

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE ARISTA METROPOLITAN DISTRICT HELD JUNE 17, 2021

A Regular Meeting of the Board of Directors (referred to hereafter as the "Board") of the Arista Metropolitan District (referred to hereafter as the "District") was convened on Thursday, the 17th day of June, 2021, at 10:00 a.m. The meeting was open to the public.

The meeting was held via Zoom Video Conferencing and at Wiens Capital Management, LLC, 555 Eldorado Boulevard, Suite 200, Broomfield, Colorado 80021-3342 due to the State of Emergency declared by Governor Polis and Public Health Order 20-28 Implementing Social Distancing Measures, and threat posed by the COVID-19 coronavirus.

ATTENDANCE

Directors In Attendance Were:

Joseph L. Zepeda (at the physical location)
David Hostetler (at the physical location)
Timothy Wiens (at the physical location)
Jordon Wiens (at the physical location)
William R. Maestas (via Zoom)

Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc. (at the physical location)

Zachary P. White, Esq.; White Bear Ankele Tanaka & Waldron, P.C. (at the physical location)

Shelby Clymer; CliftonLarsonAllen, LLP (at the physical location)

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: Attorney White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Attorney White reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron P.C. with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Attorney White inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the

RECORD OF PROCEEDINGS

meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

ADMINISTRATIVE MATTERS

Agenda: The Board reviewed the proposed Agenda for the District's Regular Meeting.

Following discussion, upon motion duly made by Director Zepeda, seconded by Director J. Wiens and, upon vote, unanimously carried, the Agenda was approved, as amended.

Meeting Location/Manner and Posting of Meeting Notice: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board noted that due to concerns regarding the spread of the coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, the District Board meeting was held via Zoom. Seven people were present at the physical location at Wiens Capital Management, LLC, 555 Eldorado Boulevard, Suite 200, Broomfield, Colorado 80021-3342. Ms. Finn reported that notice was duly posted and that no objections to the video and audio-conferencing manner of the meeting or any requests that the video and audio-conferencing manner of the meeting be changed by the public have been received.

Minutes: The Board reviewed Minutes of the February 18, 2021 Regular Meeting.

Following review, upon motion duly made by Director Zepeda, seconded by Director T. Wiens and, upon vote, unanimously carried, the Minutes of the February 18, 2021 Regular Meeting were approved, as presented.

2021 SDA Conference: Ms. Finn discussed the SDA Conference with the Board, and noted the information concerning the details of the conference will be emailed to them once the information is available.

TownCloud Inc. Agenda, Meeting Packets and Website: The Board entered into discussion regarding the use of TownCloud Inc. for meeting agendas, meeting packets and the District's website.

Following review, upon motion duly made by President T. Wiens, seconded by Director Zepeda and, upon vote, unanimously carried, the Board approved the use of TownCloud Inc. for meeting agendas, meeting packets and the District's website.

Consent Agenda: The Board considered the following actions:

RECORD OF PROCEEDINGS

- Ratify approval of Independent Contract Agreement between the District and Detect Fire, LLC for monitoring the fire alarm located at 8200 Transit Way Broomfield, CO 80021.
- Ratify approval of proposal from 5280 Electrical for the installation of new LED light bulbs and lights in the parking garage.
- Ratify approval of Independent Contract Agreement between the District and Professional Elevator Inspections, Inc. for monthly fire service inspection and quarterly phone testing.
- Ratify approval of Application for Revocable Park Use Permit from Kay Gazaway for the Arista Park on June 12, 2021 from 8:00 a.m. to 6:00 p.m.

Following discussion, upon motion duly made by Director Hostetler, seconded by Director Zepeda and, upon vote, unanimously carried, the Board approved and/or ratified approval of the Consent Agenda items.

PUBLIC COMMENT **Public Comment:** There were no public comments.

OPERATION AND MAINTENANCE **Arista Parking Garage Repair Project:** Director Zepeda reported to the Board that the Arista Parking Garage Repair Project is ongoing. It was noted the top-level coating is in process and the expected completion date is September 13, 2021. The Board authorized the Ms. Finn to send a letter to the Event Center regarding removing items stored at the garage so repairs can be made.

Field Observation Reports as Issued by Martin/Martin Consulting Engineers: Director Zepeda discussed with the Board the Field Observation Reports as issued by Martin/Martin Consulting Engineers. No action was taken by the Board.

Maintenance Manual for the Parking Garage: The Board entered into discussion regarding the status of the Maintenance Manual to be prepared by Martin/Marin, Inc. It was noted the Maintenance Manual is expected to be complete by the end of July.

Notice of Termination of Independent Contractor Agreement with Denver Metro Protective Services: The Board entered into discussion regarding the Notice of Termination of Independent Contractor Agreement with Denver Metro Protective Services.

Following discussion, upon motion duly made by Director Hostetler, seconded by Director Zepeda and, upon vote, unanimously carried, the Board ratified approval of the Notice of Termination of Independent Contractor Agreement with Denver Metro Protective Services.

RECORD OF PROCEEDINGS

Independent Contractor Agreement between the District and Whelan Security CO., d/b/a GardaWorld Security Services for Parking Garage Security Services:

The Board reviewed an Independent Contractor Agreement between the District and Whelan Security CO., d/b/a GardaWorld Security Services for parking garage security services.

Following discussion, upon motion duly made by Director Hostetler, seconded by Director Zepeda and, upon vote, unanimously carried, the Board ratified approval of the Independent Contractor Agreement between the District and Whelan Security CO., d/b/a GardaWorld Security Services for parking garage security services.

CAPITAL MATTERS **Capital Improvement Project Report:**

Parkland Street Extension Project: Director Zepeda reported to the Board the Parkland Street Extension Project is expected to begin in early 2022.

