

RECORD OF PROCEEDINGS

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**MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
PARKER JORDAN METROPOLITAN DISTRICT  
HELD  
JUNE 18, 2012**

A special meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on June 18, 2012 at 5:00 p.m. at CliftonLarsonAllen LLP, located at 8390 E. Crescent Parkway, Suite 500, Greenwood Village, CO 80111.

Attendance	<p>In attendance were Directors:</p> <p>Norman A. Sheldon Mike Cornelsen Bill Lambertson Clint Waldron</p> <p>Also in attendance were:</p> <p>Bob Blodgett, Mat Mendisco, Jason Carroll and Kevin Collins; CliftonLarsonAllen LLP Rick Kron; Grimshaw and Harring Gene Commander and Ryan Warren; Polsinelli Shughart, P.C. Susan Brown; Valerian LLC Don Leyn; 16498 E. Phillips Josh Duncan; J3 Engineering Jacob Howell; 74645 Memphis Street Tim Blum; 16124 E. Hinsdale Avenue Cal Lennon; 16224 E. Phillips Butch Fiore and Paul Coleman; Fiore &amp; Sons, Inc. John R. Feters III; Resident Kevin Pettway; 16253 E. Otero Avenue Laura Hoepfner; City of Centennial</p>
Call to Order	Director Sheldon called the meeting to order at 5:00 p.m.
Pledge of Allegiance	Ms. Brown led the Board and audience in the pledge of allegiance.
Declaration of Quorum/Director Qualifications Disclosure Matters	The Board was advised 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,

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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.

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.

Mr. Cornelsen presented information on his disclosure as an owner of a home in the Southcreek Subdivision. He stated his home backs up to the 27-Acre Open Space. His address is 16161 E. Otero Avenue.

Consideration  
of Agenda

The Board approved the Agenda.

Public  
Comment

There were no public comments.

### **CONSENT AGENDA**

Mr. Blodgett reported that the May 29<sup>th</sup> proposal from Webb PR to be included with Item J has been distributed to the Board. He also reported the claims have been modified to include the CliftonLarsonAllen invoice with a management reduction in May fees from approximately \$31,000 to \$22,000. The total claims are now \$511,544.43.

The Board approved the consent agenda as modified by Mr. Blodgett's comments.

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- a. Approve Minutes of the June 5, 2012 Special Board Meeting
- b. Approve Minutes of the May 29, 2012 Special Board Meeting
- c. Approve Minutes of the May 15, 2012 Regular Board Meeting
- d. Approve May 31, 2012 Financial Statements and Accept Cash Position Report
- e. Approve May 2012 Claims Totaling \$511,544.43 and Directors' Fees Totaling \$377.40
- f. Approve Change Order with TRC Solutions for PJCOS Cultural Dig Results & Curation - \$5,758.78
- g. Accept June 15, 2012 CCBWG Meeting Results
- h. Approve 2012-2013 Insurance Policy with Public Entity PAK - \$12,334
- i. Ratify Agreement with Tagawa for Electrical Services to the Kiosk
- j. Ratify Amended Agreement with Webb PR for PJCOS Grand Opening Work
- k. Approve IGA with Arapahoe County for 27-Acre Open Space Planning Grant - \$50,000
- l. Information Items

### DISCUSSION AGENDA

PJCOS Stream  
Restoration and  
Open Space  
Reclamation  
Amenity Work

- a. Power Point Update – Dan Sheldon

Mr. Sheldon reviewed his power point status report on the project with the Board. He reported substantial completion is expected by June 30<sup>th</sup>. The District is working on the punch list with Fiore & Sons. He noted the contractors are cleaning up from the major Storm Event on June 6<sup>th</sup> and 7<sup>th</sup>.

- b. Fiore NOI/Change Order Issues

No updates.

- c. Potential Force Majeure Claim Due to 6-07-2012 Weather Event

Mr. Kron reported that the District's contract with Fiore & Sons clearly indicates flooding is a potential event for which the contractor must obtain Builder's Risk Insurance. Mr. Fiore reported that the Fiore & Sons staff is still reviewing the issues related to the storm damage. Mr. Sheldon reported that he has sent an email letter to Fiore indicating that the District expects Fiore will be responsible for repair to all damages from the storm, per the contract.

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d. Review Costs for Concrete Trail from Cherry Creek LWC to S. Chambers Way

After discussion, the Board approved Change Order Request No. 25 with Fiore & Sons, Inc. in the amount of \$110,327.75 to complete the Concrete Trail from the Cherry Creek LWC to S. Chambers Way.

e. 27-Acre Open Space Planning Grant, Next Steps – Susan Brown

Ms. Brown distributed copies of the proposed flyer for the first planning meeting to be held July 11<sup>th</sup> at 6:00 p.m. at the South Laredo culdesac in the Southcreek neighborhood. She reported on the preliminary Steering Committee members. Representatives from Arapahoe County Open Space, City of Centennial and the Southcreek neighborhood are presently included. Director Sheldon asked that she notify all of the residential HOA's within the District regarding potential participation. He also asked that the Cherry Creek Business Park Association be notified so that the business sector can be represented. Ms. Brown indicated she would also contact Tagawa and see if they would like to serve on the committee. The Board thanked Ms. Brown for her work on this project. The IGA with Arapahoe County for the \$50,000 planning grant was approved on today's Consent Agenda.

Other Capital  
Projects

None

Legal

a. Review and Discuss Engagement for Legal Services

The Board approved the engagement agreement with Polsinelli Shughart for legal services related to the Cherry Creek Reclamation Project.

b. Executive Session – Legal Advice (If Necessary)

The Board adjourned into Executive Session at 5:20 p.m. pursuant to §C.R.S. 24-406-(4)(b) for purposes of receiving legal advice on specific legal questions.

