
RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CONSERVATORY METROPOLITAN DISTRICT HELD March 21, 2022

A Regular 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
Janine Schilling

Also In Attendance Were:

AJ Beckman; Public Alliance, LLC
Noel Nail; Public Alliance, LLC
Sarah Warner; Public Alliance, LLC
Jennifer Gruber Tanaka, Esq.; White Bear Ankele Tanaka & Waldron, P.C.
Erin Stutz, Esq.; White Bear Ankele Tanaka & Waldron, P.C.
Georgia Harland; Simmons & Wheeler, P.C.
Dawn Schilling; Schilling & Company
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, DeMots, Moczo, Giles, and Schilling, 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 Schilling 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 Regular Meeting. Following discussion, upon motion duly made by Director Giles, seconded by Director DeMots and, upon vote, unanimously carried, the Agenda was approved as amended.

Consent Agenda: The Board considered the following actions:

- Approval of Minutes of the January 24, 2022 Regular Meeting
- Ratification of the Second Addendum to the Independent Contractor Agreement with Rocky Mountain Tree Care, Inc.
- Ratification of the Third Addendum to the Independent Contractor agreement with Roberts Treescaping, LLC
- Ratification of the First Addendum to the Independent Contractor Agreement with Masterful Masonry, Inc.
- Ratification of the Independent Contractor Agreement with Reserve Advisors, LLC.

Following discussion and review, upon a motion duly made by Director Schilling, seconded by Director Moczo and, upon vote unanimously carried, the Board approved the consent agenda as presented.

AUDIT

2021 Audit: Ms. Schilling reviewed the 2021 Audit with the Board. She reported that there are no ongoing concerns or issues. She is issuing a clean, unmodified opinion, and noted that Schilling & Company is independent of the District.

Director Baldwin asked for Ms. Schilling's opinion regarding maintaining the reserve balance as it is versus using cash on hand to pay down debt. Ms. Schilling advised the Board to review the balance when preparing the budget, and noted that in her opinion it is prudent to keep a healthy reserve balance for planned replacement and unforeseen needs.

Following discussion and review, upon a motion duly made by Director Baldwin, seconded by Director Schilling and, upon vote unanimously carried, the Board accepted the 2021 Audit subject to final review by Counsel, approved the representations letter, and authorized Director Baldwin to sign the representations letter.

The Board further directed Public Alliance to post the Audit to the website

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once finalized.

Director Baldwin thanked Ms. Schilling and Ms. Harland for their hard work on the audit. Ms. Schilling left the meeting at this time.

COMMUNITY COMMENTS

Public Comment: Ms. Palmer congratulated the Board on the approval of the audit. She voiced concern about the number of auto accidents and wondered if there is an underlying reason. Director Baldwin opined that it was a combination of weather and unsafe driving.

FINANCIAL MATTERS

Claims: Ms. Harland reviewed the check register for the period ending March 21, 2022, including check numbers 4637 through 4654, totaling \$75,090.83. She reported that one check was not processed through bill.com, but rather was paid to the vendor directly with a paper check.

Following discussion, upon motion duly made by Director DeMots, seconded by Director Moczo, and upon vote, unanimously carried, the Board approved the claims totaling \$75,090.83.

Unaudited Financial Statements: Ms. Harland reviewed the unaudited financial statements with the Board. Following discussion, upon a motion duly made by Director DeMots, seconded by Director Moczo, and upon vote, unanimously carried, the Board accepted the unaudited financial statements as presented.

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.

Mr. Beckman reported that the documents digitization process is moving forward as planned, and accounts for much of the billable work included in last month's invoice from Public Alliance.

Mr. Beckman reported that the City of Aurora (the "City") is still reviewing the District's request to modify the inlet area to Pond 6. The City recently requested that the District obtain a letter from Xcel Energy authorizing work to be done on Pond 6 in Xcel Energy's easement area. Mr. Beckman noted that this has required multiple calls and emails, but Xcel has agreed to sign a letter drafted by the District, detailing the work being performed in the easement area. Mr. Beckman expects to complete this part of the

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approval process in the next few days.

Director Baldwin noted that the District has been working on this project for three years, so this is excellent news. Director Giles commended Mr. Beckman on his work.

Mr. Beckman reported that he has found a company willing to provide a proposal for GIS mapping, a difficult task as not many companies are currently offering this service, but the proposal has not been completed to date.

Mr. Beckman then presented photo mock-ups of possible signage placement options for the gazebo in Tract V. After polling the Board, the consensus was that a sign placed in the trim area, along the roofline of the gazebo, would be the best option. Public Alliance will order the sign and install as soon as possible.

