

## 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  
MAY 18, 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, May 18, 2021, at 12:00 p.m. noon. Due to 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:**

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

The absence of Director Sours was noted and excused.

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

Lisa Johnson, Vy Nguyen, and Rebecca Gianarkis; CliftonLarsonAllen LLP (“CLA”)  
Clint Waldron Esq. and Heather Hartung Esq.; White Bear Ankele Tanaka & Waldron  
Tom Schubert and Bryan LoBue; ORC Water Professionals  
Michael Katalinich; JVA, Inc.  
Bill Berg; Martin & Wood Water Consultants, Inc.  
Martha 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 12:02 p.m. 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 additional conflicts disclosed during the meeting.

Upon a motion duly made by Director Shirilla, seconded by Director Banfield and, upon vote, unanimously carried, the Board excused the absence of Director Sours.

**Location of Meeting and Posting of Meeting Notices, Agenda:** Upon a motion duly made by Director Shirilla, seconded by Director Merkel and, upon vote, unanimously carried, the Board confirmed the location of the meeting and posting of the meeting notice and approved the May 18, 2021 Agenda as amended to address emergency repairs.

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

### CONSENT AGENDA

**Approve Minutes of the February 16, 2021 Special Meeting:**

**Accept April 2021 Water Accounting Report:**

**Ratify Approval of Prior Claims totaling \$116,837.97 and Approve Directors' Fees:**

**Accept Bear Creek Watershed Association (BCWA) April Meeting Information:**

**Accept Utility Billing Collection Status Report:**

**Ratify Second Addendum to Independent Contractor Agreement with Mountain Peaks Controls, Inc.:**

**Ratify Independent Contractor Agreement with Cummins Inc. for Planned Generator Maintenance:**

Ms. Johnson and Mr. Waldron reviewed the 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 Banfield, seconded by Director Shirilla, the above items on the consent agenda were unanimously approved, accepted and ratified.

### WATER RIGHTS UPDATE

Mr. Berg provided an update to the Board on the water rights matters. He is working to obtain an adjustment in one of the decreed water rights from a conditional water right to an absolute water right. This will save money in future years as diligence requirements will no longer be necessary.

Additionally, Mr. Berg provided an update to the Board regarding the infiltration well, noting that the infiltration well water quality data has been submitted to the Environmental Protection Agency. Mr. Berg is waiting for their response.

### VILLAGES AT ASPEN PARK SHOPPING CENTER UPDATES

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

**Signage Improvement Eligibility:** Director Merkel noted that there is nothing new to report. He requested Ms. Johnson remove this item from the agenda unless he otherwise specifies.

**Delinquent PIF Accounts and Collection Efforts:** Mr. Merkel reported that Ms. Roxan Rose continues to work with a delinquent retailer to bring them into PIF compliance.

**Other:** None.

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### FINANCIAL MATTERS

**March 31, 2021 Financial Statements, May 11, 2021 Cash Position Report and PIF and Sales Tax Collection Reports:** Ms. Nguyen presented the March 31, 2021 Financial Statements, May 11, 2021 Cash Position Report and PIF and sales tax collection reports to the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Shirilla and, upon vote, unanimously carried, the Board accepted the March 31, 2021 Unaudited Financial Statements, May 11, 2021 Cash Position Report and PIF and sales tax collection reports.

**2020 Audit Status:** Ms. Nguyen reported to the Board that the 2020 Audit is in preparation. The Board authorized CLA to finalize the 2020 Audit and file it with the State of Colorado by the July 31, 2021 deadline, subject to review by Legal Counsel.

**Other:** None.

### ENGINEERING MATTERS

**April 2021 Capital Improvement Report by JVA / Discuss 2021 Projects Status:** Mr. Katalinich updated the Board regarding the 2021-2022 Capital Projects. No action was taken.

**Asphalt Assessment Report and Recommendations for 2021:** The Board reviewed the Asphalt Assessment Report. Upon a motion duly made by Director Merkel, seconded by Director Banfield and, upon vote, unanimously carried, the Board authorized JVA to prepare the bid documents, solicit proposals for the work and to award the contract to the lowest, responsible and responsive bidder.

