

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
PARK MEADOWS METROPOLITAN DISTRICT
HELD
MARCH 25, 2013

A regular meeting of the Board of Directors of the Park Meadows Metropolitan District was held on Monday, March 25, 2013 at 5:00 p.m., at the Lone Tree Civic Center, 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

Attendance: In attendance were Directors:

John Herbolich
Mark Thomas
Roger Pearson
Greg Kelly

Also in attendance were:

Bob Blodgett; CliftonLarsonAllen LLP
Tamara Seaver; Icenogle Seaver & Pogue, P.C.
John Cotten and Taylor Goertz; TST, Inc., of Denver
Harold Anderson and Jackie Millet ; City of Lone Tree
Stacey Stickler; Valerian, LLC
Matt Bevill; The Brickman Group
Al Moore; Fairways 39 HOA
Jim Yeager; Fairways 39 HOA
Ben Meyer; Fairways 39 HOA
Fred Hammer; The Enclave HOA
Dave Kirchner; The Charter HOA
Diana Wening; The Charter HOA
Rick Solomon; Terra Ridge HOA

Call to Order

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

Declaration of
Quorum/Director
Qualifications/
Disclosure Matters

A quorum was declared present, all Directors are qualified, and there are no disclosure matters. Director Herbolich introduced the Board members and

RECORD OF PROCEEDINGS

consultants to the audience. Director Herbolich provided background information on the District and the District's involvement with landscape maintenance work with HOA's and commercial areas in past years.

Upon a motion duly made by Director Herbolich, seconded by Director Thomas, and upon vote unanimously carried, the Board excused the absence of Director Van Ramshorst.

Approval of
Agenda

Upon a motion duly made by Director Herbolich, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the agenda as amended. Director Pearson asked that the May 9th Lone Tree State of the City Luncheon be discussed under Directors' Items. The Board concurred.

Public Comments None.

CONSENT AGENDA

Upon a motion duly made by Director Pearson, seconded by Director Kelly, and upon vote unanimously carried, the Board approved the Consent Agenda as submitted.

- V. Review and Approve Minutes of the February 25, 2013 Regular Meeting
- VI. Information Items
- VII. Accept Denver Water Usage Report.

DISCUSSION AGENDA

- VIII. Presentation Related to Request by Lone Tree HOA's Seeking PMMD Payment for HOA ROW Irrigation Water

Mr. Moore, Mr. Yeager and Mr. Meyer are representatives of the Fairways HOA. Mr. Hammer is a representative of The Enclave. Mr. Kirchner and Mr. Wening are representatives of The Charter. Mr. Solomon is representing Terra Ridge HOA. Director Herbolich thanked each of them for their attendance at the Board meeting.

Mr. Moore distributed copies of his presentation to the Board. He estimated the total annual cost for the eleven HOA's to pay for irrigation water annually in the ROW's at approximately \$50,000 to \$75,000. As part of his presentation, he stated it was his belief that it was unfair to continue to pay for this cost through their fees since some HOA's have significant ROW watering costs and others do

not. He submitted a request to the District to take on the watering costs and pay for this through property taxes..

In order to give the District additional time to plan for the costs, he is revising his request for the District to begin paying for this from January 1, 2014 to a start date of January 1, 2015.

Mr. Kirchner from The Charter HOA stated The Charter HOA is opposed to this idea. He believes that the amount of ROW adjacent to a particular property is taken into account in the assessed value of the home. He did not feel it appropriate for the Board to pay for some HOA's ROW water cost when others do not have any at all. He believes the District's funds should be utilized in a better manner.

Ms. Wening from The Charter concurred with Mr. Kirchner. She stated they represent 311 homes. They also do not support the District paying for the ROW watering costs.

Mr. Solomon stated his board respects and believes that Mr. Moore's position has merit. He stated there may be other ways of addressing the costs. There may be a compromise position to consider.

The Board thanked the various HOA representatives for their input and stated they would discuss this issue further in executive session later in the meeting.

IX Landscape Maintenance/Construction Items – Matt Bevill

A. Accept March Landscape Maintenance Report

Mr. Bevill reviewed the report with the Board. After discussion, the Board accepted the report.

B. Work Orders

1. Replace Rain Sensors - \$2,127

Upon a motion duly made by Director Kelly, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the work order to replace rain sensors in the amount of \$2,127.

2. Monthly Pest Control - \$10,800 (March – October)

Upon a motion duly made by Director Thomas, seconded by Director Kelly, and upon vote unanimously carried, the Board

approved the work order for monthly pest control in the amount of \$10,800, for nine months at \$1,200 per month.

