

RECORD OF PROCEEDINGS

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**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
PARKER JORDAN METROPOLITAN DISTRICT  
HELD  
OCTOBER 18, 2011**

A regular meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on October 18, 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  
Allen Keesen  
Clint Waldron (departed at 7:45 p.m.)  
Mike Cornelsen

Also in attendance were:

Bob Blodgett (via telephone), Mat Mendisco and Kevin Collins;  
Clifton Gunderson LLP  
Dianne Miller and Matt Ruhland; Miller & Associates Law Offices, LLC  
Dan Sheldon; Miller Frishman Development Services, LLC  
Ron Lambert; Mulhern MRE

Call to Order

Director Sheldon called the meeting to order at 5:08 p.m.

Pledge of  
Allegiance

Director Sheldon 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 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. 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 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**

Director Waldron asked for an explanation related to Proposal No. 1108-1306 with Ground Engineering Consultants, Inc. Mr. Sheldon stated that this work is for geotechnical services and was supposed to be in the original scope of work for the stream and open space reclamation project but was missed by Ground Engineering Consultants, Inc. and Miller Frishman Development Services.

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

- A. Approve Minutes of the September 22, 2011 Special Board Meeting Minutes
- B. Approve September 30, 2011 Financial Statements
- C. Accept October 15, 2011 Schedule of Cash Position
- D. Approve September 2011 Claims Represented by Check Numbers 1190 through 1204 Totaling \$120,207.20
- E. Ratify Checks No. 1163 through 1174 Totaling \$1,454.09
- F. Ratify MS4 Permit Security Agreement for Public Agency (GESc) With SEMSWA
- G. Approve Cherry Creek Reclamation Proposal No. 1108-1306 with Ground Engineering Consultants, Inc. for Geotechnical Services - \$24,325
- H. Informational Items

### **DISCUSSION AGENDA**

#### Capital Projects

- A. PJCOS Stream and Open Space Reclamation/Amenity Work

- 1. Power Point Update – Dan Sheldon

Mr. Sheldon presented his Power Point presentation to the Board. Mr. Sheldon stated that the Mile High Youth Corp was doing a lot of cleaning, specifically with the Russian Olive removal.

Mr. Sheldon commented that the tree screening is working and they have been able to stay within the limits set by the U.S. Army Corps and U.S. Fish and Wildlife. He also stated the diversion channel work should be done by October 20<sup>th</sup>. Mr. Sheldon noted that a calendar is kept every two weeks.

Upon a motion duly made by Director Sheldon, seconded by Director Lamberton, and upon a vote, unanimously carried, the Board moved into Executive Session pursuant to C.R.S. 24-6-402(4)(b) for purposes of receiving legal advice from the District's attorney related to negotiations at 5:30 p.m.

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Upon a motion duly made by Director Waldron, seconded by Director Keesen, and upon a vote unanimously carried, the Board closed the Executive Session at 6:10 p.m.

Upon a motion duly made by Director Waldron, seconded by Director Cornelsen, and upon a vote, unanimously carried, the Board moved to have Ms. Miller draft a letter addressed to Susie Fetters regarding the Real Estate Purchase Agreement between the District and MPIC/Fetters (the "Agreement"); specifically issues related to the Seller's designated representative and the ditch easements granted to MPIC. The Board directed that the letter should state the District will not change its designated representative, and until such time as the District received written notification as described in Section 3.4 of the Agreement of the change in the Seller's designated representative, all communication by the District will be with Ms. Susie Fetters, the Seller's current designated representative under the Agreement.

2. Status of Open Space Reclamation Oversight Agreement with The Restoration Group and Related Insurance Issues - \$39,000

Mr. Sheldon stated that The Restoration Group has agreed to provide all insurance and was previously approved by the Board.

3. Status of Letter to Arapahoe County OSTAB – Request for Open Space Grant Funding - \$643,000

Mr. Sheldon stated we have submitted a letter to OSTAB and Director Sheldon and Mr. Blodgett will be making a presentation on October 24, 2011.

4. Discuss Vacation and Designation of Two Revised Easements with MPIC

This item was moved and discussed earlier.

5. Kiosk Update – Susan Brown

Ms. Brown presented the kiosk report to the Board. Director Keesen asked if the kiosk could take photos as to which Ms. Brown responded with a "yes". Director Sheldon asked if we have the capability for feedback on the kiosk and Ms. Brown responded "yes". Director Cornelsen asked how high is the kiosk, to which Ms. Brown responded that it is made to be ADA compliant.

Ms. Brown noted she would like the Board to also consider making this kiosk the central hub for all the District's information. Director Sheldon stated the Board would consider this request.

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### 6. Status of Broncos Parkway Trailhead and Cherry Creek Regional Trail one Year Warranty Inspection

Mr. Sheldon stated they are doing a walk through on November 1<sup>st</sup>.

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

##### 1. Trail Connection to Arapahoe Road Trailhead

Mr. Sheldon reported that Arapahoe County stated that if the District did not have the extra funds for the future trail connection, the County will build the future trail connection.

#### C. Other Capital Projects

No other capital projects were discussed.

### Legal

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

Ms. Miller reported that there has been no action taken regarding the Exclusion from the Vermillion Creek Metropolitan District. Ms. Miller further reported that the City of Centennial has requested that Vermillion Creek complete a quinquennial review, which is due by December 19, 2011.

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

Previously addressed.

### Financial

#### A. Other Financial Matters

Mr. Collins reminded the Board that the 2003 Bonds would be callable January 1, 2013.

### Director's Items

#### A. Discuss Newsletter – Norm Sheldon

##### 1. Possible ACWWA Mailing – Mat Mendisco

Mr. Mendisco stated that Arapahoe County Water & Wastewater Authority (ACWWA) approved the placement of a newsletter to the District customers.

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After discussion, and upon a motion duly made by Director Keesen, seconded by Director Lambertson, and upon a vote unanimously carried, the Board authorized a not to exceed (NTE) of \$2,500 for the newsletter.

- B. 2011 Annual Cherry Creek Stewardship- Partners Conference – November 9, 2011 - All

Director Sheldon reported he will be attending along with Mr. Dan Sheldon.

- C. December 13<sup>th</sup> Holiday Dinner @ 5:30 p.m. – All

It was reported the dinner has been confirmed.

### 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

Mr. Collins presented the 2012 draft budget including two budget forms; one with the current status, and one with a two mill reduction.

After discussion, the Board asked Mr. Collins to draft a budget with a one mill reduction in the Debt Service Fund.

- B. October 21<sup>st</sup> CCBWG Meeting

Director Sheldon and Mr. Mendisco will be attending.

- C. Status of Advertising For PJCOS Pet Waste Stations – Mat Mendisco

Mr. Mendisco stated that Centennial Bank will be supplying the Pet Waste Station bags for a savings of \$600 in exchange for a sign next to doggie stations.

### Other Business

- A. Confirm Quorum for November 15, 2011 Board Meeting

A quorum was confirmed.

- B. Other Business

None.

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Adjournment

Upon a motion duly made by Director Lamberton, seconded by Director Keesen, and upon a vote, unanimously carried, the Board adjourned the meeting at 8:30 p.m.



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Secretary for the Meeting