

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 17, 2016**

A regular meeting of the Board of Directors of the Aspen Park Metropolitan District was held on Tuesday, May 17, 2016 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  
Eli Martinez  
Nikki Davidson

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.

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.

III. Results of May 3, 2016 Director Election

- A. Administer Oaths of Office to Dennis Shirilla, Nicole Davidson and Elias Martinez

# RECORD OF PROCEEDINGS

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Director Sours administered the Oaths of Office to Directors Shirilla, Davidson and Martinez.

## B. Election of Officers

Upon a motion duly made by Director Bates, seconded by Director Martinez, and upon vote unanimously carried, the Board confirmed the present slate of officers.

## CONSENT AGENDA (Section IV-X)

Mr. Blodgett recommended that Item VIID. be approved subject to final legal review and accounting review. It is not yet completed. He also recommended that Item IXB. be approved subject to final legal review and Aspen Park Station LLC review. The cost of the contract has not yet been negotiated.

Following review and discussion, upon a motion duly made by Director Shirilla, seconded by Director Bates, and upon vote unanimously carried, the Board approved the removal of Items VIID. and IXB. from the Consent Agenda.

Upon a motion duly made by Director Shirilla, seconded by Director Bates, and upon vote unanimously carried, the Board approved the Consent Agenda as amended.

Upon a motion duly made by Director Martinez, seconded by Director Shirilla, and upon vote unanimously carried, the Board approved Items VIID. and IXB. subject to final legal, accounting and Aspen Park Station LLC review.

## IV. Review/Approve Minutes of the February 16, 2016 Regular Meeting

## V. Engineering/ Construction Items

### A. Other

## VI. Operations/Maintenance Items

### A. Accept February, March and April 2016 Water Rights Usage Tracking Report

### B. Other

## VII. Financial Items

### A. Ratify Approval of Prior Claims Totaling \$108,935.28

### B. Approve Current Claims \$29,611.50

### C. Ratify Approval of Directors' Fees

## RECORD OF PROCEEDINGS

---

D. Approve Revised PIF Collection Booklet

### VIII. Manager's Items

A. Accept BCWA Information

B. Accept Referrals

C. Other

### IX. Attorney's Items

A. Ratify Approval of Easement Agreement with Aspen Park Station LLC for Landscape Maintenance

B. Ratify Agreement with CM Company for Landscape Maintenance

### X. Director's Items

### DISCUSSION AGENDA (Section XI-XIX)

### XI. Aspen Park Station Updates – Nikki Davidson

A. Leasing Status

Ms. Davidson reported Aspen Park Station LLC is negotiating for a new gym and a dance studio expansion.

B. Other

None.

### XII. Engineering Items

A. Water Rights Issues Update - Marti Whitmore

Upon a motion duly made by Director Shirilla, seconded by Director Martinez, and upon vote unanimously carried, the Board authorized Ms. Whitmore to file the necessary due diligence applications on behalf of the District prior to the deadline.

B. Status of 2016 Capital Improvements Project Plan – Michael Katalinich

Mr. Katalinich reported the major project for 2016 was the membrane replacement which has been accomplished by Treatment Technology and a contractor.

## RECORD OF PROCEEDINGS

---

### C. Update on Underdrain Inspection – Michael Katalinich

Mr. Katalinich reviewed the status of the recent underdrain inspections on April 28<sup>th</sup>. He noted numerous issues related to locating, cleaning and videoing the underdrains. After discussion, upon a motion duly made by Director Bates, seconded by Director Shirilla, and upon vote unanimously carried, the Board authorized not to exceed \$5,000 for JVA to complete the inspections of the underdrains, initiate cleaning, jetting and videoing as needed. Mr. Katalinich reported additional expenses will be necessary in the future. He will review these at the August meeting. Director Sours recommended the consideration of GPS locates for the clean outs.

### D. Status of 2016 Capital Improvements Project Plan – Michael Katalinich

Previously discussed.

#### 1. Membrane Module Replacement

Accomplished.

### E. Update on CDPHE Site Application for Paper Expansion for Increased Flow and Loading – Michael Katalinich

Mr. Katalinich reported that JVA's modeling efforts still hope to determine that a paper plant expansion will increase the WWTF capacity from 25,000 to 30,000 gallons per day without a full site application process. This will save the District significant funds in the future by postponing the need to begin planning or constructing upgrades triggered by the State's 80%/95% rule on permitted hydraulic capacity and loads. The Site Application will be completed and exclude the section on PELs. The site application will be "ready to submit" and will await the expiration of the Permit or comment from CDPHE regarding planning for facility expansion. The draft site application will be sent to the Board prior to the next meeting. It will be discussed at the August meeting.

### F. Safety and Loss Prevention Grant (SLPG) Program – remaining funds \$2,067.35 – Michael Katalinich

Mr. Katalinich reported he is working with Treatment Technology to identify projects that qualify for the \$2,067.35 reserved for the District.

### G. Update on Bear Creek Watershed for Possible Modifications to Groundwater Discharge (TDS) – Michael Katalinich

Mr. Katalinich reported on recent discussions with the Bear Creek Watershed Association regarding TDS (total dissolved solids). These limits may be reduced

## RECORD OF PROCEEDINGS

in the future below the District's current discharge level. Mr. Katalinich recommended that he review with Treatment Technology raw water reports to determine what the current TDS is in the District's ground water. If raw water levels are higher than the future limits, the District may be allowed a permit limit of 1.25 times background levels. There will be a further report at the August meeting.

