

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
PARK MEADOWS METROPOLITAN DISTRICT
HELD
APRIL 22, 2013

A regular meeting of the Board of Directors of the Park Meadows Metropolitan District was held on Monday, April 22, 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
Sharon Van Ramshorst

Also in attendance were:

Bob Blodgett and Christine Harwell; CliftonLarsonAllen LLP
Tamara Seaver; Icenogle Seaver & Pogue, P.C.
John Cotten and Taylor Goertz; TST, Inc., of Denver
Harold Anderson, Kim Monson and Jack Hidahl; City of Lone Tree
Matt Bevill; The Brickman Group
Fred Hammer; The Enclave 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.

Approval of
Agenda

Upon a motion duly made by Director Herbolich, seconded by Director Van Ramshorst, and upon vote unanimously carried, the Board approved the agenda as submitted.

Public Comments Mr. Hammer thanked the Board and Brickman for their work on the Heritage Enclave water conservation landscaping project along Heritage Hills Circle. He indicated the work is almost complete and looks very good.

Mr. Hammer asked that the District invoice the Heritage Enclave HOA for \$1,600 for their contribution toward the project. Mr. Blodgett's office will invoice Mr. Hammer.

CONSENT AGENDA

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

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

DISCUSSION AGENDA

VIII. Landscape Maintenance/Construction Items – Matt Bevill

A. Accept April Landscape Maintenance Report

Mr. Bevill reviewed the April Landscape Maintenance Report with the Board. After discussion, the Board accepted the report.

B. Work Orders

1. Heritage Estates Additional Trees on West Side of Crooked Stick - \$4,557

Mr. Bevill reviewed this work order with the Board. He noted that seven trees will be added on the west side of Crooked Stick to match the trees on the east side of Crooked Stick within the Rampart Range Metropolitan District.

2. Additional Shrub Plantings on South Side of Lincoln Between Heritage Estates Entry and Western Subdivision Boundary

- a. Work Order for Installation West of Entrance - \$14,989
- b. Work Order for Installation East of Entrance - \$5,549

Director Van Ramshorst asked about the District's policy related to enhancing ROW along arterials and collectors versus simply maintaining them. She understood the District's policy was to maintain ROW, not enhance it.

Mr. Blodgett reported that over the years the District has periodically responded to HOA requests for enhancing the ROW appearance adjacent to their boundaries. The Board has not had a formal policy related to paying for enhancements. The Board does replace and repair landscape maintenance materials as needed. The Board expressed a concern about setting a precedent by approving approximately \$26,000 of enhanced landscape materials for the Heritage Estates' HOA without a review of the District's budget and other potential priority projects throughout the District.

Upon a motion duly made by Director Kelly, seconded by Director Herbolich, and upon vote unanimously carried, the Board voted to reject the work orders and develop a policy for reviewing HOA requests for landscaped ROW enhancements in the future. The Board decided HOA requests should first be presented to the Board prior to meeting with Mr. Bevill and developing detailed cost estimates.

The Board asked Mr. Blodgett to draft a letter for Director Herbolich's signature to Heritage Estates explaining the Board's decision.

3. Ratify Approval of Annual Backflow Inspections for PMMD Owned Taps - \$2,100

Upon a motion duly made by Director Kelly, seconded by Director Pearson, and upon vote unanimously carried, the Board ratified the approval of annual backflow inspections by Brickman.

4. Removal of (6) and Replacing of (1) Spruce Trees - \$1,825

Mr. Bevill noted these trees will be removed in the Yosemite median between Lone Tree Parkway and Maximus. They are

dead or dying. Only one tree will be replaced so there is proper spacing for the remaining trees to survive.

Upon a motion duly made by Director Thomas, seconded by Director Van Ramshorst, and upon vote unanimously carried, the Board approved the removal of six and replacement of one spruce tree for \$1,825.

C. Denver Water – Effect of 2013 Water Restrictions

Mr. Bevill explained that the HOA's may request Denver Water to place them on a water allocation program rather than a mandatory watering program. This provides flexibility for the HOA's to use water other days of the week rather than the mandatory Tuesday and Friday under those restrictions. He recommended that the District send a letter to each HOA asking them to request participation in the water allocation program from Denver Water. The Board concurred. The Board authorized Director Herbolich to send a letter to each of the HOA's making this request on behalf of the District. Director Van Ramshorst asked that the District track the results of these letters with each HOA and Denver Water.

Director Herbolich noted that the HOA's significantly reduced their irrigation water use in 2012 versus 2011.

D. Water Conservation Landscaping Projects

1. Status of Cypress Greens and The Enclave Projects

Mr. Bevill reported the work is nearly complete. The periodic snow storms have delayed completion. They should be complete within the next few days once the snow melts.

2. Discuss Alternative Turf Material

Mr. Bevill reported that there are other kinds of turf besides blue grass that can be considered. However, they have an appearance and consistency that is difficult to maintain. Mr. Cotten noted that Rampart Range has experimented with other types of turf and has had problems with it.

The Board deferred consideration of this issue to a future meeting.

