

RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
PARKER JORDAN METROPOLITAN DISTRICT
HELD
AUGUST 28, 2012**

A special meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on August 28, 2012 at 5:00 p.m. at CliftonLarsonAllen LLP, located at 8390 E. Crescent Parkway, Suite 500, Greenwood Village, CO 80111.

Attendance

In attendance were Directors:

Norman A. Sheldon
Mike Cornelsen
Bill Lamberton
Clint Waldron
Cal Lennon

Also in attendance were:

Bob Blodgett and Kevin Collins; CliftonLarsonAllen LLP
Rick Kron; Spencer Fane & Grimshaw
John Fetters, III; MPIC
Susan Brown; Valerian LLC
David Goldberg; Alberta Development Partners, LLC
Dan Sheldon; United Development Companies, LLC
Shaiam Birashk; Security Surveillance Systems
Sarah Craig; 7774 S. Kittredge Lane
*Amy Welch; 16243 E. Otero
*Katie Murray; 7970 S. Kittredge Way
Tina Monari; 77265 S. Joplin Court
Robyn Levine; 7762 S. Jasper Street
*David Seca; 7990 S. Kittredge Way
*Suzana Skrabo; 16203 E. Otero
*Tamara Hoefler; 7972 S. Kittredge Way
Laura Hoepfner; City of Centennial
*27 Acre PJCOS Survey Committee

Call to Order

Director Sheldon called the meeting to order at 5:00 p.m.

Pledge of
Allegiance

Mr. Blodgett led the Board and audience in the pledge of allegiance.

RECORD OF PROCEEDINGS

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, 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.

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

Director Lennon indicated he would submit his disclosure statement to Mr. Kron.

Consideration of Agenda

The Board approved the Agenda as submitted.

RECORD OF PROCEEDINGS

Public Comment

Mrs. Craig said she lives adjacent to the 27 acre open space parcel. She would like to keep the parcel open space. She does not want a lot of activity outside of her window immediately adjacent to her property.

Director Sheldon thanked her for her input. He noted that the intent of this planning process is to gather as much feedback as possible from residents adjacent to the open space and others within the District.

One of the other residents stated she also lived adjacent to the open space and shared Ms. Craig's concerns.

CONSENT AGENDA

Director Waldron asked that Item j. –Accept Maintenance Responsibilities Following August 3, 2012 PJCOS Final Acceptance be removed from the Consent Agenda.

Mr. Blodgett reported the July 2012 claims on the Consent Agenda total \$487,977.71. Director's fees total \$566.12.

After additional discussion, the Board approved the Consent Agenda as submitted.

Director Waldron asked that Mr. Blodgett ensure claims have been filed with the insurance company regarding the stolen back flow preventers which are being replaced by Emerald Isle.

Upon a motion duly made by Director Waldron, seconded by Director Lamberton, and upon vote unanimously carried, the Board approved the Consent Agenda with the exception of Item j.

- a. Approve Minutes of the July 17, 2012 Special Board Meeting
- b. Accept August 15, 2012 Cash Position Report
- c. Approve July 31, 2012 Financial Statements
- d. Approve July 2012 Claims Totaling &TBD and Directors' Fees Totaling \$TBD
- e. Ratify Check No. 1440 to Peter Webb Public Relations in the Amount of \$6,540.17
- f. CCBWG Update (August 17 meeting canceled)
- g. Ratify Approval of PJCOS Irrigation Easement with ACWWA
- h. Accept 2011 Low Water Crossing Grant Report to Arapahoe County
- i. Approve Change Order No. 4 with Fiore & Sons for Various Out of Scope Items - \$1,427.07
- k. Information Items

RECORD OF PROCEEDINGS

DISCUSSION AGENDA

PJCOS Stream
Restoration and
Open Space
Reclamation
Amenity Work

a. Project Status – Dan Sheldon

Mr. Sheldon reported that the final acceptance was provided to Fiore as of August 3rd. Pase continues to install the wetland stakes. They are installing approximately 5,000 per day; 35,000 are needed. The kiosk is working as of August 18th. Two checks to Boyd regarding kiosk payments are being held to ensure the kiosk works continually for 30 days before final payment is made.

Director Sheldon noted the kiosk surface is splotted with water marks from rain or irrigation water blowing into it. He asked that this be reviewed. Emerald Isle will check the surface and clean it when they are out performing routine maintenance.

Mr. Sheldon reported the Low Water Crossing Project is also complete. He is installing the required Arapahoe County Open Space Grant Fund sign this week.

He reported Fiore has not provided the required builders risk insurance policy. Mr. Kron will respond to their letter indicating this is a contract requirement and it continues throughout the one year warranty bond.

