

RECORD OF PROCEEDINGS

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**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
PARK MEADOWS METROPOLITAN DISTRICT  
HELD  
FEBRUARY 28, 2011**

A regular meeting of the Board of Directors (the "Board") of the Park Meadows Metropolitan District (the "District") was held on Monday, February 28, 2011 at 5:00 p.m., at the Lone Tree Civic Center, Council Chambers, 8527 Lone Tree Parkway, Lone Tree, Colorado, 80124.

Attendance: In attendance were Directors:

John Herbolich  
Mark Thomas  
Greg Kelly  
Dale Norblom

Also in attendance were:

Bob Blodgett; R.S. Wells LLC  
Chuck Reid; R.S. Wells LLC  
Matt Bevill; The Brickman Group  
Sharon Van Ramshorst; City of Lone Tree  
John Cotten; TST, Inc. of Denver  
Jack Hidahl; City of Lone Tree  
Rick Solomon; resident

Call to Order Director Herbolich called the meeting to order at 5:00 p.m. Director Pearson was absent and excused.

Declaration of Quorum/Director Qualifications/  
Disclosure Matters A quorum was declared present, all Directors are qualified, and there are no disclosure matters.

Approval of Agenda Upon a motion duly made by Director Herbolich, seconded by Director Kelly and upon vote unanimously carried, the Board approved the agenda as amended below.

Public Comments Mr. Solomon reported that Terra Ridge obtained an approximate 22% savings in water usage during the 2010 irrigation season. The savings will allow Terra

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Ridge to obtain a rebate from Denver Water. They were pleased with the program.

Mr. Solomon agreed to provide a testimonial to the District for their website regarding the water savings obtained.

Director Herbolich asked Mr. Reid to determine with Denver Water if Lone Tree is the first city in the area to obtain water savings through the new Denver Water Rebate Program.

### Legal Services

#### A. Legal Services Agreement Between the District and Icenogle Seaver Pogue, P.C.

Ms. Seaver presented her February 28<sup>th</sup> letter agreement entitled “Legal Services Engagement” to the Board for approval.

Upon a motion duly made by Director Thomas, seconded by Director Herbolich, and upon vote unanimously carried, the Board approved the February 28<sup>th</sup> engagement letter with Icenogle Seaver Pogue, P.C. The Board congratulated and welcomed Ms. Seaver as the District’s new attorney.

### CONSENT AGENDA

Mr. Blodgett reported that the “routine” work orders are all budgeted in the 2011 budget.

Mr. Blodgett reported that under financial, the claim amounts and check numbers will be listed on the agenda for all future Board meetings. He reported that an additional \$1,887.00 is being approved for payment of directors’ fees for the January 24<sup>th</sup>, February 1<sup>st</sup>, February 21<sup>st</sup>, February 25<sup>th</sup> and 28<sup>th</sup> Board meetings.

Mr. Blodgett recommended removal of Item VII C, Joint Capital Projects Coordination Report for separate discussion. The Board concurred.

Mr. Blodgett reported that Item VIII A, the Resolution recognizing Mr. Fazekas’ service can be removed from the agenda as it was approved at the February 25, 2011 Board meeting.

Upon a motion duly made by Director Thomas, seconded by Director Kelly, and upon vote unanimously carried, the Board approved the consent agenda represented by V through VIII as amended, as follows:

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- V. Review and Approve Minutes of the February 21, 2011 Special Meeting, February 1, 2011 Continued Regular Board Meeting and the January 24, 2011 Regular Board Meeting.
  
- VI. Landscape Maintenance/Construction Items
  - A. Accept February Landscape Maintenance Report
  - B. Approve Budgeted Work Orders
    - 1. Topdress Wood Mulch In Medians - \$19,895.00
    - 2. Topdress Tree Rings in Turf Areas - \$9,915.00
    - 3. Add Gypsum Application to Soil - \$1,150.00
  
- VII Financial Items
  - A. Approve February 25, 2011 Cash Position
  - B. Approve January Claims
  - C. Accept Joint Capital Projects Coordination Report (Removed)
  - D. Approve Year End Transfer from General Fund to Capital Projects Fund.
  
- VIII Manager Items
  - A. (Removed) Review and Approve Resolution Recognizing Mr. Fazekas' 17 Years of Service as Attorney for the District
  - B. February 22<sup>nd</sup> Joint Capital Projects Meetings with the City of Lone Tree (moved to Discussion Agenda IX)
  - C. Other

Mr. Blodgett distributed copies of a summary of the February 22<sup>nd</sup> Joint Capital Projects Meeting. Mr. Kelly asked that an agenda be prepared for future meetings. The Board asked that the date and time be set with the City of Lone Tree for the May, August and November meetings as soon as possible. Mr. Blodgett reported a joint meeting between the Board and the City Council is planned for June or July, prior to the City of Lone Tree initiating their 2012 budget process.