Mr. Bevill stated that the primary problem continues to be voles and pocket gophers in the medians and ROW's. The contract work will be performed by Quality Pest Control.

C. Denver Water – Potential Landscaping Restrictions 2013

Mr. Bevill reported that the Denver Water board is meeting March 27th and will likely enact restrictions effective April 1st. This will mean watering the District's ROW's only two times a week rather than three times a week as in the past. The District's watering days would be Tuesday and Friday.

D. Heritage Estates ROW Discussion

Mr. Bevill reported he has met with Heritage Estates. They are requesting approximately \$7,000 in additional trees on the west side of Crooked Stick. They are also requesting approximately \$3,000 to \$5,000 of additional shrub plantings from the entrance to Heritage Estates on the south side of Lincoln west to the boundary of Heritage Estates. The Board asked Mr. Bevill to bring these work orders to the April meeting. Director Pearson suggested that the Heritage Estates HOA should perhaps contribute some money to these improvements similar to Cypress Greens and The Enclave for their water conservation landscaping projects.

E. Status of Turf Reduction Projects

Mr. Bevill reported the work is approximately 50% complete. He indicated it should be completed within the next two weeks. After discussion, the Board decided that the new title of this work will be "Water Conservation Landscaping Projects" rather than "Turf Reduction Projects". Turf reduction sends the wrong message to the community.

Director Kelly asked when the Parkway Drive replacement planting and materials would be installed? Mr. Cotten indicated he will contact the contractor and this should be done in the near future.

F. Other

Mr. Bevill distributed a copy of a Gantt Chart describing Brickman's typical landscape maintenance responsibilities on an annual basis to the Board.

X. Construction Project Items

A. Lone Tree/PMMD Joint Cooperative Projects – John Cotten

1. Under Construction

a. C470/Yosemite Bridge Painting

Mr. Goertz reported he met with the painter who is reviewing traffic control issues. The work will begin as soon as the temperatures are milder.

2. Under Design

a. C470/Yosemite Interchange Landscaping Project
– Approve Concept A – Estimated Cost \$120,000

Ms. Stickler reviewed Concept A cross sections with the Board. Mr. Cotten reported the City of Lone Tree does not have any funds beyond their \$35,000 budget for this project in 2013. It is not clear whether additional funds can be contributed now or in the future. The Board asked Mr. Cotten to discuss this with the City Council and make a request.

After discussion, the Board authorized Ms. Stickler to continue with final design for the project. Mr. Cotten reported that the project will need to be reviewed and approved by the Lone Tree City Council at a meeting within the next two weeks. The Board decided to proceed with the design and the bids. Once the bids are received, the Board can evaluate their capital projects budget to determine whether the additional funds can be provided in 2013.

Mr. Cotten indicated the Board may want to consider whether to do any landscaping projects this year due to the Stage 2 drought restriction requirements by Denver Water and the public perception that the City and the Board are adding additional landscaping with the existing water scarcity.

b. Pedestrian Lights on West Side of Yosemite
(Lincoln to Park Meadows Drive) - April bid

Mr. Goertz reported the City is proceeding with the contract bids in April.

- c. Park Meadows Drive Reconstruction (Acres Green to Quebec) - May 7th bid

Mr. Goertz reported that the City is proceeding with these contract bids in May.

- d. Lincoln Avenue Median Rehabilitation Project – April bid

Mr. Goertz noted he is working on the bid package and it will be released prior to the April Board meeting.

- e. Pedestrian Lights on East Side of Yosemite (Maximus to Park Meadows Drive) – Consider Approval of Agreement with WL Contractors, Inc. - \$27,333.25

Upon a motion duly made by Director Herbolich, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the agreement with WL Contractors for \$27,333.25 for these pedestrian lights. This will be a contract with the City of Lone Tree.

- f. PF Chang's Turn Pocket – May work

Mr. Goertz reported this will add a 120 foot extension to the turn pocket. Work should be completed in June. He is hopeful the total budget of \$50,000 is sufficient, with \$25,000 contributed by the City and \$25,000 by PMMD.

3. Under Study

- a. County Line Road Transportation Study (Yosemite to Inverness Drive S.) – Douglas County

Mr. Cotten reported Mr. Griffith has not yet released the RFP's. The Board asked if the City could take responsibility for this project so it could be expedited. The Board is concerned about the continued delay to

improvements at the I-25/County Line interchange which are awaiting this study.

B. County Line Road Landscaped Medians – Schedule 2014 or later

Deferred.

