

RECORD OF PROCEEDINGS

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**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
PARKER JORDAN METROPOLITAN DISTRICT  
HELD  
March 19, 2013**

A regular meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on March 19, 2013 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  
Bill Lamberton  
Clint Waldron  
Cal Lennon  
Mike Cornelsen (left at 7:00 p.m.)

Also in attendance were:

Bob Blodgett, Mat Mendisco, Rachelle Meyer and Kevin Collins;  
CliftonLarsonAllen LLP  
Rick Kron; Spencer Fane & Grimshaw LLP  
Ron Lambert; Mulhern MRE  
Susan Brown; Valerian LLC  
Kevin Pettaway; 16253 E. Otero Avenue  
Laura Hoepfner; City of Centennial

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, following which each Board member confirmed the contents of any written disclosure previously made of record, 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. His son, Dan Sheldon, owns a minority interest in South Creek Investors, LLC and Director Sheldon has no financial interest therein. Director Sheldon is adding his wife as an owner of property 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. He is a director and owns a minority interest in Emerald Isle Landscaping, LLC, and family members have additional interests therein. Director Lamberton reported he is a co-signer on an equipment loan for Emerald Isle Landscaping, LLC. 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 Southcreek Subdivision. His home backs up to the 27-Acre Open Space. A written disclosure of his interests was filed with the Secretary of State prior to the meeting.

Director Lennon reported that he had disclosed his interest as the owner of a home on E. Phillips Drive within the District. A written disclosure of his interests was filed with the Secretary of State prior to the meeting.

Consideration  
of Agenda

There were no changes to the agenda.

Public  
Comment

There were no public comments.

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### CONSENT AGENDA

Director Waldron recommended a change to the March 4, 2013 Special Meeting Planning Workshop minutes. The Board concurred. Director Waldron stated that the Board should have been informed regarding the consulting work by Mr. Webb prior to it being performed. Other Board members noted they spent a brief amount of time discussing the recent open records act request issues with Mr. Webb. The Board noted that his bill did not provide a listing of the number of hours and the hourly rate of work performed.

Director Lamberton disclosed his potential conflict concerning Emerald Isle as noted above. Mr. Kron recommended that the Emerald Isle claim be removed from the Consent Agenda so Director Lamberton could abstain from voting on this item.

Director Waldron asked that Item G, Engineer's Certification on Cornerstar Metropolitan District Infrastructure also be removed. He has previously reported a potential conflict due to his work as general counsel for the Cornerstar Metropolitan District.

Upon a motion duly made, seconded by a unanimous vote, the Board approved the Consent Agenda with the removal of the Emerald Isle claim and the Cornerstar Metropolitan District infrastructure certification. The Board noted they were approving the claim by Webb PR subject to receipt of the number of hours and hourly rate for the work performed, and review and approval by Mr. Blodgett prior to release of the check.

- a. Review and Approve Minutes of the March 4, 2013 Special Meeting Planning Workshop
- b. Review and Approve Minutes of the January 15, 2013 Regular Meeting
- c. Review and Accept December 31, 2012 Financial Statements
- d. Review and Accept March 19, 2013 Cash Position Report
- e. Review and Approve January and February 2013 Claims Totaling \$86,070.88 and Director's Fees Totaling \$461.75 except as noted above.
- f. Accept 2012 Expenditure Report by Contractor and Fund
- g. Information Items

After discussion, upon a motion duly made, seconded, and a unanimous vote, the Board approved the Webb PR claim subject to Mr. Blodgett's review and approval.

Following further discussion, on a motion duly made, seconded, and unanimously approved, the Emerald Isle claims were approved with no comments made by, and an abstention by Director Lamberton.

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Mr. Kron reported that the Notary signature and seal is not complete on the Cornerstar Metropolitan District infrastructure certification. He recommended the item be deferred to the April meeting. The Board concurred. Mr. Lambert will work with Mr. Collins and Cornerstar to secure the revised certification.

### DISCUSSION ITEMS

Ms. Brown presented the Board with an award from the American Public Works Association for the PJCOS kiosk completed in 2012. The Board thanked Ms. Brown for her work on this project.

Ms. Brown also reported that Arapahoe County indicated to her that they would prefer that the District Board consider funding the Creek Quest Amenity Project at the Cherry Creek Valley Ecological Park prior to funding crusher fine trails adjacent to the concrete trail. She noted the Creek Quest Project is \$119,000 total cost. There is presently an approximate \$30,000 shortfall. The Board asked that Ms. Brown send a sketch plan and/or color renderings of the project to the Board for review.

#### Capital Projects

##### a. Ladera Connection

Mr. Mendisco provided an update on this project in Mr. Duncan's absence. J3 Engineering is recommending that the District proceed with the preliminary design submittal to Arapahoe County. Director Lamberton noted Mr. Poole had some concerns about the design. The Board decided to proceed noting that Mr. Duncan has met with the County and received preliminary approval for the revised design of the trail with landings to accommodate ADA users.

#### Legal

##### a. CORA Lawsuit Update – April 3, 2013, 1:30 p.m. Oral Argument at Court of Appeals

Mr. Kron stated the Oral Argument is scheduled for April 3<sup>rd</sup> at 1:30 p.m. at the Court of Appeals. If Board members would like to attend to observe, they should contact Mr. Bronesky. Director Waldron noted that the recording of the hearing is available later for those who cannot attend.

