

RECORD OF PROCEEDINGS

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**MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
PARKER JORDAN METROPOLITAN DISTRICT  
HELD  
APRIL 14, 2011**

A special meeting of the Board of Directors of the Parker Jordan Metropolitan District was held on April 14, 2011 at 9:00 a.m. at the offices of R.S. Wells LLC, 8390 E. Crescent Parkway, Suite 500, Greenwood Village, CO 80111.

Attendance

In attendance were Directors:

Norman A. Sheldon  
Bill Lamberton  
Clint Waldron  
Allen Keesen (via telephone until 9:55 a.m.)

Also in attendance were:

Bob Blodgett; R.S. Wells LLC  
Dianne Miller and Matt Ruhland; Miller & Associates Law Offices, LLC  
Kevin Collins and Sarah Hunsche; Clifton Gunderson; LLP  
Dan Sheldon; Miller Frishman Development Services, LLC  
Susan Brown; Valerian LLC  
Ron Lambert; Mulhern MRE  
Chuck Reno; Arapahoe County Public Works & Development  
Gary Wilson; City of Centennial  
Ken Cecil; J3 Engineering  
Shannon Carter; Arapahoe County  
Don Leyn; Former Board Member

Call to Order

Director Sheldon called the meeting to order at 9:00 a.m.

Pledge of  
Allegiance

Ms. Hunsche led the Board and audience in the Pledge of Allegiance.

Declaration of  
Quorum/Director  
Qualifications  
Disclosure Matters

Ms. Miller advised the Board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board then reviewed the agenda for the meeting, following which each Board member confirmed the contents of any written disclosure previously made, stating the fact and summary

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nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting. Additionally, the Board determined that the participation of members present was necessary to obtain a quorum or otherwise enable the Board to act.

Director Sheldon reported that he had disclosed his interest as an owner of property located in the District. Director Sheldon is also a shareholder in Colorado Capital Bank, an entity with whom the District has done business. These disclosures are in association with the consideration and/or approval of agenda items which may affect his interests. A written disclosure of his interests was filed with the Secretary of State prior to the meeting.

Director Lamberton reported that he had disclosed his interest as an owner of property located in the District. The disclosure is in association with the consideration and/or approval of agenda items which may affect his interests. A written disclosure of his interests was filed with the Secretary of State prior to the meeting.

Director Waldron reported that he had disclosed his interest as an owner of property located in the District. Director Waldron is also an associate attorney with White, Bear & Ankele, which serves as general counsel to Cornerstar Metropolitan District. The disclosure is in association with the consideration and/or approval of agenda items which may affect his interests. A written disclosure of his interests was filed with the Secretary of State prior to the meeting.

Director Keesen reported that he is an owner of property located in the District. The disclosure is in association with the consideration and/or approval of agenda items which may affect his interests. A written disclosure of his interests was filed with the Secretary of State prior to the meeting.

Director Lamberton provided additional declarations related to his relationship to Emerald Isle Landscaping, Inc. Ms. Miller will incorporate these into his disclosure.

Consideration  
of Agenda

### **CONSENT AGENDA**

The Board removed Item 5B – Accept Draft 2010 Audit from the Consent Agenda. This will be reviewed at the May 2011 Board meeting.

Upon a motion duly made by Director Lamberton, seconded by Director Waldron, and upon vote, unanimously carried, the Board approved the remaining Consent Agenda items:

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- (a) Approval of Minutes of the March 17, 2011 Regular Board Meeting;
- (b) Accept Draft 2010 Audit (removed until May 2011 Board meeting);
- (c) Approval of the April 13, 2011 Schedule of Cash Position;
- (d) Approval of March claims Represented by Checks Number 1057 through 1072 Totaling \$55,951.62;
- (e) Informational Items.

Director Sheldon asked that the Board address several issues.

The Board discussed the recent policy regarding limiting the consultant attendance at Board meetings in order to save costs. The Board expressed concern about refining this policy so that consultants could adequately participate in all of the various issues the District is addressing.

Director Waldron suggested that the capital project discussion be scheduled at the end of the Board meeting. Routine items could be addressed initially, and outside consultants could arrive for the last part of the Board meeting, and then remain until the Board has completed discussion of capital projects.