C. Consider Approval of Agreement with Valerian LLC for Design of Landscaped Median in Yosemite (Park Meadows Drive to C470) - \$8,500

Upon a motion duly made by Director Kelly, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the agreement. Mr. Blodgett noted there is \$150,000 in the 2013 budget for this project. The Board can evaluate the bids once received this summer and determine whether or not to proceed with this landscaping project in 2013 or not. This design contract will be a direct contract between Valerian and the District. Ms. Seaver will provide a standard form contract to Mr. Cotten for this and future contracts.

D. Discuss 2013-2017 Capital Improvement Project Plan

Deferred.

E. Other

None.

XI. Financial Items

A. Approve March 25, 2013 Cash Position Report

Mr. Blodgett reviewed the cash position report with the Board. After discussion, the Board accepted the report.

B. Approve February Claims Totaling \$37,963.13 and Approve Directors' Fees Totaling \$459.75

Mr. Blodgett reviewed the revised claims with the Board totaling \$50,456.53. Upon a motion duly made by Director Pearson, seconded by Director Thomas, and upon vote unanimously carried, the Board approved the revised February claims represented by check numbers 3468 through 3478 totaling \$50,456.53.

Upon a motion duly made by Director Thomas, seconded by Kelly, and upon vote unanimously carried, the Board approved the directors' fees represented by check numbers 3463 through 3466 in the amount of \$369.40. Check 3467 in the amount of \$92.35 was not approved as this was the director's fee for Director Van Ramshorst who was absent.

Director Herbolich asked why his director's fee was only \$90.35 when the other directors were \$92.35? Mr. Blodgett will check.

C. Other

None.

XI. Manager's Items

A. Website Updates

Mr. Blodgett reported that the HOA landscape maintenance agreements are on the website and the commercial streetscape agreements will be added this week.

B. Referrals

None.

C. Other

None.

XII. Attorney's Report

A. Executive Session – Pursuant to C.R.S. §24-6-402(4)(b) and C.R.S. §24-6-402(4)(e) and in order to Receive Legal Advice and Determine Positions on Matters Which May be Subject to Negotiations Related to HOA Request for Payment of Costs of Watering Rights of Way

Director Herbolich moved that the Board retire into executive session, the motion was seconded by Director Pearson and the Board adjourned into executive session at 7:19 p.m.

Upon a motion duly made by Director Kelly, seconded by Director Pearson, the Board voted to unanimously to come out of executive session at 8:08 p.m.

The Board decided to take no action on the HOA request for the District to pay for water in the HOA ROW's until Director Van Ramshorst could be present for a discussion with the full Board at an executive session during the April Board meeting.

XIII. Director's Items

Director Pearson recommended the Board consider attending and/or purchasing a table for the May 9th State of the City Luncheon sponsored by the Lone Tree Chamber of Commerce with Mayor Gunning as the speaker.

Upon a motion duly made by Director Pearson, seconded by Director Kelly, and upon vote unanimously carried, the Board authorized the purchase of a table by the District for the May 9th State of the City luncheon.

Director Kelly asked Mr. Bevill to consider whether or not some alternate turf material other than lush blue grass could be provided in the future? Is there another hybrid grass that would use less water?

Director Kelly asked whether or not Mr. Bevill needed a sprinkler technician as often in 2013 given the water restrictions? Mr. Bevill will evaluate.

Director Herbolich reported he met recently with Mayor Gunning to discuss cooperative projects between the District and the City. Mayor Gunning recommended the City Council and the District Board meet jointly twice a year in spring and August /September time frame prior to the annual budget process for each entity.

Director Thomas reported he attended the Lone Tree Realtor's Summit recently in which 150 people attended. Lone Tree did an excellent job providing information for area realtors.

XV. Other Items

Mr. Solomon asked that the Board and City consider the hours in which their contractors work so as to minimize disruptions during rush hour. He indicated he recently was subjected to a long wait on Lincoln Avenue during the morning and evening rush hour. Mr. Cotten stated that the contractors should only be working from 9:00 a.m. to 3:00 p.m. He will check.

RECORD OF PROCEEDINGS

XVI. Adjournment

Upon a motion duly made by Director Herbolich, seconded by Kelly, and upon vote unanimously carried, the meeting adjourned at 8:15 p.m.

Respectfully submitted,



Secretary for the Meeting

Next Scheduled Meeting: The Next Meeting is a Regular Meeting scheduled for April 22, 2013 at 5:00 p.m. at the Lone Tree Civic Center, 8527 Lone Tree Parkway, Lone Tree.