Director Thomas reported that the City of Lone Tree is not supportive of the new pedestrian lights on the north side of Timberline between Lone Tree Parkway and the Highlands Ranch boundary.

The remainder of discussion on the Capital Projects Coordination Meeting was deferred to the Discussion Agenda.

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## DISCUSSION AGENDA

### IX Construction Project Items

#### A. Lone Tree./PMMD Cooperative Project Design and Construction Projects – John Cotten

1. Under Construction  
None

2. Under Design

- a. Pedestrian Lights on South Side of Lincoln (Yosemite to Highlands Ranch Boundary) Mr. Cotten reported the City approved the order for the lights at a recent City Council meeting. The lights are planned to be installed in the summer of 2011.

Mr. Cotten also reported that two lights at the intersection of Lone Tree Parkway and Lincoln (Lone Tree Parkway south where it intersects with Lincoln east of Lone Tree Parkway) were changed to overhead street lights to increase the amount of light available at this intersection. The Board concurred.

3. Under Study

- a. Proposed Multi-Modal Overpass at Yosemite/C470

The possible Yosemite/C470 overpass was discussed at the Joint Capital Projects Meeting. There are many issues to consider, including future C470 improvements before any finalized plans can be made for this improvement. Councilmember Van Ramshorst expressed her opinion that the so called “Mimi’s Tunnel” may have more support on the Lone Tree Council. Director Kelly indicated an interest to reopen discussion about the tunnel. Director Thomas noted that while high level feasibility studies have been done for the tunnel, some grade issues create challenges for completion of this improvement. The Board discussed other opportunities, including the Willow Creek Trail Connector and diagonal pedestrian crossings at Park Meadows Drive and Yosemite, or at Maximus and Yosemite. The Board will continue this conversation with Lone Tree but took no further action on the item.

B. Other City of Lone Tree Projects – John Cotten

- a. Park Meadows Center Drive Widening from 1 to 2 Lanes at Intersection with County Line Road

Mr. Cotten noted that the Park Meadows Center Drive widening from one to two lanes at the intersection with County Line Road is still pending additional engineering review.

- b. IKEA Centennial Impact Coordination Issues

The City of Lone Tree continues to work with the City of Centennial regarding expected traffic impacts when the new store opens. The Board discussed the issues relating to this item including additional improvements on the southbound I-25 exit ramp at County Line Road, the designated right turn lane improvement being sought by the City of Lone Tree, as well as other improvements anticipated on County Line Road east of I-25. The importance of continued discussion regarding off site impacts from this traffic on the smooth traffic flow is of great importance to the City of Lone Tree and the Park Meadows Metropolitan District, and the Board encouraged continued discussion on this issue.

- c. North Side of Timberline (Lone Tree Parkway to Highlands Ranch) Pedestrian Lights

The Capital Projects Coordination Committee has recommended that Timberline pedestrian lights will be removed from the 2011 Park Meadows budget. With this new information, upon a motion duly made by Director Thomas, seconded by Director Norblom, and upon vote unanimously carried, the Board approved rescinding the appropriation from the 2011 budget for the Timberline pedestrian light improvements and to return a portion of this money to the fund balance.

Director Herbolich noted that the City of Lone Tree had requested \$250,000 for improvements to the Parkway Drive reconstruction project, and that the District provided \$177,000 for this project. With the savings from not funding the Timberline pedestrian lights, the District can meet the City's full request. Upon a motion duly made by Director Herbolich, seconded by Director Thomas, and upon vote unanimously

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carried the Board approved to provide an additional \$73,000 for improvement of Park Meadows Parkway reconstruction.

X. Manager's Report

A. Status of Median Tuck Point Repairs (5 year plan)

Mr. Reid noted that the scope will be provided to the Board at the March meeting for the five year median tuck point repair plan.

XI. Attorney's Report

None.

XII Director's Items

A. Consider Approval of Law Firm to Serve as General Counsel to the District

This item was already approved earlier in the meeting.

B. Confirm Quorum for March 28, 2011 Board Meeting

A quorum was confirmed for the March 28, 2011 board meeting.

C. Other

Director Kelly asked the Board Members how participated in the attorney interviews to provide their "takeaways" from the interviews about the role of the attorney in a Metro District vis-à-vis their relationship with the Board and the manager. The Board and Ms. Seaver then entered into a brief discussion about various attorney/board roles and how those look different depending upon on the client's wants and wishes. Under any circumstance, the attorney and the manager both work for the Board and at the Board's direction.

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Adjournment            Having no further business to discuss, Director Herbolich adjourned the meeting at 6:20 p.m.

Respectfully submitted,

  
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Secretary for the Meeting

Next Scheduled Meeting: The Next Regular Meeting is scheduled for March 28, 2011 at 5:00 p.m. at the Lone Tree Civic Center, Meeting Room A, 8527 Lone Tree Parkway, Lone Tree, Colorado.