

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE CONSERVATORY METROPOLITAN DISTRICT HELD May 17, 2021

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 Public Health and Environment (CDPHE), and the threat posed by the COVID-19 coronavirus, the meeting was held via teleconference.

ATTENDANCE

Directors In Attendance Were:

Birgit Baldwin
Joy DeMots
Pedro L. Moczo, Jr.
Robert C. Giles
David E. 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.
Laverne Palmer, member of the public

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

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PLEDGE OF ALLEGIANCE

Pledge of Allegiance: Director Altman 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 DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the Agenda was approved, as amended.

Consent Agenda: The Board considered the following actions:

- Approval of Minutes of the March 15, 2021 Special Meeting
- Ratification of Addendum No. 7 to Independent Contractor Agreement with BrightView Landscape Services, Inc. ("BrightView") for 2021 Tree planting, in the amount of \$53,260.89
- Ratification of Independent Contractor Agreement with Ivy Street Design, Inc. for Planting Design and performance Standards Services, in the amount of \$2,650.00
- Ratification of Independent Contractor Agreement with Masterful Masonry for Wall and Monument Repairs Services, in the amount of \$7,556.00

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

COMMUNITY COMMENTS

Public Comment: There was no public comment.

FINANCIAL MATTERS

Claims: Ms. Harland reviewed the check register for the period ending April 30, 2021, including check numbers 4534 through 4556, totaling \$58,478.86. She then discussed Check nos. 4116 and 4117, to Masterful Masonry, Inc. in the amount totaling \$7,556.00. Ms. Harland explained that the checks to Masterful Masonry were special payments made outside the Bill.com platform.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the claims totaling \$66,044.86.

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Financial Statements: Ms. Harland reviewed the unaudited financial statements for the period ending April 30, 2021.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Altman and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending April 30, 2021.

Cash Position: Ms. Harland reviewed the cash position with the Board.

OPERATIONS MATTERS

Manager's Report: Mr. Beckman reviewed with the Board the District Manager's Report, attached hereto and incorporated herein by this reference.

Detention Pond Committee Report: Mr. Beckman reviewed the information included in the Manager's Report and noted that Gary Welp, with R.G. and Associates, the District's Engineer, prepared a re-submittal to the City which will include a letter explaining the history of Pond No. 6 and the intergovernmental agreement with the City of Aurora ("the City") excluding the pond from current design standards.

Pest Control Update: Director Moczo reported Orkin recently placed traps for Voles; however, he has not been able to get all of the necessary enclosures in order to get a contract in place. He will reach out to other contractors in order to secure a contract for pest control services.

Update Regarding Wall Repairs: Director Moczo reported that he has inspected the recent wall repairs with Masterful Masonry and is satisfied with the repair results. Director Baldwin reported that she is also satisfied with the results.

Update Regarding Playground Improvements: Director Giles reported that in response to the latest safety inspection by Playground Safety Solutions, BrightView was asked to provide a quote for improvements to modify a concrete slab and add wood mulch. He reported that the improvements are complete, and the playground is now compliant with the recommendations in the report.

Electrical Improvements to Monuments: Director Baldwin reported that she has discussed the idea of proceeding with improvements to the lighting at all of the monuments with the District's Accountant and has confirmed that this could be treated as a capital project. Director Giles noted that the homeowner on Hampden and Jericho requested that when the electrical

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meter or other electrical equipment is relocated, the affected masonry be repaired. It was noted that the masonry repair costs should be included in the overall project cost. Director Baldwin then explained that she would like to approve and provide direction to the monument improvements committee to proceed with a capital project to upgrade the monuments to LED illumination and treat the other electrical issues with the monuments as repair items.

Following discussion, upon motion duly made by Director Giles, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the Capital Project to convert all monument lighting from fluorescent to LED illumination.

The Board then discussed addressing all maintenance items associated with the electrical systems serving the monuments, as noted on the list of deficiencies prepared by Director Giles.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the addressing of all maintenance items associated with the monuments' electrical systems.

