

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
ASPEN PARK METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
AUGUST 15, 2023

A regular meeting of the Board of Directors of the Aspen Park Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, August 15, 2023, at 10:00 a.m. This meeting was held via video conference using Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

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

Rick Merkel, President

Michael Tamblyn, Treasurer

Roxan Rose, Secretary, was absent and excused.

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

Lisa Johnson, Nichole Kirkpatrick and Shauna D’Amato; CliftonLarsonAllen LLP (“CLA”)

Clint Waldron, Esq. and Heather Hartung Esq.; White Bear Ankele Tanaka & Waldron

Bill Berg; Martin and Wood Water Consultants, Inc.

Gabby Begeman; ORC Water Professionals

Michael Katalinich and Wei Ye; JVA, Inc.

Marti Whitmore; Hockersmith & Whitmore, LLC

### ADMINISTRATIVE MATTERS

**Call to Order / Quorum / Disclosures of Potential Conflicts of Interest:** It was noted that a quorum of the Board was present, and therefore the meeting was called to order at 10:04 a.m. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board excused the absence of Director Rose.

Attorney Hartung reported that disclosures for those Directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State’s Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Attorney Hartung inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regards to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

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**Meeting Location, Posting of Meeting Notice and Agenda:** Ms. Johnson confirmed the meeting location and the posting of the meeting notice.

Upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board approved the August 15, 2023 Agenda, as presented.

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

### CONSENT AGENDA

**Minutes of the May 16, 2023 Regular Meeting:**

**Claims:**

**Independent Contractor Agreement with Stantec Architecture, Inc. for Xeriscape Design Services:**

**Request for Extension of Time to File 2022 Audit:**

**Independent Contractor Agreement with Velocity Plant Services for Chemical Piping:**

**Independent Contractor Agreement with Hydro Physics, Inc. for Underdrain Jetting:**

Ms. Johnson reviewed the above items on the consent agenda with the Board. Upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board approved and/or ratified approval of the above items on the consent agenda.

### VILLAGES AT ASPEN PARK SHOPPING CENTER UPDATES

**Leasing Status:** There were no updates to provide.

### ENGINEERING MATTERS

**Change Order to Independent Contractor Agreement with Velocity Plant Services for Additional Chemical Piping in the amount of \$5,014.34:** Ms. Ye reviewed the change order with the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board approved the Change Order to Independent Contractor Agreement with Velocity Plant Services for Additional Chemical Piping in the amount of \$5,014.34.

**Addendum to Independent Contractor Agreement with Mountain Peaks for PLC Screen:** Ms. Ye reviewed the addendum with the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board approved the Addendum to Independent Contractor Agreement with Mountain Peaks for PLC Screen in the amount of \$3,400.00.

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### LEGAL MATTERS

**Amending and Restating the Rules and Regulations:** Attorney Hartung updated the Board on the efforts to accomplish this task, noting that staff met yesterday and outlined a process and will execute accordingly.

**First Amendment to Easement Access Agreement (Private Access Road Maintenance):** Attorney Hartung provided an update on the Amendment to the Board, noting that the agreement has been finalized and no additional action is necessary.

**Annual Meeting per SB23-110:** Attorney Hartung presented the legislation to the Board, noting that the annual meeting requirement is not required for the District. She asked if the Board would like to schedule an annual meeting anyway. Following discussion, the Board determined not to hold an annual meeting.

**2022 Annual Report on the Service Plan:** Attorney Hartung presented the 2022 Annual Report to the Board, noting that it will be filed once the audit is complete and included in the annual report as an exhibit. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board accepted the 2022 Annual Report and directed staff to file as indicated.

### OPERATIONS / MAINTENANCE MATTERS

Ms. Begeman presented the Operations and Maintenance Report to the Board.

**Cummins to Repair Generator:** Ms. Begeman reviewed the proposal with the Board. The Board directed Ms. Begeman to look into alternatives and present recommendations at the next meeting.

### FINANCIAL MATTERS

**June 30, 2023 Unaudited Financial Statements:** Ms. Kirkpatrick noted that the financial statements have not been completed yet. There was no action taken.

**Scheduled Cash Position and Tax Collection Summary as of August 10, 2023:** Ms. Pangindian presented the cash position schedule and tax collection summary to the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board accepted the scheduled cash position and tax collection summary as of August 10, 2023.

**2022 Audit:** Ms. Kirkpatrick reported that the 2022 Audit is in process and is expected to be complete soon. Staff will work with the Board to schedule a special meeting to present the finalized audit in September.

**Signatories on FirstBank Account:** Ms. Kirkpatrick reported the need to update signatories on the District's FirstBank account. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn

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and, upon vote, unanimously carried, the Board authorized CLA to update the signatories with FirstBank to include the officers as follows:

President: Rick Merkel  
Treasurer: Michael Tamblyn  
Secretary: Roxan Rose

**Water and Wastewater Rate Study. Special Meeting Work Session:** Ms. Johnson provided an update on the status of the rate study for the Board, noting that staff will schedule a special meeting once the report is ready to present.

### WATER RIGHTS UPDATE

**Executive Session of the Board of Directors for the Purpose of Receiving Legal Advice Pursuant to Section 24-6-402(4)(b), Colorado Revised Statutes as it relates to Water Matters:** Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board entered into executive session at 10:43 a.m.

Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board exited from executive session at 11:03 a.m.

No action was taken in executive session.

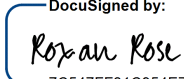
### OTHER BUSINESS

**Quorum for November 14, 2023 Regular Meeting (Budget Hearing):** A quorum was confirmed.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board adjourned the meeting at 11:04 a.m.

Respectfully submitted,

By    
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Secretary for the Meeting

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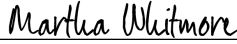
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### ATTORNEY STATEMENT REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Aspen Park Metropolitan District, I attended the executive session at the meeting of Aspen Park Metropolitan District convened at 11:43 a.m. on August 15, 2023 for the sole purpose of discussing water rights and other water matters as authorized by Section 24-6-402(4)(b), C.R.S. 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.

DocuSigned by:



Martha Whitmore, Esq.  
Special Counsel