**Injection Well Permitting:** Mr. Berg provided an update to the Board regarding the injection well permitting. He noted the injection well is online and working well.

**Other:** None.

### OPERATIONS / MAINTENANCE UPDATE – BRYAN LOBUE / TOM SCHUBERT

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

**Enhanced Security Upgrades:** Mr. Schubert provided an update to the Board, noting that he has contacted EmpowerCom to solicit a proposal for enhanced security upgrades.

**Grease Trap Inspections Program:** Mr. LoBue presented the Grease Trap Inspection Program to the Board. He stated he will communicate with the tenants regarding the specifics of the program in advance of the implementation of the program.

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Mr. LoBue requested the Board consider approving additional cleaning of two sewer lines that have a large amount of grease built up in them. He estimates the work will cost \$2,200. Following discussion, upon a motion duly made by Director Shirilla, seconded by Director Banfield and, upon vote, unanimously carried, the Board approved the cleaning of two additional sewer lines in an amount not to exceed \$2,500.

**Independent Contractor Agreement for 2021 Landscape Maintenance Services:** The Board reviewed the Independence Contractor Agreement with CM Landscape. The proposal received was in the amount of \$400 per month to mow around the water treatment plant and well water treatment plant sites. Open space mowing will be performed upon request. Following review, upon a motion duly made by Director Shirilla, seconded by Director Merkel and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement for 2021 Landscape Maintenance Services with CM Landscape.

**Independent Contractor Agreement with Konrad Electric, Inc. for General Electrical Services:** Following review, upon a motion duly made by Director Shirilla, seconded by Director Banfield and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement with Konrad Electric, Inc. for General Electrical Services.

Following discussion, upon a motion duly made by Director Merkel, seconded by Director Banfield and, upon vote, unanimously carried, the Board approved the First Addendum to the Konrad Electric Independent Contractor Agreement to replace an existing miniature power center at the wellhouse with a like-model, miniature power center in an amount not to exceed \$5,000.

**Safety and Loss Prevention Grant and Recommendations for Use:** Ms. Johnson presented the Safety and Loss Prevention Grant funds available to the District and explained the program. Grant funds available are \$2,471.94. Ms. Begeman recommends the purchase of a gas detector in the amount of \$475.00 and a tripod system in the amount of \$1,535.61 for a total of \$2,010.61. The District would contribute \$1,005.31 and grant funds would reimburse the difference. Following discussion, upon a motion duly made by Director Shirilla, seconded by Director Merkel and, upon vote unanimously carried, the Board approved the two purchases noted above with the use of the Safety and Loss Prevention Grant funds.

**Other:** Ms. Johnson reported a hydrant close to King Soopers needs emergency repairs. Mr. LoBue is notifying the Fire District of the necessary repairs and meeting with a contractor to request the repair.

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### LEGAL MATTERS

**November Election:** Mr. Waldron reported to the Board that the District's debt authorization will become stale in November 2022. He recommends holding an election in November to refresh the debt limits. Following discussion, upon a motion duly made by Director Shirilla, seconded by Director Merkel and, upon vote, unanimously carried, the Board determined to hold an election in November 2021 to refresh the District's debt authorization.

**Insurance Requirements for Website Design and Maintenance by Michael Nearing:** Following discussion, upon a motion duly made by Director Shirilla, seconded by Director Banfield and, upon vote, unanimously carried, the Board approved waiving the insurance requirements for 2021 and moving forward, so long as Mr. Nearing is the consultant performing this work.

**Draft Amended and Restated PIF Collection Agreement:** Mr. Waldron provided an update to the Board, noting that the PIF Collection Agreement is in process.

**Other:** None.

### OTHER BUSINESS


**Quorum for August 17, 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. The Board decided to meet virtually for the August 17, 2021 meeting and will revisit the meeting location at that time for future meetings.

**Other:** None.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Shirilla, seconded by Director Merkel and, upon vote, unanimously carried, the meeting was adjourned at 1:34 p.m.

Respectfully submitted,

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

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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	8/24/2021 10:17:08 AM
Certified Delivered	Security Checked	8/24/2021 12:12:18 PM
Signing Complete	Security Checked	8/24/2021 12:12:33 PM
Completed	Security Checked	8/24/2021 12:12:33 PM
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