
RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
CONSERVATORY METROPOLITAN DISTRICT
HELD
July 19, 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.

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.
Brian Marcinowski; BrightView Landscaping
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.

**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

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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:

- Ratification of Addendum No. 8 to Independent Contractor Agreement with BrightView Landscape Services, Inc. ("BrightView") for Cottonwood Removals, in the amount of \$3,050.00
- Ratification of Addendum No. 9 to Independent Contractor Agreement with Brightview for Landscape Refresh, in the amount of \$14,994.53
- Ratification of Addendum No. 10 to Independent Contractor Agreement with BrightView for Backflow Repairs, in the amount of \$3,417.34
- Ratification of Addendum No. 11 to Independent Contractor Agreement with BrightView for Dead Tree Removals, in the amount of \$5,400
- Ratification of Addendum No. 12 to Independent Contractor Agreement with BrightView for Plant Material at Entry Beds, in the amount of \$5,922.42
- Ratification of Second Addendum to Independent Contractor Agreement with Roberts Treescap Services LLC ("RTS") for Pond Maintenance Service, in the amount of \$695.00
- Ratification of the Independent Contractor Agreement with Rocky Mountain Tree Care, Inc. for Tree Care Services, in the amount of \$14,790.00

Following discussion, upon motion duly made by Director Altman, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the Minutes of the May 17, 2021 Special Meeting as amended, and 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 June 30, 2021, including check numbers 4557 through 4573, totaling \$96,678.98. She noted that all expenses were normal contractor and consultants' fees, with the exception of the cost of backflow repairs performed by BrightView.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the claims totaling \$96,678.98.

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Financial Statements: Ms. Harland reviewed the unaudited financial statements for the period ending June 30, 2021. She noted that Aurora Water Bills were not available at the time of preparation.

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

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

2022 Budget: Director Baldwin noted that Mr. Beckman, Director DeMotts, and Ms. Harland will meet to prepare a draft budget toward the end of August, 2021.

2022 Projects and 2021 Inclusion: Director Baldwin requested that all Board members provide budget input and budget recommendations by August 21, 2021, with sufficient cost and quantity detail for budgetary purposes.

OPERATIONS MATTERS

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

Detention Pond Committee Report: Director DeMotts reviewed the report prepared by the Committee. She noted that the City's review of the District's plan to extend the flared end section at the pond inlet resulted in requests by the City to add extensive modifications to the pond. The additional engineering and hard costs to comply with the City's requests would be extremely expensive and do not seem to be a good use of District taxpayer money. Following discussion, Director Baldwin requested that the Pond Committee bring the matter to closure by November 1, 2021. She recommended that the Board consider the option to install a safety rail and erosion mitigation improvements, as noted in Option A of the Pond Committee Report. Ms. Tanaka clarified that if the project cost is expected to exceed \$60,000 the District would be required to publicly bid the project. The Board discussed preparing an addendum to the contract with RG Engineering to prepare the specifications necessary to put the project out to bid. The Board requested that the Committee continue its work with RG Engineering to prepare the bid specification.

Pest Control Update: Director Moczo reported that he has been researching several pest control companies in the area. He added that he

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will need assistance and will work with Mr. Beckman to secure a contractor in the coming weeks.

Graffiti Removal: Director Baldwin reported that Sarah Warner of Public Alliance found a graffiti removal contractor, who removed the graffiti near the City trail adjacent to Tract V. Mr. Beckman noted that the cost was approximately \$250, and he contracted the work through Public Alliance.

Electrical Proposals: Director Giles reviewed with the Board proposals from Parker Electric, Inc. and Lionheart Electrical, LLC.

Following discussion, upon motion duly made by Director Giles, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the engagement of Parker Electric, Inc.

Director Baldwin requested that the Committee assist with the repairs to the masonry as needed following the relocation of the electrical improvements. Director Giles reported that he would like to do a punch-list walkthrough upon completion of the electrical improvements. Director Baldwin requested that the Committee also address the lenses at the monuments once the electrical work is complete. She requested that the Committee report to the Board its plan to address the signage lenses at the September Board meeting.

Holiday Lighting and Décor: Director Altman reviewed with the Board a proposal from SavATree, LLC. He noted that he would like to include holiday lighting at the Killarney Court entrance if electrical can be installed at this location. It was noted that if there is no electrical at the entry, this may not be included in 2021. Discussion ensued regarding the proposed decorating of a tree at the north entry. Director Baldwin noted that there is no District tree in the area. Director Altman will request that SavATree correct this portion of the proposal. The Board requested that Mr. Beckman research the cost of installing electrical at Ireland and Killarney Court. Director Giles noted that he would like to see more greenery around the tops of the monuments for the unlit portions of the holiday decorations.

