

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
PARKER JORDAN METROPOLITAN DISTRICT
HELD
April 15, 2014**

A regular meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on April 15, 2014 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, Matt Mendisco and Kevin Collins; CliftonLarsonAllen LLP
Rick Kron; Spencer Britt & Browne LLP
Ron Lambert; Mulhern MRE
John McCarty; SEMSWA
Jeff Wohlfarth; Consilium Design (via telephone)
Mark Hoover; 16451 E. Phillips Dr., Englewood, CO 80112

Call to Order

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

Pledge of
Allegiance

Mr. Mendisco 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 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.

Director Lamberton reported he is moving a new company into his building within the District. Mr. Kron will work with him regarding the necessary future disclosures.

Consideration
of Agenda

Upon a motion duly made, seconded, and upon a vote, unanimously carried, the Board approved the Agenda as submitted.

Public
Comment

None.

CONSENT AGENDA

The Board decided to review the March 31, 2014 Financial Statements in the Financial section of the Discussion Agenda.

Mr. Blodgett reported the current claims total \$36,420.52 and Directors' Fees are \$461.75. Director Leyn and the Board had several questions regarding the Four Winds Interactive software fee and license agreement. After discussion, the Board tabled the approval of the agreement and asked Mr. Kron to review the agreement and provide options and recommendations to be reviewed at the May Board meeting.

After further discussion, upon a motion duly made, seconded, and upon vote unanimously carried, the Board approved the Consent Agenda as modified.

- a. Review and Approve Minutes of the March 11, 2014 Continued Regular Meeting
- b. Accept April 15, 2014 Cash Position Report
- c. Approve Current 2014 Claims Totaling \$36420.52 and Directors' Fees Totaling \$461.75
- d. Approve 2014 PJCOS Monitoring Service Scope with ERO – \$2,800

DISCUSSION AGENDA

Capital Projects

- a. Discuss Tract A Detention Pond Adjacent to Savannah Condominiums – John McCarty, SEMSWA

Mr. Blodgett summarized the recent meeting between Director Sheldon, Mr. McCarty, Mr. Lambert, Mr. Harmon and he regarding the pond and various options. Mr. McCarty proposed that SEMSWA would own the pond and maintain the storm drainage structure and pipes, if the District would accept the pond for routine maintenance (trash, weeds, mowing). Mr. McCarty reported that the pond was required with the widening of Jordan Road in 2003. It accommodates the drainage from Jordan Road and future development west of Jordan Road. However, none of the property on the east side of Jordan Road in the District drains into this pond.

The Board discussed the present legal ownership of the pond. Mr. Kron noted that it may well be a bankrupt entity. If there is no entity to maintain it, the County will probably place a tax or other lien on the property and they will eventually own it themselves. At this point, it may or may not be transferred to SEMSWA.

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After additional discussion, the Board thanked Mr. McCarty for his research on this issue and tabled any action at this time. Mr. McCarty also stated SEMSWA would table any action, and perhaps both entities could review the issue again in the future.

b. 27 Acre Open Space Planning Grant

Mr. Mendisco reported the final accounting would be prepared for the May Board meeting. Mr. Collins noted that at the present time approximately \$29,000 of the \$50,000 grant will be returned to Arapahoe County.

1. Status of Maintenance Options for Cherry Creek Corridor (CCVEP, PJCOS 17 Mile House and Aurora Open Space) – Results of April 10th Meeting

Mr. Blodgett reported that Mr. Carter of Arapahoe County Open Space, Mr. Brasel of Centennial Redevelopment, Mr. Barrett, the Aurora Park and Open Space Director along with his assistant, and Directors Sheldon and Waldron met to discuss the idea that Arapahoe County would provide basic maintenance to include snow removal, landscape maintenance and weed and trash control along the Open Space in the Cherry Creek Corridor from Arapahoe Road to the Arapahoe/Douglas County line. Arapahoe County is receptive to the concept. Mr. Carter will need to meet with the County Commissioners. Each entity would pay for their share of the costs.

Capital projects might be completed by Arapahoe County or each entity may have the option to complete these with their own contractors. Mr. Carter will discuss with the Commissioners and report back to the group in the near future.

c. Red Hawk Ridge Elementary School Playground Improvement Project

1. Status of Design
2. Construction Schedule

Mr. Wohlfarth reported the project is on schedule. He recently sent 50% construction plans to Mr. Mendisco. The current schedule calls for bidding the project at the end of June with completion at the end of August.

d. Ladera Trail Construction Status – Ron Lambert

Mr. Lambert reported the trail concrete was poured in the last two weeks. The mulch and seeding will be done this week. It is presently open for use by the public.

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e. Other

Mr. Lambert reported he contacted SEMSWA and will send them a letter regarding the status of the PJCOS Open Space restoration, and will be able to obtain the \$41,000 security returned to the District.

