

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
PARK MEADOWS METROPOLITAN DISTRICT
DECEMBER 16, 2013

A special meeting of the Board of Directors of the Park Meadows Metropolitan District was held on Monday, December 16, 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

Also in attendance were:

Bob Blodgett; CliftonLarsonAllen LLP
Tamara Seaver; Icenogle Seaver Pogue, P.C.
Taylor Goertz; TST, Inc., of Denver
Stacey Stickler; Valerian LLC
Harold Anderson; Lone Tree City Council
Kim Monson; Lone Tree City Council
Fred Hammer; 9684 Brook Hill Court

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

Approval of
Agenda

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

Public Comments Mr. Hammer stated that he noticed the future pedestrian bridge across Lincoln Avenue to the new library site is not in the District's 2014 budget or future capital improvement plan. He asked why this was the case. The Board responded that until the bridge was in the City's immediate plans, it was not appropriate for inclusion in the District's capital improvement plan. Lone Tree Councilmember Anderson was in the audience and reported the City is still studying the possibility of the pedestrian bridge and it is not yet in their budget either. Director Herbolich noted he asked the City to inform the District when they were further along and may request District participation.

He also recommended the Board place an item in the Timberlines publication informing residents about the upcoming May 2014 directors' election and informing residents that the District's bonds were paid off in 2013.

Director Herbolich reported that the District is working with the City regarding an article in Timberlines in the March or April edition. He also indicated that the Timberlines was a City paper so space for articles on the many special districts and other entities is limited.

CONSENT AGENDA

Mr. Blodgett reviewed the items 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 Consent Agenda as submitted.

- V. Review and Approve Minutes of the November 25, 2013 Special Meeting
- VI. Information Items

DISCUSSION AGENDA

- VII. Accept Denver Water Usage Report

Director Herbolich noted the District continues to use significantly less water than prior years. Mr. Hammer reported the HOA's have noticed this also and do appreciate the District's efforts.

- VIII. Landscape Maintenance/Construction Items

- A. Accept November Landscape Maintenance Report

Mr. Blodgett reviewed the report in the absence of Mr. Bevill. After discussion, the Board accepted the report.

B. Discuss Request for Turf Irrigation Modifications Adjacent to the Enclave Privacy Wall on Yosemite

Director Pearson reported he toured the site with Mr. Hammer and Director Kelly. He did not notice any significant issues related to damage to the wall. He felt issues related to the Enclave's wall, if any, were properly an HOA responsibility. Director Pearson recommended reviewing the area again in the summer of 2014 during the active irrigation season.

Director Kelly recognized that in the event of a catastrophic wall issue, whatever the cause, the District might be engaged by the HOA in discussions as to the cause. He opined that the only permanent means of ensuring the District would not be so engaged would be to cease all irrigation, remove the turf and replace it with non-irrigated xeriscaping. This would remove all water from the equation. However, Director Kelly recognized that xeriscaping would likely not be popular or supported by the City. Director Kelly suggested that if the District wished to be a good neighbor, the District could have Brickman, its irrigation consultant check the area twice a day during irrigation season next summer, and, if appropriate, adjust heads to keep the water away from the wall. Like Director Pearson, he suggested the District then evaluate the results at that time. He did note, however; that that there was no evidence that any of the District's sprinkler heads were not already properly adjusted.

Director Herbolich reviewed the history of the beginning of The Enclave project and its turf area, including installation by the developer of The Enclave, following the City's history with the area, and then the District assumption of the City ROW maintenance responsibilities and its current irrigation. He indicated he did not believe the District should have any responsibility outside of the basic maintenance of the turf area within the City ROW which the District and all other parties inherited from the developer. He noted that the Enclave HOA could request permission from the City of Lone Tree to install a French drain in the ROW along the wall at the HOA's expense if the HOA was concerned about the wall.

Ms. Seaver noted for the Board the Colorado case law related to water drainage as a general proposition. In the context of the French drain or other affirmative actions related to the wall, she cautioned the Board about the inherent legal risks in taking action and, perhaps by virtue of the action taken, assuming some responsibility without indication that the District's irrigation activities have had any impact on the wall.

After further discussion, Director Pearson made a motion to wait until next June or July and review the situation again after another walk through, and allow Brickman to continue irrigation until that point.

The motion died for lack of a second. The Board took no action regarding The Enclave's request to modify the irrigation at this time. The Board noted the irrigation technician for Brickman will frequently check the area next spring and summer when the irrigation is activated to verify the Board's conclusion that the irrigation system is not creating an issue.

C. Other

None.

IX. 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) – December 20, 2013

Mr. Goertz reported the poles are not yet in place. The deadline for the contract was November 30th. Liquidated damages of \$500 per day are accumulating since that date. He does not yet have a good date for the contractor for completion of the project. WL Contracting has generally been a good contractor for the District's prior pedestrian lighting projects.

Mr. Goertz will again speak with the contractor. Ms. Seaver stated that since it is a City contract, the City's attorney should also be consulted regarding future efforts for concluding this contract. The Board asked Mr. Goertz to notify Mr. Blodgett and the Board via email as to status of the completion of the project prior to the January Board meeting.