Following discussion, upon motion duly made by Director Giles, seconded by Director DeMots and, upon vote, unanimously carried, the Board approved the 2021 holiday lighting and décor proposal from SavATree, LLC, in the amount of \$17,284.00.

Director Altman will meet with SavATree to get pricing for additional décor as discussed.

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LANDSCAPING MATTERS

Landscaping Budget Tracking: Mr. Beckman reviewed with the Board.

BrightView Report: Mr. Marcinowski reported on the status of Addendum No. 9 regarding sod installation. He reported that he will have a four-person crew on site this week to install the sod and address some other outstanding items. Director Baldwin addressed the Board and requested that they take the initiative to contact Mr. Marcinowski directly for landscaping matters, instead of referring all questions to her.

Director Baldwin asked about the overall status and condition of the District's irrigation. Mr. Marcinowski reported that all major issues have been addressed, and the system is functioning as designed and programmed. Director Baldwin then noted that there are some dead bushes that need to be pruned. Director Moczko reported that he had seen some crews working on the property and thanked Mr. Marcinowski for the work BrightView is doing.

Director Altman noted that there are three dead trees on the east side of Jericho. Director Baldwin explained that those trees actually belong to the City. She also reported that there are six large trees that are being monitored and will be treated by Rocky Mountain Tree Care.

There being no additional questions regarding landscaping, Mr. Marcinowski excused himself from the meeting at this time.

Landscaping Improvements Proposals: Director Baldwin reviewed with the Board proposals from BrightView and Environmental Designs, Inc. for 2021 landscaping improvements at entrance areas. Directors Baldwin and DeMots recommended that the Board engage BrightView.

Following discussion, upon motion duly made by Director Altman, seconded by Director Giles and, upon vote, unanimously carried, the Board engaged BrightView to install the improvements.

Update Regarding Tree Planting: Director Giles reported that 60 trees have been replaced, 5 of which were under warranty. Some are doing exceptionally well, while others are not. BrightView is working on getting warranty replacements for struggling trees. Director Baldwin reported that some of the Frontier Elms had elm disease when planted. A total of 8 trees will be replaced under warranty by BrightView. Director Baldwin noted that she is seeing insect activity on many trees, which will be addressed by the Tree Healthcare treatments that will be applied by Rocky Mountain Treecare.

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Discussion ensued regarding completion of the multi-year tree replacement project in 2022. Director Baldwin advised the Board that she would not recommend attempting to complete the project in one year, as this is approximately 130 trees, which would be a very large project to manage. Director Giles reported that he will verify the number of trees needed to complete replacement project. Director Baldwin the recommended that Board look into a GIS mapping program to monitor the status of all District tree replacements and improvements.

BOARD MEMBER INPUT

Director Baldwin: Discussed requests from homeowners to prune shrubs coming through their fences from the District's property. She requested that the District get a proposal from BrightView to trim shrubs back, one foot from fences. Director Giles recommended that the Board have BrightView cut back shrubs at property whose owners recently requested this service as soon as possible. Director Baldwin explained that the cost of this is not part of the annual scope of landscaping service.

Director DeMotts: Reported that it has been a pleasure working with RTS on the ponds, and that the City of Aurora maintenance crews have been very helpful as well.

Director Moczo: Thanked the Board and consultants for all of their hard work.

Director Giles: Noted he is pleased with the direction of the District and appreciates the way the Board works together.

Director Altman: Notified the Board that he will be moving out of the community. He reported that he will tender his resignation upon relocation out of the community. Ms. Tanaka explained that there is no statutory deadline for the Board to fill a vacancy, unless there is an interested party, which would trigger a 60-day timeline for the Board to appoint a new Director. She reported that in the past the Board has solicited interest through the Community Update and website, and subsequently interviewed interested candidates at the following Board meeting. Ms. Tanaka explained that Director Altman could remain qualified to serve as a Director through individual property ownership in the District, or through the ownership interest of his spouse.

OTHER BUSINESS

Community Outreach:

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Matters discussed for inclusion in the Community Update include:

- Electrical Improvements as Entrances
 - Monument Conversion to LED Lighting
 - Landscaping Improvements at Entry Beds
 - Upcoming Budget Hearing
 - Update on Tree Replacements
-

LEGAL MATTERS

Discuss Conflicts of Interest: Attorney Tanka asked if Director Baldwin could provide some context for this agenda item since it was added at her request. Director Baldwin explained that she wanted to touch upon any actual or perceived conflicts of interest when Directors ask District contractors to perform work for them personally. Director Altman acknowledged the nature of the agenda item and explained that he previously requested a referral from BrightView, who put him in contact with a former BrightView employee to perform stump grinding. Director Baldwin reminded the Directors that it is important to exercise discretion when dealing with contractors.


