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## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE CONSERVATORY METROPOLITAN DISTRICT HELD

September 21, 2020

A Special Meeting of the Board of Directors (referred to hereafter as “Board”) of the Conservatory Metropolitan District, (referred to hereafter as “District”), was convened. The meeting was open to the public and the conferencing information was posted.

Due to Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders, issued by the Colorado Department of Health and Environment (CDPHE), and the threat posed by the COVID-19 coronavirus, the meeting was held via teleconference.

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#### ATTENDANCE

#### Directors In Attendance Were:

Birgit Baldwin  
Joy DeMots  
Pedro L. Moczo, Jr.  
Robert C. Giles

Following discussion, upon motion duly made by Director DeMots, seconded by Director Giles and, upon vote, unanimously carried, the Board excused the absence of Director Altman.

#### Also In Attendance Were:

AJ Beckman; Public Alliance, LLC

Jennifer Tanaka, Esq.; White Bear Ankele Tanaka & Waldron, P.C.

Georgia Harland; Simmons and Wheeler, P.C.

Gary Welp, RG and Associates, LLC (for a portion of the meeting)

Laverne Palmer, resident

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#### DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

Disclosures of Potential Conflicts of Interest: Attorney Tanaka advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. The Board reviewed the Agenda for the meeting, following which Directors Baldwin, Moczo, DeMots, and

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Giles, along with each consultant, confirmed that they have no conflicts of interest in connection with any of the matters listed on the Agenda.

**PLEDGE OF ALLEGIANCE**

**Pledge of Allegiance:** Director Moczo led the Board in reciting the Pledge of Allegiance.

**ADMINISTRATIVE MATTERS**

**Agenda:** Mr. Beckman reviewed the proposed Agenda with the Board for the District's Special Meeting.

Following discussion, upon motion duly made by Director Moczo, seconded by Director DeMots and, upon vote, unanimously carried, the Agenda was approved, as presented.

Director DeMots then requested that the Board observe a moment of silence in recognition of the recent passing of Supreme Court Justice Ruth Bader Ginsberg. Director Baldwin asked if there was any objection by members of the Board. Hearing none, the Board observed a moment of silence.

**Consent Agenda:** The Board considered the following actions:

- Approve Minutes of the July 20, 2020 Regular Meeting, as amended.
- Ratify Fourteenth Addendum to Independent Contractor Agreement with BrightView Landscape Services, Inc. ("BrightView") for One Time Watering in the amount of \$2,400.00
- Ratify Independent Contractor Agreement with Roberts Treescaping, LLC for Pond Maintenance Services.
- Ratify Independent Contract Agreement for Snow Removal Services for 2020 – 2021 Winter Season with BrightView

Mr. Beckman reported that the liability insurance limits for with Roberts Treescaping, LLC, are \$1,000,000 per occurrence which does not meet the District's requirement of \$2,000,000 per occurrence.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the liability insurance limits of \$1,000,000 per occurrence for Roberts Treescaping, LLC.

Director Baldwin then noted that the Contract for Snow Removal Services with BrightView includes a 3% increase, which is slightly in excess of the Consumer Price Index for 2021.

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Following discussion, upon motion duly made by Director Moczo, seconded by Director Giles and, upon vote, unanimously carried, the Board approved, ratified and/or accepted the items on the Consent Agenda.

### **COMMUNITY COMMENTS**

**HOA Reports and Updates:** Mr. Beckman noted that he has not received any feedback on the proposed Agreement sent to the HOA. Director DeMots reported that the HOA's Attorney is presently reviewing the document and may have some proposed revisions. Director Giles noted that he is in agreement with the concept that, generally the owner of the property where improvements are situated should maintain the improvements.

Mr. Welp joined the meeting at this time to provide a report. This information is presented under Operations Matters, Detention Pond No. 6 Inlet Project Update by RG and Associates, LLC.

**Public Comment:** There was no public comment.

### **FINANCIAL MATTERS**

**Claims:** Ms. Harland noted that she is in the process of closing the District's checking account with Independent Bank and is moving all checking to an account with First Bank. She then reviewed with the Board the check register for the period ending August 31, 2020, including check numbers 3411 through 3423, written on the Independent Bank checking account totaling \$114,911.69.

