

MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
PARK MEADOWS METROPOLITAN DISTRICT
HELD
MAY 20, 2013

A special meeting of the Board of Directors of the Park Meadows Metropolitan District was held on Monday, May 20, 2013 at 5:00 p.m., at the Lone Tree Golf Club, 9808 Sunningdale Boulevard, 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; CliftonLarsonAllen LLP
Tamara Seaver; Icenogle Seaver & Pogue, P.C.
John Cotten and Taylor Goertz; TST, Inc., of Denver
Harold Anderson; 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 Pearson, seconded by Director Kelly, and upon vote unanimously carried, the Board approved the agenda as submitted.

Public Comments Mr. Hammer presented a check for \$1,600 from the Heritage Enclave HOA to the District. This is for their financial participation towards the recently completed water conservation landscape project on the north side of Heritage Hills Circle, east of Yosemite adjacent to The Enclave. The Board thanked Mr. Hammer for the HOA's contribution.

Director Herbolich noted that the Cypress Greens HOA has also been asked to provide a similar contribution.

CONSENT AGENDA

The Board discussed the April 22nd meeting minutes. After discussion, they decided the intent of their motion on page 11 was to provide a gift of nominal value to a retiring Board member completing their term of office without specifying what type of recognition gift this may be. Mr. Blodgett will amend the minutes accordingly.

Upon a motion duly made by Director Herbolich, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the Consent Agenda as listed with an amendment to the April 22, 2013 Regular Meeting minutes.

- V. Review and Approve Minutes of the April 22, 2013 Regular Meeting
- VI. Information Items
- VII. Accept Denver Water Usage Report.

DISCUSSION AGENDA

- VIII. Landscape Maintenance/Construction Items – Matt Bevill
 - A. Accept May Landscape Maintenance Report

Mr. Bevill reviewed the May Landscape Maintenance Report with the Board. He noted there was some snow plowing damage by Douglas County along Lincoln Avenue. The Board decided the District would have to pay for these repairs as Douglas County was unlikely to reimburse the District for any cost. After discussion, the Board accepted the report.

- B. Work Orders
 - 1. Deep Root Feed All Trees - \$6,500

Mr. Bevill noted this is in the 2013 budget. Upon a motion duly made by Director Pearson, seconded by Director Herbolich, and upon vote unanimously carried, the Board approved the work order for \$6,500.

2. Apply Revive to Turf Areas District Maintains - \$8,550

Mr. Bevill reported this is not in the budget. He is recommending it due to the ability of this solution to strengthen the turf and its appearance throughout the District. The \$8,550 would provide a one time application for all of the District turf areas. It is recommended this be applied approximately every six weeks during the growing season.

After discussion, upon a motion duly made by Director Herbolich, seconded by Director Kelly, and upon vote unanimously carried, the Board approved a one time application of Revive on all turf areas for \$8,550. The Board asked that this be placed on the June Board meeting agenda to determine if a second application would be paid for in July.

C. Denver Water – Status of Letters to HOA’s re Request for Water Allocation Budget

Mr. Blodgett reported that to date the Heritage Enclave and Fairways 39 HOA’s have requested water allocation budgets from Denver Water and have been approved. He has not heard from any of the other HOA’s. The Board asked Mr. Blodgett to contact all the other HOA’s and request a status of their possible request to Denver Water for a water allocation budget. Mr. Bevill noted this opportunity expires June 1st.

D. Water Conservation Landscaping Projects

Director Herbolich noted the Board received an email from Mr. Al Moore of the Fairways 39 Board stating that they want to keep their turf and not participate in a water conservation landscaping project to reduce the amount of turf along Yosemite.

The Board discussed the possibility of proceeding on the Muirfield WCLP. Mr. Bevill reported this would be his next area of recommendation since this area is on a slope, is not usable and parts of it are not visible. The Board asked that Mr. Bevill provide the plans for the Muirfield water conservation landscaping project to Mr. Blodgett and for review by the Board. This will be placed on the June Board meeting

agenda for discussion. This will also be discussed with the Lone Tree City Council at the May 28th joint meeting.

1. Status of Cypress Greens and The Enclave Projects

Mr. Bevill reported these projects are completed.

3. Discuss Other Potential Water Conservation Landscape Projects in 2013

Previously discussed.

E. Other

The Board asked Mr. Bevill for clarification on the request by Heritage Estates for enhancements to their Lincoln Avenue frontage adjacent to the east and west side of their entryway. Mr. Bevill reported the HOA is requesting additional plantings and shrubs in these areas.

Mr. Bevill also reported the District contains approximately 1,200 trees within its boundaries.

IX. Construction Project Items

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

1. Under Construction

a. C470/Yosemite Bridge Painting – May/June

Mr. Goertz reported the contractor should begin work within the next week or two, and should be completed in three to four weeks.

