

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
ASPEN PARK METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
May 16, 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, May 16, 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

Also, In Attendance Were:

Lisa Johnson, Gigi Pangindian, 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.

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: Ms. Johnson confirmed the meeting location and the posting of the meeting notice.

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Upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the May 16, 2023 Agenda, as presented.

Election of Officers: Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board elected the following slate of officers:

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

Public Comment: There was no public comment.

Other: None.

CONSENT AGENDA

Minutes of the March 21, 2023 Regular Meeting:

Claims:

Independent Contractor Agreement with Raftelis Financial Consultants, Inc. for Water and Wastewater Fund Financial Plan, Tap Fee and Rate Study:

First Addendum to Independent Contractor Agreement with ORC Water Professionals, Inc. for Chain Hoist Motor Operator for Garage Door:
Second Addendum to Independent Contractor Agreement with ORC Water Professionals, Inc. for Odor Mitigation:

Ms. Johnson reviewed the above items on the consent agenda with the Board. Upon a motion duly made by Director Tamblyn, seconded by Director Merkel 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: Director Rose reported there are no changes at this time.

ENGINEERING MATTERS

Capital Improvements Plan Projects: Mr. Katalinich presented his memorandum to the Board. He recommends engaging Velocity to reroute chemical piping through the water treatment plant in the amount of \$46,000.00. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved a contract with Velocity to reroute chemical piping in the amount of \$46,000.00.

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Following discussion, upon a motion duly made by Director Merkel, seconded by Directory Rose and, upon vote, unanimously carried, the Board approved Mountain Peaks to replace mechanical PLC screen in an amount not to exceed \$3,000.00.

Mr. Berg reported that the Building No. 4 compound meter is not functioning well. The meter representative indicated they thought it might be due to the plumbing configuration. Mr. Willis would like to send the meter to the meter representative for testing, but the District does not have another compound meter to use in its place. Mr. Berg recommends the District purchase a new compound meter. Following discussion, upon a motion duly made by Director Merkel, seconded, by Director Rose and, upon vote, unanimously carried, the Board agreed to purchase a compound meter in an amount not to exceed \$5,000.00.

Report regarding Underdrain Responsibilities: Ms. Ye presented their memorandum to the Board. JVA recommended the Board proceed with jetting the underdrain lines in an amount not to exceed \$10,000.00. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Tamblyn and, upon vote, unanimously carried, the Board approved a contract with Hydro Physics in an amount not to exceed \$10,000.00 for jetting undrains.

The Board reviewed the District's Sales Tax Fund with a balance of approximately \$569,403.84. Ms. Pangindian discussed the District's options to open a COLOTRUST or CSAFE account to invest some of the revenue and earn interest on it. Following discussion, upon a motion duly made and seconded, and, upon vote, unanimously carried, the Board approved moving funds from this account into an account with C-Safe .

OPERATIONS /
MAINTENANCE
MATTERS –
GABBY BEGEMAN/
TOM SCHUBERT

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

Landscape Architect Request for Proposals: Ms. D'Amato provided an update on the request for proposals to the Board, noting that six firms were contacted and three firms responded. Two firms are planning to provide a proposal. No action was taken.

District-Implemented Watering Restrictions; Attorney Waldron discussed watering restrictions to FirstBank and Wendy's. He suggested the District offer to have the District's landscape architect redesign the current landscape plans at FirstBank and Wendy's to a more water wise design while preparing the District's redesign. Discussion ensued. The Board was generally in favor of Attorney Waldron's suggestion and asked staff to include this in the discussions with landscape architect firms.

The Board then directed staff to prepare a recommendation related to watering restrictions for 2023.

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Following discussion, upon a motion duly made by Director Tamblyn, seconded by Director Rose and, upon vote, unanimously carried, the Board authorized the District President to review the recommendations related to watering restrictions and to approve a watering restrictions plan.

Independent Contractor Agreement with ProCam for Landscape Maintenance Service and Termination of Agreement with CM Landscaping and Maintenance, Inc. for Same Services: Ms. Johnson reviewed the changes in landscaping services 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 Independent Contractor Agreement with ProCam for landscape maintenance services and ratified the termination of the agreement with C.M. Landscaping and Maintenance, Inc..

LEGAL MATTERS

Amending and Restating the Rules and Regulations: Attorney Hartung discussed the need to prepare an amended and restated set of Rules and Regulations. The Board directed staff to prepare an amended and restated Rules and Regulations.

First Amendment to Easement Access Agreement (Private Access Road Maintenance): Attorney Hartung provided an update on the Amendment to the Board. No action was taken.

Vacant Board Positions: Attorney Hartung discussed the vacant positions on the Board and stated she expected to receive a signed copy of the Amendment shortly. Following discussion, the Board determined not to take any action.

FINANCIAL MATTERS

Scheduled Cash Position and Tax Collection Summary as of May 9, 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 May 9, 2023.

2022 Audit: Ms. Pangindian reported the audit has not yet been started and noted the unaudited financial statements for the year ending in 2022 were presented at the previous meeting. Following discussion, upon a motion duly made and seconded, and, upon vote, unanimously carried, the Board approved proceeding with filing an extension for submission of the 2022 audit, if one was needed.

WATER RIGHTS UPDATE

Mr. Berg provided an update on the District's water rights for the Board.

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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 Rose and, upon vote, unanimously carried, the Board entered into executive session at 11:26 a.m.

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 12:04 p.m.

No action was taken in executive session.

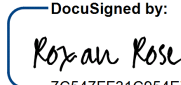
OTHER BUSINESS

Quorum for August 15, 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 Tamblyn, seconded by Director Rose and, upon vote, unanimously carried, the Board adjourned the meeting at 12:23 p.m.

Respectfully submitted,

By  _____
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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 11:26 a.m. on May 16, 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.

Heather L. Hartung, Esq.
General Counsel

Certificate Of Completion

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Subject: Complete with DocuSign: APMD - Minutes 05-16-2023.pdf	
Client Name: Aspen Park MD	
Client Number: A523127	
Source Envelope:	
Document Pages: 5	Signatures: 1
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
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In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Updated	Security Checked	8/22/2023 11:57:27 AM
Certified Delivered	Security Checked	8/19/2023 9:10:10 AM
Signing Complete	Security Checked	8/21/2023 10:29:23 AM

Envelope Summary Events	Status	Timestamps
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