

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
ASPEN PARK METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
NOVEMBER 14, 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, November 14, 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

Also, In Attendance Were:

Lisa Johnson, Shauna D’Amato, Nichole Kirkpatrick and Gigi Pangindian;
CliftonLarsonAllen LLP (“CLA”)
Heather Hartung Esq. and Clint Waldron Esq.; White Bear Ankele Tanaka &
Waldron
Michael Katalinich, P.E.; JVA, Inc.
Bill Berg; Martin and Wood Water Consultants, Inc.
Gabby Begeman; ORC Water Professionals
Matt Duncan and Suzanne Serna; Stantec

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 10:02 a.m.

Attorney Waldron 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 Waldron 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.

Meeting Location, Posting of Meeting Notice and Agenda: The meeting location and the posting of the meeting notice was confirmed.

Following discussion, upon a motion duly made by Director Merkel, seconded

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by Director Rose and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

Public Comment: There was no public comment.

CliftonLarsonAllen LLP Master Services Agreement and Statement(s) of Work for 2024: Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the CliftonLarsonAllen LLP Master Services Agreement and Statements of Work for 2024, as presented.

2024 Proposal for Renewal of General Liability Schedule and Limits and Property Schedule:

Property Schedule: Following review and discussion, upon a motion duly made by Director Tamblyn, seconded by Director Merkel and, upon vote, unanimously carried, the Board approved the 2024 Proposal for Renewal of General Liability Schedule and Limits and Property Schedule, subject to final review by engineering, ORC, and the Board President.

Worker's Compensation Insurance with Special Districts Property and Liability Pool for 2024: Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved worker's compensation insurance with Special Districts Property and Liability Pool for 2024.

Membership in the Special District Association for 2024: Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board authorized renewing the District's membership in the Special District Association for 2024.

CONSENT AGENDA

The Board considered the following items under the Consent Agenda:

- Minutes of the October 24, 2023 Special Meeting
- Claims
- 2024 Annual Administrative Resolution
- Independent Contractor Agreement for Snow and Ice Management with Mountain Equipment Rentals LLC, DBA CARE Enterprises Snow and Ice Management
- 2022 Annual Report on the Service Plan
- Special District Disclosure Notice Pursuant to §32-1-809, C.R.S.

Following review, requested that the Water Rights Purchase Agreement be

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removed from the Consent Agenda and discussed separately. Upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board approved/ratified approval of or adopted the Consent Agenda, as presented.

Water Rights Purchase Agreement with North Fork Associates, LLC and Mountain Mutual Reservoir Company: Following review, upon a motion duly made by Director Tamblyn, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the Waters Rights Purchase Agreement with North Fork Associates, LLC and Mountain Mutual Reservoir Company, as presented, subject to confirmation that the developer will provide payment for the purchase and final review by legal counsel.

VILLAGES
AT ASPEN PARK
SHOPPING CENTER
UPDATES

Leasing Status: No new update.

ENGINEERING
MATTERS

CIP Updates: Mr. Katalinich provided updates for the Board.

OPERATIONS/
MAINTENANCE
MATTERS

Stantec Landscaping Project Updates: Mr. Duncan and Ms. Serna presented updates to the Board. The Board reviewed and asked questions accordingly. Once the next draft of the report is finalized, the Board requested a special meeting to review and provide further direction.

LEGAL MATTERS

Amended and Restated Rules and Regulations: Attorney Hartung provided an update for the Board. Legal counsel continues to work on the draft and will present it to the Board upon completion.

2024 Annual Service Contracts: Attorney Hartung presented the existing contracts to the Board. Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved terminating the agreements with Inland Potable Services, Inc. and Cummins, Inc. and entering into an agreement with EC Electrical Construction Company for generator maintenance. .

Implementation of Accessibility Standards for Individuals with a Disability for Information Technology Systems Employed by the District: Attorney Hartung reported that accessibility standards will be forthcoming for Board approval in 2024.

FINANCIAL
MATTERS

September 30, 2023 Unaudited Financial Statements: Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board accepted the September 30, 2023

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Unaudited Financial Statements, as presented.

Schedule Cash Position and Tax Collection Summary: Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board accepted the Schedule Cash Position and Tax Collection Summary, as presented.

