

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 24, 2013**

A special meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on September 24, 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  
Don Leyn  
Kevin Pettway

Also in attendance were:

Bob Blodgett and Kevin Collins; CliftonLarsonAllen LLP  
Rick Kron; Spencer Fane & Grimshaw LLP  
Ron Lambert; Mulhern MRE  
Craig Karn; Consilium Design  
Cynthia Kiyotake; Arapahoe Library District

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

Pledge of Allegiance Ms. Kiyotake 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.

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

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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 Leyn reported that he owns a 50% interest in Universal Lighting Systems, LLC and owns a residence in the District. A written disclosure of his interests was filed with the Secretary of State prior to the meeting.

Director Pettway reported that he is a homeowner in the Southcreek Subdivision within the District and is a member of the Board of the Southcreek Master HOA. A written disclosure of his interests was filed with the Secretary of State prior to the meeting.

### Consideration of Agenda

The Board approved adding a bookmobile update to the agenda. Upon a motion duly made, seconded, and by a unanimous vote, the Board approved the agenda as amended.

### Public Comment

Ms. Kiyotake reported the attendance at the bookmobile stop every other Saturday at Broncos Parkway has not improved. They are averaging only 10 participants every two weeks. The service will be discontinued on December 31, 2013. The Arapahoe Library District is evaluating the option of relocating the bookmobile to the Courtney Downs apartments parking lot on the north side of Broncos Parkway west of Cherry Creek. This could occur in 2014. She will let the District know within the next month or so. Director Sheldon asked that this information be included in the ACWWA billing newsletter mailing before the end of the year.

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### CONSENT AGENDA

- a. Review and Approve Minutes of the August 20, 2013 Regular Meeting
- b. Review and Accept August 31, 2013 Financial Statements and September 24, 2013 Cash Position Report
- c. Review and Approve August 2013 Claims Totaling \$55,099.14 and Director's Fees Totaling \$461.75
- d. Ratify Check No. 1776 to ARS Totaling \$1,375.10

Mr. Blodgett reported that check number 1799 to Arapahoe County Open Space for \$3,500 may be voided. These fees for the Ladera Connection were paid at the August meeting. There were no additional fees as a result of the approval of the project at the September 10<sup>th</sup> Board of County Commissioners meeting.

The Board discussed check number 1793 to Performance Engineering for \$1,700. After discussion, the Board denied payment of this bill due to the lateness of the submittal, lack of explanation of why it was late and the lack of detailed explanation for the work done.

The Board also asked Mr. Blodgett to clarify with Ms. Brown one of her time sheet entries related to work at Cherry Creek Valley Ecological Park for weed management. This would not be a district expense. It would only be a district expense if it were intended to be in PJCOS. Director Waldron asked Mr. Blodgett to continue to make efforts to be as efficient as possible related to management fees for district work.

After discussion, and upon a motion duly made, seconded, and by unanimous vote, the Board approved the Consent Agenda as amended by the deletion of the claims noted above. The Board asked Mr. Blodgett to review the \$67.50 charge on Ms. Brown's bill before releasing her check.

### DISCUSSION AGENDA

#### Capital Projects

- a. Red Hawk Ridge Elementary School Playground Improvement Project
  1. Discuss IGA with Cherry Creek School District for Playground Construction Funding by PJMD

Mr. Kron reported that he has not received any feedback from the Cherry Creek School District by Mr. Hawbacker or Mr. Wurdeman.

Director Sheldon asked Mr. Kron to contact the school district to see if there is any additional information needed regarding the IGA.

2. Schedule

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Mr. Karn reported he has completed 90% drawings for design for the playground. Director Sheldon expressed an interest in reviewing the drawings tomorrow. Mr. Karn recommended a meeting between the school principal, facilities superintendent and Board members to discuss the design. The IGA can also be discussed at this meeting.

After discussion, the Board authorized Mr. Karn to set a meeting with Mr. Wurdeman, Mr. Hawbaker, Directors Sheldon and Waldron to further discuss the project. If Directors Sheldon or Waldron are unavailable, other Board members will be contacted to attend instead.

### b. 27 Open Space Planning Grant

#### 1. Review Revised Sketch Plan

Mr. Karn did not have a sketch plan for the meeting. He recommended that an ecologist, engineer and his firm work together to prepare the necessary design and restoration information for the Open Space tract related to the whimsical drainage patterns being restored.

