

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
PARKER JORDAN METROPOLITAN DISTRICT  
HELD  
AUGUST 20, 2013**

A regular meeting of the Board of Directors (the "Board") of the Parker Jordan Metropolitan District (the "District") was held on August 20, 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, Rachele King & Kevin Collins; CliftonLarsonAllen LLP  
Rick Kron; Spencer Fane & Grimshaw LLP  
Ron Lambert; Mulhern MRE  
Craig Karn; Consilium Design  
Chad Clavel and Dan Harris; Ladera HOA

Call to Order

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

Pledge of  
Allegiance

Ms. King 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

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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.

Consideration  
of Agenda

The Board added a discussion of the Reserve Study for the District assets to the agenda. Upon a motion duly made, seconded, and by a unanimous vote, the Board approved the agenda as modified.

Public  
Comment

There were no comments.

**CONSENT AGENDA**

- a. Review and Approve Minutes of the August 19, 2013 Continued Regular Meeting and July 16, 2013 Regular Board Meeting
- b. Review and Accept July 31, 2013 Financial Statements and August 20, 2013 Cash Position Report

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- c. Review and Approve July 2013 Claims Totaling \$80,041.59 and Director's Fees Totaling \$923.50
- d. Ratify Check No. 1744 Totaling \$5,000 to National Flood Insurance Program
- e. Approve Agreement with ERO for 2013 Mitigation Monitoring PJCOS Restoration Project \$2,800

Upon a motion duly made, seconded, and by unanimous vote, the Board approved the Consent Agenda as submitted.

### DISCUSSION AGENDA

#### Capital Projects

- a. Reserve Study

Mr. Blodgett distributed copies of the proposals from Tamarack Consulting and Aspen Reserve Specialists. Tamarack Consulting proposed not to exceed \$10,000. Aspen Reserve Specialists proposed \$2,725 for 7 weeks to complete the reserve study.

After discussion, a motion duly made, seconded, and by unanimous vote, the Board approved the agreement with Aspen Reserve Specialists for a reserve study of the District's assets in the amount of \$2,725 for 7 weeks. Mr. Kron will revise the agreement for execution by the Board.

- b. Status of July 30 PJCOS Warranty Walkthrough – Ron Lambert

Mr. Lambert reviewed the Warranty Walkthrough results with the Board. He reported that some additional weed removal is needed. SEMSWA agreed to accept the channel. The vegetation adjacent to the channel has not yet reached 70% completion. It will be reviewed again in the fall for possible acceptance by SEMSWA.

- c. Red Hawk Ridge Elementary School Playground Improvement Project

- 1. Discuss IGA with Cherry Creek School District for Playground Construction Funding by PJMD
- 2. Schedule

Mr. Karn reported he made contact with the school to receive necessary baseline information to begin work on a design. He anticipates the design will be completed in the fall of 2013 and the construction in spring of 2014. Director Sheldon noted that the school district has not agreed to pay SEMSWA maintenance fees. This issue may need to be resolved before the Board can move ahead with the design of the playground. The Board asked Mr. Blodgett to contact Mr. Hawbaker to determine if the school district is supportive of moving ahead with the design and the future construction by the school district funded by Parker Jordan Metropolitan

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District. Mr. Blodgett will inform Mr. Kron, Mr. Karn and the Board of the results of this contact.

d. 27 Open Space Planning Grant

1. Review Preliminary Sketch Plan
2. Schedule

Mr. Karn reviewed his preliminary sketch with the Board. The Board discussed the possibility of a tree fort and logs of different heights and a log sculpture to be placed near the grove of trees. The Board reviewed the goals of the Open Space Grant and also discussed the possibility of simply restoring the site with native vegetation and the original drainage swales in perhaps a “whimsical” manner to promote exploration and discovery by youth and adults.

After discussion, the Board reached a consensus to support restoration of the site with native grasses and the original swale and drainage patterns in a manner that might promote exploration by all. Mr. Karn will proceed in this direction and provide a revised plan of action to the Board within the near future.

The Board noted that the next step will be to review this approach with the City of Centennial.

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

Mr. Blodgett reported that City of Centennial denied their request on a 5 to 4 vote by the City Council. Mr. Blodgett spoke with Mr. Carter. Arapahoe County is considering funding the \$21,000 match. Mr. Carter has asked for recommendation from the Arapahoe County Open Space maintenance staff regarding on-going maintenance costs to the County if the County agrees to fund and own this project. Mr. Carter anticipates a report to the District prior to the September Board meeting.

f. PJCOS Irrigation Line and Sleeves Along Fence Adjacent to MPIC Property

Mr. Lambert reported the irrigation line has been installed across the north easement of MPIC to the trees and shrubs on the east fence line south of the easement.

Mr. Lambert reported the cost to install sleeves through a bore could be anywhere from \$10,000 - \$40,000 depending on the size of the bore and the length.

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After discussion, the Board agreed the most cost effective way to install sleeves in the future would be to cut a section of concrete and simply replace it after the work is done. Mr. Lambert concurred.

### g. Ladera Connection Update

Mr. Lambert reported the project is scheduled for review by the Arapahoe County Commissioners on September 10<sup>th</sup>. The County agreed to waive \$4,000 in fees. SEMSWA agreed to waive \$1,200 in fees. Mr. Lambert recommended proceeding with quotes from contractors to perform the work. The Board concurred. Mr. Lambert will attempt to obtain three bids for the construction work for review to the Board at the September meeting.

Mr. Kron reported he is awaiting feedback from the attorneys at Ladera concerning the easement agreement the District sent. Ladera representatives indicated they would request an update from their attorney and HOA and send that to Mr. Kron. The County also is a party to the easement agreement. This will be considered by the County Commissioners during the process of approving the project.

