

RECORD OF PROCEEDINGS

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**MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
PARKER JORDAN METROPOLITAN DISTRICT  
HELD  
SEPTEMBER 22, 2011**

A special meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on September 22, 2011 at 5:00 p.m. at the offices of Clifton Gunderson LLP, 8390 E. Crescent Parkway, Suite 500, Greenwood Village, CO 80111.

Attendance

In attendance were Directors:

Norman A. Sheldon  
Bill Lamberton (departed at 7:05 p.m.)  
Allen Keesen  
Clint Waldron  
Mike Cornelsen (arrived at 5:15 p.m.)

Also in attendance were:

Bob Blodgett and Sarah Hunsche; Clifton Gunderson LLP  
Matt Ruhland; Miller & Associates Law Offices, LLC  
Dan Sheldon and Steve Williams; Miller Frishman Development Services, LLC  
Ron Lambert; Mulhern MRE

Call to Order

Director Sheldon called the meeting to order at 5:10 p.m.

Pledge of  
Allegiance

Director Sheldon led the Board and audience in the Pledge of Allegiance.

Declaration of  
Quorum/Director  
Qualifications  
Disclosure Matters

Mr. Ruhland 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 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.

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Director Sheldon reported that he had disclosed his interest as an owner of property located in the District. Director Sheldon disclosed that he is no longer 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 Cornelsen reported that he has no conflicts to disclose. Therefore, no written disclosure of interest was filed with the Secretary of State prior to the meeting.

Consideration  
of Agenda

The Board approved the Agenda as submitted.

Public  
Comment

There were no public comments.

**CONSENT AGENDA**

Mr. Blodgett noted that the final claims amount of \$81,308.39 was less than the \$84,746.40 submitted in the Board meeting packet due to a duplicate check to J3 which was removed.

Upon a motion duly made by Director Lamberton, seconded by Director Keesen, and upon a vote, unanimously carried, the Board approved the Consent Agenda as submitted.

- A. Approve Minutes of the August 25, 2011 Special Board Meeting Minutes
- B. Approve Minutes of the August 16, 2011 Regular Board Meeting Minutes

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- C. Approve August 31, 2011 Financial Statements
- D. Accept September 15, 2011 Schedule of Cash Position
- E. Approve August 2011 Claims Represented by Check Numbers 1146 through 1162 Totaling \$81,308.39
- F. Ratify Check No. 1145 to SEMSWA - \$41,200
- G. Accept Updated Facilities Fees Report

Upon a motion duly made by Director Keesen, seconded by Director Waldron, and upon a vote, unanimously carried, the Board agreed to waive the one day late fee penalty for Nilex in their payment of the District's required facility fee.

Director Cornelsen asked that Mr. Blodgett verify whether or not Director's fees were paid for the August 25<sup>th</sup> Board meeting. It appears that only the August 16<sup>th</sup> Board meeting Director's fees were included in the claims.

### **DISCUSSION AGENDA**

#### Capital Projects

- A. PJCOS Stream and Amenity Work
  - 1. Review Proposals for CCLWC Bridge and Trail and Stream Reclamation Oversight

Mr. Sheldon distributed copies of proposals received from TRC in the amount of \$23,600, The Restoration Group in the amount of \$39,000, ERO in the amount of \$29,000 and Valerian LLC in the amount of \$29,900. Directors Sheldon and Lamberton interviewed the four firms along with Mr. Sheldon on September 19<sup>th</sup>.

Directors Sheldon and Lamberton recommended The Restoration Group as the most qualified firm to perform the required oversight work. Director Waldron asked for clarification regarding the oversight work to be performed by The Restoration Group and the required work to be performed by the District's contractor. He indicated the District needs to ensure there is not unnecessary overlap and costs associated with a contractual obligation of the contractor and their subcontractor.

Mr. Sheldon reported that The Restoration Group does not have professional liability insurance. The Board and Mr. Ruhland noted that it is difficult for a consulting firm to obtain professional liability insurance. Mr. Sheldon noted they are classified as "farmers".

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After discussion, the Board asked Mr. Sheldon to contact Ms. Keammerer to discuss the Board's concerns. Mr. Sheldon contacted Ms. Keammerer by telephone and reported that she would attempt to obtain insurance. The Board asked that Mr. Sheldon also ascertain whether or not she could be included with Fiore or their subcontractor PASE under their insurance umbrella.

After discussion, and upon a motion duly made by Director Lamberton, seconded by Director Waldron, and upon a vote, unanimously carried, the Board voted to delegate the decision on hiring The Restoration Group and resolving the need of appropriate liability insurance to Director Keesen who will work with Mr. Sheldon to reach a decision.