After discussion, Director Sheldon asked that Director Waldron work with Mr. Blodgett to revise the agenda format prior to the May Board meeting.

Director Sheldon asked that the Board provide their thoughts on the present Board vacancy. The Board discussed the possibility of changing the meeting date/time and did not reach a consensus.

After further discussion, the Board asked that Director Lamberton work with Mr. Blodgett regarding a plan to communicate the Board vacancy information on the District's website, to HOA's within the District and perhaps another legal advertisement. The Board also discussed utilizing the Centennial Citizen and The Villager Newspaper to inform the public. The District will reconsider the vacancy at the May Board meeting. Director Lamberton expressed an interest in meeting with Mr. Cornelsen further to learn of his interest in being on the Board.

Director Sheldon expressed an interest in the Board and the District having an annual holiday dinner to celebrate their accomplishments and the work of the Board and consultants at the end of the year. Ms. Miller

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reported that this would be similar to the monthly breakfasts and/or lunches that are provided at the District's Board meetings as needed.

After further discussion, the Board asked that Director Keesen work with Mr. Blodgett regarding plans for an annual holiday dinner for the Board.

Director Sheldon asked that Director Waldron meet or discuss with Ms. Miller prior to the Board meetings any concerns he has about the legal advice or proceedings of the District.

Director Waldron expressed concern regarding the District's policy of reimbursing air fare to a Board member who is attending from out of state to a Board meeting whether their attendance is required for a quorum or not. He did not believe this was a wise use of the District's dollars in that Board members are Colorado residents and should be able to attend the Board meetings when possible. If they are unable to, the District should not reimburse them for air fare or rental car in order to attend the meeting.

Director Sheldon reported this has been a policy in place for many years. It began when he was out of state over the winter and had to return to attend Board meetings to discuss District business.

After further discussion, the Board tabled a decision on this issue and asked that it be placed on the May Board meeting agenda for discussion.

Discuss Board  
Vacancy

Previously discussed.

Capital Projects

A. PJCOS Phase II – Stream Restoration and Amenities-Bid Schedule

1. Approve PJCOS Stream Restoration Budget

Mr. Sheldon and Mr. Cecil discussed the status of the stream restoration project and approvals. Current approvals are pending with the State Historic Preservation Office (SHPO), Fish and Wildlife and the Corp of Engineers. These are all running on parallel tracks. They hope that the decisions will be reached by mid July. The Board asked if the District could make a presentation to SHPO regarding the review of the ERO report and possibility of an archeological dig. Mr. Cecil will check.

Mr. Sheldon reviewed the present stream restoration budget with the Board. He noted that the District's estimated expenditures exceed the committed revenues by approximately

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\$350,000. Efforts will continue to be made to reduce costs prior to the bidding process. The Board authorized Mr. Sheldon to proceed with the bidding process. Director Sheldon asked if some of the amenities grant funds could be possibly used for the stream restoration budget. Mr. Sheldon stated Mr. Wilson was concerned about this usage. He was not sure that it could be approved. Mr. Sheldon reported the Low Water Crossing Bridge at the northern end of the project could possibly be considered an amenity. Action on moving this out of the stream restoration budget was tabled.

### 2. Approve PJCOS Amenities Budget

Ms. Brown and Mr. Sheldon reviewed the PJCOS amenities exhibit dated April 2011 with the Board. Mr. Sheldon reported the budget is balanced at the amount of \$959,402 which is the total of the two open space grants from the City of Centennial and the GO Colorado Grant that the City of Centennial has received and is passing through to the District.

The Board asked that Ms. Brown revise the amenities exhibit and re-send it to the Board with corrections.

The Board accepted the amenities budget.

### 3. Approve Open Space Fencing

Ms. Brown reviewed options for a two rail fence with the Board. The Board also discussed the Trex fence material. The Board desired a low maintenance fence. After additional discussion, the Board approved a concrete split rail fence as the fencing material. Mr. Sheldon will proceed.

### 4. Approve Agreement With Four Winds Interactive Software For Kiosk Software - \$7,359.77

Mr. Sheldon and Ms. Miller expressed concerns about the current form of the contract. Ms. Miller will contact Mr. Schmidt at Four Winds to discuss the contract. Action for this item was tabled to the May Board meeting.

