

## 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  
MARCH 21, 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, March 21, 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  
Roxan Rose, Secretary

Michael Tamblyn, Treasurer, was absent and excused.

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

Lisa Johnson, Gigi Pangindian, Alonso Duran and Shauna D’Amato;  
CliftonLarsonAllen LLP (“CLA”)  
Heather Hartung Esq.; White Bear Ankele Tanaka & Waldron  
Bill Berg; Martin and Wood Water Consultants, Inc.  
Gabby Begeman; ORC Water Professionals  
Casey Johnston and Wei Ye; JVA, Inc.  
Marti Whitmore; Hockersmith & Whitmore, LLC  
Andrew Rheem and Elsemarie Mullins; Raftelis

### 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 10:05 a.m. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board excused the absence of Director Tamblyn.

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.

The Board discussed moving the executive session to the end of the agenda. Upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the March 21, 2023 Agenda, as amended.

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

**Other:** None.

### CONSENT AGENDA

**Approve Minutes of the November 14, 2022 Special Meeting and November 15, 2022 Special Meeting:**

**Ratify Approval of Prior Claims and Approve Directors' Fees**

**Approval of Resolution Designating Meeting Notice Posting Location:**

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

### WATER RIGHTS UPDATE

**Colorado Wastewater Utility Council:** Ms. Whitmore provided background information on the Colorado Wastewater Utility Council and potential benefits for the District should the Board choose to support their efforts.

Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board determined to contribute \$1,000.00 to the Colorado Wastewater Utility Council.

### VILLAGES AT ASPEN PARK SHOPPING CENTER UPDATES

**Leasing Status:** Director Rose provided an update for the Board.

**Other:** None.

### ENGINEERING MATTERS

**Proposal for Rate Study to Review Water and Sewer Rates:** Mr. Rheem presented a proposal for a rate study to the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the Raftelis proposal for a rate study to review water and sewer rates and fees.

**Report regarding Underdrain Responsibilities:** Ms. Ye provided an update to the Board, noting that the underdrain inspection was performed in 2022 and she and her team are reviewing the reports and identifying any items that need to be addressed. No action was taken.

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**Recommendations for Odor Mitigation:** Ms. Ye provided recommendations for odor mitigation. An odor analysis around the facility was completed in 2022. Results from the study and experience with other factors indicate that adding carbon media now would mitigate odor issues for approximately five to ten years. JVA's recommendation is to install carbon media now.

Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved installing carbon media in an approximate cost of \$26,100.00.

**Addendum to Independent Contractor Agreement with ORC Water Professionals for Garage Doors:** Ms. Begeman presented the need to repair the garage door system to the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the Addendum to Independent Contractor Agreement with ORC Water Professionals for garage doors, subject to final review by the President.

OPERATIONS /  
MAINTENANCE  
MATTERS –  
GABBY BEGEMAN/  
TOM SCHUBERT

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

**Actuator Valve Replacement/Fire Tank Well Meter in Fire System:** Ms. Begeman provided an update to the Board. She recommends tabling this project until the pipe can be rerouted.

**HVAC at Headworks Building:** Ms. Begeman provided an update to the Board regarding the HVAC at the headworks building, noting that Tobin Heating replaced the failed components and operation is restored.

Ms. Begeman reported the seals on the fire pump need to be replaced as well as the valve, which does not close completely. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved replacing the seals on the fire pump and valve in an approximate amount of \$12,000.00.

Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved repairing the items found in a recent fire alarm inspection.

**Current Landscape Services Provided by CM Landscape and Soliciting Proposals:** Ms. Johnson discussed the landscaping with the Board, noting that she has solicited a proposal from ProCam but has not received a proposal at this time. Ms. Johnson recommended the Board authorize Director Merkel to review the proposal upon receipt, and approve, if reasonable.

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Following discussion, upon a motion duly made by Director Rose, seconded by Director Merkel and, upon vote, unanimously carried, the Board authorized Director Merkel to review and approve a proposal for 2023 landscape services.

**Other:** None.

### LEGAL MATTERS

**May 2, 2023:** Attorney Hartung provided an update on the Regular Directors Election to the Board, noting that the election has been cancelled. Candidates deemed elected will take their oath of office shortly after the May 2, 2023 election day.

**Amended and Restated Public Improvement Fee (“PIF”) Collection Agreement:** Attorney Hartung reviewed the Agreement with the Board, noting that it is complete and executed.

**Revised Public Improvement Fee Booklet:** Attorney Hartung presented the Revised PIF Booklet to the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the Revised PIF Booklet, subject to final legal revisions.

**First Amendment to Easement Agreement for Roadway Maintenance:** Attorney Hartung presented the Amendment to the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the First Amendment to Easement Agreement for Roadway Maintenance, subject to final review by legal counsel.

### FINANCIAL MATTERS

**December 31, 2022 Unaudited Financial Statements:** Ms. Pangindian presented the December 31, 2022 Unaudited Financial Statements to the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board accepted the December 31, 2022 Unaudited Financial Statements.

**Engagement Letter with Haynie & Company to Prepare the 2022 Audit:** Ms. Pangindian noted the engagement letter was approved at the November 15, 2022 Board meeting and no action was necessary.

### OTHER BUSINESS

**Executive Session of the Board of Directors for the Purpose of Receiving Legal Advice Pursuant to Section 24-6-402(44)(b), Colorado Revised Statutes as it Relates to Water Matters:** Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board entered into executive session at 11:45 a.m.

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Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board exited from executive session at 12:38 p.m.

Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board authorized Director Merkel to work with legal counsel to draft an amendment to the Rules and Regulations related to water restrictions.

Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board directed staff to solicit proposals for landscape design architecture services, including an audit of what is currently installed. JVA will obtain the most recent landscape plan on file with Jefferson County and provide to the working group.

**Quorum for May 16, 2023 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 12:47 a.m.

Respectfully submitted,

DocuSigned by:  
By Rozan Rose  
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Secretary for the Meeting

### 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 11:45am on March 21, 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:  
Heather Hartung  
Heather L. Hartung, Esq.  
General Counsel