

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
OMNIPARK METROPOLITAN DISTRICT (THE "DISTRICT")
HELD
OCTOBER 17, 2022

A regular meeting of the Board of Directors of the OmniPark Metropolitan District (referred to hereafter as the "Board") was convened on Monday, October 17, 2022, at 11:30 a.m., at the offices of CliftonLarsonAllen LLP ("CLA"), 8390 E. Crescent Pkwy., Suite 300, Greenwood Village, Colorado 80111. This District Board meeting was also available via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Richard Egitto, President
Hank Vanderryst, Secretary/Treasurer

Also, In Attendance Were:

Anna Jones, Rachel Alles and Alex Fink; CliftonLarsonAllen, LLP
Russ Dykstra; Spencer Fane, LLP
Dennis Bedford; BrightView Landscaping
John Cotten; ByDesign LLC
Sam Waggener; City of Lone Tree

ADMINISTRATIVE MATTERS

Call to Order and Approval of Agenda: Director Egitto called the meeting to order at 11:32 a.m. Following review, upon a motion duly made by Director Egitto, seconded by Director Vanderryst and, upon vote, unanimously carried, the Board approved the agenda, as presented.

Disclosures of Potential Conflicts of Interest: All conflicts have been filed.

Quorum, Location of Meeting and Posting of Meeting Notices: A quorum and the location of the meeting were confirmed, and verified notice has been posted.

Public Comment: None.

Minutes of the August 15, 2022 Regular Meeting: Following review, upon a motion duly made by Director Egitto, seconded by Director Vanderryst and, upon vote, unanimously carried, the Board approved the Minutes of the August 15, 2022 regular meeting, as presented.

FINANCIAL ITEMS

June 30, 2022 Unaudited Financial Statements and Cash Position Schedule as of October 13, 2022: Mr. Fink reviewed the Unaudited Financial Statements

RECORD OF PROCEEDINGS

and Cash Position Schedule with the Board, noting that the September 30, 2022 Financial Statements will be presented at the November meeting. Following review and discussion, upon a motion duly made by Director Vanderryst, seconded by Director Egitto and, upon vote, unanimously carried, the Board accepted the June 30, 2022 Unaudited Financial Statements and Cash Position Schedule as of October 13, 2022, as presented.

October 2022 Claims Totaling \$67,193.55 and Directors' Fees: Mr. Fink reviewed the October 2022 Claims and Directors' Fees with the Board, noting that two months' worth of claims were processed due to the missed September meeting. Following review and discussion, upon a motion duly made by Director Vanderryst, seconded by Director Egitto and, upon vote, unanimously carried, the Board approved the October 2022 Claims totaling \$67,193.55 and Directors' Fees, as presented.

Draft 2023 Budget: Mr. Fink reviewed the draft 2023 Budget with the Board, noting that the slight increase in the District's assessed value is likely due to an increase in the purchase of commercial retail property over the last year. He noted that the mills will be consistent into 2023, but that they could be reduced again at the November meeting. Discussion ensued. Mr. Bedford noted that he will provide the 2023 landscape budget to Mr. Fink before the November meeting. No action was taken.

Other: None.

LANDSCAPE MAINTENANCE ISSUES

Proposals and Pricing for Partial Tree Replacement at Monument Signs for Key Bank: Mr. Bedford provided an update to the Board, noting that he has been in contact with Mr. Rehm at Key Bank regarding the cost and logistics of partial tree removal. Mr. Waggener informed the Board that the City's replanting policy is one-to-one: every removed tree must be replaced with a new tree. He advised the Board against tree removal and suggested leaving the trees as-is. Mr. Waggener informed the Board that the City's interest in keeping the trees as they are is due to their association with Tree City USA and interest in sustaining property value in the District. Discussion ensued regarding way-finding signs. Attorney Dykstra stated that Chili's and Key Bank would have to work with the City directly to obtain way-finding signs, as the District cannot install signs for private businesses. It was noted that Mr. Bedford will schedule a meeting with himself, Mr. Waggener, Mr. Rehm and Director Egitto to further discuss tree removal and alternative options.

City of Lone Tree Discussion Regarding Replanting Responsibility:
This item was discussed previously.

BrightView October 2022 Landscape Maintenance Status Report: Mr. Bedford reviewed the Landscape Maintenance Status Report with the Board,

RECORD OF PROCEEDINGS

noting that his team will begin winterization this week.