### 5. Approve Agreement With Boyd Sign Systems For Kiosk Purchase - \$31,232.50

After discussion, the Board determined that the agreement with Boyd Sign Systems will be a direct contract with the District.

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### B. Low Water Crossing Over Cherry Creek and Eastern Trail Extension Project

Ms. Brown reported the District did not receive the State Trails Grant in the approximate amount of \$166,000. She reported she met with the State Trails Grant staff and provided the reasons for their rejection of the District's project. Ms. Brown noted that none of the projects along the front range were approved in this cycle. The State Trails Grant staff encouraged the District to make corrections and reapply one year later for the grant once the project is closer to being constructed.

The Board agreed to ask The Cherry Creek Basin Working Group for funds. Mr. Carter indicated this can be addressed at the May 20<sup>th</sup> meeting.

Mr. Carter further agreed to arrange a meeting between his staff and the District to discuss the Low Water Crossing Bridge, the future trail connection, the Arapahoe Road Trail Head and the future connection under Arapahoe Road. These were all issues of concern from the State Trails Grant staff regarding the grant application. Mr. Carter will contact Mr. Blodgett to arrange a meeting within the next week.

### C. Discuss Options For Pond Within CCVEP – Muller Engineering

Mr. Blodgett reported he spoke with Mr. McCarty, Executive Director, SEMSWA, who indicated attendance at the Board meeting was not within the budget scope for Mr. Juergensen. He invited Board members and/or consultants to attend the SEMSWA regular meetings on this topic in the future. Mr. Carter indicated he would coordinate this with Ms. Trujillo and get back to Mr. Sheldon.

### D. Other Capital Projects

Ms. Brown and Mr. Sheldon asked for approval for the signage within the amenity package. Mr. Sheldon recommended approval of the entry sign, four secondary signs and one directional sign in the amount of \$45,080. Upon a motion duly made by Director Lamberton, seconded by Director Waldron, and upon vote, unanimously carried, the Board approved the signs in addition to the regional mile markers. Mr. Sheldon indicated he would probably not order these signs ahead of the remaining sign package that cannot be installed until 2012. He will review and get back to the Board.

Ms. Brown asked for direction regarding the names for the main gathering area. The Board asked former Director Leyn to provide a recommendation. Mr. Leyn recommended the "Center of Wisdom". The Board concurred.

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Director Waldron asked that Mr. Sheldon review the recent concrete trail construction adjacent to South Creek. He indicated it is fairly rough and may need some re-work.

Director Waldron also asked that the berm adjacent to the Cherry Creek Regional Trail be reviewed. It is allowing the pooling of water on the trail. Mr. Sheldon will review.

### Manager's Items

#### A. PJCOS Weed Control Update

Mr. Blodgett reviewed the updates from Ms. Keammerer and Director Lamberton regarding recent work efforts. It was determined that the existing agreement with Emerald Isle does not need to be amended. Ms. Keammerer is pleased with the progress being made by Emerald Isle.

#### B. April 30, 2011 BPT and CCRT Grand Opening Ceremony

Director Sheldon and Mr. Sheldon reported this is proceeding. A draft news release is being prepared. The public is invited.

Director Sheldon recommended the Board pay \$350 for the Hawk Qwest Exhibit at the grand opening. Upon a motion duly made by Director Lamberton, seconded by Director Waldron, and upon vote, unanimously carried, the Board approved this expenditure.

#### C. April 15, 2011 CCBWG Meeting

Mr. Blodgett reported this meeting has been cancelled by Mr. Singleton. The next meeting is May 20, 2011.

### Legal Items

#### A. Status of IGA With SEMSWA Regarding PJCOS Phase II Work on 17- Mile House Property

Mr. Ruhland reported that this agreement is in final form. Director Sheldon asked about the inclusion of construction management fees. Mr. Sheldon and Mr. Ruhland will review the agreement. It appears this may be within the \$28,000 of design fees included in the agreement, which is in addition to the \$210,000 construction estimate.

Upon a motion duly made by Director Waldron, seconded by Director Lamberton, and upon vote, unanimously carried, the Board approved the

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IGA subject to clarification by Mr. Ruhland and Mr. Sheldon regarding inclusion of necessary construction management fees for the District.