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

Mr. Goertz reported WL Contractors will start this work next week. They are replacing three lights, and ten lights will be on new currents. This work should be completed by July.

c. Parkway Drive Landscaped Median Plant Replacement

Mr. Bevill reported he has flagged the replacement plants. Mr. Goertz reported the contractor will send a crew next week to review the dead plants and replace them within the next 30 to 60 days under warranty.

2. Under Design

a. C470/Yosemite Interchange Landscaping - June

Mr. Goertz reported he received 95% plans from Ms. Stickler last week. He is reviewing them. After discussion, the Board authorized Mr. Goertz to proceed with final design and bidding of the project, consistent with prior recommendations and approval by the Board Committee and the Board. This item will also be added to the May 28th joint meeting agenda with the Lone Tree City Council to confirm the schedule. Depending on the bid amounts, there is likely not enough funding with the present \$70,000 (\$35,000 by Lone Tree and \$35,000 by PMMD) to pay for the project. The designer's estimate is \$120,000.

b. Landscaped Median in Yosemite (Park Meadows Drive to C470) 2013 Design/2014 Construction

No report.

c. Pedestrian Lights on West Side of Yosemite (Lincoln to Park Meadows Drive) – May/June

Mr. Goertz reported there was one bid from WL Contractors in the amount of \$325,000. He recommends the District proceed with this bid. The Board concurred. Mr. Goertz will provide the estimated amount of construction management costs in addition to the bid cost to Mr. Blodgett for updating the District's capital budget.

d. Park Meadows Drive Reconstruction (Acres Green to Quebec) – June/July work

Mr. Goertz reviewed the bids received by the City of Lone Tree. The low bid is approximately \$1,200,000. PMMD will be paying \$300,000 and Lone Tree will be paying the rest.

Ms. Seaver recommended an “umbrella” IGA between the District and the City listing all of the capital projects in which the two parties will participate. Then as each project moves forward, a separate one page task order can be completed that indicates the amount of participation by the City and the District for that particular project. The Board concurred.

Ms. Seaver was instructed to contact the Lone Tree City Attorney to discuss the umbrella IGA notion and work with the City Attorney on such an agreement.

Mr. Goertz noted the Park Meadows Drive reconstruction will begin June 1st and go through September. However, it may be slightly delayed in that the Southgate Water District experienced a major water line break in Parkway Drive west of Acres Green over the weekend. This section of Acres Green needs to be repaired immediately. Lone Tree will coordinate with Southgate Water District to determine if that entire section can be rebuilt rather than just patching the area affected by the water line. Parkway Drive reconstruction was scheduled in the next few years as a major capital project anyway.

- e. Lincoln Avenue Median Rehabilitation Project – no bids received

Mr. Goertz reported no bids were received, with various reasons given by the contractors for their failure to submit bids. Mr. Goertz speculated that the job, by itself, was a bit small for many of the larger firms and might be getting overlooked on that basis. After discussion, Mr. Goertz and Mr. Cotten recommended the District sent out Requests for Proposals for a comprehensive on-going median rehabilitation/maintenance program covering five to ten years and, including the Lincoln Avenue median and other medians. The District can then select the best proposal.

Ms. Seaver indicated the District can request proposals in the manner discussed by Messrs. Geortz and Cotten.

After discussion, the Board authorized TST to proceed in this manner.

Director Kelly asked if Terracare might have an interest in being the on-site median rehabilitation contractor under the proposal/long term contract approach. TST agreed to contact them.

f. PF Chang's Turn Pocket – May/June Work

Mr. Goertz reported this work will begin within the next week or two. The total estimated cost is now \$30,000 - \$15,000 for Lone Tree and \$15,000 for PMMD, which is a reduction from the \$50,000 total budget. Thoutt Brothers is doing this work for the City.

3. Under Study

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

Mr. Cotten reported Mr. Griffith had promised him the RFP would be released by last Friday, May 17th. Mr. Cotten has not heard whether or not this was accomplished. Director Herbolich asked Councilmember Anderson if the City was as concerned as the District about the inability to move this project forward. It has been discussed for several years. Mr. Anderson indicated the City Council also would like to see it proceed immediately. He recommended it be added to the May 28th joint meeting agenda with the City for discussion. The Board concurred.

B. Review 2013-2017 Capital Improvements Project Plan

Mr. Blodgett will revise the plan based on the recent bids received by the City.

C. Other

None.

X. Financial Items

A. Review and Approve 2012 Draft Audit

Directors Herbolich reported he and Director Pearson met with Ms. Harwell to review the 2012 draft audit. They recommended the Board approve it as submitted and authorize Ms. Harwell to file with the Division of Local Government. They also recommended that Haynie & Company remain as District auditor for 2013. The Board concurred.