PJCOS
Maintenance
Items

a. Discuss Work Order for Two Additional Pet Waste Stations –
Emerald Isle Landscaping - \$2,284

The Board reviewed the bid for the two additional pet waste stations from Emerald Isle Landscaping. Another bid was received from Valley Crest Landscaping at a slightly lower amount. Director Sheldon recommended that the two additional waste stations be on the west side of the 27 acre parcel, since presently there aren't any. After discussion, on a motion duly made, seconded, and approved (Director Lamberton not participating or voting), the Board decided to provide one pet waste station on the southern end of the 27 acre parcel in the amount of \$950 with Emerald Isle Landscaping.

b. Discuss Work Order for Deep Root Fertilization and Watering –
Emerald Isle Landscaping - \$3,985

Mr. Mendisco reviewed this work order with the Board. He also reported he reviewed Emerald Isle's work order request for replacement of 26 trees at the cost of \$13,500. The Board expressed concern about the trees that have died along Cherry Creek Trail, and whether replacement trees would live. After discussion, the Board tabled action on the work orders for deep root fertilization and watering and replacement trees until Emerald Isle could walk the property with Tagawa and receive their comments and recommendations.

c. PJCOS Dog Leash Signs

The Board reviewed the options provided by Mr. Brasel of the City of Centennial. After discussion, the Board selected the brown background sign. Five signs will be placed along the Cherry Creek Trail on the east side of PJCOS, and two signs will be placed in the 27 acres on the west side of PJCOS for a total of seven signs. Mr. Mendisco will inform Mr. Brasel.

Legal

a. May 6, 2014 Directors' Election

Mr. Kron reported the mail ballots have been sent to electors in the District.

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- b. *Executive Session (if necessary)

Not needed.

Financial

- a. Review and Consider Approval of Emerald Isle Landscaping, Inc. March Invoices

Upon a motion duly made, seconded, and upon vote, unanimously carried, the Board approved the March invoices submitted by Emerald Isle Landscaping in the amount of \$6,554.50. Director Lamberton did not participate and abstained.

- b. Review and Consider Approval of Reimbursement to Director Sheldon

None this month.

- c. Facility Fee Schedule Update

Mr. Mendisco reported he spoke with the attorney for the Healthcare Plaza regarding the District's facility fees. He reported they sent him a 2008 Annexation Agreement with the City of Aurora which called for exclusion from the Parker Jordan Metropolitan District. That request was never made to the District.

Mr. Kron reported that the property can request exclusion from the District. Following a public hearing process, for the exclusion to occur, the District Board would have to agree with this request. However, there is another statute that provides that the property owner may request the City of Aurora's assistance in forcing the exclusion from the District if the City verifies it can provide comparable services to the property. In any event, the facility fee would be due to the District, and if excluded by the Board or at the request of the City of Aurora, the Debt Service mill levy would continue to be paid by the property until the debt is retired.

Mr. Mendisco reported the initial fee letter was sent on February 28th. He has now sent a subsequent certified mail letter since the fee is delinquent after 30 days. The Board tabled any action until the May Board meeting on this issue.

Mr. Blodgett reported CLA will work with the District engineer to verify the District boundaries to ensure there are no other parcels that should be on the District's map such as this one.

- d. Accept March 31, 2014 Financial Statement)

Mr. Collins reviewed with the Board. After discussion, the Board accepted the March 31, 2014 Financial Statements.

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Director's Items

a. Discuss Newsletter

After discussion, the Board tabled action on the newsletter indefinitely.

b. Website/Email Update – Director Leyn

Director Leyn reported he needs to work on this project. The new website should be up in the next quarter. He asked for a count on the usage of the existing site. CLA will obtain from Mr. Nearing.

c. State of the City Table Attendees Confirmation

Mr. Leyn reported he can now attend this event also. Ms. Meyer from CLA will attend. The table is now full.

d. Confirm Quorum for Next Meeting – May 20, 2014 at 5:00 p.m.

The Board confirmed a quorum for the May 20, 2014 meeting.

Director Sheldon recommended that a special lunch meeting workshop be held with the Board between May 6th and May 20th if new Board members are elected. This will be discussed after the election results are final. Director Leyn reported he could only meet on May 8th or 9th if a special meeting occurs.

Manager's Items

a. SDA Conference Panel Regarding CORA Lawsuit

Mr. Blodgett reported Mr. Ruhland submitted a recommended discussion on the lawsuit consisting of a panel with Director Waldron, Mr. Bronesky and Mr. Blodgett. SDA has not yet selected the panels for the conference.

Mr. Kron reported there is a Bill in the Legislature that may pass which establishes a law that the first hour of research on Open Records Requests is free and any additional time is \$30 per hour. This would have the effect of changing some of the Judge's rulings in the District's lawsuit.

b. Discuss Parker Radio Association PJCOS Permit Request – June 27-29, 2014

Director Sheldon reported they contacted him regarding this event. It will be June 27-29. They have requested overnight parking at the Broncos Parkway Trailhead. That request has been sent to Mr. Carter at Arapahoe County Open Space for review and approval.

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Mr. Mendisco reported he is sending them the District's Rules and Regulations to follow.

Upon a motion duly made, seconded, and upon a vote unanimously carried, the Board approved the issuance of a use permit in PJCOS for the Parker Radio Association for June 27-29, 2014.

c. Referrals


None.

Other
Business

Directors Sheldon and Waldron indicated they will attend the April 18th CCBWG meeting at Arapahoe County Open Space. Mr. Blodgett will also attend.

Adjournment

Upon a motion duly made, seconded, and upon vote, unanimously carried, the meeting adjourned at 8:00 p.m.


Secretary for the Meeting