
RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
THE
CONSERVATORY METROPOLITAN DISTRICT
HELD
MARCH 18, 2024**

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
Pedro Moczó
Timothy Siml
Harlan Baldwin

Following discussion, upon motion made by Director Moczó, seconded by Director Harlan Baldwin and, upon vote, unanimously carried, the absence of Director Hunchberger was excused.

Also In Attendance Were:

Geol Scheirman and Sarah Warner; Public Alliance, LLC
Jon Wagner, Esq.; White Bear Ankele Tanaka & Waldron, P.C.
Georgia Harland; Simmons & Wheeler, P.C
Kent Christiansen; United States Postal Service (“USPS”) and Address Management System (“AMS”)
Jim Carberry; United States Postal Service (“USPS”)
Dawn Schilling; Schilling & Company Inc.
Garrett Wright and Sarahi Blanco Saldivar; BrightView Landscape Services, Inc. (“BrightView”)
Unknown Caller – Did not identify.

**DISCLOSURES OF
POTENTIAL
CONFLICTS OF
INTEREST**

Disclosures of Potential Conflicts of Interest: Attorney Wagner 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 Birgit Baldwin,

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Siml, Moczo, and Harlan Baldwin 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 Harlan Baldwin led the Board in reciting the Pledge of Allegiance.

ADMINISTRATIVE MATTERS

Agenda: Director Birgit Baldwin reviewed the proposed agenda with the Board for the District’s Regular Meeting.

Following discussion, upon motion duly made by Director Moczo, seconded by Director Harlan Baldwin and, upon vote, unanimously carried, the agenda was approved, as amended to move the USPS presentation before Community Comments and review of the 2023 Audit by Ms. Schilling after the USPS presentation.

Consent Agenda: The Board considered the following actions:

- Approved Minutes of the January 23, 2024 Regular Meeting.
- Ratified approval of Addendum No. 2024-01 from BrightView Landscape Services, Inc. for winter watering.

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

MAILBOX DISCUSSION

USPS: Director Birgit Baldwin introduced Mr. Christiansen and Mr. Carberry.

Mr. Christiansen reported to the Board that he covers both Colorado and Wyoming and explained centralized delivery and how communities are established for postal services. The Board asked who takes ownership of the cluster mailbox units (“CBU”). It was noted the Developer is responsible to install CBU boxes. When the locks are installed, the keys are passed to USPS. Property owners will go to the Post Office to get the mailbox keys. The maintenance and care are passed to the Homeowner’s Association (“HOA”) and the Post Office does not maintain the full structure. The locks will be maintained by USPS.

The Board asked about life of CBU’s. USPS relayed they have upgraded current types of CBU’s, older ones were made of aluminum or plastic. They

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noted the new CBU's are usually a 9-gage steel box which is more durable. The Board asked what dictates the need to replace the CBU. Mr. Christiansen relayed, the pedestals usually get rusted out before the boxes need to be replaced and USPS would relay if there are issues/concerns about the CBU. The Board asked if individual boxes can be changed instead of replacing the full CBU. USPS noted an individual box can be replaced if there are unused boxes. M. Christiansen discussed the importance of communication with residents when replacing boxes and making sure USPS is involved. Director Birgit Baldwin requested that additional questions be relayed to Mr. Scheirman and he would follow up with USPS.

FINANCIAL MATTERS

2023 Audit: Ms. Schilling reviewed with the Board the 2023 draft audit. She noted there were no journal entries and/or adjustments for the 2023 financials. Ms. Schilling drafted a letter to give a clean opinion on the opinion report.

Following discussion, upon motion duly made by Director Harlan Baldwin, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the 2022 Audited Financial Statements and authorized execution of the Representations Letter, subject to final legal review and receipt of an unmodified opinion letter by the Auditor.

COMMUNITY COMMENTS

Public Comment: There were no public comments.

FINANCIAL MATTERS CONTINUED

Claims: Ms. Harland reviewed the check register for the period ending February 29, 2024, including check numbers 4897 through 4916, in the amount of \$65,164.82.

Following discussion, upon motion duly made by Director Siml, seconded by Director Harlan Baldwin, and upon vote unanimously carried, the Board approved the claims totaling \$65,164.82.

Unaudited Financial Statements: Ms. Harland discussed with the Board the unaudited financial statements, dated February 29, 2024. She noted the ARI check will be prepared now that 2023 Audit had been completed.

Following discussion, upon motion duly made by Director Harlan Baldwin, seconded by Director Moczo and, upon vote, unanimously carried, the Board accepted the unaudited financial statements, dated February 29, 2024.

Other: Ms. Harland reviewed with the Board the schedule of cash position, dated March 18, 2024. No action was necessary by the Board.

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OPERATIONS MATTERS

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

Kiosk Map Project: Mr. Scheirman presented to the Board the kiosk map project. The Board reviewed the map and made comments.

Common Area Damage from Vendor: The Board entered into discussion regarding the common area damage caused by a vendor. The Board reviewed a proposal for damage and discussed that irrigation damage would be included in proposal from the vendor. It was noted the Board will give the vendor 30 days to make repairs after the proposals are presented.

Other: There were no other operation matters to discuss.

LANDSCAPING MATTERS

Retaining Wall Repairs: The Board deferred discussion.

Landscaping Projects:

Addendum No. 2024-02 from BrightView for Over Seed of Native Area: The Board reviewed Addendum No. 2024-02 from BrightView for over seed of native area, in the amount of \$2,006.80. It was noted the Board will present the Addendum to Silver Rock Builders Ltd. when the irrigation proposal is returned. No further action was taken by the Board.

