

RECORD OF PROCEEDINGS

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**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE  
ASPEN PARK METROPOLITAN DISTRICT  
HELD  
AUGUST 18, 2015**

A regular meeting of the Board of Directors of the Aspen Park Metropolitan District was held on Tuesday, August 18, 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:

Dennis Shirilla  
Bill Bates  
Michelle Roberts  
Eli Martinez

Also in attendance were:

Bob Blodgett, Matt Urkoski and Gigi Pangindian; CliftonLarsonAllen LLP  
Clint Waldron; White Bear Ankele Tanaka & Waldron P. C.  
Bob Clodfelter and Mark Cleaveland; Treatment Technology  
Michael Katalinich; JVA, Inc.  
Nancy Craig; Hunt Properties, Inc. (via telephone)

Call to Order Director Shirilla called the meeting to order at 12:10 p.m. The Board elected Director Shirilla as acting President in the absence of Director Sours. The Board excused the absence of Director Sours.

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

Upon a motion by Director Bates, seconded by Director Martinez, and upon vote unanimously carried, the Board approved the Consent Agenda as submitted.

- III. Review/Approve Minutes of the May 19, 2015 Special Board Meeting
- IV. Engineering/Construction Items
  - A. Accept 2016 Drinking Water Eligibility Survey and 2016 Wastewater Eligibility Survey
- V. Operations/Maintenance Items
  - A. Accept July 2015 Water Usage Tracking Report
  - B. Accept July 8, 2015 Response to State Inspection
- VI. Financial Items
  - A. Ratify Approval of May and June Claims Totaling \$113,489.31
  - B. Approve July Claims \$41,641.24 and Directors' Fees \$461.75
  - C. Other
- VII. Manager's Items
  - A. Accept Referrals
  - B. Accept BCWA Information
  - C. Information Items
- VIII. Attorney's Items
  - A. Ratify and Approve Contractor Agreement with Scott Waneka, Inc., dba SWI Excavating for Exfiltration Gallery Automated Controls - \$7,900
  - B. Ratify and Approve Agreement with Mountain Peak Controls for Exfiltration Gallery Automated Controls - \$34,233
- IX. Directors Items

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## **DISCUSSION AGENDA**

### X. NewQuest Epic Updates

#### A. Leasing Status

Director Roberts reported a new tenant with a retail entertainment concept is considering locating in the Center.

#### B. Other Items – Retail Space Inquiry

After discussion, the Board asked Mr. Urkoski to verify the amount of the tap fee for the potential project and whether it's based on the 3.9 SFEs calculated on the square footage or the 1-1/2" diameter water line which would indicate a greater number of SFEs.

### XI. Engineering Items

#### A. Status of the 2015 Capital Improvement Projects

Mr. Katalinich reported the Exfiltration Gallery Automated Control Project is substantially complete, anticipating the project to be complete this week.

#### B. Discuss Underdrain Maintenance

Mr. Waldron reviewed the Jefferson County requirements in the 2009 Agreement with the Board. The underdrains need to be inspected every five (5) years.

Mr. Katalinich recommended that the Board video and jet both the underdrains and stormwater drains simultaneously. He indicated that he received quotes from contractors in the approximate amount of \$5,000 for the videoing of the underdrains and storm drains and an additional \$5,000 for the jetting of the underdrains and storm drains.

After discussion, upon a motion by Director Roberts, seconded by Director Martinez, and upon vote unanimously carried, the Board authorized a not to exceed \$12,000 for Mr. Katalinich to obtain competitive bids for the video and jetting of the underdrains and storm sewer drains subject to review by Director Sours to confirm the approval of the work to begin.

Ms. Pangindian reported that the Sales Tax Revenue fund may be utilized for this project since it involves storm drainage.

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### C. Water Rights Issue Update

The Board noted that Director Sours volunteered to work with Ms. Whitmore and Mr. Berg in October for the necessary due diligence budget work for 2016. Mr. Blodgett will inform Mr. Sours.

## XII. Operations/Maintenance Update –Bob Clodfelter/Mike Katalinich

### A. Raw Water Line Repair Update

Mr. Clodfelter reported that the wastewater flow exceeded 80% of the Wastewater Treatment Plant (WTP) capacity again in May. This also happened in 2014. Mr. Katalinich reported the criteria for triggering a design of expansion of the Wastewater Treatment Plant (WTP) is exceeding 80% of the treatment capacity for three consecutive months. This has not yet occurred.

Mr. Katalinich indicated even when it does occur he believes a “paper expansion” will be satisfactory to the State. This would involve proving to the State that the District’s actual treatment capacity is greater than 25,000 gallons a day. It could exceed 30,000 to 40,000 gallons a day depending on calculations. The Board took no action at this time on the potential expansion of the wastewater treatment plant.

The Board discussed the potential videoing and jetting of the District’s sanitary sewer lines. No one was aware of any written requirements from Jefferson County regarding the frequency with which the sanitary sewer lines are inspected. Mr. Katalinich indicated this is based on engineering standards and judgment of the Board of each Water and Sanitation District.