Mr. Sheldon reported Fiore indicated they will provide the District a proposed settlement offer for a portion of their denied NOI's some time in September. The Board stated they would probably have a special Board meeting to consider this letter and information once it is received. Mr. Sheldon reported Fiore is hiring one or two expert engineers to present information regarding the difficulty to construct certain parts of the plans and specifications that led to their NOI's.

Mr. Sheldon reported that Change Order No. 5 will be presented at the September meeting to provide a credit for approximately \$45,000 for the one year warranty weed and vegetation maintenance within the limits of the construction area. This work will be assumed by the District through a direct contract with Emerald Isle.

Mr. Sheldon reported that at the request of the Dove Valley Metropolitan District he met with Solera Design. Solera asked if the District would consider funding a portion of the future Happy Canyon Trail on the west side of Jordan Road that extends west of the new ACWWA Water Reclamation Facility to the Arapahoe/Douglas County line.

RECORD OF PROCEEDINGS

Mr. Sheldon reported that Special District Management Services will be sending a letter to the District in the future asking the Board to consider this request. The Board stated they would review the letter when received.

b. Discuss Security Camera Proposal – Norm Sheldon

Shaian Birashk discussed his proposal from Security Surveillance Systems. Director Sheldon reported the cost is approximately \$7,000.00 each for eight cameras within PJCOS, and two cameras that Tagawa may want to purchase.

Director Sheldon reported there have also been two other proposals for security cameras made to the District. Mr. Kron reported the District has governmental immunity and there is not a responsibility for the District to place security cameras within the open space.

The Board noted that the cameras would be a deterrent for criminal activity since they would not be reviewed in real time but tapes could be reviewed later after an incident occurred and complaints were filed with the District, the City or the Sherriff's office. Mr. John Fetters, III recommended the Board consider security guards or off duty police instead. Mr. Sheldon reported the security guards utilized during the Fiore project were \$380.00 per day for an eight hour day. Off duty police would be significantly higher since they are licensed police officers.

After additional discussion, the Board tabled action on the security camera proposals to the September Board meeting.

27 Acre Open
Space Planning
Grant

a. August 1st Public Meeting Results – Susan Brown

Ms. Brown reported on the meeting results and presented preliminary concept plans for the future of the open space tract. Residents in the audience indicated concern about the active nature of the use of the property. If this is to be done it should be adequately screened among the trees and as far from the adjacent homes as possible. There is also concern about whether a public parking lot was necessary within the open space tract. Ms. Brown noted that without a parking lot there is the potential of cars parking on the street in front of the homes within South Creek.

The Board expressed concern about the few responses on the survey. The Board stated the survey should have been more comprehensive in nature and placed on the District's website so it was easily accessible and completed. Several residents in attendance volunteered to help with development of a future survey.

RECORD OF PROCEEDINGS

Director Sheldon expressed his preference to send letters to all of the residents within the District or communicate through the ACWWA water bills the status of the project and the request for input into the future design.

- b. Consider Approval of Agreement with Valerian LLC for Planning Work

Deferred.

- c. Discuss Natural Playgrounds Company Concepts

Mr. Blodgett and Director Sheldon reported they had a lengthy conference call with Mr. Ethan King, President of Natural Playgrounds Company this afternoon. Their company does have an interest in assisting the District in reviewing the open space design project. They are available within the next two weeks to have an on-site visit. After discussion, the Board decided to delay a meeting with Natural Playgrounds Company at this time.

- d. Next Steps

The Board expressed concern about the number of projects the Board is currently addressing in addition to the 2013 budget, CORA issues and other coordination issues with the City, County and adjacent property owners. After discussion, the Board decided to place the project on hold indefinitely. They asked that this information be communicated to the HOA's by letter and residents by way of the ACWWA water bill. The Board asked that the District request an extension of up to one year from Arapahoe County on this planning grant project. The Board decided they would revisit the planning grant at the end of the year or in spring of 2013 when their workload allowed it.

Ladera Connection
Update

Mr. Blodgett will contact Mr. Duncan and request an update and forward that to the Board.

Other Capital
Projects

- a. Shops at South Creek Potential Future Infrastructure Reimbursement Request – Dan Sheldon, David Goldberg

Mr. Sheldon and Mr. Goldberg reported to the Board they jointly own five acres at the northeast corner of Broncos Parkway and Jordan Road. They are planning a retail project. There is also some multi-family interest in the property. They anticipate approximately \$250,000 of off site improvements that may be eligible for District reimbursement. They are working to finalize the site plan and contracts with prospective pads for

RECORD OF PROCEEDINGS

development at this site. They have a copy of the District's Developer Reimbursement Policy. They anticipate approaching the District in the future with a potential infrastructure reimbursement request. The Board thanked them for their report.