Mr. Beckman then reviewed the damage from auto accidents referenced in the report. He noted that the mailbox kiosk on South Conservatory Parkway and South Jericho Way has been temporarily repaired; however, permanent repairs or a full replacement is needed. Director Baldwin noted that she would like to see an estimate for repairs as well as replacement before a decision is made regarding an insurance claim. Director Giles volunteered to meet contractors at the site of the kiosk to get quotes.

Mr. Beckman briefly explained that reporting hit and run accidents resulting in property damage to the Aurora Police is not possible using the City's on-line reporting tool. He advised the Board that such reports must be made by calling the desk sergeant instead.

Mr. Beckman reported that the City has requested a small utility easement in Tract A. Public Alliance staff will be meeting with the Public Works staff at the site this afternoon to view the area in questions. The District has irrigation and a wildlife barrier in the proposed area. He noted that the City does not intend to fence in the area, but that the District does not want to sign off until there is a clearer picture of the affected area and the City's need for access.

Mr. Beckman noted that Public Alliance has circulated a request for biographies from Board candidates in the upcoming election. The format is discretionary and there is a 1200-word limit. He noted that there are five candidates in addition to the two seated Directors running for re-election, for a total of seven candidates.

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Mr. Beckman then reviewed the schedule for the Director on Duty. Director DeMots will take the first week of April, Director Moczo will take the second week of April, and Director Giles will take the final two weeks of April and take the full month of May.

Detention Pond Committee Report: Director Baldwin noted that Mr. Beckman had covered the Pond Committee Update in the Manager's report with the update on Pond 6 and the letter from Xcel Energy.

LANDSCAPING MATTERS

Landscaping Budget Tracking: Mr. Beckman reviewed the matrix with the Board. Director Baldwin requested that Mr. Beckman follow up with BrightView Landscaping, Inc. ("BrightView") on overseeding for Tract III and Tract B. She noted that decisions regarding irrigation improvements should be considered following the irrigation audit, which will begin once the system is activated for the season.

BrightView Report: Director Baldwin reviewed the report with the Board. She noted that she would like BrightView to reference dates in the report moving forward. She further noted a concern regarding the frequency with which BrightView cleans the detention pond outfall structures.

Landscaping Committee Report: Director DeMots reported that the Committee is researching the replacement of approximately 65 trees, mostly deciduous. Some of the trees to be replaced will be covered under warranty, and the Board discussed various species the Committee is considering. Ms. Palmer requested that the tree that was hit by a car near her home be replaced with a different species as the damaged tree was not thriving.

The Committee reported that they would like to make some improvements in Tract A in the area where some erosion has occurred. Director Baldwin recommended that the Committee look at the entire area and get information regarding cost to repair the retaining wall in the area and make other landscaping improvements, as the scope of the project with the walls included will be beyond this year's landscaping improvements budget. The Committee will continue to work with Ms. Booth of Ivy Street Designs and other vendors to refine the scope of work and obtain cost information.

Following discussion and review, upon a motion duly made by Director Moczo, seconded by Director Giles and, upon vote unanimously carried, the Board authorized replacement of up to 65 trees.

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**BOARD MEMBER
INPUT**

Director Baldwin: Requested that the overseeding proposal be pursued and that in lieu of the April Community Update, the candidate bios be posted to the mailbox kiosk bulletin boards.

Director DeMots: None at this time.

Director Moczo: Recommended written instructions for reporting auto accidents and volunteered to draft the instructions.

Director Giles: Agreed with the idea of posting Candidate Bios on the mail kiosks in lieu of a Community Update.

Director Schilling: Agreed with the idea of preparing a checklist for reporting accidents and thanked Director Moczo for taking the lead on the project.

OTHER BUSINESS

Community Outreach: Director Baldwin reported that she asked the Homeowner's Association ("HOA") President and Manager to use the Clubhouse for a Candidate forum; however, the HOA requested that the District sign an agreement. Director Baldwin explained that in her opinion this is not a District function and should not require the District to execute a contract. She then recommended that the forum be held via Zoom with Mr. Beckman as moderator. The Board was in agreement. She noted that the date and time would need to be decided.

LEGAL MATTERS

2022 Election: Ms. Tanaka reported that the ballots for the election will go out between April 11th and April 16th. Once the polls close on Election Day, preliminary returns will be shared. However, timing on posting results is not clear due to the large number of elections being conducted through the White Bear Ankele Tanaka and Waldron office. She noted that she will advise the Board if any issues arise. She noted that the amount budgeted by the District seems adequate to perform the services. She further noted that her preference would be that no one from her office be present at the candidate forum as they are serving as the Designated Election Official.

City of Aurora Easement: Ms. Tanaka noted that this was covered in the manager's report and that following the on-site meeting, the documents can be approved subject to final review by Counsel.

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ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned. The next Regular Meeting is scheduled for May 16, 2022.

Respectfully submitted,

By:  DocuSigned by:

Secretary for the Meeting