Mr. Clodfelter recommended the work be done when high flows are incurred which is during the spring runoff in May in most years.

Mr. Katalinich reported the estimated cost would be approximately \$10,000 to both video and jet the sanitary sewer lines. After discussion, the Board asked Mr. Katalinich to monitor the need for this work in 2015. He and Mr. Clodfelter are to notify Mr. Blodgett if the work should be done immediately. Otherwise, the work will be budgeted in the 2016 budget to be done in the Spring of 2016.

## XIII. Financial Items

### A. Accept June 30, 2015 Financial Statements and August 13, 2015 Cash Position Report

Ms. Pangindian reviewed with the Board. Upon a motion duly made by Director Bates, seconded by Director Martinez, and upon vote unanimously carried, the Board accepted the June 30, 2015 Financial Statements and August 13, 2015 Cash position.

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Ms. Pangindian reported that the King Soopers sales tax collections in the first six months of 2015 are lower by about half compared to the first six months of 2014. The State Department of Revenue asked King Soopers for a response; King Soopers indicated they could find no irregularities in their collection.

Ms. Pangindian reported that the Public Improvement Fee revenue continues to increase annually. After discussion, upon a motion duly made by Director Roberts, seconded by Director Bates, and upon vote unanimously carried, the Board authorized Ms. Pangindian to request the Colorado Department of Revenue to conduct an audit of the King Soopers sales tax collections payable to the District.

### B. Discuss Debt Service Mill Levy Calculations

Ms. Pangindian distributed information to the Board regarding the language in the Districts bond covenants regarding how the debt service mill levy is calculated.

The District can reduce the mill levy and utilize public improvement fee revenues towards the payment instead of a portion of the mill levy. Ms. Pangindian indicated that the Mill levy could potentially be as low as 27.5 mills in 2016 instead of 45 mills in 2015 for debt service. However, this would not leave any funds to pay subordinate bonds. After discussion, the Board asked Ms. Pangindian to prepare options with the current mill levy of 45, the potentially lower mill levy of 27.5 and other options in-between for discussion with the draft 2016 budget at the November board meeting. The District's attorney will further review the language in the bond covenants.

### C. PIF Collection Update

Ms. Pangindian reviewed with the Board. Increases of 5% to 8% are present with all the tenants in the District.

### D. Sales Tax Collection Update

Previously discussed.

## XIV. Attorney Items

### A. Approve Landscaping Maintenance Easement Agreement with NewQuest Epic Regarding Transfer of Landscape Maintenance Tasks to the District.

Mr. Waldron reviewed with the Board. Director Roberts reported the annual maintenance costs are approximately \$22,000. She did not know the annual utility costs at the present time.

Mr. Waldron indicated the agreement currently states that the District will pay the utility costs which include electricity and water costs as a part of the agreement.

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After discussion, upon a motion duly made by Director Bates, seconded by Director Martinez, and upon vote unanimously carried, the Board approved the transfer of landscape maintenance tasks with an amendment to Section 8 indicating that the owner will continue to pay the utility costs (electricity and water) until Director Roberts can indicate what these estimated costs are for further discussion at the November board meeting.

### XV. Manager's Items

#### A. 2016 Budget Process

1. August 25<sup>th</sup> - 2015 Preliminary A.V.
2. October 15<sup>th</sup> - Draft 2016 Budget to Board
3. November 17<sup>th</sup> – Public Hearing at Regular Meeting and Approval of 2016 Budget
4. Appoint Ms. Pangindian as Budget Officer

Mr. Blodgett reviewed with the Board. The Board accepted the schedule.

After discussion, upon a motion duly made by Director Roberts, seconded by Director Bates, and upon vote unanimously carried, the Board approved the November 17<sup>th</sup> Public Hearing and regular meeting for review and approval of the 2016 budget.

After discussion, upon a motion duly made by Director Roberts, seconded by Director Bates, and upon vote unanimously carried, the Board appointed Ms. Pangindian as Budget Officer to prepare the 2016 draft budget.

#### B. Website Update

Mr. Blodgett reported the website is up-to-date.

#### C. Other

None.

### XVI. Director's Items

#### A. Status of 360 Design Work

Director Roberts will distribute the drawings prepared by 360 Design to the Board and Consultants. She reported she obtained one bid in the amount of approximately \$66,000 for the signage and landscaping work. Director Roberts recommended the District defer action until the Spring of 2016. The Board concurred. Mr. Waldron reported the project will need to be competitively bid since it over \$60,000. Ms. Pangindian will place the \$66,000 in the 2016 Sales Tax Revenue budget.

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B. Confirm Quorum for November 17, 2015 Meeting

A quorum was confirmed.

XVII. Other Business

None.

XVIII. Adjournment

Director Shirilla adjourned the meeting at 1:45 pm.

Respectfully submitted,

  
Secretary for the Meeting