

RECORD OF PROCEEDINGS

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

Roxan Rose was absent and excused.

Also, In Attendance Were:

Lisa Johnson, Cass Aurich, Shauna D’Amato; CliftonLarsonAllen LLP (“CLA”)

Clint Waldron and Heather Hartung Esq.; White Bear Ankele Tanaka & Waldron

Bill Berg; Martin and Wood Water Consultants, Inc.

Gabby Begeman; ORC Water Professionals

Michael Katalinich, Wei Ye and Casey Johnston; 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 12:03 p.m. 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 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 August 16, 2022 Agenda, as presented, and excused the absence of Director Rose.

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Public Comment: There was no public comment.

CONSENT AGENDA

Approve Minutes of the July 21, 2022 Regular Meeting:
Accept June 2022 Water Accounting Report:
Ratify Approval of Prior Claims and Approve Directors' Fees
Accept Bear Creek Watershed Association August Meeting Information:
Accept Utility Billing Collection Status Report:

Ms. Johnson reviewed the above items on the consent agenda with the Board. Attorney Hartung 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.

WATER RIGHTS UPDATE

Mr. Berg provided an update on the water rights related issues. Mr. Berg reported the fire tank well meter is not working which may or may not have an effect on water rights accounting. He is working with ORC to repair or replace the meters. No action was taken.

VILLAGES AT ASPEN PARK SHOPPING CENTER UPDATES

Leasing Status: Director Merkel reported that Elevation will be expanding their space soon. He will let Ms. Johnson know once the expansion is complete so any billing changes can be made to include the square footage of the new space.

Other: None.

ENGINEERING MATTERS

Status of Asphalt Project Work: Mr. Katalinich reported the asphalt work is complete and the manhole does not need to be raised.

UV Equipment Upgrade Project: Mr. Katalinich reported the first UV equipment received was damaged and has been re-ordered. Costs on the project were higher than initially budgeted which as pushed some Capital Improvement Plan 2022 items to 2023.

2022 Capital Improvement Plan: Mr. Katalinich discussed the updates to the 2022 Capital Improvement Plan with the Board. No action was taken.

Commissioning a Rate Study to Review Water and Sewer Rates: Ms. Johnson presented the estimate from Raftelis to prepare a water and sewer rate study. The estimate of fees to prepare is \$55,000. Ms. Johnson will request a formal proposal from Raftelis and will provide to the Board for review. The Board was in support of a rate study and will consider approval of the proposal at their November meeting with a January 2023 start date.

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Ms. Johnson asked if the District is currently on the State of Colorado's Intended Use Plan. Mr. Katalinich confirmed the District is currently not on the plan but has been in the past. The Board directed JVA to prepare the necessary application and transmit it to the State to get back on the plan for 2023.

OPERATIONS /
MAINTENANCE
MATTERS –
GABBY BEGEMAN/
TOM SCHUBERT

Ms. Begeman presented the Operations and Maintenance report to the Board. Odor control was discussed at length. JVA will work with ORC to analyze the cause of the order and make a recommendation for mitigation.

Actuator Valve Replacement/Fire Tank Well Meter in Fire System: Ms. Begeman reported this is a work in progress.

Other: None.

LEGAL MATTERS

Amended and Restated Public Improvement Fee Collection Agreement: Attorney Hartung informed the Board that the Agreement has been finalized and will be sent for signatures to the parties.

2022 Legislative Memorandum: Attorney Hartung presented the 2022 Legislative Memorandum to the Board. No action taken.

District Easements: Attorney Waldron presented the current easements in place over the roadways which currently do not require the District to maintain the roadways within the easements. The Board directed legal counsel to draft an amendment to the easement agreement to require the District to maintain the roadways within the easement. Additional discussion regarding landscape maintenance responsibilities within the easements also ensued.

2023 Fees and Notice of Intent to Increase Fees: Attorney Hartung presented the Notice of Intent to Increase Fees. It will be posted on the website at least 30 days in advance of the November Board meeting at which the Board will consider a change to the water and or sewer fees.

FINANCIAL
MATTERS

June 30, 2022 Unaudited Financial Statements: Ms. Aurich presented the June 30, 2022 Unaudited Financial Statements 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 June 30, 2022 Unaudited Financial Statements.

Status of Finalizing 2021 Audit and Filing of the Same: Ms. Aurich presented the status of the 2021 audit to the Board, noting that it is moving forward and will be filed by the extension deadline.

OTHER BUSINESS

Quorum for November 15, 2022 Regular Meeting: A quorum was confirmed with the change of time from noon to 10:00 a.m. as a special meeting.

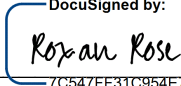
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2023 Regular Meeting Dates: The Board confirmed 2023 meeting dates for February 21st, May 16th, August 15th and November 14th at 10:00 a.m.

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 1:50 p.m.

Respectfully submitted,

By  _____
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Secretary for the Meeting

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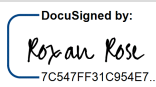
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