3. Discuss Sprinkler Technician Schedule

Mr. Bevill recommended that the sprinkler technician schedule remain as budgeted in 2013. He noted it is critical that the technician monitor the water use throughout the District given the Denver Water mandatory restrictions. The Board concurred.

E. Other

None.

IX. Construction Project Items

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

1. Under Construction

a. C470/Yosemite Bridge Painting - May

Mr. Goertz reported this work will be completed as soon as the weather improves. Mr. Cotten reported that the Lone Tree City Council asked the District to consider paying for the sloped areas also underneath the bridge. The City is agreeable to paying half of this cost. Mr. Cotten will get a proposal from the painter and bring that to the May Board meeting for review.

b. Pedestrian Lights on East Side of Yosemite (Maximus to Park Meadows Drive)

Mr. Goertz reported the work should begin in May on these replacement lights.

c. Parkway Drive Landscaped Median Plant Replacement

Mr. Cotten reported the contractor is still waiting for better weather to determine which plants are alive. This should be accomplished in the next 30 days. The Board asked Mr. Bevill to flag the dead plants and inspect the new materials on behalf of the District once they are installed.

2. Under Design

a. C470/Yosemite Interchange Landscaping

Mr. Cotten reported the Lone Tree City Council approved moving forward with this project. The City Council decided they do not have additional funds beyond their present \$35,000 budget to contribute. Mr. Cotten hopes to save \$20,000 on a water tap within the estimated \$120,000 total cost. The design will be completed and bids should be available by the June Board meeting. At that time the Board can determine whether they want to pay the balance of the cost of the project and proceed or not. The District's budget is also \$35,000 at this time.

b. Landscaped Median in Yosemite (Park Meadows Drive to C470)

After discussion, the Board decided to continue the design of this project in 2013, but delay the bidding and construction to 2014 given concerns about water restrictions in the entire area.

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

Mr. Goertz reported these are out for bid. The results of the bids should be available for the May Board meeting for review.

d. Park Meadows Drive Reconstruction (Acres Green to Quebec) – May 7th bid

Mr. Goertz reported this project is out for bid. The landscaped medians within Park Meadows Drive will be designed later this year and constructed in 2014.

e. Lincoln Avenue Median Rehabilitation Project – April bid

Mr. Goertz reported these will be sent out for bid on April 25th. The Board will be able to review these bids at the May meeting. If the bids are significantly under \$100,000, additional median rehabilitation work can be scheduled. The present \$100,000 is allocated from Lone

Tree Parkway South on Lincoln to Lone Tree Parkway South further east on Lincoln.

f. PF Chang's Turn Pocket – May Work

Mr. Goertz reported this is included in the City's concrete replacement work along County Line Road. The estimated cost is now \$35,000 instead of the budget of \$50,000. The City and the District are each paying half of this cost.

3. Under Study

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

Mr. Cotten reported he spoke with Mr. Griffith who committed to release the RFP by the end of this week. Several projects at the intersection of County Line Road and Park Meadows Center Drive and I-25 are pending this study which will take approximately six months. Recommendations will be provided for construction work in 2014.

B. Review 2013-2017 Capital Improvements Project Plan

Mr. Blodgett reported he will move the \$150,000 for the Yosemite landscaped median (Park Meadows Drive to C470) to 2014.

C. Discuss PMMD Project Communication/Coordination With the
City of Lone Tree

Mr. Hidahl reported the City Council would like meet with the Board to discuss projects and improve communication and coordination in the future. After discussion, the Board agreed upon Tuesday, May 28th at lunch for a meeting with the City Council. Mr. Hidahl will poll the Council and let Mr. Blodgett know the results. If not on May 28th, the following week will be reviewed for a possible joint meeting.

D. Other

Mr. Cotten reported that the additional landscape materials to be installed between the mall entrance along the east side of Park

Meadows Center Drive and County Line Road will be maintained by the SPIMD and the various cities after they are installed. PMMD does not have to maintain these materials after all. The Board thanked Mr. Cotten.

Mr. Cotten reported that the City would like to design and construct medians adjacent to the Crest Apartments on Park Meadows Drive. The Crest Apartments are within the PMMD boundary. The City is asking that PMMD maintain the medians after construction. The Board deferred discussion to a future meeting.

X. Financial Items

A. Review and Approve 2012 Draft Audit

Directors Pearson and Herbolich will meet with Ms. Harwell to review the draft audit. They will provide a recommendation at the May Board meeting.

B. Review and Approve March 31, 2013 Financial Statements

Ms. Harwell reviewed with the Board. After discussion, upon a motion duly made by Director Pearson, seconded by Director Thomas, and upon vote unanimously carried, the Board approved the March 31, 2013 financials statements.

C. Approve March 31, 2013 Cash Position Report

Ms. Harwell reviewed with the Board. After discussion, upon a motion duly made by Director Pearson, seconded by Director Thomas, and upon vote unanimously carried, the Board approved the March 31, 2013 cash position report.

D. Approve March Claims Totaling \$95,910.56 and Approve Directors' Fees Totaling \$461.75

Mr. Blodgett reported that he reduced the CliftonLarsonAllen LLP bill by \$2,000 in March to move the expenditures closer to the budget. He will endeavor to bring the CLA management fees within the General Fund budget by year end.