Mr. Commander reported that he was meeting with the Board under attorney client privilege. Mr. Kron reported the meeting thus, did not need to be recorded.

At 6:25 p.m. the Board adjourned out of Executive Session. No action was taken.

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c. CORA Update

Mr. Kron reported that the attorneys for the Fetters have appealed the District Court decision. It is awaiting scheduling with the Court of Appeals most likely in the Fall of this year or Spring 2013.

d. Discuss 1988 IGA with Arapahoe County Regarding 2 Mill Levy

Director Sheldon asked that this be deferred to the July meeting. County Commissioner Sharpe was unable to meet last week to discuss the IGA.

e. Discuss Draft Rules and Regulations for PJCOS

After discussion, the Board deferred action on the rules and regulations to the July meeting. They asked Mr. Blodgett to notify Centennial to request that they also delay action until the end of July.

f. Review and Consider Public Records Retention Issues

1. Public Records Act Policy

After discussion, the Board approved the Public Records Act Policy as amended to provide in Section D3, the time frame is 90 days rather than one (1) year.

2. State Archivist Records Retention Schedule

After discussion, the Board approved the Resolution as amended in Section 4 to provide that District records shall be available for public inspection, unless prohibited by the exceptions of Part 2 of Title 24, Article 72 ("Public Records Act").

3. Email Retention Policy

Action was deferred.

Director Cornelsen indicated he would like to review the process utilized by CliftonLarsonAllen for public records retention and retrievals at some point in the future.

Financial  
Items

None.

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### Director's Items

#### a. Discuss Filling Board Vacancy

Director Sheldon noted that there are six candidates for the Board position. Ms. Jessen Gregory is unable to attend the meeting tonight. The Board interviewed Mr. Charles Lennon, Mr. Jacob Howell, Mr. Tim Blum and Mr. Don Leyn. Mr. John R. Fetters III declined to provide any additional information beyond his email letter with his background.

Mr. Kron reported the Board could not discuss the candidates in Executive Session. Mr. Leyn noted that if all the candidates agreed to leave the room, the Board could then discuss their qualifications in Open Session. The Board concurred. The candidates left the room.

Once the candidates returned, the Board decided that Mr. Leyn and Mr. Lennon were the most qualified individuals at this time. The Board indicated they would meet separately with these two finalists prior to and at the July 17<sup>th</sup> Board meeting before making a decision on the appointment. The Board thanked all of the candidates for their interest in the position, and asked that they remain involved in District activities to the extent possible.

Mr. Blum asked that he be placed on the District's email list for the monthly Board meeting agendas. The Board also discussed the possibility of posting the District Board meeting packet on its website in the future.

Mr. Pettway and Mr. Lennon suggested that the Board provide an email newsletter in the future so that residents can review information about the District. The Board also noted that the kiosk could contain information about the District.

#### b. Review and Consider Agreement with Grimshaw & Harring as General Counsel

After discussion, the Board approved the agreement with Grimshaw & Harring to serve as general counsel for the District.

#### c. Discuss Security Camera Proposal for PJCOS – Norm Sheldon

Mr. Sheldon reported he will bring a proposal to the District at the next Board meeting. Director Waldron indicated he would like to consider other proposals before making a final decision.

#### d. Discuss Board Packet Organization

Director Cornelsen reported he is working with Mr. Mendisco and Ms. Brandenburger regarding the Board packet. Mr. Mendisco reported that future packets will have all the pages numbered with Table of Contents so

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that the packet can be followed electronically or as a hard copy by the Board.

### e. Maintenance of HOA Facilities – Norm Sheldon

Director Sheldon asked if HOA's would consider allowing the District to maintain their detention ponds in the future.

It was noted that SEMSWA will also assist with the detention pond maintenance if the HOA does not perform the work.

### f. Status of August 4<sup>th</sup> PJCOS Grand Opening – Planning Committee Report

Mr. Mendisco reported Ms. Parmelly from Arapahoe County contacted him that afternoon indicating Commissioner Sharpe is available for the August 4<sup>th</sup> Grand Opening. Director Sheldon asked Mr. Blodgett to confirm this with Ms. Sharpe on Tuesday.

#### 1. Discuss PJCOS Dedication Plaque Sign Options

After discussion, the Board approved a plaque to be placed on a sheared boulder near the kiosk. The plaque would contain the names recommended by the City of Centennial. Mr. Mendisco will coordinate this for completion prior to the Grand Opening on August 4<sup>th</sup>.

### g. Discuss Proposed 5K Event

No discussion, as Centennial is taking the lead on this event.

### Manager's Items

#### a. Centennial's Request to Participate in August 11<sup>th</sup> "Celebrate Centennial Under the Stars"

The Board decided not to participate this year.

#### b. Other

The Board decided that listing the names of individual Directors making motions and seconding motions was no longer necessary in the Board minutes. Mr. Kron confirmed this is not a legal requirement.

Director Cornelsen asked that the May 15<sup>th</sup> and May 29<sup>th</sup> minutes also be amended to include his disclosure as a residential homeowner and his address.

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## Other Business

## a. Confirm Quorum for the July 17, 2012 Board Meeting

The Board confirmed a quorum for the July 17<sup>th</sup> meeting. The Board decided to change the August 21<sup>st</sup> meeting to either August 23<sup>rd</sup> or August 28<sup>th</sup>. Director Waldron will consult his calendar and let Mr. Blodgett and the Board know.

## b. Other

None.

## Adjournment

The Board adjourned the meeting at 9:22 p.m.

  
Secretary for the Meeting