After discussion, the Board asked Mr. Blodgett to draft a letter for Director Sheldon's signature to Ms. Sharpe asking the County to expedite approval of the project if at all possible so that construction can be done this fall.

### h. Social Trail

The Board reviewed the correspondence from SEMSWA and Ms. Powell regarding a maintenance trail that could become a social trail adjacent to South Creek. After discussion, the Board asked Mr. Blodgett to arrange a meeting with Director Sheldon, Mr. McCarty and himself to discuss this issue. This will be further discussed at the September 24<sup>th</sup> Board meeting.

## Legal

### a. CORA Lawsuit Update

Mr. Kron reported on the results of the District Court of Appeals decision on the CORA lawsuit. He indicated the District was affirmed on all of its positions and the Court reversed one of the decisions of the District Court which had favored MPIC. He reported that attorney fees are not eligible for recovery by the District; however, the Court required that MPIC pay the District approximately \$324 for Court costs.

Director Sheldon recommended that in light of the efforts that the District and MPIC are making to work together cooperatively on projects now, that the District not cash the check and return it to MPIC once received from the Court. The Board concurred.

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### b. Email Communication Between Board Members

Mr. Kron recommended that the best way to avoid the potential allegation of holding an improper electronic public meeting is for information to be sent by Board members to Mr. Blodgett's office for transmittal to the remainder of the Board. Board members should then respond to Mr. Blodgett who can disseminate that information as appropriate. When three or Board members are communicating directly regarding District business, there is a risk that this can be considered a public meeting.

### c. Executive Session (if necessary)

None.

### Financial

#### a. Review and Consider Approval of Emerald Isle Landscaping, Inc. July Invoice - \$18,556.17

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

#### b. Review and Consider Approval of United Development Company July Invoice - \$859.35

Upon a motion duly made, seconded, and unanimously carried, the Board approved the payment of the United Development Company invoice in the amount of \$859.35. Director Sheldon did not participate and abstained.

#### c. Consider Approval of a Check to Director Sheldon for Reimbursement Expenses Totaling \$66.94

Upon a motion duly made, seconded, and unanimously carried, the Board approved the reimbursement payment to Director Sheldon in the amount of \$66.94. Director Sheldon did not participate and abstained.

Director Lamberton reported he would not accept his Director's fee for his telephone attendance at the August 19<sup>th</sup> Special Board meeting. He indicated that since he was late on the call, he did not feel it appropriate to accept. Mr. Blodgett will void the check.

### Director's Items

#### a. 2014 Budget Goal Setting – Results of August 19<sup>th</sup> Workshop

Mr. Collins reported a revised Capital Improvements Budget has been submitted to the Board at tonight's meeting based on the projects tentatively approved at yesterday's workshop. The Board will review.

#### b. SDA Conference – September 18-20, Keystone

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Directors Lamberton, Sheldon and Waldron are attending the conference on behalf of the District. Director Leyn reported that he has a conflict with attending the September 17<sup>th</sup> Board meeting, which is the night before the conference.

After discussion, upon a motion duly made, seconded, and unanimously carried, the Board cancelled the September 17<sup>th</sup> meeting and called a special Board meeting for Tuesday, September 24<sup>th</sup> at 5:00 p.m. at CliftonLarsonAllen LLP, 8390 E. Crescent Pkwy., Suite 500, Greenwood Village, CO 80111.

- c. Review and Consider Approval of Letter Reimbursement for Laptop Purchase for Director Pettway

Tabled indefinitely.

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

Director Leyn reported that he is going to recommend a different email server that can offer IMAP instead of simply POP email services. It may only be \$3.00 a month. He hopes this service can combine email, calendar and other items in one server. It is a slight upgrade to the current system. The Board concurred. Mr. Blodgett will have Mr. Urkoski contact Director Leyn to discuss. Director Leyn will provide the results of his research and recommendations for approval at the September Board meeting.

Director Lamberton reported his iPad is not working. He has reviewed it with Mr. Urkoski. He is going to return it to Micro Center. The Board authorized per District policy \$500 towards a new iPad for Director Lamberton if he upgrades beyond the standard iPad required for the Board.

The Board also asked that Mr. Blodgett's office review the current organization of files and agreements in dropbox and reorganize them to be more easily accessible.

- e. CCBWG Information Regarding Youth Corps and Mile Markers

Director Sheldon discussed the grant opportunity with Go Colorado for pesticide, weed removal and other vegetation work in the Open Space.

After discussion, the Board asked Mr. Blodgett to contact Mr. Cyboron to work on a grant application. The deadline to apply is September 27, 2013. This will be reviewed at the September 24<sup>th</sup> Board meeting.

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f. Confirm Quorum for Next Meeting – September 24, 2013 at 5:00 p.m.

Previously discussed. The September 17<sup>th</sup> meeting was cancelled.

Manager's  
Items

a. Technology Issues

Previously discussed.

b. Website Update

Mr. Blodgett reported he has recently asked Mr. Nearing to update the website with various items. Ms. Brandenburger has coordinated.

d. Referrals

Mr. Blodgett reported it appears the referral for Hadad Enterprises is for expansion of a parking lot and fencing only. Mr. Blodgett will verify with the City of Centennial there is no enclosed construction which would generate a fee to the District.

Other Business

Director Leyn asked that CliftonLarsonAllen scan all invoices to all Directors in the future and add to dropbox.

Director Leyn recommended the Board hold the \$1,700 check to Valerian for work done in 2012 to ensure the work has been done. If so, why is it being billed so late, and is Valerian or the actual contractor the appropriate party to pay?

Adjournment

Upon a motion duly made, seconded, and unanimously carried, the Board adjourned the meeting at 8:05 p.m.



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Secretary for the Meeting