Following discussion, upon motion duly made by Director Moczo, seconded by Director Giles and, upon vote, unanimously carried, the Board approved check numbers 3411 through 3423, totaling \$114,911.69

Ms. Harland then reviewed with the Board the check register for the period ending August 31, 2020, including check numbers 4000 through 4009, totaling \$68,856.77 written on the checking account with FirstBank.

Following discussion, upon motion duly made by Director Moczo, seconded by Director Giles and, upon vote, unanimously carried, the Board approved check numbers 4000 through 4009, totaling \$68,856.77

**Financial Statements:** Ms. Harland reviewed with the Board the unaudited financial statements of the District for the period ending August 31, 2020.

Following discussion, upon motion duly made by Director Mozco, seconded by Director Giles and, upon vote, unanimously carried, the Board accepted

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the unaudited financial statements of the District for the period ending August 31, 2020.

**Cash Position Schedule and Analysis of Projected Cash Balances for Operations:** Ms. Harland reviewed with the Board the Analysis of Projected Cash Balances for Operations, and the Cash Position Schedule as of September 21, 2020.

**2021 Budget:** Director Baldwin noted that she has not received additional input from Directors since the distribution of the last draft budget and asked if there are any additional comments. Each Director confirmed that they have no additional comments. Ms. Harland then reviewed the draft budget with the Board. She noted that Arapahoe County provided a “pre” Preliminary Assessed Valuation Report showing an increase of \$100,000 in assessed value, which appears to be a rough estimate. She does not expect to receive the Preliminary Valuation Report until sometime in October.

Ms. Harland explained that upon his review of the draft budget, John Simmons has concluded that the District could reduce its debt service mill levy by 5 mills, taking it from 30 to 25 mills, and still comfortably meet District’s debt service requirements. Director Baldwin noted that according to her calculations this would on average equate to a savings of approximately \$200 per year for homeowners. She then reported that she discussed this with Director Altman prior to today’s meeting and noted that he agrees with reducing the debt service mill levy.

Director Baldwin then discussed the amount budgeted for improvements to monuments in the capital is a rough number as research regarding the scope of work has not yet been done. She also noted that the amount budgeted for Pond 7 may be understated since access issues, and material disposal costs could skew the project cost. She then explained that the work in Pond 7 would likely not occur until late 2021 or early 2022.

Attorney Tanaka reported that she will coordinate publication of the Budget Hearing with Mr. Beckman. Ms. Harland excused herself from the meeting at this time.

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**OPERATIONS  
MATTERS**

**Manager’s Report:** Mr. Beckman reviewed the District Manager’s Report with the Board and requested direction for the replacement of 19 Doggiepot canisters noting that he will either put the work out to bid, or will perform the work through Public Alliance, LLC. Mr. Beckman reviewed his estimate to perform the work. He explained that the work would be

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performed at his Field Rate of \$75 per hour with material and disposal costs being passed through with no mark up. He estimates the total replacement cost to be approximately \$5,245 work with a maximum labor allowance of \$1,125.00.

Director Baldwin noted that the canisters on Tracts J and L were recently replaced and should be removed from the scope of work. Ms. Palmer then asked if the District should remove the pet waste disposal station from Tract P. Following discussion, the consensus was to leave the station on Tract P in place.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the Board authorized Mr. Beckman to replace the 17 canisters, omitting the stations located in Tracts J and L for an amount not to exceed \$1,125.00 in total labor charges with materials, disposal and incidental charges to be passed through with no mark up.

**Use of Conservatory Clubhouse and Meeting Location for 2021:** Director Baldwin noted that the Saddle Rock South Authority was extremely accommodating last year. Following discussion, the Board determined to reserve meeting time at the Saddle Rock Clubhouse for 2021. Attorney Tanaka will follow up with Saddle Rock and inquire into whether reservation credits may roll over to next year.