Terrace Pond Park Project: Director Zepeda reported the Terrace Pond Park Project is in its final stages of construction and is expected to be complete in July 2021. The Board authorized Notice of Final Payment and release of retainage once punch list items have been completed

Shepsfield Park: Director Zepeda reported there are electrical issues with the controller at the Shepsfield Park and final walk through with the City and County of Broomfield is scheduled for June 28, 2021.

Gallery Park Project: Director Zepeda reported the Gallery Park Project is expected to being in 2023.

FINANCIAL MATTERS

Payment of Claims: The Board considered approval of the payment of claims for the following periods:

Fund	Period Ending Feb. 28, 2021	Period Ending March 31, 2021	Period Ending April 30, 2021	Period Ending May 31, 2021
General	\$ 117,638.50	\$ 97,276.93	\$ 170,495.84	\$ 113,905.50
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ 65,534.36	\$ 13,198.60	\$ 1,035.00	\$ 269,041.47
Total	\$ 183,172.86	\$ 110,475.53	\$ 171,530.84	\$ 382,946.97

Following discussion, upon motion duly made by Director Zepeda, seconded by Director Hostetler and, upon vote, unanimously carried, the Board approved the payment of claims, as presented.

RECORD OF PROCEEDINGS

Financial Statements: Ms. Clymer reviewed with the Board the unaudited financial statements of the District for the period ending April 30, 2021 and the cash position statement dated April 30, 2021, updated May 23, 2021.

Following review and discussion, upon motion duly made by Director Hostetler, seconded by Director Zepeda and, upon vote, unanimously carried, the Board approved the unaudited financial statements of the District for the period ending April 30, 2021 and the cash position statement dated April 30, 2021, updated May 23, 2021.

2020 Audit: Ms. Clymer reviewed the 2020 Audit with the Board.

Following review and discussion, upon motion duly made by Director Hostetler, seconded by Director Zepeda, and upon vote, unanimously carried, the Board approved the 2020 Audit and authorized execution of the Representations Letter, subject to final legal review and receipt of an Unmodified Opinion Letter by the Auditor.

2022 Budget Preparation: The Board discussed preparation of the 2022 Budget.

Following discussion, upon motion duly made by Director J. Wiens, seconded by Director Zepeda and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2022 Budget. The Board determined to hold the public hearing to consider adoption of the 2022 Budget on November 17, 2021, at 10:00 a.m., at the Wiens Capital Management, 555 Eldorado Boulevard, Suite 200, Broomfield, CO 80021 and virtually via Zoom.

LEGAL MATTERS

2021 Legislative Update: Attorney White reviewed with the Board the 2021 Legislative Update.

Quitclaim Deed from Park 36 Investment, LLC, Lot Z, Broomfield Urban Transit Village Filing No. 4 (Terrace Ponds Park): The Board reviewed a Quitclaim Deed from Park 36 Investment, LLC, to the Arista Metropolitan District for Lot Z, Broomfield Urban Transit Village Filing No. 4 (Terrace Ponds Park).

Following discussion, upon motion duly made by Director Zepeda, seconded by Director Hostetler and, upon vote, unanimously carried, the Board approved the Quitclaim Deed from Park 36 Investment, LLC, to the Arista Metropolitan District Lot Z, Broomfield Urban Transit Village Filing No. 4 (Terrace Ponds Park). It was noted Terrace Pond Park will be conveyed to the City and County of Broomfield and the city will maintain the Terrace Pond Park during the warranty period.

RECORD OF PROCEEDINGS

Quitclaim Deed from Park 36 Investment, LLC, Lot 2, Broomfield Urban Transit Village Filing No. 4 Replat B (Gallery Park): The Board reviewed a Quitclaim Deed from Park 36 Investment, LLC, to the Arista Metropolitan District for Lot 2, Broomfield Urban Transit Village Filing No. 4 Replat B (Gallery Park).

Following discussion, upon motion duly made by Director Zepeda, seconded by Director Hostetler and, upon vote, unanimously carried, the Board approved the Quitclaim Deed from Park 36 Investment, LLC, to the Arista Metropolitan District for Lot 2, Broomfield Urban Transit Village Filing No. 4 Replat B (Gallery Park). It was noted Gallery Park will be conveyed to the City and County of Broomfield and the city will maintain Gallery Park during the warranty period.

Quitclaim Deed from Park 36 Investment, LLC, Lot 1, Block 4, Broomfield Urban Transit Village Filing No. 19 (Shepsfield Park): The Board reviewed a Quitclaim Deed from Park 36 Investment, LLC, to the Arista Metropolitan District Lot 1, Block 4, Broomfield Urban Transit Village Filing No. 19 (Shepsfield Park).

Following discussion, upon motion duly made by Director Zepeda, seconded by Director Hostetler and, upon vote, unanimously carried, the Board approved the Quitclaim Deed from Park 36 Investment, LLC, to the Arista Metropolitan District Lot 1, Block 4, Broomfield Urban Transit Village Filing No. 19 (Shepsfield Park). It was noted Shepsfield Park will be conveyed to the City and County of Broomfield and the city will maintain Shepsfield Park during the warranty period.

Operations and Maintenance Agreement Between Arista Metropolitan District and Arista Association: The Board entered into discussion regarding possible amendment and update to Operations and Maintenance Agreement between Arista Metropolitan District and Arista Association. No action was taken by the Board at this time.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Timothy Wiens, seconded by Director Jordan Wiens and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: *Ann Finn*
Secretary for the Meeting

TITLE	Arista MD - Minutes
FILE NAME	02.18.21 Spec Minutes.pdf and 2 others
DOCUMENT ID	a236c8682b14d577332bad556258fac3577a662b
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Signed

Document History



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02 / 28 / 2022
 17:57:47 UTC

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