

RECORD OF PROCEEDINGS

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**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE  
ASPEN PARK METROPOLITAN DISTRICT  
HELD  
MAY 19, 2015**

A regular meeting of the Board of Directors of the Aspen Park Metropolitan District was held on Tuesday, May 19, 2015 at 12:00 p.m. 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  
Michelle Roberts  
Eli Martinez

Also in attendance were:

Bob Blodgett and Gigi Pangindian; CliftonLarsonAllen LLP  
Clint Waldron and Casey Lekahal; White Bear Ankele Tanaka  
& Waldron P. C.  
Bob Clodfelter and Mark Cleaveland; Treatment Technology  
Michael Katalinich and Allan Smith; JVA, Inc.

Call to Order Director Sours called the meeting to order at 12:05 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.

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### CONSENT AGENDA

Mr. Blodgett noted Item VI.B., the April claims are now \$21,940.62. Upon a motion by Director Martinez, seconded by Director Shirilla, and upon vote unanimously carried, the Board approved the Consent Agenda as amended.

Director Sours asked that JVA and Treatment Tech review the water usage tracking reports each month and notify the Board if there are any issues to be concerned about. He also asked that the Bear Creek Watershed Association information be reviewed and the Board notified if there are any concerns. Mr. Blodgett noted the State Water Quality Control Commission recommendation regarding phosphorous loading. Mr. Katalinich will review.

Regarding Item IX.A., Director Roberts will coordinate with the owner and provide information to JVA regarding all of the landscape areas to be transferred to the District. JVA will prepare an exhibit which will accompany an agreement between the District and the owner for the District to assume this responsibility in the future.

- III. Review/Approve Minutes of the February 18, 2015 Special Board Meeting
- IV. Engineering/Construction Items
- V. Operations/Maintenance Items
  - A. Accept April 2015 Water Usage Tracking Reports
  - B. Other
- VI. Financial Items
  - A. Ratify Approval of February and March Claims Totaling \$95,170.33
  - B. Approve April Claims \$13,165.16 and Directors' Fees \$461.75
  - C. Other
- VII. Manager's Items
  - A. Accept Referrals
  - B. Accept BCWA Information
  - C. Other

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### VIII. Attorney's Items

- A. Approval of Seventh Amendment to Independent Contractor Agreement with Cummins Rocky Mountain, LLC - \$3,139.50

### IX. Directors Items

- A. Ratify Agreement with 360 Design for Landscape Re-Design – Task 1 - \$14,300; Task 2 - \$9,500

### DISCUSSION AGENDA

### X. NewQuest Epic Updates - John Marshall

No report.

- A. Leasing Status

Director Roberts reported there is a new bakery, optometrist and a chiropractor coming into the Center.

- B. Other Items

None.

### XI. Engineering Items

- A. Review and Consider Approval of 2015 Capital Improvement Project Proposals
  - 1. Mountain Peaks Controls - \$34,233
  - 2. SWI Excavating - \$7,900

Mr. Katalinich reviewed his report with the Board. JVA recommended approval of Mountain Peaks Controls and SWI Excavating.

The Board reviewed the proposals and expressed concern with SWI Excavating not having change orders associated with their work since the other bids were significantly higher for the civil works. The Board also asked Mr. Katalinich to look at the possibility of mounting the bollards on existing light poles to save money and get them above snow removal work in the future.

Upon a motion duly made by Director Martinez, seconded by Director Shirilla, and upon vote unanimously carried, the Board approved Mountain Peaks Controls for the electronic controls in the amount of \$34,233 and SWI Excavating in the amount of \$7,900 for the civil works subject to review and preparation of an agreement by Mr. Waldron and potentially mounting the bollards on the light poles.

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### B. Water Rights Issues Update – Bill Berg

No report.

### C. Discuss WWTF Capacity Issues – Mike Katalinich

JVA recommended that the District continue to monitor the flow and BOD capacity. There is no need for additional work at this time. The Board concurred.

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

### A. Raw Water Line Repair Update

Mr. Clodfelter reported the water line has been repaired. Mr. Clodfelter reported a power surge on May 8<sup>th</sup> which affected all three wells. They have since been put back in service. He reported the Fire Department responded to an alarm in the blowers the night before. One of the blowers is down. He will check with the manufacturer regarding any possible coverage under warranty. Mr. Clodfelter further reported an infiltration and inflow of 3,000 to 4,000 gallons in the past month. JVA will attempt to find the previous reports by TST regarding sealing the manholes and determining the source of infiltration into the District's water lines. JVA indicated they have a camera that may be of some use to find a leak if that is the cause.

### A. Other

None.

## XIII. Financial Items

### A. Accept March 31, 2015 Financial Statements and May 2015 Cash Position Report

Ms. Pangindian reviewed with the Board. Upon a motion duly made by Director Roberts, seconded by Director Shirilla, and upon vote unanimously carried, the Board accepted the March 31, 2015 Financial Statements and May 2015 Cash position.

### B. Review and Acceptance of December 31, 2014 Draft Audit Report

Ms. Pangindian reviewed with the Board. Upon a motion duly made by Director Roberts, seconded by Director Shirilla, and upon vote unanimously carried, the Board authorized Ms. Pangindian to file the 2014 Audit.

### C. PIF Collection Update

Ms. Pangindian updated the Board. The Board accepted the report.

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### D. Sales Tax Collection Update

Ms. Pangindian updated the Board. The board accepted the report.

### XIV. Attorney Items

None.

### XV. Manager's Items

#### A. Status of Potential Public Easement for Landscaped Areas Within the District That are Presently an Owner Responsibility

Previously discussed. Director Roberts will provide the information to Mr. Katalinich for preparation of an exhibit.

#### B. Website Update

No report.

#### C. Other

None.

### XVI. Director's Items

#### A. 360 Design Plan of Work

Director Roberts reported she has received one bid for \$130,000 for the landscaping work. She has asked the contractor to revise their bid and reduce the amount of landscaping. Ms. Pangindian reported there is approximately \$97,000 estimated at year end in the sales tax fund for use on this project. After discussion, the Board asked Director Roberts to contact the shopping center owner to see if he would consider a loan to the District so the project could potentially proceed this summer subject to the owner being repaid at the end of 2015 without interest.

After discussion, upon a motion duly made by Director Roberts, seconded by Director Shirilla, and upon vote unanimously carried, the Board authorized the District to negotiate an easement for operating and maintenance purposes with the shopping center owner and to develop a reimbursement agreement for capital improvements for the landscaping if the project proceeds in 2015. Mr. Blodgett will coordinate a call during the week of May 25<sup>th</sup> with the developer, Mr. Waldron and others regarding the necessary agreements. Director Sours will be included if possible. Mr. Waldron reported that if the construction costs are over \$60,000 the project will have to be competitively bid and awarded by the Board at a future meeting. This could be a special meeting prior to August 18<sup>th</sup>.

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B. Confirm Quorum for August 18, 2015 Meeting

A quorum was confirmed.

XVII. Other Business

None.

XVIII. Adjournment

Upon a motion duly made by Director Martinez, seconded by Director Shirilla, and upon vote unanimously carried, the Board adjourned the meeting at 1:55 p.m.

Respectfully submitted,



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Secretary for the Meeting