Addendum No. 2024-03 from BrightView to Build a Retaining Wall on Hampden Avenue: The Board reviewed Addendum No. 2024-03 from BrightView to build a retaining wall on Hampden Avenue, in the amount of \$44,104.06. Following discussion, the Board directed Brightview to review labor hours for the project. The Board also requested to obtain an additional proposal from Masterful Masonry, Inc. to be presented at the May 20, 2024 meeting.

Addendum No. 2024-04 from BrightView for Turf to Rock Conversion: The Board reviewed Addendum No. 2024-04 from BrightView Landscape Services, Inc. for turf to rock conversion, in the amount of \$122,289.58. Following discussion, BrightView reduced the proposal to \$101,612.10.

Following discussion, upon motion duly made by Director Siml, seconded by Director Harlan Baldwin and, upon vote, unanimously carried, the Board approved Addendum No. 2024-04 from BrightView for turf to rock conversion, in the amount of \$101,612.10.

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Addendum No. 2024-05 from BrightView for Enhancement on Bed in Front of Art Area: The Board reviewed Addendum No. 2024-05 from BrightView for enhancement on bed in front of Art Area.

Following discussion, upon motion duly made by Director Harlan Baldwin, seconded by Director Siml and, upon vote, unanimously carried, the Board approved Addendum No. 2024-05 from BrightView Landscape Services, Inc. for enhancement on bed in front of Art Area, in the amount of \$10,732.43.

Addendum No. 2024-06 from BrightView for 2024 Tree Installation: The Board reviewed Addendum No. 2024-06 from BrightView for 2024 tree installation.

Following discussion, upon motion duly made by Director Harlan Baldwin, seconded by Director Siml and, upon vote, unanimously carried, the Board approved Addendum No. 2024-06 from BrightView for 2024 tree installation of 6 swamp oak trees, in the amount not to exceed \$5,200.

Irrigation Projects:

Proposal from BrightView for Controller 3 Irrigation Head Replacement: Director Birgit Baldwin reviewed with the Board a proposal from BrightView for controller 3 irrigation head replacement.

Following discussion, upon motion duly made by Director Harlan Baldwin, seconded by Director Moczo and, upon vote, unanimously carried, the Board approved the proposal from BrightView for controller 3 irrigation head replacement, in the amount of \$24,915, subject to an update to the proposal to include check valves.

Proposal from BrightView for Controllers 5 and 6 Irrigation Head Replacement: Director Birgit Baldwin reviewed with the Board a proposal from BrightView for controllers 5 and 6 irrigation head replacement.

Following discussion, upon motion duly made by Director Siml, seconded by Director Harlan Baldwin and, upon vote, unanimously carried, the Board approved the proposal from BrightView for controllers 5 and 6 irrigation head replacement, in the amount of \$28,677, subject to an update to the proposal to include check valves.

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Proposal from BrightView for Controller 8 Irrigation Head Replacement: Director Birgit Baldwin reviewed with the Board a proposal from BrightView Landscape Services, Inc. for controller 8 irrigation head replacement.

Following discussion, upon motion duly made by Director Harlan Baldwin, seconded by Director Siml and, upon vote, unanimously carried, the Board approved the proposal from BrightView Landscape Services, Inc. for controller 8 irrigation head replacement, in the amount of \$660, subject to an update to the proposal to include check valves.

Proposal from BrightView for Controller 9 Irrigation Head Replacement: Director Birgit Baldwin reviewed with the Board a proposal from BrightView for controller 9 irrigation head replacement.

Following discussion, upon motion duly made by Director Moczo, seconded by Director Harlan Baldwin and, upon vote, unanimously carried, the Board approved the proposal from BrightView for controller 9 irrigation head replacement, in the amount of \$18,2825, subject to an update to the proposal to include check valves.

Other: Director Birgit Baldwin noted there was a footer that will need to be replaced at the north end monument and authorized the repair work.

**BOARD MEMBER
INPUT**

Director Birgit Baldwin: Director Birgit Baldwin reported there is an issue with ATV travel on the soft surface trails in Tract WW, VV and MM. She requested signage to relay it is not for motorized vehicles. It was noted that Attorney Wagner will review how enforcement might look and Public Alliance will review the cost for 6 signs with this information.

She relayed that RTS Landscaping is recommending a proposal for a 2-foot riprap around the trickle channel to prevent the trickle channel from being filled with debris. She noted she is waiting for a proposal and not sure what might need to be done as far as approvals from the City of Aurora. Staff directed counsel review.

Director Hunchberger: Director Birgit Baldwin noted that Director Hunchberger reviewed the packet and agreed with approvals that were made.

Director Moczo: None.

Director Siml: None.

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Director Harlan Baldwin: None.

OTHER BUSINESS

Community Outreach:

Matters discussed for inclusion in the Community Update include:

- Audit report
- Upcoming projects
- Irrigation projects and rock conversions
- Motorized vehicles are not allowed on soft surface trails

Board Member On-Duty Schedule: It was noted there are no changes to the current schedule.

LEGAL MATTERS

Implementation of Accessibility Standards for Individuals with a Disability for Information Technology Systems Employed by the District: Attorney Wagner discussed with the Board website accessibility. He noted the final rules have been published and legal is reviewing a client memo to be distributed in the next week or two. Mr. Scheirman will work with Public Alliance for pricing to make the website compliant.

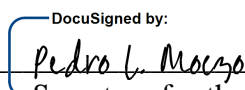
Volunteer Accident Coverage and Community Events (General Liability Schedule): Attorney Wagner reviewed with the Board the Volunteer Accident Coverage and Community Events (General Liability Schedule). It was noted the Board is open to consider additional coverage for Director on Duty requirements.

Other: There were no other legal matters to discuss.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 11:47 a.m. The next Regular Meeting is scheduled for May 20, 2024 at 9:00 a.m.

Respectfully submitted,

By:  _____
Secretary for the Meeting