
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Two Rivers Metropolitan District August 10, 2021

A Regular Meeting of the Board of Directors of the Two Rivers Metropolitan District, Eagle County, Colorado, was held on August 10, 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.
- 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 August 10, 2021 at 2:02 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 noted that the Pool is seeing higher than normal usage. The chlorinator is not working as well as he would like so he is going to re-build it in the off-season as well as add another one to the second pump as a backup. The Pool shade will be installed this fall after the pool closes. There have not been as many community center rentals as there were in the past but there are three rentals scheduled in August. With the addition of Carson

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Paterson, Covenant Enforcement is in full swing with Mr. Patterson focusing on those streets closer to the entrance of the community and working his way West.

Village Center

Parcel

Update

Director Pearson informed the Board that the County is now requiring that an ECO Transit bus storage facility be built on one of the lots, which was not a part of the PUD Amendment from 2009. He is continuing to work with legal counsel to figure out potential solutions.

Water/Sewer

Operations

Report

Tony Zancanella reported that CDPHE has reviewed the headworks project application and has submitted questions which they are responding to. This process is typical and he anticipates that there will be further questions. He notified the Board that the 2021 forecast for the Headworks project should be moved into 2022 due to CDPHE being back logged in their application review. He applied for a small communities grant on behalf of Two Rivers but unfortunately we were not selected.

Minutes

The Board reviewed the June 8, 2021 Regular Meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the June 8, 2021 Regular Meeting minutes as presented.

Financial

Statements

By motion duly made and seconded it was unanimously

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

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2022 Budget

Hearing

Mr. Marchetti reported that the meeting has been published as the public hearing for the 2022 budget. The meeting was opened for public comment on the 2022 budget. Mr. Marchetti reviewed the District's July financial statements and the 2022 preliminary budget numbers. After discussion and by motion duly made and seconded, it was unanimously

RESOLVED to continue the public budget hearing for the 2022 budget to the October 12th meeting.

Accounts

Payable

The Board reviewed the June & July accounts payable lists and by motion duly made and seconded it was unanimously

RESOLVED to ratify the June & July accounts payable lists as presented.

Tap Fee

Schedule

Ms. Hayes noted that 5 more tap fees were collected in July. This is the last of the single family home tap fees to be collected other than a few unbuilt lots owned by individual owners.

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 10th day of August, 2021.

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Respectfully submitted,

Meghan Hayes

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Recording Secretary for the Meeting