Public Hearing to Consider Amendment of the 2023 Budget and Adoption of Resolution to Amend the 2023 Budget: The Board opened the public hearing to consider amendment of the 2023 Budget at 11:32 a.m.

It was noted that Notice stating that the Board would consider amendment of the 2023 budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed at 11:33 a.m.

Ms. Kirkpatrick presented the needed amendments to the 2023 Budget. Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2023 Budget.

Water and Wastewater Rate Study: Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board accepted the Water and Wastewater Rate Study prepared by Raftelis, as presented.

Public Hearing on Proposed 2024 Budget and Adoption of Resolution No. 2023-11-01 to Adopt the 2024 Budget and Appropriate Sums of Money: The Board opened the public hearing to consider the proposed 2024 Budget at 11:52 a.m.

It was noted that Notice stating that the Board would consider adopting the 2024 budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed at 12:21 p.m.

Ms. Kirkpatrick presented 2024 Budget to the Board. The Board reviewed and discussion ensued. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board adopted the Resolution to Adopt the 2024 Budget and Appropriate Sums

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of Money, as discussed, subject to final review by legal counsel and the Board President, receipt of final assessed valuation from the County and any legislative changes.

Engagement Letter with Haynie & Company to Prepare the 2023 Audit: Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the engagement letter with Haynie & Company to prepare the 2023 Audit.

Resolution Approving Schedule of Fees of 2024 Water and Wastewater Fees, Rates and Charges: Following review, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board adopted Resolution Approving Schedule of Fees of 2024 Water and Wastewater Fees, Rates and Charges, as presented. It was noted that the required notice to increase fees was posted to the District's website at least thirty (30) days prior to the meeting.

Investment Direction: Ms. Kirkpatrick presented an investment direction to the Board. Following review, upon a motion duly made by Director Tamblyn, seconded by Director Merkel and, upon vote, unanimously carried, the Board authorized Director Merkel to work with CLA to review the interest rates obtained by qualified investment banks and approve an investment based on that review.

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: An executive session was not needed.

Mr. Berg provided an update on water rights matters to the Board.

OTHER BUSINESS

Quorum for February 13, 2024 Regular Meeting: 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 Rose and, upon vote, unanimously carried, the Board adjourned the meeting at 12:28 p.m.

Respectfully submitted,

DocuSigned by:
Roxan Rose
By _____
7C547FF31C954E7
Secretary for the Meeting

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Certificate Of Completion

Envelope Id: FEF5D8F7CF61466E8F7901097C918FDF	Status: Completed
Subject: Complete with DocuSign: APMD - Minutes 11-14-2023 (APMD).pdf, Minutes 01-11-2024 (APMD).pdf	
Client Name: Aspen Park MD	
Client Number: A523127	
Source Envelope:	
Document Pages: 8	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Natalie Herschberg
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 S 6th St Ste 300
	Minneapolis, MN 55402-1418
	Natalie.Herschberg@claconnect.com
	IP Address: 65.59.88.254


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Status: Original	Holder: Natalie Herschberg	Location: DocuSign
4/2/2024 11:54:39 AM	Natalie.Herschberg@claconnect.com	

Signer Events

Roxan Rose
 rrose@thekroenkegroup.com
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Signature

DocuSigned by:

 Roxan Rose
 7C547FF31C954E7...
 Signature Adoption: Pre-selected Style
 Using IP Address: 65.141.208.250

Timestamp

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 Viewed: 4/2/2024 12:02:19 PM
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Electronic Record and Signature Disclosure:
 Accepted: 4/2/2024 12:02:19 PM
 ID: fb2bd5af-3b68-464d-b747-d91c3495b7ce

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp

Andrea Bobb
 abobb@wbapc.com
 Security Level: Email, Account Authentication (None)

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Sent: 4/2/2024 11:58:16 AM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Records Team
 srerecordsretention@claconnect.com
 Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
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 ID: 2eeab7cf-9041-488d-bed0-8baedf289723

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	4/2/2024 11:58:17 AM
Certified Delivered	Security Checked	4/2/2024 12:02:19 PM
Signing Complete	Security Checked	4/2/2024 12:02:32 PM
Completed	Security Checked	4/2/2024 12:02:32 PM

Payment Events	Status	Timestamps
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