

RECORD OF PROCEEDINGS

---

MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE  
ASPEN PARK METROPOLITAN DISTRICT  
HELD  
AUGUST 19, 2014

A regular meeting of the Board of Directors of the Aspen Park Metropolitan District was held on Tuesday, August 19, 2014 at 12:00 p.m. noon at the offices of White Bear Ankele Tanaka & Waldron, PC, 2154 East Commons Avenue, Ste. 2000, Centennial, CO.

Attendance: In attendance were Directors:

Sam Sours  
Dennis Shirilla  
Bill Bates  
Eli Martinez

Also in attendance were:

Bob Blodgett, Matt Urkoski and Gigi Pangindian;  
CliftonLarsonAllen LLP  
Clint Waldron; White, Bear, Ankele, Tanaka & Waldron, P. C.  
Michelle Roberts, Colliers  
Bob Clodfelter; Treatment Technology  
Michael Katalinich; JVA, Inc.  
Jason Maddox; NewQuest Epic  
Marti Whitmore; Martha Phillips Whitmore, LLP (via telephone)  
Bill Berg; Martin and Wood (via telephone)

Call to Order Director Sours called the meeting to order at 12:00 p.m.

Director  
Qualifications/  
Disclosure Matters

The Board discussed the requirements of Colorado law for Board members to disclose any potential conflicts of interest to the Board of Directors and 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.

## RECORD OF PROCEEDINGS

---

Approve Appointment  
Of Michelle Roberts to  
Board Vacancy and  
Administer Oath  
Of Office

Upon a motion duly made by Director Sours, seconded by Director Shirilla, and upon vote unanimously carried, the Board approved the appointment of Ms. Roberts to the Board. Director Sours administered the Oath of Office to Ms. Roberts and she took her seat.

### CONSENT AGENDA

Mr. Blodgett reported the July claims should be \$31,517.03 instead of \$37,517.03.

Upon a motion duly made by Director Shirilla, seconded by Director Martinez, and upon vote unanimously carried, the Board approved the Consent Agenda with the amendment to the amount of the July claims.

- IV. Review/Approve Minutes of the May 30, 2014 Special Meeting
- V. Engineering/Construction Items
- VI. Operations/Maintenance Items
  - A. Accept July 2014 Water Usage Tracking Reports
  - B. Other
- VII. Financial Items
  - A. Ratify Approval of May and June Claims Totaling \$67,168.90
  - B. Approve July Claims Totaling \$31,517.03 and Directors' Fees Totaling \$369.40
  - C. Other
- VIII. Manager's Items
  - A. Accept Referrals
  - B. BCWA Information
  - C. Ratify Acceptance of Resignation of Christie Montague from the Board
  - D. Other

## RECORD OF PROCEEDINGS

---

- IX. Attorney's Items
  - A. Approval of Public Records Request Policy

### DISCUSSION AGENDA (Section X -XVIII)

- X. NewQuest Epic Updates -- Jason Maddox
  - A. Leasing Status

Mr. Maddox reported a dance studio has leased the upper floor of one of the buildings. They are also presently working on two letters of intent including a possible fast food restaurant.

- B. Other Items

Mr. Maddox reported the owner is still attempting to get the permit approval from Jefferson County for the plaza improvements on the owner's property within the center.

- XI. Engineering Items

- A. Status of Review of Meyers Pond Augmentation Plan Issues
- B. Status of Water Rights Documentation-- Marti Whitmore
- C. Discuss Easements for Meyers Water Usage in District

Director Sours reported that the focus of these reviews has to be on work needed to convert the 15 acre foot for residential use obtained from the Meyers to use for commercial purposes by the District.

He also stated the District needs to focus on the amount of water rights needed for a complete build out of the center plus the Eagle Cliff property owned by API that was recently included into the District.

After discussion, the Board asked Ms. Whitmore to meet with Mr. Martin and Mr. Berg and develop an action plan for District review at the November meeting. This plan should indicate what amount of water is needed at build out of the District and any additional wells or easements that are required for the use of the water. The Board asked that this be conveyed in terms of acre feet and gallons per minute. The report should also include any steps needed to convert the Meyers residential water rights to commercial water rights to be used by the District.

The Board asked Mr. Blodgett and Mr. Waldron to check the due diligence work done during the sale of the center from API to NewQuest Epic and determine if some of the information was developed at that time.

