

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
ASPEN PARK METROPOLITAN DISTRICT
HELD
MAY 21, 2019**

A regular meeting of the Board of Directors of the Aspen Park Metropolitan District was held on Tuesday, May 21, 2019 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
Nikki Davidson
Fred Banfield

Also in attendance were:

Bob Blodgett, Patrick Shannon and Vy Nguyen; CliftonLarsonAllen LLP
Jeff Sucher and Bob Clodfelter; Treatment Technology
Michael Katalinich; JVA, Inc.
Clint Waldron & Heather Hartung; White Bear Ankele Tanaka & Waldron
Bill Berg; Martin and Wood
Marti Whitmore; Hockersmith & Whitemore, LLC

Call to Order Director Sours called the meeting to order at 12:03 p.m. The Board excused the absence of Director Martinez.

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.

Public Comment None.

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CONSENT AGENDA (Section IV-X)

- IV. Review/Approve Minutes of the November 15, 2018 Special Meeting
- V. Engineering/ Construction Items
- VI. Operations/Maintenance Items
 - A. Accept January 2019 Water Rights Usage Accounting Reports
- VII. Financial Items
 - A. Ratify Approval of Prior Claims Totaling \$112,119.12
 - B. Approve Current Claims Totaling \$0 and Directors' Fees
- VIII. Manager's Items
 - A. Accept BCWA Information
 - B. Ratify 2019 Insurance Policy - \$13,838.19
 - C. Information Items
- IX. Attorney's Items
 - A. Other
- X. Director's Items
 - A. Other

Upon a motion duly made by Director Davidson seconded by Director Banfield, and upon vote unanimously carried, the Board approved the Consent Agenda as submitted.

DISCUSSION AGENDA (Section XI-XIX)

- XI. Aspen Park Station Updates – Director Davidson
 - A. Leasing Status

Director Davidson reported that a potential buyer has been identified for the parcel in front of Big R.

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B. Other

None.

XII. Engineering Items

A. Status of 2019 and 2018 CIP Projects

1. PLC Replacement

Mr. Katalinich reported that Mr. Clodfelter has received a quote for \$25,324 to replace PLC equipment at the Wastewater Treatment Building. After discussion, upon a motion duly made by Director Shirilla seconded by Director Davidson, and upon vote unanimously carried, the Board approved the quote to replace the PLC equipment.

2. Screen Auger Lift

Mr. Katalinich reported that \$37,300 was budgeted in the CIP for screen auger lift replacement, however it does not appear that the screen auger lift needs to be replaced at this time. Mr. Katalinich will update the CIP with the appropriate schedule for replacement.

3. Wastewater System Jetting and Videoing

Mr. Katalinich reported that he is in the process of getting quotes for jetting and videoing of the wastewater system.

4. Other

Upon a motion duly made by Director Shirilla, seconded Director Banfield, and upon a vote, unanimously carried, the Board authorized Mr. Katalinich to update the CIP per Board discussion and authorize Director Davidson to coordinate with Mr. Katalinich to approve CIP meter repair and replacement work for an amount not to exceed \$10,000.

B. Pre-Treatment Regulations Implementation Status

Mr. Katalinich reported that they have not observed any violations.

C. Update on Sampling Efforts

Mr. Katalinich reported that the next round of water quality tests is ready to begin. Upon a motion duly made by Director Banfield, seconded Director Davidson, and upon a vote, unanimously carried, the Board approved pre-treatment water quality tests for an amount not to exceed \$1,000.

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D. Discuss BCWA Update

Mr. Katalinich noted that the state is trying to update the total maximum daily load for the watershed and that the impact on the District's system is currently unknown. This regulation is scheduled for a rule making hearing in 2020.

E. Water Rights Update

1. Main Stream Call
2. Discuss April Water Accounting Results

Mr. Berg and Ms. Whitmore reviewed with the Board. The Board accepted the report.

XIII. Operations/Maintenance Update

A. Exfiltration Gallery

None.

B. Review and Approve Heater Replacement in Water Treatment Plant

Mr. Sucher reported that he has received three quotes to replace the heater in the Water Treatment Plant. After review, upon a motion duly made by Director Shirilla, seconded by Director Davidson, and upon a vote, unanimously carried, the Board approved the proposal from the Walker Company to replace the Water Treatment Plant heater for \$3,922.57.

C. Other

None.

XIV. Attorney Items

A. Approve Ninth Amendment to Independent Contractor Agreement with Cummins Rocky Mountain LLC - \$3,340.81

Mr. Waldron reviewed the Ninth Amendment to the Independent Contractor Agreement with Cummins Rocky Mountain LLC. Upon a motion duly made by Director Shirilla, seconded Director Davidson, and upon a vote, unanimously carried, the Board approved the Ninth Amendment to the Independent Contractor Agreement with Cummins Rocky Mountain LLC.

