

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
PARK MEADOWS METROPOLITAN DISTRICT
NOVEMBER 25, 2013

A special meeting of the Board of Directors of the Park Meadows Metropolitan District was held on Monday, November 25, 2013 at 5:00 p.m., at the Lone Tree Golf Club, 9080 Sunningdale Boulevard, Lone Tree, Colorado 80124.

Attendance: In attendance were Directors:

John Herbolich
Mark Thomas
Greg Kelly
Roger Pearson
Sharon Van Ramshorst

Also in attendance were:

Bob Blodgett; CliftonLarsonAllen LLP
Jennifer Ivey; Icenogle Seaver Pogue, P.C.
Matt Bevill; The Brickman Group
John Cotten and Taylor Goertz; TST, Inc., of Denver
Harold Anderson; Lone Tree City Council
Kim Monson; Lone Tree City Council
Fred Hammer; 9684 Brook Hill Court
Nico and Ms. Puentes; 9636 Lamera Drive
Rick Solomon; 9568 La Quinta Drive (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.

Approval of
Agenda

Director Herbolich recommended deletion of Item XIV.C. for discussion at the December Board meeting. The Board concurred.

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

Public Comments Mr. Hammer thanked Directors Kelly and Pearson for participating in the walk through to review The Enclave's irrigation issues adjacent to their privacy wall. He thanked Director Van Ramshorst for later viewing the area with him. Director Thomas indicated he would make time to view the irrigation turf issue also.

Councilmember Anderson reported that a visitor from Japan's International Marketing Department recently was in the City of Lone Tree and was very complimentary of the District's landscaped medians which he called the District "islands". Councilmember Anderson congratulated the District on their history of constructing these medians on behalf of the City.

Director Thomas introduced Mr. Nico Puentes, a Boy Scout attending to earn his Citizenship in the Community merit badge, and his mother. The Board welcomed the Puentes family to the Board meeting.

CONSENT AGENDA

Mr. Blodgett reviewed the items with the Board. After discussion, upon a motion duly made by Director Kelly, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the Consent Agenda as presented. The Notice regarding the District's regular meetings will be on the January agenda as well per the statutes.

- V. Review and Approve Minutes of the October 28, 2013 Regular Meeting
- VI. Approve Engagement Letter with CliftonLarsonAllen LLP for 2014 Accounting Services
- VII. Approve Engagement With Haynie & Company for 2013 Audit - \$4,000 (plus out of pocket expenses)
- VIII. Approve Engagement With Icenogle, Seaver & Pogue, P.C. for 2014 Legal Services
- IX. Approve Landscape Maintenance Agreement with The Brickman Group Ltd. for 2014 Landscaping Services - \$237,444
- X. Approve 2014 Annual Administrative Resolution
- XI. Ratify Agreement with City of Lone Tree for Addition of Cobble in County Line Road Median – NTE \$2,000
- XII. Information Items

DISCUSSION AGENDA

- XIII. Accept Denver Water Usage Report

Director Herbolich noted that the District continued to use much less water in 2013 than in 2012 and prior years. After discussion, the Board accepted the Denver Water Usage Report.

XIV. Landscape Maintenance/Construction Items – Matt Bevill

A. Accept November Landscape Maintenance Report

Mr. Bevill reviewed the report with the Board. Director Pearson asked when the tall grasses are cut from the islands? Mr. Bevill indicated this is weather dependent; however they would be left until February weather permitting.

Mr. Bevill also reported no mites have yet been observed in the District's landscape, although they have been reported east of the District near Lincoln and Park Meadows Drive. After discussion, the Board accepted Mr. Bevill's report.

B. Discuss Landscaping and Possible Curb and Gutter on Crooked Stick (South of the Heritage Estates Entrance) to the Bluffs Regional Park - Discuss Options'

Mr. Goertz distributed a report prepared by TST Infrastructure reviewing four options for addressing the vehicles that are damaging the landscaping on Crooked Stick south of the Heritage Estates entrance. Option 1 provided for resetting of rock mulch, fabric and landscaping at a cost of \$28,799.93. Option 2 provided for buried boulders at a cost of \$38,148. Option 3 provided for a split rail fence at a cost of \$25,493.60. Option 4 provided for "No Outlet" sign to be placed at the intersection of Crooked Stick Trail and Bluffmont Drive. TST recommended Option 4. They will evaluate the results of the sign during the next year and revisit the issue in 2014. The Board concurred. Upon a motion duly made by Director Pearson, seconded by Director Thomas, and upon vote unanimously carried, the Board authorized Mr. Goertz and TST to proceed with Option 4 as recommended.

C. Discuss Options for Turf Irrigation Adjacent to The Enclave Privacy Wall on Yosemite – Directors Pearson and Kelly

Deferred to the December meeting.