### 2. Meeting With The Fetters Family to Update

Mr. Blodgett reported the District's agendas and minutes since 2009 have been sent to Mr. Fetters. Mr. John Fetters III has been added to the agenda mailing list. Mr. Sheldon has sent a copy of the Fiore contract. Mr. Duncan is sending a copy of the plans and specifications for the stream reclamation and amenity work. The District has offered to meet with Mr. Fetters and the family. No response to date.

Director Sheldon and Mr. Blodgett reported the City of Centennial ("City") is separately working with the Fetters on issues related to their barb wire fence, the junk cars and the future Cherokee Trail stub road. No resolution as yet has been reached other than the City has determined the barb wire fence is allowed under the Annexation Agreement with the Fetters.

### 3. On Site Tour/Information – Coordination

Mr. Sheldon asked that the Board members, City representatives and others contact him in advance to schedule a tour of the project while it is under construction, for safety reasons.

### 4. Curator For Artifacts

The City determined that they were not able to accept the artifacts at this time. The Board directed Mr. Sheldon to work with TRC Environmental Corporation to locate an appropriate curator to house the artifacts.

Mr. Blodgett reported that Mr. Wilson stated if a significant artifact is found, the City would like to be made aware of it so they can determine if they would like to house it in the future.

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### 5. Schedule

Mr. Sheldon presented a copy of the approved 404 Permit from the U.S. Army Corps of Engineers. The Board thanked Mr. Sheldon for the work involved in securing it, and Director Sheldon for the time taken to go to the Corps office and sign the permit on behalf of the District.

Mr. Sheldon presented a Power Point presentation regarding the status of PJCOS work. He indicated he will provide this each month while the project is under construction. The Board asked that this report be placed on the District's website for public review.

#### B. Consolidated Cherry Creek Corridor Construction Projects – Update

Mr. Blodgett reported that Mr. Carter contacted him this afternoon. Mr. Carter indicated that he is still seeking to assist the District with their request for \$250,000 to help pay for the amenity shortfall. He indicated that any grants would be delayed until after January 1<sup>st</sup> until additional discussion with the Board of County Commissioners and the Open Space and Trail Advisory Board can occur. Mr. Carter is reviewing the possibility of funds from the Arapahoe County Recreation District and the Cherry Creek Basin Working Group (CCBWG). He will further discuss this with Mr. Blodgett and Director Sheldon prior to the October CCBWG meeting.

Regarding the Go Colorado (GOCO) request for concept papers for a minimum \$1M Rivers Grant, which is due October 14<sup>th</sup>, Mr. Carter indicated the County is submitting a project along the Highline Canal. They are reevaluating the possibility of submitting a project proposal for the Cherry Creek Corridor.

The Board asked Mr. Blodgett to contact Mr. Carter to determine if the \$600,000 amenity shortfall would be eligible for request in qualifying for a grant under the GOCO Rivers Program.

#### C. Other Capital Projects

No Report.

### Legal

#### A. Status of Exclusion of 27-Acre Open Space From The VCMD

Mr. Ruhland reported the City has not submitted the exclusion request to the VCMD.

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### B. Executive Session – Legal Advice (If Necessary)

Upon a motion duly made by Director Lamberton, seconded by Director Keesen, and upon a vote, unanimously carried, the Board went into Executive Session at 6:15 p.m. pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice from the attorney.

Upon a motion duly made by Director Waldron, seconded by Director Keesen, and upon a vote, unanimously carried, the Board adjourned out of Executive Session at 6:35 p.m. No action was taken.

### Financial

#### A. Review 2011 Preliminary Assessed Value

Ms. Hunsche reviewed the 2011 Preliminary Assessed Value with the District. The assessed value of the operating portion of the District's boundaries declined approximately 2.5%. The assessed value of the District's excluded area (Cornerstar) increased approximately 14%.

After discussion, the Board designated Directors Waldron and Cornelsen to a budget committee to work with Ms. Hunsche and Mr. Blodgett in the following week to prepare the District's draft 2012 budget prior to the deadline of October 15<sup>th</sup>.

#### B. Other

Mr. Blodgett and Ms. Hunsche reported they met with Mr. Reed and Mr. Wilson with the City regarding the 2011 PJCOS Maintenance Fund and the 2012 Budget. The City has indicated they are willing to contribute \$50,000 again in 2012 along with the District's \$50,000 contribution. They requested they be notified of any significant variances from the budget or expenditures as the year progresses. They also requested that the District's contingency be reduced to approximately 10% of the budgeted amount.

