

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
THE
CONSERVATORY METROPOLITAN DISTRICT
HELD
MAY 20, 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
Robert “Bob” Hunchberger

Also In Attendance Were:

Geol Scheirman and Kate Innes; Public Alliance, LLC
Heather Hartung, Esq.; White Bear Ankele Tanaka & Waldron, P.C.
Georgia Harland; Simmons & Wheeler, P.C
Laverne Palmer and Erika Barringa; Residents

**DISCLOSURES OF
POTENTIAL
CONFLICTS OF
INTEREST**

Disclosures of Potential Conflicts of Interest: Attorney Hartung 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, Siml, Moczó, 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 Hunchberger 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 Harlan Baldwin, seconded by Director Moczo and, upon vote, unanimously carried, the agenda was approved, as amended to move ratifying approval of the Eighth and Ninth Addendum to Independent Contractor Agreement with Masterful Masonry for wall installation from the Consent Agenda to Landscape Matters.

2024 Special District Association's Annual Conference: The Board did not address the Annual Conference.

Consent Agenda: The Board considered the following actions:

- Approved Minutes of the November 13, 2023 Annual Meeting and March 18, 2024 Regular Meeting.
- Ratify approval of Ninth Addendum to Independent Contractor Agreement between the District and Roberts Treescaping, LLC to cut, remove and dispose of all vegetation at Pond 6, in the amount of \$9,000.
- Ratify approval of Tenth Addendum to Independent Contractor Agreement between the District and Roberts Treescaping, LLC to regrade pond 4 inlet to outlet, in an amount not to exceed \$7,575.

Following further discussion and review, upon a motion duly made by Director Siml, seconded by Director Harlan Baldwin and, upon vote unanimously carried, the Board approved the consent agenda as amended to move ratifying approval of the Eighth and Ninth Addendum to Independent Contractor Agreement with Masterful Masonry for wall installation from the Consent Agenda to Landscape Matters.

**COMMUNITY
COMMENTS**

Public Comment: Director Siml requested the sprinkler timing to be changed to avoid people walking their dogs from getting wet at night. It was noted Mr. Scheirman will contact BrightView Landscape Services, Inc. to determine a better time for the sprinklers to go off. Ms. Palmer welcomed Director Hunchberger back.

**FINANCIAL
MATTERS**

Claims: Ms. Harland reviewed the check register for the period ending May 20, 2024, including check numbers 4917 through 4934, in the amount of \$153,493.35 and claims for Manual Check Nos. 4131 through 4133 for the period ending May 20, 2024, in the amount of \$24,293.00.

Director Birgit Baldwin discussed with the Board the deposit payments and final payments to Masterful Masonry, Inc. She noted 152 linear feet was for the emergency work for rusted posts, in the amount of \$12,251.53. She further noted that there could be ongoing issues and Addendum No. 9 to the

Independent Contractor Agreement will need to be updated. It was reported that Masterful Masonry, Inc. did additional work from capstones attaching to wall at no cost.

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 \$153,493.35.

Following further discussion, upon motion duly made by Director Siml, seconded by Director Moczo, and upon vote unanimously carried, the Board approved the claims totaling \$24,293.00.

Unaudited Financial Statements and Schedule of Cash Position: Ms. Harland discussed with the Board the unaudited financial statements, dated April 30, 2024 and the schedule of cash position, dated May 20, 2024. She noted the manual check for ARI will include a letter that details what the check is for and contract information.

Following discussion, upon motion duly made by Director Harlan Baldwin, seconded by Director Siml and, upon vote, unanimously carried, the Board accepted the unaudited financial statements, dated April 30, 2024 and the schedule of cash position, dated May 20, 2024.

2024 Landscape Budget Summary: Mr. Scheirman reviewed with the Board the 2024 Landscape Budget Summary.

2025 Budget Hearing: The Board discussed the 2025 Budget Hearing. The Board determined to hold the public hearing to consider adoption of the 2025 Budget on October 21, 2024, at 6:00 P.M., to be held via Zoom.

Other: There were no other financial matters to discuss.

**OPERATIONS
MATTERS**

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

Ms. Innes provided an update to the Board on the District's website accessibility. Director Hunchberger asked about multiple browsers and how the testing works for the websites and asked about analytics for traffic to website. Ms. Innes noted it's not required to remediate for past browsers and will research the analytics. The Board directed staff on which documents to keep or remove on the website.

Pond 6 Outlet: Director Birgit Baldwin presented issues with the debris in the cattails area. It was noted the debris can only be removed when it is dry. The Board directed staff to get a proposal from RTS Landscaping for the removal of cattails material and debris.

Director Birgit Baldwin further reviewed with the Board a proposal from RTS Landscaping for the installation of additional riprap along the trickle channel, in the amount of \$41,225. She noted she has concerns of having debris on the riprap as the pond fills up with a substantial rain. The Board deferred further action until more details can be provided.

Kiosk Map Project: Mr. Scheirman provided an update to the Board on the Kiosk Map Project. He noted the maps will be installed within the next month.

Common Area Damage from Vendor: The Board entered into discussion regarding the common area damage caused by a vendor. It was noted the seeding and irrigation was complete and everything looks good. The Board directed Public Alliance to determine if there's irrigation damage in the area.

Other: There were no other operation matters to discuss.

