
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Two Rivers Metropolitan District April 13, 2021

A Regular Meeting of the Board of Directors of the Two Rivers Metropolitan District, Eagle County, Colorado, was held on April 13, 2021 at 2:00 p.m. via an online Zoom meeting, in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- Mike Pearson
- KJ McEvoy
- Mark Zbrzeznj
- Esgar Acosta

The following Directors were absent and excused:

- Chad Cremonese

Also in attendance:

- Tony Zancanella, Zancanella & Associates, Inc.
- Ashley Forsyth, Resident
- Chris Blackstock, Resident
- Ken Marchetti, Marchetti & Weaver, LLC
- Craig Plizga, Community Operations Manager
- Meghan Hayes, Marchetti & Weaver, LLC, Recording Secretary for the meeting

Call To Order

The Regular Meeting of the Board of Directors of Two Rivers Metropolitan District was called to order by Director Pearson on April 13, 2021 at 2:04 p.m. noting a quorum was present.

Conflicts of Interest

Chairman Pearson is the managing Partner and partial owner of 2 Rivers Development, LLC ("**2 Rivers Development**"), which owns a portion of land which is less than 20% of the territory of the District. Additionally, he is the sole owner of Mountain Commercial Advisors, LLC also known as NAI Mountain Commercial ("**Mountain Commercial**") and together with 2 Rivers Development, the "**Companies**", which employ Directors McEvoy and Zbrzeznj.

Additionally, Director Pearson is the sole owner of Fortius Capital, LLC ("**Fortius Capital**"), and the sole owner and manager of North Lot and 116, LLC ("**North Lot**" and together with 2 Rivers Development and Fortius Capital, the "**Companies**").

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The District has issued, and intends in the future to issue, bonds or other debt obligations, the proceeds of which will be used for public purposes, including potentially the reimbursement of costs advanced by the Companies. The District has contracted, and intends in the future to contract, for operational services which may be supplied through or by the Companies.

Additionally, the Board has entered into a Lease Agreement with Right to Purchase with North Lot under which the District has leased a community park, parking, landscaping and an irrigation system which North Lot constructed on the property at 35 Bass Loop, Dotsero, CO 81637.

All Directors present stated that the participation of at least two of them in the meeting along with Director Acosta was necessary to obtain a quorum of the Board or otherwise enable the Board to act; that written disclosures of such potential conflicts of interest of each Director had been filed with the Board and the Colorado Secretary of State in accordance with statutory requirements disclosing the nature of each Director's private interests related to their employment and/or officership positions with the above-mentioned entities. After each Director had summarily stated for the record the fact and nature of his private interests and had further stated that the determination to participate in voting or take any other action on any contract or other matter in which he may have a private interest would be made in compliance with Section 24-18-201(1)(b)(V), C.R.S., on an ad hoc basis, the Board turned their attention to the agenda items.

**Changes to the
Agenda**

There were no additions to the agenda.

Public Input

There was no public input.

Legal

There was no legal input at this time.

**District Operations
Manager
Report**

Operations Manager, Craig Plizga, presented his Operations report to the Board. He reported that the Community Center and Gym are still closed. He was unable to obtain the 5-Star Variance from the County. He is keeping a waiting list of residents who are looking to rent the community center once County Health orders are lifted and he will reach out to those residents at that time. MIRA has hosted 2 vaccine clinics and both were successful and they are planning to return May 7th for a third clinic. The pool is going to be filled May 24th with the hope that we can figure out safety measures to allow the community to use it. Craig also reported on some large capital projects such as the concrete pans, graveling the path around the soccer field, pool shades, road crack sealing

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and the landscaping at the entrance. There are a handful of Maple trees that are dying. Alex from Fresh Mtn Lawns suggested replanting crab apple trees and Director Pearson is planning to use xeriscaping for the new Townhomes so he suggested Mr. Plizga look into xeriscaping the entrance. He will also share his plans with Mr. Plizga so we can have a consistent look to the entrance. The Board also directed Mr. Plizga to gather more information about graveling the walking path especially with respect to the type of material.

Director Acosta suggested that we look into buying two shade structures for the pool as opposed to one. After discussion and by motion duly made and seconded, it was unanimously

RESOLVED to approve two pool shade structures for the 2021 season at a cost not to exceed \$40,000.

Division of Wildlife Update

Mr. Plizga met with the Division of Wildlife concerning the Pike and Small Mouth Bass that are located in our lakes which are both invasive species. Instead of using chemicals to remove the fish, they will be utilizing gill nets. They will begin at the end of the summer this year then pick up again in Spring of 2022. It is anticipated that the entire project will take 3-4 years to totally remove the fish. After discussion and by motion duly made and seconded, it was unanimously

RESOLVED to authorize the Division of Wildlife to move forward with their plan of using gill nets to remove both invasive species provided that the Metro District does not have to make any additional provisions for them.

2021 Zancanella Rate Increase

Tony Zancanella provided the Board with a proposed 3% rate increase beginning with the May 2021 billing cycle. After discussion and by motion duly made and seconded, it was unanimously

RESOLVED to approve the 3% rate increase.

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Village Center

Parcel

Update

Director Pearson informed the Board that they are continuing to work with engineers regarding infrastructure for the Village Center Parcel and are hoping to break ground later this year. The plan is to have 36 units on 2 Lots.

Water/Sewer

Operations

Report

Tony Zancanella reported there was a sewage overflow due to a valve not being re-opened. They have cleaned everything up to CDPHE standards and none of the sewage made it into the river. He also reported that the Colorado Department of Public Health & Environment approved the Headworks plans so now this project can move forward. Mr. Zancanella also reported that the ground water under direct influence (GUIDI) of surface water testing has been completed and the results are favorable. After discussion and by motion duly made and seconded, it was unanimously

RESOLVED to authorize Zancanella & Associates to release their final GWUDI report to CDPHE to help get the project going sooner.

Minutes

The Board reviewed the February 9, 2021 Regular Meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the February 9, 2021 Regular Meeting minutes as presented.

Financial

Statements

By motion duly made and seconded it was unanimously

RESOLVED to accept the District's Preliminary March 2021 financial statements as presented.

Accounts

Payable

The Board reviewed the February and March accounts payable lists and by motion duly made and seconded it was unanimously

RESOLVED to ratify the February and March accounts payable lists as presented.

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**Tap Fee
Schedule**

Ms. Hayes presented the current Tap Fee Schedule. Tap fees have been received for seven lots so far this year with another five expected later in the year.

**Accounts
Receivable
Report**

Ms. Hayes reported that although there has been an increase in account delinquency, she has successfully put numerous accounts on payment plans. She will continue to work with owners who are financially unstable during this pandemic.

**Sales Tax
Update**

Mr. Marchetti reported that Sales Taxes have continued to come in more favorably than previously anticipated and that the pandemic has not had as significant an adverse impact as originally thought.

Adjournment

There being no further business to come before the Board at this time, by motion duly made and seconded it was unanimously

RESOLVED to adjourn the Regular Meeting of the Two Rivers Metropolitan District Board of Directors this 13th day of April, 2021.

Respectfully submitted,


Meghan Hayes
Recording Secretary for the Meeting