

RECORD OF PROCEEDINGS

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

A regular meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on September 18, 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
Bill Lamberton
Clint Waldron
Cal Lennon

Also in attendance were:

Bob Blodgett and Kevin Collins; CliftonLarsonAllen LLP
Rick Kron; Spencer Fane & Grimshaw
Josh Duncan; J3 Engineering
Allen Thurman, Kevin Crehan and Don Casper; Dove Valley
Metropolitan District
Dan Sheldon; United Development Companies, LLC
Laura Hoepfner; City of Centennial
Gene Commander; Polsinelli Shughart PC (via telephone)
John R. Feters III; MPIC

Call to Order

Director Sheldon called the meeting to order at 5:00 p.m.
The Board excused the absence of Director Cornelsen.

Pledge of
Allegiance

Mr. Sheldon 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, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be

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

Consideration
of Agenda

Mr. Blodgett recommended removal of Item 12A, purchase of tablets for paperless Board packets since the Board Committee had reviewed this issue and agreed to proceed with IPAD's.

The Board concurred.

Public
Comment

None.

CONSENT AGENDA

Mr. Blodgett reported the claims had been revised to a total of \$168,696.31 and Director's fees have been revised to \$377.38 to reflect the absence of Director Cornelsen. Mr. Blodgett reported that CliftonLarsonAllen LLP District management fees have been reduced to a competitive rate as in past months.

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The Board unanimously approved the Consent Agenda as amended.

- a. Review and Approve Minutes of the August 28, 2012 Special Board Meeting
- b. Review and Accept September 15, 2012 Cash Position Report
- c. Review and Accept August 31, 2012 Financial Statements
- d. Review and Approve August 2012 Claims Totaling \$168,696.31 and Director's Fees Totaling \$377.38 Represented by Check Numbers 1480 Through 1506
- e. Information Items

DISCUSSION AGENDA

PJCOS Stream
Restoration and
Open Space
Reclamation
Amenity Work

- a. Executive Session

Upon a motion duly made and seconded the Board unanimously voted to go into Executive Session at 5:15 p.m. pursuant to C.R.S. §24-6-402(4)(b) for attorney/client privilege to discuss PJCOS Fiore legal questions on contractual matters. Since it is attorney/client privilege, as stated on the record and attested by Attorney Commander, the Executive Session was not recorded.

By a unanimous vote, the Board adjourned out of Executive Session at 6:05 p.m. No action was taken.

- b. Final Completion Update – Dan Sheldon

Mr. Sheldon reviewed his September 13th update report with the Board. He reported that Fiore has not completed their requirement to provide as built to the District engineer. The final completion certificate has not yet been provided to Fiore. Final completion of the project was furnished on August 3rd, the day before the Grand Opening on August 4th.

- c. Discuss Change Order No. 5 to the Fiore Contract for Assignment of PJCOS Maintenance Responsibilities to PJMD and Other Items

Deferred.

- d. Discuss Consolidated PJCOS Maintenance Contract with Emerald Isle Landscaping - \$6,423

The Board approved the bid price of \$534 for the maintenance of the newly installed secondary trails and adjacent pathways, trashcan liners and

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pet waste stations. The remaining vegetation maintenance continues with Fiore under their one year warranty.

e. Status of Ladera Connection – Josh Duncan

Mr. Duncan distributed copies of the September 17th report to the Board regarding the status of the connection. He reported that Arapahoe County has agreed to maintain the future concrete trails. Arapahoe County has mixed opinions regarding the construction of the crusher fine social trail as a part of the project. He will further discuss this with Arapahoe County staff, prior to going to design documents.

After discussion, the Board unanimously authorized J3 Engineering to move ahead on the preliminary design documents for the Ladera Connection. Mr. Duncan reported the total cost of design and construction is estimated at \$44,000.

Director Sheldon asked Mr. Sheldon the estimated construction management cost. Mr. Sheldon indicated probably less than \$2,000. Mr. Kron reported this project does not have to be formally bid since it is under \$60,000 construction cost.

f. Discuss Security Camera Proposals – Norm Sheldon

Deferred.

g. Status of ACWWA Irrigation Easement

Mr. Kron reported that Mr. Bronesky informed him that ACWWA has agreed to a partial assignment of its water and sewer easement to the District which consists of an easement across the northern MPIC easement, stopping at the northern edge of the southern MPIC easement.

After discussion, the Board unanimously approved the Resolution and document approving the partial assignment of the ACWWA water and sewer easement.

h. Kiosk Items

Mr. Sheldon provided an update on the stepstool so that children can reach the touch screen.

After discussion, the Board approved a committee consisting of Board members Cornelsen and Lennon to work with Mr. Sheldon in finalizing the design for the stepstool.

The Board asked that Mr. Blodgett contact Mr. Nearing and ensure that the touch screen is updated with current information. The Grand Opening

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information may be removed. Information on current District projects and the 27-Acre Open Space Planning Project need to be placed on the home screen as soon as possible. The Board also noted the future trail connection on the touch screen has now been completed.

i. East Nichols Avenue Access to PJCOS

Mr. Sheldon reported the HOA approved bollards being installed to prevent vehicular access of the Nichols access to PJCOS. Mr. Sheldon has proceeded with the installation of the bollards.

27 Acre Open
Space Planning
Grant

a. Status of Committee Survey

After discussion, the Board decided to continue with the 27-Acre Open Space Project hold for the time being.

Mr. Blodgett reported Valerian LLC has notified involved residents and HOA's of this decision.

