

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
PARKER JORDAN METROPOLITAN DISTRICT  
HELD  
January 15, 2013**

A regular meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on January 15, 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 (via phone)  
Clint Waldron  
Cal Lennon  
Mike Cornelsen

Also in attendance were:

Bob Blodgett, Mat Mendisco and Kevin Collins; CliftonLarsonAllen LLP  
Rick Kron; Spencer Fane & Grimshaw LLP  
Cynthia Kiyotake; Arapahoe Library  
Mark Carlson; T. Charles Wilson Insurance  
Allen Thurman; Dove Valley Metropolitan District  
Kevin Crehan; Solara Designs

Call to Order

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

Pledge of  
Allegiance

Mr. Thurman 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. 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. 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. He stated his home backs up to the 27-Acre Open Space. His address is 16161 E. Otero Avenue. 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 the home at 16224 E. Phillips Drive within the District. A written disclosure of his interests was filed with the Secretary of State prior to the meeting.

Director Sheldon noted that a quorum was present for the meeting.

Consideration  
of Agenda

Mr. Blodgett recommended the addition of the November 30 Financial Statements. The Board concurred.

The Board approved the agenda as amended.

Public  
Comment

Following Director Sheldon's request for comments, no public comments were made.

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### CONSENT AGENDA

After discussion, upon a motion made and seconded by a unanimous vote, the Board approved the Consent Agenda.

Director Waldron asked for an explanation regarding the 84,000 gallons of water used in the District during November. It seems that irrigation is shut off and water usage should not be this high. The Board noted that perhaps it was winter watering. Mr. Blodgett will request an explanation from Emerald Isle.

- a. Review and Approve Minutes of the December 18, 2012 Regular Board Meeting
- b. Review and Approve Minutes of the December 17, 2012 Special Meeting Work Session
- c. Review and Accept January 14, 2013 Cash Position Report
- d. Ratify Approval of Pay Application No. 16 Totaling \$200,000 to Fiore & Sons Represented by Check Number 1587
- e. Ratify Approval of Settlement Agreement with Fiore & Sons, Inc. Regarding PJCOS Contract Including Future Retainage Payment
- f. Review and Approve December 2012 Claims Totaling \$81,958.84 and Directors Fees for \$461.75
- g. Ratify agreement with ERO for Required PJCOS Permit Monitoring Report - \$3,100
- h. Accept PJCOS 27 Acre Planning Grant Status Report to Arapahoe County
- i. Ratify COA Stormwater Quality Discharge Permit Extension
- j. Accept No Known Loss Letter to SDA Property & Liability Pool
- k. Accept Information on Sub Districts and Overlay Distracts
- l. Information Items

### DISCUSSION AGENDA

Arapahoe  
Library District

Ms. Kiyotake provided bookmarks to the Board which indicated the Broncos Parkway Trailhead bookmobile dates during 2013. She also distributed copies of the Arapahoe Library District's January programs brochure. She thanked the Board for their support and encouragement for the bookmobile at the Broncos Parkway Trailhead. She indicated attendance during the fall of 2012 ranged from 0-16. Attendance is very weather dependent. The Arapahoe Library District recognizes that attendance will be low until word gets around regarding the schedule and availability for the bookmobile.

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Director Sheldon asked Mr. Blodgett to confirm that the 2013 bookmobile schedule is on the kiosk. Mr. Blodgett indicated that the schedule is on the District website.

PJCOS Stream  
Restoration and  
Open Space  
Reclamation  
Amenity Work

a. Status of Retainage Payment to Fiore & Sons, Inc.

Mr. Kron reported that the District and Fiore will exchange joint checks to subcontractors and lien waivers on Monday January 21 at 1 p.m. at the District office. This is the earliest date the retainage checks may be released following the advertising of final payment.

b. Discuss Change Order No. 52 Regarding COA SWMP Damage Repairs \$3,232.56

Mr. Blodgett recommended this be deferred to the February meeting. He indicated Mr. Sheldon is reviewing the present PJCOS maintenance contract and warranty information to determine whether the District is responsible for these repairs or Fiore.

c. \*Executive Session – Legal Advise (If Necessary)

Upon a motion made and seconded by a unanimous vote, the Board went into Executive Session at 5:15 p.m. per section §24-6-402(4)(e) to receive legal advice and instruct negotiators concerning insurance contracts.

Upon a motion made and seconded by a unanimous vote, the Board adjourned out of Executive Session at 5:50 p.m.

After discussion, upon a motion made and seconded by a unanimous vote, the Board approved membership in the SDA pool with a binding agreement effective January 16, 2013. The Board also directed Mr. Carlson to obtain a quote from the District's current carrier, Public Entity Pak, to extend the coverage to 183 days past January 16. The present coverage expires approximately July 1, 2013. It will be extended for another 2-3 weeks. The District will have an overlap in insurance coverage through July 2013.

The Board thanked Mr. Carlson for his assistance in analyzing the District's insurance needs and obtaining membership back into the SDA Property and Liability Pool.

Mr. Carlson explained the pool coverages are at least as broad as or broader than the present coverages.

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d. Other

None.

Other Capital  
Projects

a. Discussion and Possible Action Regarding Request from DVMD  
Regarding Trail Participation – Kevin Crehan, Solara Designs

Mr. Crehan and Mr. Thurman presented information regarding the DVMD Trail initiative. They reviewed their highest priority projects with the Board. Mr. Crehan reported that DVMD is requesting District participation in one-half of the required match for the necessary link in the Happy Canyon Trail. The total estimated cost of the trail connection is \$120,000. The required 25% match for an Arapahoe County Open Space Grant is \$30,000. Mr. Crehan requested the PJMD pay \$15,000 and Dove Valley will pay \$15,000. The Board concurred.