D. Other

None.

XV. Construction Project Items

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

1. Under Construction

- a. Pedestrian Lights on West Side of Yosemite (Lincoln to Park Meadows Drive) – November/December

Mr. Goertz indicated TST is working with Xcel to target December 20th as a turn on date. He will notify the Board as soon as the date is confirmed.

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

Mr. Goertz reported TST is waiting for Xcel to turn the lights on. These should also be turned on by December 20th. He reported that the six lights adjacent to the Treo building are not being replaced now. They will be replaced by the future redevelopment project on this site.

- c. Park Meadows Drive Reconstruction (Acres Green to Quebec) – November

Mr. Goertz reported this project is completed. Final walk through will be in the next week weather permitting.

2. 2013-2014 Bid Package and Construction-Landscaping

Mr. Goertz reported that Valerian will provide 95% of the construction documents for review for all three projects by the Board at the December 16th meeting. The plan is to bid the documents in January and award the contract at the February or March Board meeting.

- a. C470/Yosemite Interchange Landscaping
- b. Landscaped Median in Yosemite (Park Meadows Drive to C470) - 2013 Design/2014 Construction
- c. Landscaped Median in Park Meadows Drive (Acres Green to Quebec) – 2013 Design/2014 Construction

3. 2013-2014 Bid Package – Maintenance

- a. District Landscaped Median Rehabilitation Work

Mr. Goertz reported this work will be bid in January, contract awarded in February and work to begin in March. He indicated all of the District's landscaped medians are included. Work will be prioritized within the \$500,000 budget for 2014. Director Pearson noted the landscaped medians in Park Meadows Drive across from the self storage lot are falling apart. Mr. Goertz reported these will be among those repaired.

4. Under Design

- a. Landscaped ROW on East Side of Park Meadows Center Drive from East Mall Entrance to County Line/I-25 Interchange – 2013 Design/2014 Construction

Mr. Cotten reported the plan is to have the TMA bid this work in April for construction. The City of Lone Tree and the District are each contributing \$30,000 toward the estimated \$60,000 cost of this section of the interchange.

5. Under Study

- a. Timber Retaining Wall at Southwest corner of Timberline and Lone Tree Parkway (Director Herbolich request) - Discuss Geotechnical Proposal from Ninjo & Moore - \$1,500

Mr. Goertz reviewed the proposal from Ninjo & Moore related to geotechnical review of the retaining wall. Mr. Cotten and Mr. Goertz reported they do not see any structural deficiencies or concerns with the wall at this time. The Board stated this is not a District priority at this time. After discussion, the Board tabled action on this proposal indefinitely.

- b. C470 Widening

Mr. Cotten reported the Coalition is working on various options. They must reduce the budget from \$300,000,000 to the \$200,000,000 available. Mr. Cotten reported the roads will most likely be tolled from Wadsworth to Quebec. There will not be any tolls within the stretch of Lone Tree from Quebec to I-25. He indicated that most likely the toll is in the \$4.00 to \$5.00 range for the entire trip from Wadsworth to Quebec. He indicated the High Performance Transportation Enterprise (HPTE) is pursuing the future plans for this project. There is no request for the District to assist in funding at this time.

B. Review 2013-2017 Capital Improvement Project Plan

Mr. Blodgett reviewed with the Board. Director Van Ramshorst asked that the pedestrian lighting projects at the bottom of the page “Heritage Hills Circle, Ptarmigan, Fairview Drive” be removed. Director Van Ramshorst’s position is that the City has not been supportive of expanding pedestrian lights which this would do. Director Van Ramshorst believes that leaving these posted at the bottom of the page does not appear that the idea has been dropped. After discussion, the Board agreed to remove these from the pedestrian lighting projects.

The Board agreed to leave the pedestrian lighting project on Lone Tree Parkway South (Lincoln to Lincoln) as a potential future project.

Mr. Cotten reported there is a slight chance the City may request the District’s assistance in 2014 for the Parkway Drive improvements. This project may move up in priority if City funds are not utilized to match the future Light Rail extension project at RidgeGate. If the District committed the \$600,000 in 2014 it would most likely need an advance from the City of Lone Tree in order to repay that in 2015, given other project commitments in 2014.

Director Pearson also noted that project number 6 should be Park Meadows Drive from Acres Green to Quebec rather than County Line.

C. Other

None.

XVI. Financial Items

A. Approve November 25, 2013 Cash Position Report

Mr. Blodgett reviewed with the Board. After discussion, upon a motion duly made by Director Thomas, seconded by Director Pearson, and upon vote unanimously carried, the board accepted the Cash Position Report.