After discussion, the Board asked Mr. Karn to outline the responsibilities of the ecologist, the engineer and his firm to complete this project, and bring it to the October Board meeting.

#### 2. Schedule

Not discussed.

### c. Status of CCVEP Creekside Quest Project Needed Funding - PJMD (\$21,000) and City of Centennial (\$21,000)

Mr. Blodgett reported that Mr. Carter at Arapahoe County has approved a \$21,000 match contingent on the Parker Jordan Metropolitan District providing \$21,000 match to complete the \$42,000 shortfall of this project. Director Sheldon reported Mr. Blodgett contacted Mayor Noon to see if the City would be willing to pay \$10,500 of the \$21,000 contribution for the District. Mayor Noon indicated she did not believe this lesser amount would change the City's prior decision.

After discussion, and upon a motion duly made, seconded, and by unanimous vote, the Board agreed to match the Arapahoe County contribution of \$21,000 with \$21,000 from the District, and authorized Director Sheldon to send a letter to Mr. Carter indicating so, the motion was contingent on a sign being provided at the site indicating Parker Jordan Metropolitan District's contribution.

### d. Ladera Connection Update

#### 1. Review Proposals for Construction

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Mr. Lambert updated the Board on the status of the project. He indicated the Board of County Commissioners approved the fee reduction schedule at their September 10<sup>th</sup> meeting. All fees have now been received for the project. Ladera has signed the easement agreement, as well as the District. It has been submitted to Arapahoe County for approval. There was some discussion regarding the ability of the HOA management company to represent approval for all of the homeowners for the easement. Mr. Kron will review.

Mr. Lambert indicated the engineer's estimate has been revised from \$22,500 previously to \$34,000 by J3 Engineering. Mr. Lambert concurs with this estimate. The only bid to date is \$54,600 by Chavez Construction. They are quoting quite a bit more cost for the concrete trail due to the difficulty in getting a concrete truck into the worksite and the sloped nature of the trail to be constructed. The Board asked Mr. Lambert to obtain additional bids for the October Board meeting. They also asked him to contact Mr. Carter ensure the District can begin the project as soon as possible. Mr. Blodgett will send the easements to Mr. Lambert and Mr. Kron.

### 2. Schedule

Not discussed.

#### e. Accept PJCOS Maintenance Trail Designation

##### 1. Review and Consider Emerald Isle Bid on Crusher Fines for Trail - \$9,833

Mr. Lambert reviewed the bid with the Board. This will convert the social trail to a maintenance trail for approximately 328 feet on the west side of PJCOS. After discussion, upon a motion duly made, seconded, and unanimously carried, the Board accepted the bid for the crusher fines trail in the amount of \$9,833 contingent on communication from Mr. McCarty at SEMSWA that the grading of the trail is acceptable. Director Lamberton did not participate and abstained.

### Legal

#### a. \*Executive Session (if necessary)

Mr. Kron reported that the deadline for MPIC filing an appeal of the District Court decision to the Supreme Court is Thursday, September 26<sup>th</sup>. In addition, the Judge has not yet issued its mandate concerning the fees awarded to the District to be paid by MPIC. This could happen anytime in the future.

### Financial

#### a. Review and Consider Approval of Emerald Isle Landscaping, Inc. August Invoice - \$11,793.67

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Upon a motion duly made, seconded, and by a unanimous vote, the Board approved the Emerald Isle August invoice. Director Lamberton did not participate and abstained.

- b. Review and Consider Approval of United Development Company August Invoice - \$2,263.44

Upon a motion duly made, seconded, and unanimously carried, the Board approved the payment of the United Development Company August invoice in the amount of \$2,263.44. Director Sheldon did not participate and abstained.

- c. Consider Approval of a Check to Director Sheldon for Reimbursement Expenses Totaling \$65.15

Upon a motion duly made, seconded, and unanimously carried, the Board approved the reimbursement payment to Director Sheldon in the amount of \$65.15. Director Sheldon did not participate and abstained.

### Director's Items

- a. SDA Conference – September 18-20, Keystone

Board members reported the conference was valuable as an educational and informational session for the Board.