LANDSCAPING MATTERS

Retaining Wall Repairs: Director Birgit Baldwin provided an update to the Board regarding the retaining wall repairs. She reported 257 linear feet of repair work is complete along East Hampden Avenue. It was noted Masterful Masonry will work with Public Alliance to replace bricks that are missing on the internal side.

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 this is not needed at this time.

Eighth Addendum and Ninth Addendum to Independent Contractor Agreement with Masterful Masonry for Wall Installation: The Board entered into discussion regarding the Eighth Addendum and Ninth Addendum to Independent Contractor Agreement with Masterful Masonry for wall installation. The Board directed Mr. Scheirman to obtain new proposals from Masterful Masonry.

Other: Director Birgit Baldwin noted she will meet with Brightview Landscape Services, Inc. to review the common areas for weeds, mites, drip lines and mulch rings around trees. Director Hunchberger asked about rocks

being left on the sidewalk after being installed. He also noted he replaced the sprinkler head and replaced the turf, but the lawn should have been cut to allow the heads to pop up. Mr. Scheirman reported he received a proposal for replacement of a linden tree due to damage from car from Rocky Mountain Tree and he is waiting for a proposal from Brightview Landscaping Services, Inc.

**BOARD MEMBER
INPUT**

Director Birgit Baldwin: Director Birgit Baldwin reported there was an accident on East Yale Place and South Conservatory Parkway which caused damage to the pressure relief valve that the City of Aurora will repair. She noted there is damage to the artwork and will review if action is needed. She also noted a homeowner is requesting mosquito deterrent for pond maintenance by pond 6.

Director Hunchberger: Director Hunchberger noted that he will walk around the District around dusk to document damaged sprinklers.

Director Moczo: Director Moczo asked about election do and don'ts as a Board member. Attorney Hartung noted that as an individual a Board member can support who they want but not as a District Board Member . The District does not support a candidate/issue.

Director Siml: Director Siml asked about District property signage and if it can be removed. He reported that he will be out of town on June 10-21, 2024 which is when he is scheduled for Director on Duty. Director Hunchberger volunteered to help during that time.

Director Harlan Baldwin: Director Harlan Baldwin noted that he is amazed at the amount of water the new heads are producing and is pleased with the conversion.

OTHER BUSINESS

Community Outreach:

Matters discussed for inclusion in the Community Update include:

- Wall repair
- Tree installation
- Rock conversion
- Pond 4
- Mosquito control

Board Member On-Duty Schedule: Director Birgit Baldwin asked about insurance requirements for the Board Member On-Duty. Attorney Hartung asked what the average amount of volunteer hours are spent by the

Manager's On-Duty, and she suggested 80 hours, Board agreed to start with 80 hours. She noted she will work with Attorney Jon Wagner in her office for any additional clarifications.

LEGAL MATTERS

Website Accessibility and Document Remediation:

Resolution Adopting a Digital Accessibility Policy and Appointing a Compliance Officer: Attorney Hartung reviewed with the Board a Resolution Adopting a Digital Accessibility Policy and Appointing a Compliance Officer. She noted minor changes might be required due to recent legislation.

Following discussion, upon motion duly made by Director Harlan Baldwin, seconded by Director Siml and, upon vote, unanimously carried, the Board adopted the Resolution Adopting a Digital Accessibility Policy and Appointing a Compliance Officer and approved the ability to make changes as needed.

EXECUTIVE SESSION: Pursuant to Section 24-6-402(4) of the Colorado Revised Statutes C.R.S., upon motion duly made by Director Moczo, seconded by Director Siml and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 11:45 a.m. for the purpose of receiving legal advice relating to the concrete underneath the mailbox kiosks and to determine positions relative to matters that may be subject to negotiations, developing strategies for negotiations and instructing negotiations as it relates to a proposed Mailbox Easement and Maintenance Agreement with the Conservatory Homeowners Association, Inc. pursuant to Section 24-6-402(4)(e), Colorado Revised Statutes.

Pursuant to Section 24-6-402(2)(d.5) (II)(B), C.R.S., no record will be kept of the remaining portion of this executive session that, in the opinion of the Board's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

The Board reconvened in regular session at 12:14pm.

Other: The Board entered into discussion regarding the status of the surveyor's report from the Homeowner's Association's ("HOA") legal counsel.

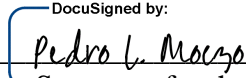
Following discussion, upon motion duly made by Director Siml, seconded by Director Hunchberger and, upon vote, unanimously carried, the Board approved the District's legal counsel to follow up with the HOA's legal counsel to determine the status of surveyor's report.

Director Hunchberger requested a chain link fence along the easement and along the Xcel Energy Inc. easement due to damage caused by the increased use of ATVs and motorcycles in the area. The Board directed Public Alliance to draft a letter to Xcel Energy, Inc. regarding possible fencing.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 12:20 p.m. The next Regular Meeting is scheduled for July 15, 2024 at 9:00 a.m.

Respectfully submitted,

By:  _____
Secretary for the Meeting

RECORD OF PROCEEDINGS

**ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Conservatory Metropolitan District, I attended the executive session meeting Conservatory Metropolitan District convened at 11:44am on May 20, 2024 for the sole purpose of discussing the concrete underneath the mailbox kiosks and to determine positions relative to matters that may be subject to negotiations, developing strategies for negotiations and instructing negotiations as it relates to a proposed Mailbox Easement and Maintenance Agreement with the Conservatory Homeowners Association, Inc. pursuant to Section 24-6-402(4)(b) and (e), Colorado Revised Statutes I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Heather L. Hartung,