They further reported that since the City has invested considerable open space funds in the Civic Center Park, PJCOS Open Space and the recent purchase of the 44 acre parcel on Potomac, they cannot assist the District with the \$600,000 shortfall in the PJCOS amenities budget.

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### Director's Items

#### A. October 1<sup>st</sup> Run For The Watershed Relay Race – Clint Waldron

Director Waldron reported the race has been cancelled by the Cherry Creek Stewardship Partners. Apparently, a number of members who normally participate will be at a water quality conference on that date. It will be rescheduled in 2012.

#### B. Discuss Newsletter – Norm Sheldon

Director Sheldon asked about interest in preparing a year-end newsletter. The last District newsletter was December 2010. Director Waldron noted that online website updates might be more cost effective, efficient and accessible for residents.

The Board took no action. Director Sheldon asked that this be placed on the October agenda for further discussion.

Director Sheldon asked Mr. Blodgett to contact Mr. Atkin, Manager of ACWWA, and determine what information could be included by ACWWA in their billing statements at year end to save the District the cost of a separate mailing.

#### C. Discuss Advertising on PJCOS Signs – Centennial Bank Proposal – Norm Sheldon

Director Sheldon reported that Centennial Bank has proposed paying for the poop station bags in exchange for a signage on the District's two poop stations. Mr. Ruhland reported the City needs to approve this signage, per the joint ownership IGA.

Upon a motion duly made by Director Keesen, seconded by Director Waldron, and upon a vote, unanimously carried, the Board approved the Centennial Bank Proposal to provide signage at the poop stations in exchange for paying for bags subject to the City's review and approval.

#### D. 2011 Annual Cherry Creek Stewardship Partners Conference – November 9, 2011 – All

Several Board members expressed an interest in attending. Mr. Blodgett's office will register them once the materials are received from the CCSP.

#### E. December 13<sup>th</sup> Holiday Dinner - All

Director Sheldon reported he and other Board members have visited the

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Chinook Tavern located at Arapahoe Road and I-25 in the Village Center Station adjacent to the lightrail facility. He reported the cost is approximately half of that at Del Frisco's.

After discussion, the Board approved a change for the December 13<sup>th</sup> holiday dinner from Del Frisco's to Chinook Tavern. Mr. Blodgett's office will notify both restaurants.

### F. SDA Conference Reports

Directors Waldron, Sheldon and Lamberton provided reports on the conference. Mr. Cornelsen indicated he felt like the subjects were not as useful for a first time Board member. He provided his feedback to Ms. Terry at SDA. Director Waldron noted that after the SDA University on Wednesday, many of the sessions were related to water and sewer districts, fire districts and more technical issues on Thursday and Friday. Mr. Blodgett will provide feedback to Ms. Terry.

### Manager's Items

#### A. 2012 Budget Process

1. October 15 – Draft 2012 Budget Submitted
2. October 18 Board Meeting – Review Draft
3. November 15 Board Meeting – Public Hearing to Review and Approve 2012 Budget

Previously discussed.

#### B. September 16, 2011 CCBWG Meeting Results

This meeting was cancelled.

#### C. Website Update

Mr. Blodgett noted the District's IGA's and other agreements are now on the website in the password protected area. The Board asked that Mr. Blodgett communicate the password to all the Board members.

#### D. Other

Mr. Sheldon noted that should the District not be willing to pay the approximate \$600,000 in additional amenities which will almost exhaust the District Capital Improvement Fund Budget, the District can reduce the scope of the work and pay a 7% fee to Fiore for any amounts of reduction in the current contract.

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Mr. Sheldon reported Nilex, a property owner within the District, is providing much of the fabric for the PASE subcontractor. The Board asked that Mr. Blodgett send a note of appreciation to Nilex for their provision of this important part of the project.

Mr. Blodgett reviewed a proposal by Valerian LLC to prepare a map of the PJCOS Stream and Amenities work for \$1,260. After discussion, the Board decided it was premature to prepare such a map until the improvements were complete. The map may include the remainder of the District as well. The Board will reconsider this in the spring or summer of 2012.

Other Business

A. Confirm Quorum for October 18, 2011 Board Meeting

A quorum was confirmed.

B. Other Business

None.

Adjournment

Upon a motion duly made by Director Sheldon, seconded by Director Keesen, and upon a vote, unanimously carried, the Board adjourned the meeting at 7:30 p.m.

  
Secretary for the Meeting