

## RECORD OF PROCEEDINGS

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MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
ASPEN PARK METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
FEBRUARY 16, 2021

A special meeting of the Board of Directors of the Aspen Park Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, February 16, 2021, at 12:00 p.m. noon. Due to Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders issued by the Colorado Department of Public Health and Environment, and the threat posed by COVID-19, this meeting was held via video conference using Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

#### **Directors In Attendance Were:**

Sam Sours, President  
Dennis Shirilla, Vice President  
Fred Banfield, Assistant Secretary/Treasurer  
Rick Merkel, Secretary/ Treasurer

#### **Also, In Attendance Were:**

Lisa Johnson and Vy Nguyen; CliftonLarsonAllen LLP  
Tom Schubert, Bryan LoBue and Gabrielle Begeman; ORC  
Michael Katalinich; JVA, Inc.  
Clint Waldron and Heather Hartung; White Bear Ankele Tanaka & Waldron

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. It was noted by Attorney Hartung that there were no conflicts disclosed during the meeting.

### ADMINISTRATIVE MATTERS

**Quorum/Confirmation of Meeting Location/Posting of Notice:** It was noted that a quorum of the Boards was present, that the Directors had confirmed their qualification to serve, and therefore the meeting was called to order at 12:02 p.m.

**Public Comment:** There was no public comment.

### CONSENT AGENDA

**Minutes of the November 17, 2020 Special Meeting:**  
**JVA Independent Contractor Agreement (“ICA”) and Billing Rates for 2021:**  
**ICA with SnowPros for 2021 Snow Removal Services:**  
**ICA with Hipple Inc. for Sanitary Sewer Piping Inspection Services:**  
**January 2021 Water Accounting Report:**  
**Prior Claims Totaling \$177,851.26 and Approve Directors’ Fees:**

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**BCWA January Meeting Information:**  
**Utility Billing Collection Status Report:**  
**2021 Insurance Policy Renewal:**  
**Resolution No. 2021-02-01: Designating the District's Website for the Online Posting of Meeting Notices and 24-hour Posting Location:**  
**Approval of Engagement Letter for Brownstein Hyatt Farber Schreck for Legal Services Related to PIF Collection Issues:**  
**Termination of Reimbursement Agreement between the District and Aspen Park Station, LLC:**

Ms. Johnson and Mr. Waldron reviewed the items on the consent agenda. Mr. Waldron advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon motion duly made and seconded, the above items on the consent agenda were unanimously approved, adopted and ratified.

### WATER RIGHTS UPDATE

No new updates were reported.

### VILLAGES AT ASPEN PARK SHOPPING CENTER UPDATES

**Leasing Status:** Director Merkel reported that there is nothing new to report regarding the leasing status at this time.

**Other:** Director Merkel reported that there was an automobile accident that recently happened in the shopping center that caused damage to a post. He is working with insurance to cover the cost of repairs to the post.

### ENGINEERING ITEMS

**January 2021 Capital Improvement Report by JVA/Review Asphalt Assessment/ Discuss 2021 Projects:** Mr. Katalinich presented the 2021 Capital Improvement Report and focused on the projects scheduled for 2021. No action was taken by the Board at this time as there would be further discussions on capital improvements at the next meeting.

Mr. Katalinich also presented the Asphalt Assessment Report and recommendations for 2021. An estimate of cost for the project is \$33,347.16. The Board will revisit this again at their next meeting.

**Injection Well Drilling:** Mr. Katalinich provided an update to the Board. Mr. Berg continues to work with the EPA on obtaining a permit for the injection well.

**Meter Installation and Calibration:** Mr. Katalinich provided an update to the Board. He stated that meter installation and calibration efforts are complete. Mr. Berg and his team are monitoring usage using the meters.

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**Emergency Water Line Repair:** Mr. Katalinich provided an update to the Board. The final water line repair is scheduled to be completed in 2021. This final repair does not constitute an emergency and the project will begin later this year.

**Other:** Mr. Katalinich informed the Board that he has scheduled a tour of the District's water and wastewater facilities with a neighboring provider and invited members of the Board and staff to attend if interested.