B. Approve October Claims Totaling \$126,990.97 and Approve Directors’ Fees Totaling \$461.75

Mr. Blodgett reviewed with the Board. He noted the final total is \$128,194.40. Upon a motion duly made by Director Kelly, seconded by Director Van Ramshorst, and upon vote unanimously carried, the Board approved the claims represented by check numbers 3601 through 3609 totaling \$128,194.40 and director fees represented by check numbers 3596 through 3600 totaling \$461.75.

C. Other

None.

XVII. Manager's Items

A. Conduct Public Hearing to Consider Amending the 2013 Budget; Consider Adoption of Resolution to Amend 2013 Budget

Director Herbolich opened the public hearing at 6:10 p.m. There were no public comments. He closed the public hearing at 6:11 p.m. Mr. Blodgett reviewed the requested budget amendment 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 amendment to the 2013 General Fund.

B. Conduct Public Hearing to Consider Adoption of 2014 Budget, Appropriate Expenditures and Certify Mill Levies; Consider Adoption of Resolutions to Adopt 2014 Budget, Appropriate Expenditures and Certify Mill Levy

Director Herbolich opened the public hearing at 6:12 p.m. There were no public comments. He closed the public hearing at 6:13 p.m. Mr. Blodgett reviewed the 2014 budget with the Board. After discussion, upon a motion duly made by Director Kelly, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the 2014 budget, appropriated expenditures and certified a mill levy of 6.387 mills for collection in 2014.

C. Website Update

No report.

D. Referrals

Director Van Ramshorst expressed concern regarding the referral from Douglas County regarding the amendment to the zoning resolution to allow the Director of Community Development to have up to a 40% variance authority on projects. She indicated this is too much authority to grant administratively without knowledge by other property owners. After discussion, the Board directed Mr. Blodgett to contact Mr. Avery at Douglas County to discuss the rationale for the administrative amendment and respond to the Board in the next week so the Board can determine whether to take a position for or against this amendment.

XVIII. Attorney's Items

A. 2014 Director's Election – Jennifer Ivey

1. Election Calendar

Ms. Ivey reported the election calendar can not yet be set due to pending legislation that SDA and other parties will submit to the State legislature in January. They are hoping to modify the legislation approved in 2013 in HB13-1303 to change the election laws. The most recent draft of the SDA legislation reviewed by Ms. Ivey would change the election laws to allow special districts to conduct independent elections more similar to the way municipalities currently conduct elections and would allow the flexibility in election options that was afforded under previous election laws.

2. Discuss Election Options – Polling Place or Mail Ballot

If the District coordinates with the County, only a mail ballot is allowed. If the District has its own election it can have a polling place election; however, there will be a number of voters who are on the permanent mail in ballot list which the District will need to determine.

3. Discuss Election Resolution

This will be brought forward no later than the January board meeting for review and approval by the Board. The District will first need to determine if the State legislation is changed in January.

4. Schedule

This will be finalized once the future legislation or any amendments are determined.

Mr. Blodgett noted all of this is relevant to the District if there is a contested election. There are three vacancies on the Board in 2014. If there are three or fewer candidates the District will cancel the election and not have to have either a polling place or mail ballot election. However, this will not be known until the end of February or first week of March of 2014.

B. Other

None.

XIX. Director's Items

Director Herbolich recommended the SDA University to other Board members. He stated he and Mr. Blodgett attended in 2012 and found it very useful.

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Director Herbolich thanked Directors Kelly and Pearson for reviewing The Enclave wall and turf irrigation issues.

Director Herbolich reported the update on the HOA water use and taxes report will be available prior to the December meeting.

The Board confirmed the following evaluation meetings between Board members and consultants: (1) Directors Pearson and Van Ramshorst will meet with Ms. Harwell as District accountant; (2) Directors Thomas and Pearson will meet with Mr. Blodgett as District Manager, and (3) Directors Kelly and Herbolich will meet with Mr. Cotten and Mr. Goertz as District Engineers. The Board decided all of these will be conducted in January of 2014. Mr. Blodgett's office will arrange these one hour meetings.

The Board decided to devote approximately 30 to 45 minutes of time to discuss 2015 and beyond capital projects at the February 2014 Board meeting.

The Board decided to discuss the 2014 District goals and objectives at the December 2013 Board meeting.


XX. Other Items

None.

XXI. Adjournment

Upon a motion duly made by Director Herbolich, seconded by Director Pearson, and upon vote unanimously carried, the meeting adjourned at 6:55 p.m.

Respectfully submitted,


Secretary for the Meeting

Next Scheduled Meeting: The Next Meeting is a Special Meeting scheduled for December 16, 2013 at 5:00 p.m. at the Lone Tree Golf Club, 9808 Sunningdale Boulevard, Lone Tree, Colorado