Other Capital
Projects

a. DVMD Request for Happy Canyon Creek Trail Assistance West of Jordan Road

Mr. Kevin Crehan reported that there is a section of Happy Canyon Creek Trail west of Jordan Road between the ACWWA facility and the Arapahoe/Douglas County line which is not completed. If this trail can be completed, there will be a continuous route on the E-470 trail to the Cherry Creek Trail in the Parker Jordan District. The Dove Valley Metropolitan District (DVMD) is reviewing this trail as well as other connections for future completion. They believe this Happy Canyon Creek Trail section can be constructed for a cost of \$60,000-\$100,000. They are seeking other partners. The Board expressed an interest in participating in the trail in the future. They encouraged DVMD to continue to seek other partners for the project. A future Arapahoe County Open Space grant for funding is also a possibility.

Director Waldron asked if DVMD had reviewed the master plan summary of trails prepared by Arapahoe County in 2011 in conjunction with the open space sales tax election vote. He indicated it is on the Arapahoe County website.

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b. Street Lights on Jordan Road (East Side)

The Board did not express support for moving this project forward at this time.

c. Broncos Parkway/Jamison Road Intersection – Future Traffic Signal

Mr. Sheldon reported this project has been fully funded with funds provided to Arapahoe County. The owners of the property at the northeast corner of Jordan Road and Broncos Parkway have commissioned a traffic study to determine if the signal is warranted at the present time.

Legal

a. Executive Session – Legal Advice

Previously done.

b. CORA Lawsuit Update

Mr. Kron reported that Mr. Bronesky is working on a Brief that is due October 4th to the Court of Appeals.

c. Status of Rules and Regulations for PJCOS (October 1, 2012 Public Hearing by Centennial on PCOS Ordinance)

Deferred.

d. MPIC Easement Issues

Mr. Kron reported there has been no response to his August 31st letter.

e. Fiore Builders Risk Insurance Policy

Mr. Kron will send a letter to the Fiore attorneys regarding the necessity of the builders risk insurance policy during the one year warranty period.

f. CORA Election Information Request

Mr. Kron reported this information was provided to the MPIC attorneys by Mr. Bronesky.

Financial

Director Sheldon asked about available Capital Project Funds for 2013. Mr. Collins estimated a range of \$300,000-\$600,00 depending on the final completion of a number of projects underway including the Fiore contract.

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Director's Items

a. Purchase of Tablets for Paperless Board Packets

Item removed from the Agenda.

b. Other

Director Sheldon reported the Board would need to adopt a policy regarding the purchase of IPAD's from Board members once they leave the Board. Mr. Blodgett is reviewing policies from surrounding cities regarding the use of IPAD's and tablets at Board and City Council meetings. Mr. Collins reported that CSAFE provides for a five year depreciation so that after three years, a retiring Board member would pay 40% of the cost to retain the device.

Mr. Fetters III distributed two letters to the Board. The first letter was signed by the Fetters' family members and removes Susie Fetters as the designated representative under the 2009 Purchase Agreement. It designated John Fetters III as the official designated representative.

Mr. Fetters distributed a September 18th letter to the Board asking that Director Sheldon and Mr. Dan Sheldon be removed as designated representatives under the Purchase Agreement. Director Sheldon and Mr. Sheldon concurred.

After discussion, the Board agreed to remove Director Sheldon and Mr. Dan Sheldon as designated representatives under the MPIC Purchase Agreement. Mr. Blodgett will continue as a designated representative.

The Board asked Mr. Kron to review the Purchase Agreement and determine what the timeframe is to retain the designated representative communication format since the PJCOS improvements are now completed.

Manager's Items

a. 2013 Budget Schedule

1. Draft Budget – October 16th Meeting
2. Public Hearing and Approval – November 20th Meeting
3. Budget Committee

Mr. Blodgett recommended the Board have a Budget Committee and/or a Budget Session with the entire Board to work on the 2013 Draft Budget.

The Board stated a preference for meeting on a Monday or Tuesday during lunch for two hours prior to the October 16th Board meeting. Mr. Blodgett will coordinate calendars to find a date and time that will work for a special budget workshop meeting.

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b. Confirm Quorum for Next Meeting – October 16, 2012 at 5:00 pm

Not discussed.

c. Other

Mr. Blodgett reported the Annual Rally for the Watershed is Saturday, October 6th. It is sponsored by the Cherry Creek Stewardship Partners, Arapahoe County and other entities in the watershed. He asked that Board members inform him if the District would like to have a team this year.

Mr. Blodgett reported the information about the bookmobile schedule for October through December was published in the Cottonwood Newsletter. Unfortunately, the dates were incorrect. The information will be re-published in the Cottonwood Newsletter at the end of September.

The Board reviewed a letter to be inserted into the ACWWA newsletter at the end of September regarding bookmobile dates and location, and the 27-Acre Open Space planning delay. The Board approved the letter and authorized the insert.

Other Business

a. Other Business

None.

Adjournment

Upon a motion duly made by Director Lennon, seconded by Director Waldron, and upon vote unanimously carried, the Board adjourned the meeting at 7:45 p.m.


Secretary for the Meeting



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September 28, 2012

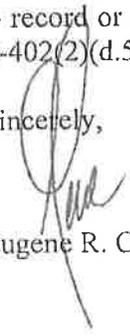
Board of Directors
Parker Jordan Metropolitan District
c/o Bob Blodgett, Manager
CliftonLarsonAllen LLP
8390 East Crescent Parkway, Suite 500
Greenwood Village, CO 80111

Re: Opinion Concerning Executive Session held September 18, 2012

Members of the Board:

In my opinion, the executive session that occurred during the Board meeting that I attended by phone on September 18, 2012, was properly announced and was a privileged attorney-client communication. Therefore, no record or electronic recording of the executive session was required, pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Sincerely,



Eugene R. Commander

ERC:jmp

cc: Norman F. "Rick" Kron

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In California, Polsinelli Shughart LLP.