Review 2021 Legislative Memorandum: Ms. Tanaka reviewed the memorandum with the Board. She explained that new transparency requirements will take effect January 1, 2022. Her office will coordinate with Management and the Board as necessary. She then explained that new legislation will allow Boards to continue to meet virtually.

Director Baldwin discussed potentially continuing with virtual meetings. She noted that she would like to have a Resolution to continue with Zoom meetings through the end of the year. Attorney Tanaka will prepare a Resolution for the next meeting which explains the policy and ratifies previous meetings. Zoom meetings will be noted as the meeting location in the 2022 Annual Administrative Resolution. She explained that the policy can be changed at the discretion of the Board.

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:  _____
Secretary for the Meeting

DISTRICT MANAGER'S REPORT

To: Board of Directors, Conservatory Metropolitan District
From: AJ Beckman, District Manager
Date: July 14, 2021

Capital Improvements Pond 6: The plans for Pond No. 6 have undergone two rounds of review with the City of Aurora (“the City”). In the first round of review the City applied standards for new construction. This would have required the District to make costly and extensive renovations to the pond in order to proceed with the original project scope which is primarily intended to mitigate safety concerns and reduce erosion. The District resubmitted the plans with a letter explaining the standards applicable to the Pond 6, pursuant the Amended and Restated Intergovernmental Agreement, dated August 22, 2016 (“the IGA”) explaining that the pond was constructed prior to the adoption of the City’s applicable Rules and Regulations for stormwater improvements. The resubmittal requested a variance for most of the construction the City was requesting. On July 13th the City returned comments to the District’s resubmittal. The City’s comments are focused primarily on the Pond 6 inlet extension area, however the City is again requesting extensive and costly changes to the original plan. The Pond Committee met on July 14, 2021 and determined to recommend to the Board that the district curtail the pursuit of the inlet extension option and focus efforts on safety and erosion control along the pedestrian path.

2021 Landscaping Improvements at Entry Areas: Design Options prepared by Wendy Booth with Ivy Street Designs were approved by the Board at the May 17, 2021 Board Meeting. Proposals have been requested from BrighView Landscaping, Environmental Designs, Inc., and Singing Hills Landscaping, Inc. The proposals are included in the meeting packet for Board review and consideration at the July 19, 2021 Board meeting.

Electrical Work at Monuments: Directors Altman and Giles (the “Moment Improvements Committee”) met with Ms. Warner and me to inspect the monuments and the entry areas and develop a scope of work to improve the efficiency of the holiday lighting installations in January 2021. At the May 17, 2021 Board meeting a broader scope of improvements to included LED lighting options was included. Proposals from Parker Electric and Lionhart Electric are included in the meeting packet. The Committee has reviewed and will present its recommendation at the July 19, 2021 Board meeting.

Signage, Tract V: Public Alliance is working with BrightView on the installation of signs cautioning the public that icy conditions may exist on the walking path connecting Tract V to the City’s walking path. The signs have been received and we have requested that BrightView perform the installation.

Sump Pump Discharge Letter: The District discovered excessive sump pump discharge from the property located at 3415 S. Jericho Court. The letter to the resident is attached to this report.

Board Member on Duty:

July 2021	August 2021	Sept. 2021	October 2021	Nov. 2021	Dec. 2021
Dave	Birgit	Pete	Joy	Bob	Dave
Jan. 2022	Feb. 2022	March 2022	April 2022	May 2022	June 2022
Birgit	Pete	Joy	Bob	Dave	Birgit

CONSERVATORY METROPOLITAN DISTRICT

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Cell: 303-877-6284 • Tel: 303-231-6621 • Cell: • Fax: 303-231-1056
Website: www.yourcmd.org • District Manager's Email aj@publicalliance.com

July 14, 2021

RESIDENT
3415 S. Jericho Ct.

Aurora, CO 80013

Re: Property located at 3415 S. Jericho Ct.

To Whom It May Concern:

The purpose of this letter is to inform you of a drainage problem affecting public property owned and maintained by the Conservatory Metropolitan District (the "District"), which property and landscaping is adjacent to the above-referenced property. This property is similar to many in the Conservatory at the Plains as the home at this address appears to be equipped with a pump which discharges water from the basement sump well to the outside of the home. However, in this case the water being discharged is running onto District property, oversaturating the landscaping and sidewalk (picture attached)

The Board of Directors of the District is hereby requesting that the property owner take appropriate measures, in conformance with all local codes and permitting requirements, to immediately discontinue and prevent future drainage onto District property.

I appreciate your attention to this important matter. Please contact me at your earliest convenience to let me know how you intend to address the District's request.

Sincerely,

AJ Beckman
District Manager

CC: Jennifer Tanaka, Esq.
Board of Directors

