

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
OMNIPARK METROPOLITAN DISTRICT (THE "DISTRICT")
HELD
AUGUST 15, 2022

A regular meeting of the Board of Directors of the OmniPark Metropolitan District (referred to hereafter as the "Board") was convened on Monday, August 15, 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
Adam Hill; JLL
Timothy Rehm; KeyBank

ADMINISTRATIVE MATTERS

Call to Order and Approval of Agenda: Director Egitto called the meeting to order at 11:30 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 July 18, 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 July 18, 2022 regular meeting, as presented.

FINANCIAL ITEMS

June 30, 2022 Unaudited Financial Statements and Cash Position Schedule:

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Mr. Fink reviewed the Unaudited Financial Statements and Cash Position Schedule with the Board, noting an additional \$750 line item from IMEG for the electrical hookup to the new booster pump. It was noted that the real estate tax collection table will be included in meeting packets going forward. Following review, upon a motion duly made by Director Egitto, seconded by Director Vanderryst and, upon vote, unanimously carried, the Board accepted the June 30, 2022 Unaudited Financial Statements and Cash Position Schedule, as presented.

August 2022 Claims Totaling \$27,523.83 and Directors' Fees: Mr. Fink reviewed the August 2022 Claims and Directors' Fees with the Board. Following review, upon a motion duly made by Director Egitto, seconded by Director Vanderryst and, upon vote, unanimously carried, the Board approved the August 2022 Claims totaling \$27,523.83 and Directors' Fees, as presented.

Other: None.

LANDSCAPE MAINTENANCE ISSUES

Proposals and Pricing for Partial Tree Replacement at Monument Signs for Key Bank: Mr. Hill reviewed the context of his initial tree removal request with the Board, noting the visibility concern for KeyBank. Discussion ensued regarding ownership and easements. Mr. Hill stated that he will provide CLA with KeyBank's ownership contact information. Mr. Bedford presented two possible options for partial removal and total removal and recommended to leave the trees as-is. Discussion ensued regarding potential solutions. The Board asked Mr. Bedford about the removal impact on surrounding healthy trees. It was noted that Mr. Bedford will take updated photos of the current trees and request updated renderings from BrightView's design group for distribution to the Board for further consideration at the September meeting with accompanying updated proposals. Mr. Cotten noted he will coordinate with the City of Lone Tree regarding the District's replanting responsibility. It was noted that Ms. Jones will coordinate with KeyBank regarding a Cost Sharing Agreement once a solution is approved. Attorney Dykstra stated that a written approval from KeyBank and the property owner is required for permission to use the KeyBank parking lot for tree removal. No action was taken.

BrightView August 2022 Landscape Maintenance Status Report: Mr. Bedford reviewed the Landscape Maintenance Status Report with the Board, noting that his team will be working on aphid and mites application for the remainder of August.

Power Box and Bollard Repair: Mr. Bedford provided an update to the Board regarding the power box and bollard repair, noting that it is not yet completed but he will check in with his team today.

Maintenance of Non-District Property and Potential

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Permissions/Easements for Lincoln Sidewalk Frontages: Mr. Cotten and the Board discussed potential maintenance solutions for the Lincoln sidewalk frontage. Mr. Cotten reminded the Board that this area is not the District's property. Director Egitto requested that an additional \$50,000 be included in the 2023 budget for concrete work for the sidewalk frontage. The Board determined to defer this item and bring it back for reconsideration in spring 2023. Mr. Cotten noted that he will bring a ballpark maintenance estimate to the September meeting.

Retaining Wall Landscape Maintenance: Mr. Cotten reminded the Board of the need to obtain the City of Lone Tree's approval of landscape maintenance in this area. Attorney Dykstra inquired about the irrigation line ownership in the area. It was noted that Ms. Jones will coordinate with Mr. Rehm regarding KeyBank's landscape contractor and will determine who owns the irrigation line. Mr. Cotten informed the Board that he will research the District plats to determine responsibility and will provide an update at the September meeting.

Booster Pump Pricing Proposal – John Cotten: Mr. Cotten provided an update to the Board regarding the booster pump, noting that he is waiting for further information from BrightView regarding a new pump or a new motor. Mr. Bedford stated that BrightView is working on getting information from the supplier and will work with other landscaping contractors to locate more responsive vendors. It was noted that this project will not be completed until 2023.

Other: Mr. Cotten informed the Board that an easement may be required across the property of Gregory G. Farthing, DDS MSD PC for the transformer. He is researching the easement placement with Xcel Energy. He noted that he will obtain the legal description for the easement or confirm if there is an existing easement and will coordinate with Attorney Dykstra on his findings. Attorney Dykstra noted he will draft the easement for consideration in September if one does not already exist.

MANAGER ITEMS

Other: None.

ENGINEER ITEMS

Advancing Lincoln Project: Mr. Cotten and the Board reviewed and discussed the Advancing Lincoln project.

Other: None.

LEGAL MATTERS – ATTORNEY REPORT

SPIMD Overlap Consent Resolution: Attorney Dykstra informed the Board that the Southeast Public Improvement Metropolitan District is amending their Service Plan and that the District must consent to any changes. Following review and discussion, upon a motion duly made by Director Egitto, seconded by Director Vanderryst and, upon vote, unanimously carried, the Board approved

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the SPIMD Overlap Consent Resolution, as presented.

Other: None.

**BOARD MEMBER
ITEMS**

Other: None.

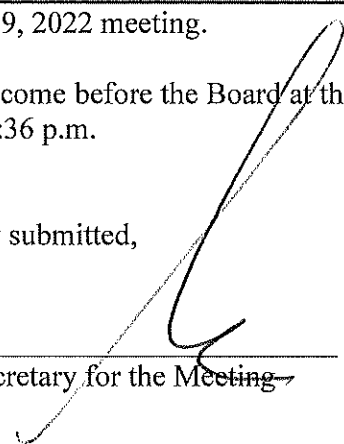
OTHER BUSINESS

Quorum for Next Meeting – September 19, 2022 at 11:30 a.m.: A quorum was confirmed for the September 19, 2022 meeting.

ADJOURNMENT

There being no further business to come before the Board at this time, Director Egitto adjourned the meeting at 12:36 p.m.

Respectfully submitted,



Secretary for the Meeting