Legal

a. Executive Session – Legal Advice

Upon a motion duly made by Director Lamberton, seconded by Director Waldron, the Board adjourned into executive session at 7:05 p.m. per §24-6-402-4(b)(e) to receive advice from the attorney on legal issues and instruct negotiators.

Upon a motion duly made by Director Waldron, seconded by Director Lamberton, the Board adjourned out of executive session at 8:00 p.m.

The Board directed Mr. Kron to draft a response to Mrs. Alderman's August 15th letter regarding the MPIC easements and offer the District's engineer, most likely J3, to meet MPIC at the trail and provide for the installation of sleeves for the potential future water lines underneath the Regional Trail. The Board also asked Mr. Kron to brief Mrs. Alderman on the designated representative issues and request that MPIC complete the necessary forms so that John Fetters, III is the legally designated representative for MPIC in the future.

b. CORA Lawsuit Update

Mr. Kron reported the Court of Appeals has provided information to the District and MPIC regarding dates for briefs for the appeals court case.

Mr. Kron reported the District received another CORA request today at approximately 4:00 p.m. regarding requested information on the May 2012 District election and candidates. The District will be collecting this information from its files and those of SDMS, the Designated Election Official for the election.

c. Approve Rules and Regulations for PJCOS

The Board deferred these since the City of Centennial has not yet adopted their ordinance regarding permitted and prohibited activities within PJCOS.

d. Discuss Email Retention Policy

Director Waldron recommended this be deferred to the next meeting so that he may discuss with Mr. Kron. The board concurred.

RECORD OF PROCEEDINGS

e. MPIC Easement Issues

Previously discussed.

f. Review and Approve Amended Developer Reimbursement Policy

Director Waldron recommended this be deferred so he may review it and discuss with Mr. Kron. The Board concurred.

Financial

a. Discuss Arapahoe County 2 Mill Levy IGA

Mr. Blodgett reported he spoke with Mr. Carter who indicated it was unlikely Arapahoe County would change their previous position that the 2 mill annual payment needs to continue through the term of the agreement in approximately 2027. Arapahoe County Attorney Jack Bush indicated that the note was agreed upon by the developers of the property in 1988 because of the need to provide a funding source for the Arapahoe Recreation District, which would operate and maintain the future Cherry Creek Valley Ecological Park and other County parks.

Mr. Carter is going to discuss this issue with Commissioner Sharp and confirm the County's position.

b. Review August 25, 2012 Preliminary Assessed Value for 2013 Budget

Mr. Collins distributed copies of the preliminary assessed value for the 2012 budget collection and the resulting operating and debt service revenues with the new assessed value. The District's operating assessed value increased from approximately \$61,000,000 to \$62,000,000 and the value of Cornerstar, the excluded property in the District, increased from approximately \$28,100,000 to \$28,300,000.

Director's Items

a. Library Services Within PJMD – Norm Sheldon

Director Sheldon noted that the Arapahoe Library District will begin book mobile services from 10:00 a.m. to 12:00 p.m. twice a month in October, November and December at the Broncos Parkway Trailhead. He asked Mr. Blodgett to confirm with the Library District that this is not every Saturday and is only every other Saturday prior to placing this information in the ACWWA bill and on the website for resident's information.

b. Other

None.

RECORD OF PROCEEDINGS

Manager's Items

a. Other

Mr. Blodgett asked if the District would consider purchasing iPads for use by the Board members on District business. This will save a considerable amount of copying costs and time putting together Board packets. The Board concurred. The Board authorized the purchase of iPad tablets for the use by the Board members. Directors Sheldon and Waldron will be on the committee to work with CLA regarding the selection of the iPads, service provider and service plans.

Other Business

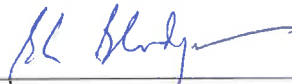
a. Other Business

Director Cornelson reported that there is an unsafe condition for pedestrians at the southeast and northeast corner of Jordan Road and Broncos Parkway when a pedestrian is attempting to cross the street. There is not a crosswalk or signal to clearly allow pedestrians to cross at this busy intersection. Mr. Blodgett will contact Arapahoe County and Centennial to determine which entity owns the street and is responsible, convey the concerns and request that they contact Director Cornelson to discuss.

Adjournment

The Board confirmed the Tuesday, September 18th 5:00 p.m. regular board meeting. They also noted there may be a special meeting in September to consider future information from Fiore regarding requests for payment on previously rejected NOI's.

Upon a motion duly made by Director Cornelson, seconded by Director Waldron, and upon vote unanimously carried, the Board adjourned the meeting at 9:05 p.m.



Secretary for the Meeting