## RECORD OF PROCEEDINGS

---

### C. Discuss Status of Well Transducers Replacement

1. Brown's Hill - \$6,995 (approved at the May 30<sup>th</sup> Board Meeting)
2. Brown's Hill - \$16,452 (revised quote – additional work needed)
3. Sky Country Pump - \$2,250 (remove the equipment and install the transducers)
4. Discuss Pump Replacements - \$TBD

Mr. Katalinich reported that the original Brown's Hill quote approved at the May 30<sup>th</sup> meeting did not include the entire scope of work once Brown's Hill reviewed the well on site. He stated that JVA had not previously reviewed the well on site. They had based their original scope on plans developed by TST in the past. It turned out the plans did not accurately reflect the condition of the wells. Two of the transducers are missing from two of the wells. Only one of the wells actually has a transducer.

The Board expressed concern about the lack of completeness in the original scope and the necessity to more than double the price approved by the Board at the May 30<sup>th</sup> meeting.

Mr. Katalinich indicated there is some overlap between the Brown's Hill quote for \$16,452 for additional work and the Sky Country quote of \$2,250 to remove the equipment and install transducers. He noted that if the pumps are going to be replaced in the future and that may be the time to do the work on the transducers.

After discussion, the Board directed JVA to review the condition of the wells with Treatment Technology and develop the necessary scope of work and priorities for discussion at the November Board meeting and action in 2015. Work should be prioritized and all aspects of improving the well performance, operational reliability and reporting data should be considered.

### E. Discuss 2014 Capital Budget Priorities

1. Review Capital Recommendations Schedule

Mr. Katalinich reported the plan has been drafted. It will be ready prior to the November meeting. It will indicate future priorities for both operating and maintenance replacements and capital components of the water and sewer facilities and other District infrastructure.

2. Other.

None.

## RECORD OF PROCEEDINGS

---

### F. Review Landscaping Map

Mr. Katalinich reviewed the landscaping map and easements with the Board. Director Roberts also provided information on the current Site Source scope of work related to the District and the center. After discussion, the Board asked that Director Roberts work with Mr. Maddox to identify the areas in which the center performs landscaping maintenance and the estimated cost. The District will determine if they would like to acquire a public easement over these parcels that relate to the streets for future responsibility by the District. This will be further discussed at the November Board meeting.

### G. Discuss Funding for Exfiltration Gallery Automated Controls

Mr. Waldron reported that the net revenues of any sales tax may be used for street improvements, including curbs, gutters, culverts, drainage facilities, sidewalks, parking facilities, paving, lighting, grading, landscaping and other street improvements. To the extent the Board reasonably determines that the exfiltration gallery automated controls are directly related to street and storm drainage improvements, the controls could be eligible for use of sales tax expenditures.

## XII. Operations/Maintenance Update – Bob Clodfelter/Mark Cleaveland

Mr. Clodfelter reported the District is working to repair a leak between one of the wells and the treatment plant. The leak detection company reviewed it today. He will provide a further report to Mr. Blodgett as soon as possible for distribution to the Board.

## XIII. Financial Items

### A. 2015 Budget Schedule

1. August 25 – Preliminary AV
2. October 15 – Draft 2015 Budget
3. November 18 – Review and Approve 2015 Budget

The Board confirmed the 2015 budget schedule. They decided to hold a budget workshop during the third week of October to discuss the capital improvement projects plan and the 2015 budget. Mr. Blodgett's office will schedule.

### B. Accept June 30, 2014 Financial Statements and August 2014 Cash Position Report

Ms. Pangindian reviewed with the Board. After discussion, upon a motion duly made by Director Bates, seconded by Director Martinez, and upon vote unanimously carried, the Board accepted the June 30, 2014 financial statements.

## RECORD OF PROCEEDINGS

---

### C. PIF Collection Update

Ms. Pangindian reviewed the status with the Board. Collections are trending upwards for the first six months of 2014.

### D. Sales Tax Collection Update

Ms. Pangindian reported collections are behind budget. However only four months of collections have been reflected through June 30<sup>th</sup>.

### XIV. Attorney Items

None.

### XV. Manager's Items

#### A. Website Update

None.

#### B. Other

None.

### XVI. Director's Items

#### A. Review Landscape Conversation Design and Recommendations

This project is on hold until a determination is made as to what landscaping areas the District will control in the future and convert to xeriscape.

#### B. Call Public Hearing for November 18 Meeting to Review and Approve 2015 Budget

The Board confirmed the public hearing for the November 18<sup>th</sup> meeting to review and approve the 2015 budget. The meeting will be at White Bear Ankele Tanaka & Waldron.

### XVII. Other Business

None.


# RECORD OF PROCEEDINGS

---

## XVIII. Adjournment

Upon a motion duly made by Director Roberts, seconded by Director Bates, the Board adjourned the meeting at 1:55 p.m.

Respectfully submitted,

  
Secretary for the Meeting