

## 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  
AUGUST 17, 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, August 17, 2021, 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:**

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

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

Lisa Johnson, Rebecca Gianarkis, Gigi Pangindian, and Cass Aurich;  
CliftonLarsonAllen LLP (“CLA”)  
Clint Waldron Esq. and Heather Hartung Esq.; White Bear Ankele Tanaka &  
Waldron  
Bryan LoBue; ORC Water Professionals  
Michael Katalinich; JVA, Inc.  
Bill Berg; Martin & Wood Water Consultants, 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 12:08 p.m. Mr. 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. Mr. 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.

**Location of Meeting and Posting of Meeting Notices, Agenda:** Upon a motion duly made, seconded and, upon vote, unanimously carried, the Board confirmed the location of the meeting and posting of the meeting notice and approved the August 17, 2021 Agenda as amended.

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

## RECORD OF PROCEEDINGS

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### CONSENT AGENDA

**Minutes of the May 18, 2021 Special Meeting:**  
**Accept July 2021 Water Accounting Report:**  
**Approval of Prior Claims totaling \$98,209.40 and Approve Directors' Fees:**  
**Accept Bear Creek Watershed Association ("BCWA") August Meeting**  
**Information:**  
**Accept Utility Billing Collection Status Report:**  
**Review and Acknowledge 2021 Eligibility Surveys:**

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 Banfield, 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 noted that in the monthly water accounting review, some of the water usage numbers were a bit concerning. Upon investigation, a water leak was detected and some of the usage in one of the vacant suites had not been billed. Ms. Johnson reported that direction was given to Billing Services to prepare a corrected bill to the affected tenant and transmit.

### VILLAGES AT ASPEN PARK SHOPPING CENTER UPDATES

**Leasing Status:** Director Merkel noted that there are no changes to report regarding the leasing status at this time. He noted one of the tenants is selling their business. In addition, Golden Stix has begun maintenance regarding grease interceptor.

**Delinquent PIF Accounts and Collection Efforts:** It was reported that three tenants are currently delinquent on their PIF payments. The Owner is working with these tenants to resolve the issue.

**Other:** None.

### ENGINEERING MATTERS

**July 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.

**Status of Asphalt Project Work:** Mr. Katalinich provided an update on the asphalt project work to the Board. He reached out to three contractors requesting site visits. One responded and toured the site but declined to provide a proposal. He will continue to pursue proposals.

**Other:** Director Sours updated the Board on the procedures related to property inclusions into the District and receiving services from the District. He reported

## RECORD OF PROCEEDINGS

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that the District was recently contacted by a property owner who expressed interest in being included into the District. However, upon further discussion, it appears as though they will not pursue inclusion at this time.

OPERATIONS /  
MAINTENANCE  
MATTERS –  
BRYAN LOBUE /  
TOM SCHUBERT

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

**EmpowerCom Proposal for Security Camera Upgrades in the Amount of \$5,827.00:** Following review, upon a motion duly made by Director Merkel, seconded by Director Banfield and, upon vote, unanimously carried, the Board approved the EmpowerCom proposal for security camera upgrades in the amount of \$5,827.00.

**Grease Trap Inspections Program:** Staff continues to work on the implementation of the grease trap inspections program.

**Inland Potable Services Inc. Proposal for Storage Tank Inspections in the Amount of \$2,750.00:** Following review, upon a motion duly made by Director Banfield, seconded by Director Merkel and, upon vote, unanimously carried, the Board approved the Inland Potable Services Inc. proposal for storage tank inspections in the amount of \$2,750.00.

**Correspondence from Colorado Department of Public Health and Environment (“CDPHE”) Regarding Water Quality Testing:** Ms. Johnson summarized the communication received from CDPHE related to recent sample testing that was completed related to the injection well. Sampling results indicated high radionuclides. CDPHE is encouraging the District to consider informing water users of the results. Mr. Katalinich discussed the cost related to the treatment process that would be needed to treat the radionuclides to the CDPHE standards. As a point of clarification, the District is not required to test the drinking water for the radionuclides. Mr. Waldron provided his legal opinion on this issue.

The Board discussed the information presented and directed staff to work with CDPHE to draft a communication to water users. The Board will review the final draft and upon approval, the District will include the communication in the utility bills.

**Replacement of Equalization Basin Grinders:** Mr. Katalinich presented the need to replace the equalization basin grinders and noted that proposals nor replacement options have been received for discussion. The Board discussed the information presented. Staff will inform Ms. Johnson when proposals are received, and she will schedule a special meeting for the Board to consider approval.

## RECORD OF PROCEEDINGS

---

**Other:** None.

### LEGAL MATTERS

**Draft Amended and Restated Public Improvement Fee (“PIF”) Collection Agreement:** Mr. Waldron reported to the Board that he is currently reviewing and providing comments on the agreement. He will finalize it and provide the agreement to the Board for their review at the November Board meeting.

**Resolution Calling November 2, 2021 Election:** Following discussion, upon a motion duly made by Director Merkel, seconded by Director Banfield and, upon vote, unanimously carried, the Board approved the Resolution Calling for the November 2, 2021 Election.

**2021 Legislative Memorandum:** Mr. Waldron provided a summary of the legislation passed that relates to special districts. No action was taken.

**Resolution Designating the Location of Regular Meetings of the Board of Directors:** Following discussion, upon a motion duly made by Director Banfield, seconded by Director Merkel and, upon vote, unanimously carried, the Board approved the Resolution Designating the Location of Regular Meetings of the Board of Directors as being held virtually.

**Other:** None.

### FINANCIAL MATTERS

**June 30, 2021 Financial Statements:** Ms. Pangindian presented the June 30, 2021 Financial Statements to the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Banfield and, upon vote, unanimously carried, the Board accepted the June 30, 2021 Financial Statements.

**2020 Audit:** Ms. Pangindian presented the draft 2020 Audit to the Board. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Banfield and, upon vote, unanimously carried, the Board approved the 2020 Audit draft.

**Other:** None.

### OTHER BUSINESS

**Quorum for November 16, 2021 Regular Meeting:** A quorum was confirmed.

**Other:** None.

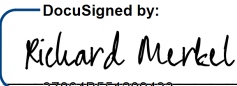
### ADJOURNMENT

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.

## RECORD OF PROCEEDINGS

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Respectfully submitted,

By  DocuSigned by:  
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Secretary for the Meeting