B. Discuss Collection Process for Delinquent PIF Accounts

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Mr. Shannon and Ms. Hartung reviewed the process for collecting delinquent PIF payments, noting that the Billing Services team is following collection provisions as stated in the 2004 PIF Collection Agreement.

C. Approve Amended Utility Billing Rules and Regulations

Ms. Hartung reviewed the amended Utility Billing Rules and Regulations. Upon a motion duly made by Director Shirilla, seconded Director Banfield, and upon a vote, unanimously carried, the Board approved the Amended Utility Billing Rules and Regulations subject to final legal revisions.

D. Legislative Update

Mr. Waldron reported that as of August 2, 2019 meeting agendas are now allowed to be posted on the District's website rather than physically posting the notice. Director Sours asked that the District post physically for the August meeting with a note stating that future meetings will be posted online. Upon a motion duly made by Director Shirilla, seconded Director Davidson, and upon a vote, unanimously carried, the Board authorized management to post meeting notice and agendas online beginning in November.

E. Data Privacy Policy

Mr. Waldron reviewed the District's Data Privacy Policy. Upon a motion duly made by Director Shirilla, seconded Director Banfield, and upon a vote, unanimously carried, the Board approved the Data Privacy Policy.

XV. Manager's Items

A. Website Update

Mr. Blodgett reported the website is up to date.

B. SDA Spring Workshops

Mr. Blodgett reported that the SDA will be hosting workshops in Evergreen, Denver and other locations. CLA will register interested Board members.

XVI. Director's Items

A. Discuss Status of Proposal for Repairs of District Landscaping and Streets

Director Davidson requested that the Board budget \$20,000 to landscape the property and \$15,000 to repair damaged curb and gutter. Upon a motion duly made by Director Shirilla, seconded Director Banfield, and upon a vote, unanimously carried, the Board approved repairs to District landscaping and curb and gutter repair for an amount not to exceed \$35,000.

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B. Approve Utility Billing Usage Category for Timber Ridge Church

Mr. Shannon stated that, due to the lack of a category of use for religious organizations, Director Sours determined that "Office" would be the most appropriate category of use to assign to the Timber Ridge Church. A letter was set to Timber Ridge Church explaining the decision and noting that the Board reserves the right to change the category of use. Upon a motion duly made by Director Shirilla, seconded Director Banfield, and upon a vote, unanimously carried, the Board ratified classification of the Timber Ridge Church as an office for the purposes of utility billing.

C. Confirm Quorum for August 20, 2019 Regular Meeting at White Bear Ankele Tanaka & Waldron PC at 2154 E. Commons Ave, Suite 2000, Centennial CO 80122 at 12:00 p.m.

A quorum was confirmed.

XVII. Financial Items

A. Review March 31, 2019 Financial Statements and May 2019 Cash Position Report

Ms. Nguyen reviewed the March 31, 2019 Financial Statements and May 2019 Cash Position Report. Mr. Waldron recommended that the District determine costs for mill and overlay of District roads for the 2020 budget. Mr. Katalinich will coordinate.

Upon a motion duly made by Director Banfield, seconded Director Davidson, and upon a vote, unanimously carried, the Board accepted the March 31, 2019 Financial Statements and May 2019 Cash Position Report.

B. PIF Collection Report

Ms. Nguyen reviewed the PIF Collection Report. Upon a motion duly made by Director Shirilla, seconded Director Banfield, and upon a vote, unanimously carried, the Board accepted the PIF Collection Report.

C. Sales Tax Report

Ms. Nguyen reviewed the Sales Tax Report. Upon a motion duly made by Director Shirilla, seconded Director Banfield, and upon a vote, unanimously carried, the Board accepted the Sales Tax Report.

D. Status of Subordinate Bond Financial Forecast

Ms. Nguyen reported the subordinate bond financial forecast will be presented at the August Board Meeting.

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XVIII. Other Business

- A. Executive session pursuant to Section 24-6-402(4)(b) conference with special counsel to the District for the purpose of receiving legal advice on specific legal questions related to water matters.

Upon a motion duly made by Director Banfield, seconded Director Davidson, and upon a vote, unanimously carried, the Board exited the executive session pursuant to Section 24-6-402(4)(b) conference with special counsel to the District for the purpose of receiving legal advice on specific legal questions related to water matters at 12:05 p.m.

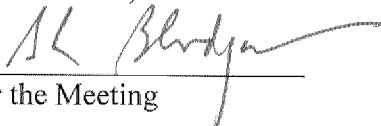
Upon a motion duly made by Director Banfield, seconded Director Shirilla, and upon a vote, unanimously carried, the Board entered executive session pursuant to Section 24-6-402(4)(b) conference with special counsel to the District for the purpose of receiving legal advice on specific legal questions related to water matters at 1:01 p.m.

No action was taken.

XIX. Adjournment

There being no further business to come before the Board, Director Sours adjourned the meeting at 2:00 p.m.

Respectfully submitted,


Secretary for the Meeting