Proposal for Holiday Lighting Installation in the Amount of \$11,140:

Mr. Bedford reviewed the Proposal with the Board, noting that the lights will be installed during the first week of November as in years past. Discussion ensued regarding increase in cost. It was noted that Mr. Fink will send the holiday lighting cost to the Board for the last seven years. Following review and discussion, upon a motion duly made by Director Egitto, seconded by Director Vanderryst and, upon vote, unanimously carried, the Board approved the Proposal for Holiday Lighting Installation in the amount of \$11,140, as presented.

Proposal for Tree Replacement in the Amount of \$6,905:

Mr. Bedford reviewed the Proposal with the Board, noting that the trees are to be replaced on the corner of I-25 and Lincoln and on the Park Meadows Drive median. He stated that they will be replanted in early May 2023. Following review and discussion, upon a motion duly made by Director Egitto, seconded by Director Vanderryst and, upon vote, unanimously carried, the Board approved the Proposal for Tree Replacement in the amount of \$6,905, as presented.

Downed Tree Limb: Mr. Bedford informed the Board that his team cut down a downed tree limb obstructing a sidewalk caused by a rainstorm in August.

Other: Mr. Bedford informed the Board that BrightView's landscaping costs for 2023 will increase by approximately three to four percent.

MANAGER ITEMS

Other: None.

ENGINEER ITEMS

Retaining Wall Landscape Maintenance Responsibility and Irrigation Line

Ownership: The Board discussed further maintenance options for the sidewalk frontage right-of-way. Mr. Cotten stated that he had been communicating with the City's engineer, Jacob James, regarding stamped and colored concrete. Mr. Cotten noted that the rock retaining wall is the right-of-way line and everything above that line is the property of Key Bank. Discussion ensued regarding trailing plant and retaining wall installation to enhance the image and maintain the slope. Mr. Waggener stated that he will communicate with the City's planning department regarding their preference for a maintenance solution. Mr. Bedford noted that he will work with BrightView's design team to provide design renderings for these options to be presented at the November meeting with corresponding cost estimates. Mr. Waggener suggested water-wise Landscaping for retaining wall maintenance.

Transformer Easement Across Dentist Property: Mr. Cotten provided an

RECORD OF PROCEEDINGS

update to the Board, noting that Mr. Goertz learned that the dentist property is owned by a condominium association. Attorney Dykstra requested the legal description for the easement from Mr. Cotten to initiate the title work. Attorney Dykstra noted that he will execute the easement once all information has been received. It was noted that an update will be provided at the November meeting.

Booster Pump: Mr. Cotten provided an update to the Board, noting that the Xcel Energy application expired after the 90-day active period and a new application will need to be submitted. He stated that the booster pump connection cannot be made until the easement is in place, and that IMEG has all the necessary information to contract the project once the easement is finalized. It was noted that the project will not have to be bid, as the cost will not exceed \$60,000. Mr. Cotten noted that he will provide a few different proposals to the Board to compare pricing at a future meeting.

Other: None.

LEGAL MATTERS – ATTORNEY REPORT

2023 Budget Preparation Letter from Spencer Fane: Attorney Dykstra reviewed the Letter with the Board. No action was taken.

Other: None.

BOARD MEMBER ITEMS

Other: Mr. Fink provided an update to the Board regarding the process for filing the DLG-70 Certification of Tax Levies, noting that one member will be appointed to sign at the November meeting.

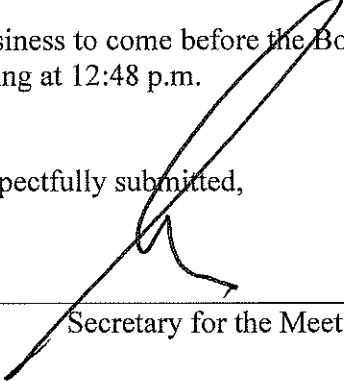
OTHER BUSINESS

Quorum for Next Meeting – November 21, 2022 at 11:30 a.m.: A quorum was confirmed for the November 21, 2022 meeting.

ADJOURNMENT

There being no further business to come before the Board at this time, Director Egitto adjourned the meeting at 12:48 p.m.

Respectfully submitted,



Secretary for the Meeting