

RECORD OF PROCEEDINGS

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**MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
OF THE  
ASPEN PARK METROPOLITAN DISTRICT  
HELD  
June 12, 2012**

A special meeting of the Board of Directors of the Aspen Park Metropolitan District was held on Tuesday, June 12, 2012 at 12:00 p.m. at the offices of White Bear & Ankele, 2154 East Commons Avenue, Ste. 2000, Centennial, CO.

Attendance: In attendance were Directors:

Sam Sours  
Bill Bates  
Christine Montague  
Dennis Shirilla (arrived at 1:00 p.m.)  
Eli Martinez

Also in attendance were:

Matt Urkoski and Rachelle Meyer; CliftonLarsonAllen LLP  
Clint Waldron; White, Bear & Ankele Professional Corporation  
Nancy Craig; API/Hunt Properties  
Al Allred; API/Hunt Properties  
Bill Goetz; TST Infrastructure

Call to Order Director Sours called the meeting to order at 12:32 p.m.

Potential Conflicts  
Of Interest

The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest of the Board of Directors to the Secretary of State. The Board reviewed the agenda for the meeting, following which each Board member confirmed the contents of written disclosures previously made, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting. Mr. Waldron noted that forms disclosing potential conflicts of interest had been filed in accordance with law.

Discuss Board  
Vacancies

A. Appoint Eli Martinez

Mr. Waldron reported he has reviewed Mr. Martinez's qualifications and determined he is qualified to serve on the Board of Directors.

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Upon a motion duly made by Director Bates, seconded by Director Sours, and upon unanimous vote, the Board appointed Mr. Martinez to serve on the Board of Directors.

### B. Oath of Office

Director Sours administered the Oath of Office to Mr. Martinez.

## CONSENT AGENDA

Upon a motion duly made by Director Bates, seconded by Director Montague, and upon unanimous vote, the Board approved the Consent Agenda as follows:

### IV. Review/Approve Minutes of the March 27, 2012 Special Meeting

### V. Engineering/Construction Items

#### A. Accept Engineering Report

#### B. Accept Water Usage Tracking Reports

#### C. Accept May 2012 Exfiltration Gallery Monitoring Report

#### D. Accept BCWA Meeting Information

#### E. Ratify Work Orders

1. Individual Tenant Water Meter Lock-Out Retrofit - \$130

2. Booster Pump Repairs - \$1,860

#### F. Accept May 3, 2012 CDPHE Amended Site Location Approval for Surface Discharge

### VI. Financial Items

#### A. Accept March 31, 2012 Financial Statements and June 1, 2012 Cash Position Report

#### B. Approve May Claims - \$10,110.49

#### C. Ratify April Claims Totaling \$ 50,722.06

#### D. Ratify Approval of Prior Claims Totaling \$ 50,691.02

#### E. Approve Out of District Fee Schedule

#### F. Accept May 31, 2012 PIF YTD Collection Report

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### VII. Manager's Items

- A. Accept Referrals
- B. Information Items

### VIII. Attorney's Items

- A. Consider Approval of Agreement with Jefferson County Regarding Site Approval for a New Surface Discharge Outfall
- B. Ratify Approval of 2012-13 Agreement with Cummins Rocky Mountain, LLC for Generator and Transfer Switch Preventive Maintenance - \$2,876
- C. Accept District Court Ruling Regarding Change in Plan for Augmentation and Change of Water Rights
- D. Approve Revised 2012 Landscape Maintenance Agreement with Weston Landscape Design - \$1,160

## DISCUSSION AGENDA

### IX. API Updates

- A. Surface Discharge Permit (SDP)

Director Sours and Mr. Goetz reported that the project is advancing, Jefferson County has put forth conditions to obtain a permit as required by CDHPE and reviewed the conditions with the Board.

- B. Leasing Status

Director Montague reported a new pizza establishment will be leasing the space previously occupied by Dominos Pizza. There will be a 60 day build-out with an anticipated opening in August.

### X. Engineering/Construction Items

- A. Approve Agreement with TST for Surface Discharge Modifications - \$29,000

Director Sours reported Mr. Goetz has submitted an estimate to execute the surface discharge modifications. Director Sours discussed the recommended approach to administering design for

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the modifications in conjunction with TST's costs for overseeing the project.

Upon a motion duly made by Director Bates, seconded by Director Montague, and upon unanimous vote, the Board approved Director Sours to negotiate the TST contract with a not to exceed amount of \$29,000.

Upon a motion duly made by Director Bates, seconded by Director Montague, and upon unanimous vote, the Board approved Director Sours and Mr. Goetz to negotiate a construction contract with a not to exceed amount of less than \$60,000.

### B. 2013 WPCRF Eligibility Survey

Mr. Goetz discussed the process for project approvals and financing options. No action was taken.

### A. Bank of the West Sanitary Sewer Connection

Mr. Goetz reported there was no report and that TST will continue to monitor.

## XI. Financial Items

### A. Approve 2011 Audit

Upon a motion duly made by Director Bates, seconded by Director Montague, and upon unanimous vote, the Board approved the 2011 Audit.

### B. Status of Delinquent PIF and Utility Fee Collections

Mr. Urkoski reviewed the reports noting that there is continued improvement with the collections.

### C. Status of New Billing Schedule

Mr. Urkoski stated the new schedule is going well.

## XII. Manager's Items

### A. Website Update

No report.

### B. Other

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Mr. Urkoski and Mr. Waldron reported they had researched issues relating to PIF penalty and interest removals and that there is no process in place to approve a request waiving the penalty and interest. Discussion of current PIF delinquencies ensued.

Upon a motion duly made by Director Sours, seconded by Director Bates, and upon unanimous vote, the Board authorized CliftonLarsonAllen LLP to negotiate penalty and interest removals with delinquent PIF tenants subject to payment of delinquent amounts.

The Board discussed current out of district fees and the options for adjusting the fees.

Upon a motion duly made by Director Bates, seconded by Director Sours, and upon unanimous vote, the Board approved the out of district fee schedule as presented.

### XIII. Attorney's Items

#### A. Approve Amendment to Rules and Regulations Regarding Billing and Collection of Delinquent Utility Fees

Mr. Waldron reviewed the Amendment with the Board. Following discussion, upon a motion duly made by Director Bates, seconded by Director Sours, and upon unanimous vote, the Board approved the Amendment to Rules and Regulations Regarding Billing and Collection of Delinquent Utility Fees.

### XIV. Director's Items

#### A. Confirm Quorum for August 21, 2012 Meeting

A quorum was confirmed.

### XIV. Other Business

Mr. Waldron and Mr. Allred discussed the need to engage a consultant to perform underwriting services regarding the bond refinancing.

Following discussion, upon a motion duly made by Director Sours, seconded by Director Bates, and upon unanimous vote, the Board engaged D.A. Davidson as underwriter to research and negotiate bond refinancing options.

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XV. Adjournment

Upon motion duly made by Director Sours, and seconded by Director Shirilla, and upon unanimous vote, the Board adjourned the meeting at 1:14 p.m.

Respectfully submitted,



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Secretary for the Meeting