- b. Pedestrian Lights on East Side of Yosemite (Maximus to Park Meadows Drive) – December 20, 2013

Mr. Goertz reported WL Contracting has completed their work. The delay is Xcel lighting on this project. He stated this is a top priority for Xcel and the City. No new completion date was provided.

2. 2013-2014 Bid Package – Landscaped Median Rehabilitation Work

- 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

Ms. Stickler reviewed the bid package for the landscaped median in Yosemite and the landscaped median in Park Meadows Drive. The C470/Yosemite interchange landscaping project had previously been reviewed by the Board. Mr. Goertz reported that the construction of the concrete median within Park Meadows Drive will be a separate contract totaling an estimated \$80,000. This is not presently in the District's budget.

Director Herbolich noted the City needs to review these projects as soon as possible so they approve them prior to being bid. Ms. Stickler reviewed the potential sandstone monument sign. The Board asked that the City also review the sign and ensure it is consistent with the City's sign policy and if they will approve it at this location.

After further discussion, the Board asked Mr. Goertz to provide a cost estimate for the construction of the concrete median in Yosemite. Ms. Stickler will schedule a meeting with the Lone Tree City Council to review the project plans and will provide a set of the plans to Director Kelly for review. Action was tabled by the Board until the January Board meeting.

Director Herbolich asked that the large board illustrating the median projects be brought for review at the January Board meeting.

3. 2013-2014 Bid Package – Landscaped Median Rehabilitation Work

Mr. Goertz reported he is working on the project. He hopes to have this ready for bid in January or February.

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. Goertz reported that TMA is proceeding to construct this project in the spring of 2014.

5. Under Study

a. C470 Widening

No update.

B. Review 2014-2018 Capital Improvement Project Plan

Deferred to the March Board meeting after the bids are received on the three landscape package projects.

C. Review Public Improvement Project Designation Addendums

The Board reviewed the project addendums. It was noted that two of the addendums need to be revised regarding completion dates and other wording.

Upon a motion duly made by Director Herbolich, seconded by Director Thomas, and upon vote unanimously carried, the Board approved the Public Improvement Project Designation Addendums subject to revisions as noted above. These will then be provided to the City of Lone Tree for City Council approval. The projects will be numbered Addendum 2013-01 through 2013-09.

D. Other

None.

X. Financial Items

A. Approve December 11, 2013 Cash Position Report

Mr. Blodgett reviewed with the Board. After discussion, the Board accepted the December 11, 2013 Cash Position Report.

B. Approve November Claims Totaling \$19,186.61 and Approve Directors' Fees Totaling \$369.40

Upon a motion duly made by Director Thomas, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the claims represented by check numbers 3614 through 3623 totaling \$19,186.61 and director fees represented by check numbers 3610 through 3613 totaling \$369.40. Director Herbolich asked that the director fees and other checks be combined in one list in the future.

C. Other

None.

XI. Manager's Items

A. Website Update

Mr. Blodgett reported he reviewed the website and other than some minor project updates it is current.

B. Referrals

Upon a motion duly made by Director Kelly, seconded by Director Thomas, and upon vote unanimously carried, the Board decided to respond with "No Comment" on the Douglas County referral regarding increasing the administrative variance authority of the Director of Planning.

C. Other

None.

XII. Attorney's Items

A. 2014 Director's Election Update

Ms. Seaver reported it is doubtful that any new election legislation will be introduced and passed in time to impact the May 2014 Directors' election process. She noted the District has three election options; 1) polling place 2) mail ballot, or 3) a coordinated mail ballot with Douglas County. After discussion, the Board stated their preference for a mail ballot election conducted by the District. Mr. Blodgett noted the DEO can be either his office or Ms. Seaver's office. They will discuss this and provide a recommendation at the January meeting. The Board will consider the election resolution and election calendar at the January Board meeting.

B. Discuss Park Meadows Drive/Yosemite (Southwest Corner) ROW Dedication to COLT – Sign Request

Ms. Seaver briefed the Board regarding the property in question, the history of the title, the fact that it was always intended to be conveyed to the City, and the recent request from Quick Mart for an easement. She noted that the City Attorney for the City of Lone Tree would accept a quit claim deed from the District for the parcel and that the City would, thereafter, work with Quick Mart.

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The property owner desires to place a sign on this corner in what should be the City's ROW.

Upon a motion duly made by Director Pearson, seconded by Director Kelly, and upon vote unanimously carried, the Board approved the quit claim deed for the property at the Southwest corner of Yosemite and Park Meadows Drive to the City of Lone Tree.

C Other

None.

XIII Director's Items

A. Discuss 2014 Goals and Objections

The Board reviewed the Goals and Objectives and made changes to them. Mr. Blodgett will modify and return these to the January Board meeting for final approval.

B. Other

None.


XIV. Other Items

None.

XV. Adjournment

Upon a motion duly made by Director Herbolich, seconded by Director Kelly, and upon vote unanimously carried, the meeting adjourned at 6:40 p.m.

Respectfully submitted,


Secretary for the Meeting

Next Scheduled Meeting: The Next Meeting is a Regular Meeting scheduled for January 27, 2014, at 5:00 p.m. at the Lone Tree Civic Center, 8527 Lone Tree Parkway, Lone Tree, Colorado