B. Status of IGA with CCBWQA Regarding \$589,000 Contribution FOR PJCOS Phase II Stream Improvements

Mr. Ruhland reported that CCBWQA is now asking for a schedule of payments. He has informed them that the District needs the money up front so that it is available to award the contract. Mr. Reed, Manager, CCBWQA is clarifying this issue with the Authority. A further update will be given at the May Board meeting.

C. Status of Requested Access Easement and License Agreement from Arapahoe County

Mr. Ruhland reported the access easement is for the Happy Canyon Trail. This is being processed by Arapahoe County. The license agreement is for Nichols access from the west into the 27-acre parcel and the regional open space. This may now require a permit also from Arapahoe County. It is being processed by the attorney's office. A further update will be given at the May Board meeting.

D. Approve IGA With Arapahoe County For LWC Bridge and Eastern Trail Extension Grant - \$250,000

Action on the item is tabled to the May board meeting. A meeting with Mr. Carter and District consultants will first be held to discuss this issue and the status of other connections to the bridge.

E. Executive Session – Legal Advice

No Executive Session was needed.

F. Other Legal

None.

Business

A. Confirm Quorum for the May 19, 2011 Board Meeting

A quorum was confirmed for the May 19, 2011 board meeting to be held at 9:00 a.m. at R.S. Wells, LLC located at 8390 E. Crescent Parkway, Suite 500, Greenwood Village, 80111.



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Financial

A. Other Financial Matters – Certificates of Deposit

Mr. Collins recommended the existing CD's with Centennial Bank roll over in May-June. Director Sheldon asked that Mr. Sheldon provide a construction draw schedule to Mr. Collins for assistance in scheduling the CD's for the maximum interest return.

Director's  
Item

A. Recognition of Former Director Don Leyn

The Board thanked Mr. Leyn for his service from 2006–2011 and presented him a plaque, clock and calculator combination recognition award which thanked him for his outstanding service as Board member and Secretary/Treasurer for the five year period. They noted he would be welcomed back on the Board at any time in the future.

B. Other Director Items

Director Sheldon reported he and Mr. Mendisco had toured the PJCOS with the Arapahoe County Sheriff. He asked if the barbwire fence in the southwest part of the open space should now be removed? Director Waldron agreed to asked the HOA if they would object to removing the barbwire fence. If they approve, Mr. Sheldon will arrange for someone to remove the barbwire fence.

Mr. Sheldon reported that Mountain High Tree Service was called back into the open space to remove some additional trees on a time and material basis. He also noted a resident is rebuilding the fence that was recently destroyed by one falling tree.

Director Waldron asked Mr. Collins if he could obtain May 1<sup>st</sup> preliminary assessed value information for the District from Arapahoe County. Mr. Collins indicated he can obtain information, but it may not be very reliable since it is so early in the year.

Director Lamberton reported a back flow preventer was stolen on Jordan Road. In addition, clocks in the medians are not working at all. He provided a report from an independent consultant regarding the problems with the clocks.

He presented two work orders to the Board to correct these problems:

1. A work order in the amount of \$663 to replace the back flow preventer
2. A work order in the amount of \$1,250 to purchase new clocks.

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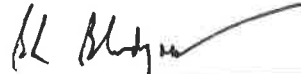
Upon a motion duly made by Director Waldron, seconded by Director Sheldon, and upon vote, unanimously carried, the Board approved not to exceed \$2,000 for Emerald Isle to complete these two work orders.

Mr. Carter reported he recently had a meeting with the Board of County Commissioners. He reported he will continue as the Director/Manager of the open space program. He will no longer be the acting Director. He may also continue to assist the County Commissioners as Special Assistant. He will notify the District of his new title when it is available.

The Board asked Mr. Blodgett if Mr. Mendisco is continuing to watch for new construction in Cornerstar and the remainder of the District for facility fee payments. Mr. Blodgett reported that this is the case.

Public Comment      None.

Adjournment        Upon a motion duly made by Director Sheldon, seconded by Director Lamberton, the Board adjourned the meeting at 12:50 p.m.



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Secretary for the Meeting