After discussion, upon a motion made and seconded by a unanimous vote, the Board voted to support the Happy Canyon Trail connection grant application by Dove Valley Metropolitan District and contribute \$15,000 as one-half of the required match. Mr. Crehan will draft a letter of support for the project and the match and provide to Mr. Blodgett for his review. Mr. Thurman noted that the motion should include reference to the project fitting into a regional trail plan. The Board concurred.

Mr. Thurman further stated Dove Valley has a street and transportation initiative which they are reviewing with Arapahoe County and Centennial. They will be meeting with the District again in the future to request support and possible participation. The primary goal is to extend Broncos Parkway across Easter and Havana and rename this entire stretch east of I-25 as Broncos Parkway all the way to Parker Road. Dove Valley believes this will provide greater identity and access for the Dove Valley-Parker Jordan area for future economic development.

b. Ladera Connection

The Board reviewed Mr. Duncan's memorandum and report regarding the current status of the trail and expressed concern about a 10% grade on the trail connection since it would not be ADA accessible. The Board asked Mr. Blodgett to contact Mr. Duncan and request that he confer with Arapahoe engineers and look at other possible options and solutions to build the connection at an ADA accessible grade. Funding opportunities from Arapahoe County should also be discussed.

The Board deferred action until the February board meeting.

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c. Other

None.

Legal

a. CORA Lawsuit Update

Mr. Kron reported the lawsuit is still scheduled to be heard by the Court of Appeals in the spring of 2013. No specific date has yet been set.

b. Status of Rules and Regulations for PJCOS

Mr. Mendisco is providing modifications to the draft. This should be available for the February Board meeting for review.

c. ACWWA Board

Mr. Kron reported commissioner Nancy Sharpe has been appointed to the ACWWA Board. She will now be serving with Commissioner Bockenfeld on the Board.

Financial

a. Discuss Possible 2012 Budget Amendment

Mr. Collins reported a budget amendment is required for 2012 for the Debt Service Fund and Capital Projects Fund. Mr. Blodgett will determine whether this has been advertised at a prior meeting or needs advertisement at the February Board meeting.

b. November 30, 2012 Financial Statements

Not discussed.

c. Other

Director Cornelsen asked that the total expenditures by consultants/contractors for the District in the 2012 by fund be prepared for the February Board meeting. Mr. Collins will do so.

Director's Items

a. Set Meeting Date for Goals, Objectives and Priorities Discussion

After discussion, the Board decided to hold a special workshop to discuss the subjects on Monday, March 4 at 11:30 a.m. to 1:30 p.m. at the District office.

b. Confirm Quorum for Next Meeting – February 19, 2013 at 5:00 p.m.

A quorum was confirmed for the meeting. Director Sheldon will be unavailable for this meeting, but will call in to the Board meeting.

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c. Other

Director Lennon requested an Executive Session to discuss the recent settlement with Fiore regarding their PJCOS contract.

Upon a motion made and seconded by a unanimous vote, the Board went into Executive Session at 7:20 p.m. per section §24-6-402(4)(b) to receive advise from their attorney regarding the Fiore settlement.

The Board adjourned out of Executive Session at 7:55 p.m. The Board expressed some concerns that the District paid the entire amount of the settlement and other consultants who were involved in the project did not participate. No action was taken by the Board.

Director Cornelsen stated he attended the first session of the SDA Leadership Academy this week. He is attending this all year on behalf of the Board. He reported Mr. Brian Vogt, Executive Director of the Denver Botanical Garden, and Mr. Tom Clark, Executive Vice President of the Metropolitan Denver Chamber of Commerce, were the speakers. Both were excellent.

Manager's Items

a. DVMD Request for Information on Surrounding Districts

Mr. Blodgett reported Mr. Greg Armstrong, DVMD Director, is requesting information on taxes, budgets, projects and developable area from Districts surrounding DVMD. He will compile this information and meet with the District, city and county regarding improving the economic development competitiveness of this area east of Centennial Airport. He will probably attend a future Board meeting.

b. Discuss Tail Coverage Requirement by SDA Property and Liability Pool - \$TBD, Mark Carlson

Mr. Carlson reported this is not available from the SDA Pool or the present carrier.

c. Approve SDA Property and Liability Pool Terms of Coverage for 2013 Policy

Previously discussed.

d. Other

Mr. Blodgett recommended approval of a letter from the Board to Mr. Sheldon commending him on his proposed settlement of the Fiore contract which was accepted by Fiore. The Board unanimously agreed to sign the letter.

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e. Other

Mr. Blodgett noted Mr. Collins has completed preparation of the eligible infrastructure expenditures by the Cornerstar Metropolitan District for acceptance by the Parker Jordan District. This sets the maximum amount for future facility fee reimbursements to be paid to Alberta Partners. Mr. Collins has certified approximately \$10 million of eligible expenditures. Mr. Blodgett will place this on the February Board meeting Consent Agenda for approval.

Other Business

a. Other Business

Director Sheldon reviewed a video of the landscaping on the east side of Jordan Road, from Arapahoe Road to the Douglas-Arapahoe County line with the Board. He recommended this area be considered for a future District infrastructure project, as the landscaping is spotty and inconsistent. The Board thanked Director Sheldon for his time in preparing this video from his vehicle as he drove the length of Jordan Road.

Adjournment

Upon unanimous motion, the Board adjourned the meeting at 8:00 p.m.

  

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Secretary for the Meeting