- b. Website Issues –Don Leyn
  1. Hosting
  2. Email Addresses

Director Leyn recommended that the hosting with Fatcow and email addresses remain as are for the moment.

- c. Confirm Quorum for Next Meeting – October 15, 2013 at 5:00 p.m.

Mr. Leyn reported he will be absent at the October 15<sup>th</sup> Board meeting. The Board confirmed a quorum.

- d. Run for the Watershed

Director Waldron recommended the Board support the PJMD team's effort for the September 28<sup>th</sup> Run for the Watershed. He recommend the Board approve registration fees for team members in the amount of \$25 per member with 10 members, a total of \$250. The Board unanimously approved Director Waldron's request. Mr. Blodgett will register them.

- e. Other

Director Sheldon reported he recently had a meeting with Mr. Atkin regarding the future use of non potable water within the District.

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Director Sheldon asked if the District's current Conflict of Interest Policy was an adequate ethical guideline for the Board. He recently discussed this issue with Kathy Novak, former Mayor of Northglenn at the SDA conference. He asked Mr. Blodgett to send her a copy of the current Conflict of Interest Policy to review.

After discussion, the Board asked that the Conflict of Interest Policy be placed on the October 15<sup>th</sup> agenda for discussion by the Board.

### Manager's Items

#### a. PJCOS Flood Damage

Mr. Lambert reviewed the flood damage with the Board. Mr. Blodgett reported that amenity damage will be covered subject to a \$500 deductible. Director Sheldon reported he authorized Emerald Isle to make emergency repairs to the crusher fine trail and clean up to the concrete trail at the end of last week. No cost estimate is yet available.

Upon a motion duly made, seconded, and unanimously approved, the Board ratified Director Sheldon's authorization. Director Lamberton did not participate or vote on the motion.

#### b. Kiosk Repair

Director Sheldon reported that the digital recorder was not working when it was removed following the vandalism. He asked Mr. Blodgett to review with Mr. Kron and file a claim against Boyd or other entities for the recorder's failure to operate.

Mr. Blodgett reported that the kiosk screen has been vandalized. He is awaiting a repair quote from Boyd to repair the screen.

The Board authorized Mr. Collins to transfer necessary funds to the PJCOS Maintenance Fund for budgeted and unanticipated costs of PJCOS repairs for 2013. The Board also authorized Mr. Collins to bill the City of Centennial for its \$45,000 share in 2013.

#### c. 2014 Budget Process

Mr. Blodgett reported the following:

1. August 25 – Preliminary 2014 AV
2. September 24 – Discuss 2014 Draft Budget
3. October 15 – 2014 Draft Budget Presented to the Board
4. October 15 – Board Meeting to Discuss Draft Budget
5. November 19 – Public Hearing to Review and Approve 2014 Budget

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The Board approved the budget process. The Board decided to have a budget discussion from 7:00 – 8:00 p.m. during the October 15<sup>th</sup> Board meeting.

d. Website Update

No report.

e. Referrals

None.

f. Consider Approval of Youth Corp Grant Application to GOCO - \$TBD (Deadline September 27)

After discussion, upon a motion duly made, seconded, and unanimously carried, the Board approved the application for \$5,850 to GOCO with a contribution by the District of \$1,500 in chemicals.

g. CCBWG – September 20, 2013 Meeting Results

Director Sheldon reviewed the results of this meeting. He distributed copies of the Dove Valley Trails initiative report and maps which were discussed at the meeting.

Other Business

Director Sheldon recommended the Board participate in a holiday dinner. The Board concurred. The Board tentatively decided on Del Frisco's. Mr. Blodgett's office will coordinate with the Board and consultants for December 2, 3, 4, 5, 9, 10 or 11<sup>th</sup>.

The Board discussed the kiosk camera proposal in the amount of \$7,800 from Denver Protection Services. After discussion, the Board tabled further discussion until the October 15<sup>th</sup> meeting. Director Leyn asked that the Sheriff's office provide input on the cameras prior to moving forward. Director Waldron asked if night vision on the cameras is needed so they are useful after dark. Director Sheldon will discuss with Denver Protection Services.

Adjournment

Upon a motion duly made, seconded, and unanimously carried, the Board adjourned the meeting at 8:55 p.m.

  
Secretary for the Meeting