**Detention Pond No. 6 Inlet Project update by RG and Associates, LLC:** Mr. Welp reported that Flatirons Surveying is working with RG and Associates and made its first site observation. He reported that a discrepancy between survey data on file and the recent survey which the initial information suggests that the pond may not have volume reported in the pond certification. He expects to have better information in another week or two. Director Baldwin asked when the initial design would be ready. Mr. Welp reported that he expects to have an initial design in the next two to three weeks. Director Baldwin suggested that it will likely be early 2021 before construction can commence. All pond committee members agreed that early 2021 is a reasonable estimate. Ms. Palmer asked if weather delays are of concern. Mr. Welp explained that because the amount of concrete needed for the project will be a relatively small and can be covered if necessary, cold temperatures should not cause significant delays. Ms. Palmer asked Mr. Welp if he has concerns about working around the HOA's concrete structure at the east end of the pond near the flared end section. Mr. Welp noted he is not far along enough in the design process to comment. Director Baldwin asked if the structure is still active. Mr. Welp noted that it is still an active structure which appears to be part of

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the HOA's underdrain system. Ms. Palmer asked if the basic plan of installing drainage pipe and covering with dirt will address safety concerns. Mr. Welp and Attorney Tanaka agreed that this should address safety concerns. Director Baldwin asked Mr. Welp to attend the October Board meeting to discuss the Pond 7 proposal. Mr. Welp agreed to attend the meeting and was excused at this time.

Director Baldwin commented on the schedule for the Director on duty schedule included in the Manager's Report, noting that Director Giles will fill in for her while she is out of town, October 5<sup>th</sup> through the 9<sup>th</sup>.

**Detention Pond Committee Report:** It was noted that the recent activity of the Committee is included with the Manager's Report.

**Proposal by RG and Associates, LLC for Surveying, Engineering, Bidding and Project Management for Refurbishment of Pond No. 7:**

The Board reviewed the proposal. Mr. Beckman reported that he received an updated proposal in which the design costs are reduced by \$500 bringing the total to \$24,030. Following discussion, upon motion duly made by Director DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved an Independent Contractor Agreement with RG and Associates for Task 1 and Task 2, and with each subsequent task noted in the proposal requiring Board authorization through separate addendum, subject to finalization by legal counsel. The Board directed Mr. Beckman to work with Attorney Tanaka to work within these parameters and circulate for signature.

**Mail Kiosk Maintenance:** Director Moczo reported that Mr. Beckman previously directed MR Westco to inspect all mail kiosks and provide a proposal for painting and repairs. Director Moczo will review the MR Westco report and compare it with his notes and update the Board as necessary.

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**LANDSCAPING  
MATTERS**

**Landscape Expenditure Budget Tracking Matrix:** Mr. Beckman reviewed the matrix with the Board.

**BrightView Report:** The Board reviewed the report.

**Landscaping Committee Report:** There was no landscaping report.

**2020 Landscaping Services:** Following discussion, the Board determined not to put the landscaping out to bid and directed Mr. Beckman to obtain verification of the pricing for 2021.

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**BOARD MEMBER  
INPUT**

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**Director Baldwin, President:** Nothing to discuss

**Director Moczo, Secretary:** Nothing to discuss

**Director DeMots, Treasurer:** Nothing to discuss

**Director Giles, Assistant Secretary:** Nothing to discuss

**Director Altman, Assistant Secretary:** Nothing to discuss

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**OTHER BUSINESS**

**Community Outreach:** The Board discussed items for Community Outreach.

- Budget Hearing
  - Replacement of Doggiepot Canisters
  - Pond No. 6 and Pond No.7 Projects
  - Native Seeding for Tracts J and G
  - Mail kiosk maintenance
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**LEGAL MATTERS**

**Gated Community Concept:** Attorney Tanaka reported that the idea of restricting access to the community through gates at the primary entrances was raised by Director Altman. She explained that while the District has outstanding bonds this would not be possible as the District's facilities which are otherwise funded through by the bonds are required to be remain open to the public. Furthermore, with public schools and parks situated within the District, and with the primary streets being major public thoroughfares, it seems unlikely that the City would allow the community to be gated. Director Baldwin suggested that the Board not pursue the matter further and polled the individual Directors. All Directors agreed that the matter should not be pursued further.

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**EXECUTIVE  
SESSION**

The Board determined not to enter into executive session.

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**ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the meeting was adjourned.

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Respectfully submitted,

DocuSigned by:  
By: Pete Moczy  
DE61523990441  
Secretary for the Meeting