Discussion ensued regarding the scope of the holiday lighting. Director Altman noted that the Board can expect prices to be higher as the cost of labor and materials is increasing. Director Baldwin noted that the District is presently under contract with SavATree for holiday lighting services this year.

LANDSCAPING MATTERS

Landscaping Budget Tracking: Mr. Beckman reviewed the budget tracking spreadsheet with the Board. Director Altman requested that the Board consider adding additional trees to the 2021 planting project. Director Baldwin reported that she and Director Giles will follow up after the current planting project and plan for a fall planting. Director Giles noted that five of the trees included in the current project are warranty replacements. Director Baldwin discussed the removal of two large cottonwoods and two evergreens. Director Giles noted that the removal of large trees would require a separate proposal.

BrightView Report: The Board reviewed the report. Mr. Beckman discussed backflow certifications this year and noted that Public Alliance requested a proposal from Backflow Tech, which should be approximately half the price quoted by BrightView.

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2021 Landscaping Improvements: Director Baldwin reviewed the conceptual drawings prepared by Ivy Street Designs for the improvements to the entry area at East Hampden and South Killarney Court, and the planting beds located at Hamilton Court and South Kirk Way.

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

Update Regarding Tree Planting: Director Baldwin reported that tree planting is expected to start this week. She also reiterated that after the spring planting the scope can be re-evaluated to consider additional fall planting.

BOARD MEMBER INPUT

Director Baldwin: Thanked the Directors for all of their work this year. She noted that Director Giles has performed an extensive amount of work on the trees and electrical improvements projects. She then noted that Director DeMots has been extremely diligent in her efforts with the detention ponds.

Director DeMots: Reported that she echoes Director Baldwin's comments and thanked Ms. Palmer and Mr. Degenhart for their knowledge of the detention ponds, particularly Pond 6.

Director Moczo: Reported that he will be working on getting a contract in place with a vendor other than Orkin for pest control services.

Director Giles: Nothing to report.

Director Altman: Noted that he agrees with all prior comments and agrees that the monuments need attention. Ms. Palmer commented that the Board Member on Duty should be checking the status of the monument lighting. Director Altman explained that he believes it is time to consider improvements as the existing fixtures have aged and it is a good time to proceed with the improvements.

OTHER BUSINESS

Community Outreach: Mr. Beckman reported that the HOA asked if the District would have content for the HOA newsletter. Following discussion it was determined that there is currently nothing that would require publication in the HOA newsletter.

Matters for the Community Update include:

- Landscaping Improvements to Planting Beds

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- Tree Planting
 - Playground Improvements
 - Monument Improvements
 - Wall Repairs
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LEGAL MATTERS

Attorney Tanaka reported that HB 1278 has been introduced which would allow Districts to continue meeting virtually. She reported that there appears to be a good chance of the legislation passing. She then noted that if the legislation passes it would be up to the Board regarding its preference for in person or virtual meeting. Director Baldwin then noted that she prefers the convenience of meeting via Zoom, and polled the Board member for their preferences:

Director DeMots: Reported that she prefers meeting by Zoom, but most importantly wants to make sure the District is meeting all statutory requirements.

Director Moczo: Reported that he agrees with Director DeMots' comments.

Director Giles: Noted that he has no strong preference.

Director Altman: Appreciates the convenience of meeting virtually but would like to meet in person within the community as well.

Attorney Tanaka then discussed SB - 262 Regarding Special District Transparency. She reported that the bill would require a higher level of transparency. She discussed several examples of how the legislation, if passed into law, would require metropolitan districts to actively engage in a higher level of transparency than what is presently required by statute and the ultimate impact upon the District.

Signage and Banners Policy: Director Altman addressed the Board as to why it did not allow the HOA's Social Committee to advertise the community garage sale by posting a banner on District property. He noted that in his opinion this kind of posting is very different than the ordinary solicitations often posted on District property without permission. Discussion ensued and Director Baldwin explained that the decision was made by a majority of the Board needing to provide a timely response. She further noted that the decision is consistent with the standing policy.

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**EXECUTIVE
SESSION**

The Board determined not to enter into executive session.

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.

Respectfully submitted,

By:
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Secretary for the Meeting