
RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
CONSERVATORY METROPOLITAN DISTRICT
HELD
September 20, 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

Also In Attendance Were:

AJ Beckman; Public Alliance, LLC
Noel Nail; Public Alliance, LLC
Jennifer Gruber 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, and 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 Giles 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.

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

Board Vacancies and Resignations: The Board discussed the resignation of David Altman and discussed potential candidates and the process to fill the vacant seat. Director Baldwin reported that residents Don Samsel, Janine Schilling, and Bob Hunchberger previously expressed interest in serving on the Board and could potentially fill the vacancy until the next regular election. The Board entered into discussion regarding the timing and process for filling the vacant Board seat.

Following discussion, upon motion duly made by Director Moczo, seconded by Director DeMots, and, upon vote, unanimously carried, the Board acknowledged the resignation of David Altman and appointed Janine Schilling to fill the vacancy created by his resignation.

Consent Agenda: The Board considered the following actions:

- Ratification of Addendum No. 14 to Independent Contractor Agreement with BrightView Landscape Services, Inc. (“BrightView”) for Irrigation Repairs in the amount of \$5,000.00.
- Ratification of First Addendum to Independent Contractor Agreement with Rocky Mountain Tree Care.
- Approval of Independent Contractor Agreement with BrightView for 2021-2022 Snow Removal Services.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Giles and, upon vote, unanimously carried, the Board approved the Minutes of the July 19, 2021, Special Meeting as amended, and ratified or approved the items on the Consent Agenda.

COMMUNITY COMMENTS

Public Comment: Ms. Palmer thanked the Board for the nice landscaping improvements that were recently made to the entry area and landscaping beds.

FINANCIAL MATTERS

Claims: Ms. Harland reviewed the check register for the period ending September 20, 2021, including check numbers 4574 through 4592, totaling \$137,882.41. She noted that all expenses were standard, with the exception of certain Bright View Landscaping invoices for the landscaping improvements. She noted that the water bills for August consumption have

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not yet been received. Director Baldwin reported that she expects the irrigation expenses for the year to exceed the annual budget.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the claims totaling \$137,882.41.

Financial Statements: Ms. Harland reviewed the unaudited financial statements for the period ending August 31, 2021.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Moczo and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending August 31, 2021.

2022 Budget: Ms. Harland reviewed the draft budget with the Board. Following discussion, the Board requested that Ms. Harland increase the election expense to \$55,000. Ms. Harland noted that she will distribute an updated draft budget to include the changes discussed.

With the Board having no further questions, Ms. Harland left the meeting at this time.

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: Mr. Beckman reported that he and the Detention Pond Committee are working with the City of Aurora and RG Engineering to perform erosion control maintenance in the Pond No. 6 inlet area, and to install fencing where safety concerns have been identified. He noted that the proposal by RTS Landscaping is subject to change based on information the City is requesting. Once the project is approved by the City, the proposal by RTS Landscaping should be revised, and will then be ready for consideration by the Board.

Pond Maintenance Proposals: Ms. DeMots reviewed the proposals from RTS Landscaping with the Board. She recommended that, in light of the higher-than-expected cost for the annual maintenance, the Board should get a proposal from BrightView as well. Director DeMots will work with Mr. Beckman on obtaining the proposals.

Irrigation Controllers Management: Mr. Beckman reported that Public Alliance would like to have an active role in overseeing the smart

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controllers in order to verify that the water conservation and reporting features are being optimized. Following discussion, upon a motion duly made by Director Moczo, seconded by Director Giles, and upon vote unanimously carried, the Board authorized Public Alliance to take an active role in overseeing the irrigation controllers and managing water consumption.

Irrigation Audit: Director Baldwin reviewed Irrigation System Review Proposal from Hydro Systems, Inc. Upon motion duly made by Director DeMots, seconded by Director Moczo, and upon vote unanimously carried, the Board approved the proposal as presented.

Reserve Study: The Board discussed getting a proposal for a reserve study. Director Baldwin recommended getting a few proposals for Board review. The Board directed Mr. Beckman to obtain two or more proposals for a reserve study.

GIS Mapping System: The Board discussed getting proposals for an interactive GIS mapping system. Ms. Palmer asked about data entry and ongoing data management. Director Giles noted that ongoing data management will be critical to the success of the system. Following discussion, the Board directed Mr. Beckman to obtain proposals for an interactive GIS mapping system.

Ivy Street Designs: Director Baldwin noted that she recently spoke with Ms. Booth of Ivy Street Designs, Inc. regarding an update to the 2016 Xeric Landscaping Proposal. She reported that Ms. Booth will prepare a recommendation for the Board for an amount not to exceed \$1,000. Upon motion duly made by Director DeMots, seconded by Director Moczo, and upon vote unanimously carried, the Board voted to approve Addendum No. 1 to the contract with Ivy Street Designs.

Mailboxes: Mr. Beckman reported that two residents have recently complained that their mailboxes were broken into. The residents reported the matter to the HOA and were directed back to the District. Mr. Beckman directed them to the Post Office. Director Baldwin reported that the residents had posted on a neighborhood social media page that the Post Office recently repaired the broken mailboxes and waived the fees. Ms. Tanaka noted that in all prior interactions with the United States Postal Service (“USPS”) it was made clear to the District that mailboxes are the property of the USPS, and tampering with the mailboxes is in fact a federal offense. The Board directed Mr. Beckman to add information to the website clarifying the ownership of the mailboxes.

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LANDSCAPING MATTERS

Landscaping Budget Tracking: Mr. Beckman reviewed the landscaping budget with the Board. He noted that there is approximately \$75,000 in remaining landscaping budget for 2021.

BrightView Proposal for Fence Line Pruning: Ms. Baldwin reviewed with the Board a proposal from BrightView in the amount of \$3,400 for pruning along fence lines. Following discussion, upon motion duly made by Director Giles, seconded by Director Moczo, and upon vote unanimously carried, the Board approved the proposal as presented.

BrightView Report: Director Baldwin reviewed the report with the Board.

Landscaping Committee Report: Director Baldwin discussed the completion of the landscaping improvements in the entry areas and discussed the irrigation repairs noted in the BrightView Report. Director Baldwin noted concerns about a large area of stressed turf along Conservatory Parkway, from South Ireland Way to approximately South Jebel Way. She explained that BrightView apparently did not fully restore the irrigation in this area following a repair. The irrigation has since been restored and the area appears to be recovering. Director Baldwin then noted that there are 12 trees to be replaced under warranty this year. She has requested that BrightView make the replacements this week.

BOARD MEMBER INPUT

Director Baldwin: Reported that she is excited about the LED lighting conversion at the monuments. She requested that Public Alliance get a proposal for new photocells at the same time. Mr. Beckman reported that this is already in process. She noted that masonry repairs should be performed in connection with the reconfiguration of the electrical services for holiday lighting in the entry areas, to restore the areas of disruption affecting homeowners.

Director DeMots: No comments at this time.

Director Moczo: Thanked Mr. Beckman for providing him contact information for a pest control contractor.

Director Giles: Noted that he thinks the community is looking good and he believes the community is headed in the right direction.

OTHER BUSINESS

Community Outreach:

Matters discussed for inclusion in the Community Update include:

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- Killarney Beautification
- Holiday lighting
- Tree replacement
- Pond 6
- Budget Hearing
- Fence Line Pruning
- Post Office Mailbox Responsibility

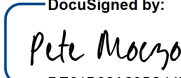
LEGAL MATTERS

Ms. Tanaka noted that she had nothing further to report.

ADJOURNMENT

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

Respectfully submitted,

By: 
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Secretary for the Meeting