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

Mr. Clodfelter reported a 25% loss in water production versus discharge into the wastewater plant. Mr. Katalinich will work with Treatment Technology to attempt to determine the cause of the infiltration and inflow. It may be at the manholes.

Additional discussion ensued on the reduced capacity of the headworks exhaust fan thought to be due to clogged carbon media in the odor scrubber. There have been no odor complaints. Director Sours recommended the required air exchange be maintained. Treatment Technology will remove spent media and continue exhausting to maintain the required air exchange in headworks.

### XIV. Attorney Items

#### A. Status of Service Plan Amendment to Increase Maximum Operating Mill Levy

Mr. Waldron reported he has spoken with the Jefferson County Attorney's office. He will schedule a pre-application conference with Jefferson County. A financial amendment to a service plan requires only the Board of County Commissioners' approval and not the Planning Commission.

Upon a motion duly made by Director Shirilla, seconded by Director Davidson, and upon vote unanimously carried, the Board authorized Mr. Waldron to finalize and submit the application for the service plan amendment to the Jefferson County Board of County Commissioners.

#### B. Discuss Landmark vs. Marin Metropolitan District Court of Appeals Decision

Mr. Waldron updated the Board on the recent decision. He reported the State Legislature has provided a partial cure by approving a bill that validates all of the special district elections involving developer parcels (option contracts or deeds) through the May 3<sup>rd</sup> election. Going forward, a number of law firms are discussing possible future solutions. Mr. Waldron indicated the District is not immediately impacted by this decision.

### XV. Manager's Items

#### A. Website Update

## RECORD OF PROCEEDINGS

---

Mr. Blodgett reported he is updating the website with current documents. He recommended a photograph of the new Board in the future to add to the Board page.

### B. Legislative Update

Mr. Blodgett reported no items that impact the District other than Mr. Waldron's summary of the Senate Bill 211 passage following the Landmark vs. Marin decision.

### C. Other

None.

## XVI. Financial Items

### A. Accept March 31, 2016 Financial Statements and May 2016 Cash Position Report

Ms. Pangindian reported it appears there may be shortfalls again in 2016. She is working with King Soopers on this issue.

Upon a motion duly made by Director Martinez, seconded by Director Shirilla, and upon vote unanimously carried, the Board accepted the March 31, 2016 Financial Statements and May 2016 Cash Position Report.

### B. PIF Collection Report

Ms. Pangindian reviewed the collections through April 2016, noting 5% monthly increases, on average, compared to 2015.

#### 1. Discuss Late PIF Payment

Mr. Blodgett reported that the Village Patisserie did not set up their PIF in May of 2015 when they opened. This was discovered in March 2016. They are now paying the PIF fees. They have asked that the PIF revenues since last March be waived. Their estimated sales for this period are approximately \$100,000 which would mean a waiver of approximately \$2,000 which they did not pay. After discussion, a consensus of the Board decided to waive the Village Patisserie fee. Mr. Blodgett reported CLA and Aspen Park Station LLC are both considering reimbursement to the District's PIF fund to account for the inadvertent loss of this revenue these last nine months.

### C. Sales Tax Collection Update

Ms. Pangindian reviewed with the Board.

## RECORD OF PROCEEDINGS

---

### D. New Accounts Payable Process

Ms. Pangindian reported that Director Martinez and Director Shirilla are now reviewing and approving invoices online. She noted that direct deposits for the Directors had already been implemented and that next step would be to implement direct deposits for all other vendors/consultants.

### E. Review and Consider Approval of 2015 Draft Audit

Ms. Pangindian reviewed with the Board. She reported the auditor will begin work the week of May 16<sup>th</sup>. The audit is due by July 30<sup>th</sup> to the State of Colorado.

Upon a motion duly made by Director Bates, seconded by Director Shirilla, and upon vote unanimously carried, the Board authorized Ms. Pangindian to file the 2015 audit subject to receipt of unqualified opinion from the auditor and final legal review.

### F. Other

None.

## XVII. Director's Items

### A. Status of Landscaping Construction Upgrades – Directors Davidson and Martinez

Directors Davidson and Martinez reported that a plan has been obtained from CM Landscaping with a proposal.

Mr. Waldron distributed copies of an independent contractor agreement with CM Landscaping and Maintenance in the amount of \$59,942.75 to accomplish the recommended landscaping upgrades in the plan.

Upon a motion duly made by Director Martinez, seconded by Director Davidson, and upon vote unanimously carried, the Board approved the contract with CM Landscape Maintenance for landscape construction upgrades within the District.

#### 1. Approve Plan

The plan was approved.

#### 2. Approve Proposal from CM Landscaping & Maintenance - \$59,942.75

The proposal was approved.

### B. Confirm Quorum for August 16, 2016 Meeting

The Board confirmed a quorum for the August 16, 2016 meeting.

## RECORD OF PROCEEDINGS

---

### XVIII. Other Business

Mr. Waldron reported that the exclusion agreement with the Bossmans in 2005 terminated at the end of 2015. It has not been renewed. Should the Bossman's property desire water and sewer service in the future a new agreement will need to be negotiated.

### XIX. Adjournment

There being no further business to come before the Board, Director Sours adjourned the meeting at 1:50 p.m.

Respectfully submitted,



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Secretary for the Meeting