Upon a motion duly made by Director Pearson, seconded by Director Herbolich, and upon vote unanimously carried, the Board approved the 2012 audit and authorized its filing.

B. Approve May 15, 2013 Cash Position Report

Mr. Blodgett reviewed the cash position report with the Board. After discussion, upon a motion duly made by Director Van Ramshorst, seconded by Director Kelly, and upon vote unanimously carried, the Board approved the May 15, 2013 cash position report.

C. Approve April Claims Totaling \$118,576.45 and Approve Directors' Fees Totaling \$461.75

Mr. Blodgett reviewed the claims with the Board. Upon a motion duly made by Director Thomas, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the April claims totaling \$118,576.45 and the Directors' fees totaling \$461.75.

D. Other

None.

XI. Manager's Items

A. Website Updates

Mr. Blodgett provided an update on the District's website.

B. Referrals

None.

C. Other

None.

XII. Attorney's Report

A. Consider Approval of Resolution Regarding HOA Landscaping Enhancement

Ms. Seaver reviewed the draft Resolution Regarding HOA Landscaping Enhancement with the Board. After discussion, the Board decided to directed Ms. Seaver to modify section 1. B, to require a “meaningful” contribution to the costs of the requested facility or service. The Board also directed Ms. Seaver to add a provision requiring requesting parties to pay the District’s costs in analyzing the request. The Board also decided to require a deposit to ensure the payment of consulting expenses involved in reviewing the application.

After discussion, upon a motion duly made by Director Herbolich, seconded by Director Kelly, and upon vote unanimously carried, the Board approved the resolution as amended.

B. 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

No executive session was held.

The Board discussed Mr. Hammer’s April 24th email letter requesting the Board have a formal process for participation by HOA’s in the annual budget process to determine priority projects for the District for the following year. After discussion, the Board asked Mr. Blodgett to respond to Mr. Hammer’s request indicating the present procedure of notifying HOA’s of each Board meeting agenda and conducting an annual public hearing on the budget are sufficient at this time.

XIII. Director’s Items

A. Discuss Participation in Landscaping Improvements in Park Meadows Center Drive ROW East Side (Mall Entrance to County line Road) – Director Kelly

Director Kelly reported that SPMID has surplus funds available from the TREX project which can be applied to this project. Since these are not property tax revenues, the District can participate as well. He recommended PMMD participate in this future design and construction. Mr. Cotten indicated a tentative estimate was approximately \$125,000. He will confirm with the TMA.

Upon a motion duly made by Director Herbolich, seconded by Director Thomas, and upon vote unanimously carried, the Board authorized District participation in the construction of the landscaping improvements in Park Meadows Center Drive ROW on the east side from the Mall entrance to County Line Road with the TMA in an amount to be determined in the future.

B. Discuss May 28, 2013 Meeting Agenda with the City of Lone Tree

Mr. Blodgett reviewed the draft agenda with the Board. The Board asked that a number of current projects be added to the agenda. Director Herbolich asked that the revised five year CIP be placed on an easel for the City and Council and Board Members to focus for the discussion.

C. Discuss General Fund \$50,000 Emergency Reserve to COLT ROW Work

Director Herbolich reported he and Director Pearson discussed this with Ms. Harwell during the audit review. These funds were added in 2007 to a reserve account. The City has never used the funds. Mr. Cotten indicated Director McGregor and the Board at that time wanted to assist the City. The City does not have a need for these funds. They have adequate reserves.

Upon a motion duly made by Director Herbolich, seconded by Director Kelly, the Board voted to eliminate the \$50,000 emergency reserve for the City of Lone Tree ROW work effective immediately by a vote of 4 to 1 (Director Van Ramshorst no). Director Van Ramshorst indicated that reserves are always important to the District and should not be reduced.

D. 2014 Landscaped Maintenance Contract

The Board decided not to solicit bids for the 2014 landscape maintenance contract. They noted that Brickman has done an outstanding job. The Board's informal policy has been that the contract would be rebid every three years. However, with all of the other projects and work being done by the District and Brickman, they decided not to request other bids in the fall of 2013. They authorized Mr. Blodgett to notify Mr. Bevill of this decision.

E. Other

Director noted Ms. Harwell recommended the addition of language on the five year CIP indicating the amount of funds that should be reserved annually within the fund balance for “soft costs” in addition to actual capital project budgeted costs. Mr. Blodgett will review with Ms. Harwell and add this information to the five year CIP.

XIV. Other Items

Director Herbolich stated that the semi annual team building event for the District will most likely be after the June meeting. Further information on this will be provided to the Board.

XV. Adjournment

Upon a motion duly made by Director Pearson, seconded by Director Herbolich, 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 June 24, 2013 at 5:00 p.m. at the Lone Tree Civic Center, 8527 Lone Tree Parkway, Lone Tree, Colorado