Upon a motion duly made by Director Pearson, seconded by Herbolich, and upon vote unanimously carried, the Board approved the March claims totaling \$95,910.56 and the Directors' fees totaling \$461.75.

E. Other

None.

XI. Manager's Items

A. Website Updates

Mr. Blodgett will request statistics on usage of the District website from Mr. Nearing for the May meeting.

B. Referrals

None.

C. Other

None.

XII. Attorney's Report

A. Review and Consider Approval of Standard Form District Consulting Contract

Ms. Seaver reviewed with the Board a proposed form of standard consulting contract. After discussion, upon a motion duly made by Director Thomas, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the standard form of professional consulting services District contract for usage in the future. Ms. Seaver noted this is not a standard form construction contract. That will be a separate document.

B. Ratify Approval of Agreement with Valerian LLC for Design of Landscaped Median in Yosemite (Park Meadows Drive to C470)

Ms. Seaver reported she has not yet received any feedback from Valerian on the proposed contract she send to Valerian representatives, which utilized the standard form just adopted by the Board. She recommended that the form be approved and that the Board delegate authority to Mr. Blodgett and Ms. Seaver to finalize the terms of the agreement. The Board concurred.

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

the agreement and delegated to Mr. Blodgett and Ms. Seaver the authority to negotiate final terms with Valerian.

C. Executive Session – Pursuant to C.R.S.§24-6-402(4)(b) and C.R.S. §24-6-402(4)(e) to Receive Legal Advice and Determine Positions on Matters Which May be Subject to Negotiations Related to: 1) HOA Request for Payment of Costs of Watering Rights of Way and; 2) Coordination Between the District and the City of Lone Tree; 3) Contract Negotiations

Upon a motion duly made by Director Herbolich, seconded by Director Van Ramshorst, the Board adjourned into executive session, tat 6:55 p.m. 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 and; 2) Coordination Between the District and the City of Lone Tree; 3) Contract Negotiations.

Upon a motion duly made by Director Herbolich, seconded by Director Kelly, the Board came out of executive session at 7:55 p.m.

Upon a motion duly made by Director Herbolich, seconded by Director Van Ramshorst, the Board voted not to pay for the irrigation water within HOA ROW's, due costs, political consideration and the precedent this would set for commercial areas which are extremely expensive and difficult to equitably calculate. The Board authorized Director Herbolich to send a letter to Mr. Moore explaining the Board's decision.

D. Other

Director Pearson asked that Mr. Blodgett request a Park Meadows Metro District update on future Lone Tree City Council Study Session agendas.

XIII. Director's Items

A. Discuss Denver South EDP's Annual Luncheon on May 3, 2013 at 11:00 a.m. at the Hyatt Regency Denver Tech Center, 7800 E. Tufts Avenue, Denver, Colorado 80237

Upon a motion duly made by Director Van Ramshorst, seconded by Director Thomas, and upon vote unanimously carried, the Board decided to purchase a table at the annual luncheon. Directors Van

Ramshorst, Thomas and Herbolich will attend on behalf of the Board. Mr. Blodgett will coordinate with Mr. Herbolich on the remaining seats for the table of ten.

B. Discuss Lone Tree State of the City Annual Luncheon with Mayor Gunning on May 9, 2013 at 11:30 a.m. at the Lone Tree Arts Center

All five Board members will attend this luncheon. Mr. Blodgett will coordinate with Director Herbolich on the remaining five seats at the table.

C. Discuss Location for May 20th Special Board Meeting (Civic Center Not Available) – Lone Tree Golf Club

Upon a motion duly made by Director Kelly, seconded by Director Pearson, and upon vote unanimously carried, the Board called a special meeting for Monday, May 20th at 5:00 p.m. at the Lone Tree Golf Club to replace the May 27th Board meeting which would have been on Memorial Day.

D. Discuss Director Contact Information on Website

The Board agreed to include email addresses with their name@Park MeadowsMetroDistrict.org. or as Mr. Nearing recommends. Mr. Blodgett will coordinate with Mr. Nearing. The board also asked about the hosting domain costs.

E. Retiring Board Member Resolution and Gift

Director Herbolich recommended that Board members who complete their four year terms keep their iPads at the conclusion of their service. This would replace the current Board policy of providing a nominal gift not to exceed \$100 in value. Ms. Seaver recommended the Board continue with the language related to a gift of nominal value such that a Board member can choose between the iPad or some other recognition item.

Upon a motion duly made by Director Herbolich, seconded by Director Kelly, and upon vote unanimously carried, the Board approved a policy of allowing Board members completing their four year term to receive a service recognition gift of nominal value.

RECORD OF PROCEEDINGS

F. Other

None.


XIV. Other Items

None.

XV. Adjournment

Upon a motion duly made by Director Kelly, seconded by Pearson, 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 Special Meeting scheduled for May 20, 2013 at 5:00 p.m. at the Lone Tree Golf Club, 9808 Sunningdale Blvd., Lone Tree, Colorado