

## 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  
MAY 17, 2022

A regular meeting of the Board of Directors of the Aspen Park Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, May 17, 2022, at 12:00 p.m. noon. 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

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

Lisa Johnson, Gigi Pangindian, Cass Aurich, 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.

### 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 12:02 p.m. by Ms. Johnson. 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 regard 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:** 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 May 17, 2022 Agenda, as presented.

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

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**Farewell with Gratitude to Directors Sours and Banfield:** Ms. Johnson and Attorney Waldron expressed their gratitude for the service of Directors Sours and Banfield.

**Eligible Electors to the Board and Oaths of Office:** Upon a motion duly made, seconded and, upon vote, unanimously carried, the Board appointed Roxan Rose as a Director.

**Appointment of Officers:** Upon a motion duly made by Director Tamblyn, seconded by Director Merkel and, upon vote, unanimously carried, the Board appointed the following slate of officers:

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

### CONSENT AGENDA

**Approve Minutes of the February 15, 2022 Regular Meeting:**  
**Accept March 2022 Water Accounting Report:**  
**Ratify Approval of Prior Claims and Approve Directors' Fees**  
**Accept Bear Creek Watershed Association May Meeting Information:**  
**Accept Bear Creek Watershed Association Technical Review Session April Meeting Information:**  
**Accept Utility Billing Collection Status Report:**  
**Ratify Approval of C.M. Landscaping & Maintenance, Inc. Work Order No. 1 for Mowing Services:**  
**Ratify Approval of Third Addendum to Independent Contractor Agreement with Mountain Peaks Controls, Inc. for UV System Replacement:**  
**Ratify Approval of First Addendum to Independent Contractor Agreement with The Bee Heat & AC for Furnace Replacement Services:**  
**Approval of CliftonLarsonAllen LLP Master Services Agreement and Statements of Work for Management and Accounting Services:**  
**Approval of Velocity Plant Services Work Order No. 1 regarding Pumps:**  
**Approval of Cummins, Inc. Work Order No. 2 for Replacement of Doors:**

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

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### WATER RIGHTS UPDATE

The Board reviewed the written update provided by Mr. Berg, noting a couple of discrepancies in the meter readings compared to what has historically been seen by ORC Water Professionals. Director Rose will assist to see what the issues are.

Mr. Berg reported he continues to study the water available for use within the District. Mr. Berg will continue to work on the issues and will report back to Ms. Johnson once he is finished with the analysis.

### VILLAGES AT ASPEN PARK SHOPPING CENTER UPDATES

**Leasing Status:** Director Merkel reported that there is no new leasing activity at this time.

**Other:** Ms. Johnson reported she has reviewed the Public Improvement Fee customer history and everyone is current with payments.

### ENGINEERING MATTERS

**Status of Asphalt Project Work:** Ms. Ye reviewed the status of the asphalt project with the Board and noted there is a manhole that may need repairs. She is currently reviewing this issue to see if it was caused by the asphalt work. Mr. Katalinich noted he will follow up with the Board regarding the repairs. Other than the manhole issue, Ms. Ye reported the asphalt project is completed.

**UV Equipment Upgrade Project:** Ms. Ye provided an update, noting the contract was approved by Board and JVA is moving forward with purchasing the equipment.

**Furnace Replacement Project:** Ms. Johnson confirmed that this project is complete. Ms. Ye had no further comments.

**2022 Capital Improvement Plan:** Ms. Ye reported she has reached out to all vendors to receive updated price estimates. Ms. Ye reviewed those that were received. Discussion ensued. Ms. Ye and Mr. Katalinich will bring the remaining 2022 project estimates to the next meeting for the Board's review and instruction. The estimates will be reviewed by Ms. Pangindian and Ms. Aurich prior to the next meeting to ensure the funds are available. The Board agreed with this procedure.

Mr. Katalinich also noted JVA, Inc. is coordinating with ORC Water Professionals for review of the Capital Improvement Plan, with the expectation that it will be updated by the next meeting. He also noted that there may be different projects and priorities identified during this process.

**Other:** None.

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OPERATIONS /  
MAINTENANCE  
MATTERS –  
GABBY BEGEMAN/  
TOM SCHUBERT

Ms. Begeman presented the Operations and Maintenance report to the Board. She noted the odor control device has not been working and estimated it would cost about \$3,000.00 to replace. ORC Water Professionals has offered to do an in-kind contribution to replace the carbon matter. Ms. Aurich reviewed the funds available for this purchase. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board approved the odor control replacement.

**Actuator Valve Replacement/Fire Tank Well Meter in Fire System:** Ms. Begeman reported they have received the replacement and will work to install it as soon as possible.

**Other:** Ms. Begeman reported that Colorado Sprinkler has been working on the installation of the irrigation system and will be finishing up work tomorrow. It should be installed and put online within the next couple of days.

LEGAL MATTERS

**Amended and Restated Public Improvement Fee (“PIF”) Collection Agreement:** Attorney Hartung and Attorney Waldron reviewed the Agreement with the Board, noting they are working with special counsel on minor revisions and the Agreement should be final within the next few weeks. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board approved the Amended and Restated Public Improvement Fee (“PIF”) Collection Agreement, subject to final legal revisions.

FINANCIAL  
MATTERS

**March 31, 2022 Unaudited Financial Statements:** Ms. Aurich presented the March 31, 2022 Unaudited Financial Statements to the Board. Ms. Pangindian reviewed the funds regarding the Capital Improvement Plan discussed earlier. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board accepted the March 31, 2022 Unaudited Financial Statements.

**Other:** None.

OTHER BUSINESS

**Quorum for August 16, 2022 Regular Meeting:** A quorum was confirmed.

**Other:** None.

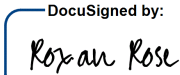
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### ADJOURNMENT

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 1:21 p.m.

Respectfully submitted,

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