##### b. Status of Rules and Regulations for PJCOS

The Board discussed the draft Rules and Regulations. It was noted that the City of Centennial (COC) City Manager needs to approve the revised draft. The Rules and Regulations of the District provide for the methods by which permitted activities are allowed within PJCOS. The COC has passed an ordinance listing prohibited activities in PJCOS.

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Director Waldron noted that the District's Rules & Regulations should not duplicate or overlap with those of the City Ordinance.

Mr. Mendisco reported there is a Fun Run planned for March 23<sup>rd</sup> and March 30<sup>th</sup> that is free to those that participate. The applicant has indicated there will be no signs, tables or furniture of any type. The intent is to leave no trace. The applicant will only be bringing cones to clearly mark the trail route.

The Board discussed the potential application fees, deposits and insurance requirements.

After discussion, upon a motion duly made, seconded by a unanimous vote, the Board approved Sections 1-5 in the draft Rules and Regulations, including a minimum of 75 participants in an event before the applicant must provide insurance, effective April 1, 2013. Mr. Kron will revise the Rules and Regulations and they will be provided to the COC for review and approval. A further update will be provided at the April Board meeting.

### Financial

#### a. Discuss Base Budget – Kevin Collins and Cal Lennon

Mr. Collins provided a copy of the Base Budget draft to Director Lennon for review. Director Lennon asked that copies be provided to the entire Board for review prior to the next Board meeting.

#### b. Discuss Additional Internal Controls – Kevin Collins and Michael Cornelsen

Director Cornelsen reported he has asked Mr. Mendisco to prepare a draft of responsibilities of the various district consultants for inclusion in a future RFP with exhibits seeking competitive proposals for district consulting services. Mr. Blodgett noted his office has sent Director Cornelsen copies of all of the current consulting agreements along with their scope of services. The Board asked that these be placed in Dropbox for Board review. Director Cornelsen also reported he has discussed with CLA additional internal controls, conflicts of interest disclosures and related parties issues. Mr. Kron has provided him a draft resolution for future discussion.

Action was tabled to the April meeting.

#### c. December 31, 2012 Financial Statements

Mr. Collins reviewed these with the Board. After discussion, the Board asked that Mr. Collins prepare a brief report comparing the original

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PJCOS streambed construction and amenities budget with the final costs for each. They noted there may be more fluctuations in the soft costs than the hard costs. Mr. Collins noted the budget has been amended several times. Mr. Blodgett indicated the summary of the status of the projects provided to Arapahoe County in 2012 may be indicative of the results. Mr. Collins will prepare this report for the April Board meeting.

### Director's Items

- a. March 4<sup>th</sup> Work Session Update and Continuation of Items 3 Through 12

This item was deferred to the April Board meeting.

Director Cornelsen discussed the advisability of a draft Procurement and Purchasing Policy. He indicated the COC has such a policy. Mr. Mendisco will contact the City and Arapahoe County to obtain copies of their purchasing policies for future review by the Board.

- b. Meeting with Red Hawk Ridge Elementary School

Director Waldron expressed concern that the entire Board was not aware of the February 4<sup>th</sup> letter requesting a meeting with Red Hawk Ridge when it was sent. He asked that the Board be informed at the time of the letter request in the future. Mr. Blodgett reported that the Principal indicated he could meet towards the mid – end of April. After discussion, it was determined that Director Sheldon and Director Lennon will meet with the Principal and discuss mutual projects and issues for the District and School.

- c. Discuss Security Cameras in PJCOS

Director Sheldon expressed concern about recent assaults on public trails in other parts of the metropolitan area. He asked the Board to reconsider providing security cameras within PJCOS. The Board expressed concern about the effectiveness of such cameras given the expense. It is not clear if there will be a reliable image of an individual committing a crime after dark when viewed on the tape.

Director Waldron suggested the Board might want to consider cameras in the Broncos Parkway Trailhead parking lot. After discussion, action was tabled to a future Board meeting.

- d. Confirm Quorum for Next Meeting

A quorum was confirmed for the April Board meeting.

### Manager's

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Items a. Confirm Attendance for City of Centennial State of the City Address Event on April 11<sup>th</sup>

Directors Sheldon, Cornelsen, Lennon and Waldron can attend. Mr. Blodgett will coordinate the remaining seats with the other consultants.

b. March 30<sup>th</sup> Special Event Request at PJCOS

Previously discussed.

c. 2013 Insurance Update

Mr. Mendisco reported the SDA Property and Liability Pool has agreed to extend the coverage for the District by three days to July 17<sup>th</sup> so that there is a complete overlap for the 182 day period with the District's private carrier, the Public Entity Pak.

d. Other

Director Sheldon noted he received an email from SDA Director, Ann Terry regarding an April 17<sup>th</sup> media training luncheon meeting. He indicated he will be attending. After discussion, the Board decided to invite Ms. Goetz to the next Board meeting to provide the training for all the Board members. Mr. Blodgett will contact her to determine her availability and rates.

Director Waldron asked that the t-posts in the MPIC easement across PJCOS be removed. He asked that staff contact MPIC to request their removal. They are a potential safety hazard. The Board also asked that the District obtain quotes from contractors who can construct the District's needed irrigation line across the MPIC easement to irrigate the District's trees along the east side of the concrete trail south of the easement.

Other Business No other business.

Adjournment Upon a motion duly made, seconded and unanimously approved, the Board adjourned the meeting at 8:00 p.m.

  
Secretary for the Meeting