuss 2020 Contract renewals

Ms. Murphy presented a list of current contractors to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal for Arnold Seeding for an amount not to exceed \$4,000, subject to final review by Director Cavanaugh.

Discuss Fees/Fines for Various Violations

Director Bigley asked if we should be charging more for fines or violations. Following discussion, upon a motion duly made and seconded, the Board unanimously approved an increase in RV fees to \$150 for the first violation, \$300 for the second violation, and \$50/day following.

Consider Approval of Amended Open Space Policy

Ms. Murphy presented the Board with the Amended Open Space Policy for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the policy. The Board directed legal counsel to prepare another amendment to the Open Space Policy to allow for reservation of the open space for a fee.

Consider Approval of Proposal from Metco for Irrigation Repairs

Ms. Shannon presented the Board with the proposal from Metco for irrigation repairs. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal not to exceed \$545.

Legal Matters

Consider Adoption of Resolution Concerning Online

Ms. Murphy presented the Board with the Resolution Concerning Online Notice of Regular and Special Meetings for consideration. Following

Notice of Regular and Special Meetings discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution.

Financial Matters

Financials/Claims Payable Mr. Fink presented the Board with the June 30, 2019 unaudited financials for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the unaudited financials.

Mr. Fink presented the Board with the claims payable. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the claims from June 3, 2019 through September 5, 2019.

Other Business

It was noted that Ms. Pangindian and Mr. Fink will work with Director Lutz and Director Stewart to hold a Board member workshops.

It was also noted that the 2020 draft budget will be due to the Board on October 15th and the budget hearing will be December 2nd.

Next Meeting

The next meeting is scheduled for Monday, December 2, 2019.

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.



Secretary for the Meeting