OPERATIONS /  
MAINTENANCE  
UPDATE –  
BRYAN LOBUE /  
TOM SCHUBERT

Mr. LoBue and Mr. Schubert presented the Operations and Maintenance report to the Board.

**Proposal from Generator Source Doing Business as Diesel Service and Supply for Annual Generator Preventative Maintenance Services:** Director Sours reported that during the process to negotiate a contract with Cummins for preventative maintenance services, Cummins requested changes to the form agreement. Legal Counsel was not comfortable making the requested changes to the contract. Ms. Johnson suggested requesting a proposal from another provider, Generator Source, whom she has worked with in other Districts. Ms. Johnson presented the proposal. The Board reviewed the proposal as compared to the Cummins fee.

The Board directed staff to confirm the fees for 2021 with Cummins and try and negotiate language in the agreement that is agreeable to both parties.

Upon a motion duly made by Director Sours, seconded by Director Merkel, and upon a vote, unanimously carried, the Board approved an expenditure to be used on generator preventative maintenance in an amount not to exceed \$6,533 for generator preventative maintenance services.

**Enhanced Security Upgrades:** Mr. Schubert asked Director Merkel for the contact information for EmpowerCom. Director Merkel will provide this information to Mr. Schubert after the meeting and Mr. Schubert will contact EmpowerCom regarding a proposal for additional security cameras.

**Grease Trap Inspections Program:** Mr. Schubert reported that ORC will begin a grease trap inspection program in 2021. Mr. Katalinich discussed the results of the sewer line inspections related to grease in the sewer lines.

**Replacement of One Blower at the Wastewater Treatment Plant:** Following discussion, upon a motion duly made by Director Sours, seconded by Director Banfield, and upon a vote, unanimously carried, the Board approved the replacement of one blower at the Wastewater Treatment Plant in an amount not to exceed \$4,500.

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**Other:** Ms. Begeman reported that she was recently contacted by an individual who resides outside of the District boundaries asking if the District would be willing to accept septage. The Board discussed the request and agreed that pursuant to the Rules and Regulations, the District is not able to accept septage from anyone outside the District's boundaries.

### LEGAL ITEMS

**Developer Reimbursement Agreement (Snow Removal and Landscape Maintenance):** Mr. Waldron discussed with the Board that, rather than approving a reimbursement agreement with the Developer, he recommends engaging with contractors directly for landscape and snow removal services on District owned and maintained property.

Following discussion, upon a motion duly made by Director Merkel, seconded by Director Sours, and upon a vote, unanimously carried, the Board authorized Legal Counsel to work with the District Manager to amend the current agreement for snow removal services to include the entirety of District-owned and maintained property and to draft an agreement for landscape maintenance services on District owned and maintained property.

**Other:** None.

### MANAGER'S ITEMS

**Other:** None.

### DIRECTOR'S ITEMS

**Signage Improvement Eligibility:** Mr. Merkel will conduct a site survey of the property to determine sign improvement needs and report back at a future meeting.

**Delinquent PIF Accounts and Collection Efforts:** Ms. Johnson reported that she continues to work with Ms. Rose regarding collection efforts with Golden Stix to collect delinquent PIF.

**Other:** None.

### FINANCIAL MATTERS

**December 31, 2020 Financial Statements, February 2021 Cash Position Report and PIF and Sales Tax Collection Reports:** Ms. Nguyen presented the December 31, 2020 financial statements, February 2021 cash position and PIF and sales tax collection reports. Following discussion, upon a motion duly made by Director Sours, seconded by Director Merkel, and upon a vote, unanimously carried, the Board approved the December 31, 2020 Financial Statements, February 2021 Cash Position Report and PIF and sales tax collection reports.

**Other:** None.

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### OTHER BUSINESS


**Quorum for May 18, 2021 Regular Meeting at White Bear Ankele Tanaka & Waldron PC at 2154 E. Commons Ave, Suite 2000, Centennial CO 80122 at 12:00 p.m.:** A quorum was confirmed.

**Other:** None.

### ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned.

Respectfully submitted,

By  \_\_\_\_\_  
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Secretary for the Meeting

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Client Number: 011-042190	
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Document Pages: 5	Signatures: 1
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