

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
PARK MEADOWS METROPOLITAN DISTRICT
FEBRUARY 24, 2014

A regular meeting of the Board of Directors of the Park Meadows Metropolitan District was held on Monday, February 24, 2014 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
Greg Kelly
Roger Pearson
Sharon Van Ramshorst

Also in attendance were:

Bob Blodgett and Stephany Juneau; CliftonLarsonAllen LLP
Tamara Seaver; Icenogle Seaver Pogue, P.C. (left at 6:15 p.m.)
John Cotten and Taylor Goertz; TST, Inc., of Denver
Kim Monson; Lone Tree City Council
Fred Hammer; 9684 Brook Hill Court
Maury Ackerman; 9639 Brook Hill
C. Dale Flowers; 9597 Silver Hill Circle

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 reported Ms. Seaver needs to leave the meeting at 6:15 p.m. He recommended the construction items and legal items be discussed first at the meeting. The Board concurred. Upon a motion duly made by Director Pearson, seconded by Director Thomas, and upon vote unanimously carried, the Board approved the agenda as amended.

Public Comments Mr. Hammer provided a present value cost analysis of the proposed District maintenance of Arrowhead Way from Lone Tree Parkway to Scrub Oak. He reported \$4,000 per year for 20 years at 1% present value of the cost of this decision is \$72,182. For 20 years at 3% the present value cost is \$59,509. For 30 years at 4% the present value cost is \$78,402. He recommended the Board consider these economic criteria before making a decision to approve the District paying for the landscape maintenance.

Mr. Flowers introduced himself to the Board. He stated he is running for the Board to contribute public service in the District. He recently moved into the District after spending 30 years in Littleton. Mr. Ackerman is also a candidate for the Board. He stated he is attending the meeting to learn and get additional information about the District's responsibilities.

CONSENT AGENDA

Mr. Blodgett reviewed the items with the Board. 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 January 27, 2014 Regular Meeting

VI. Information Items

DISCUSSION AGENDA

VII. Accept Denver Water Usage Report

No Discussion.

VIII. Landscape Maintenance/Construction Items

A. Accept February Landscape Maintenance Report

Mr. Blodgett reported Mr. Bevill could not attend tonight's meeting. He was called away on business. He reviewed the report with the Board. After discussion, the Board accepted the report.

Work Orders:

Director Pearson stated the median beds are in the budget at \$30,000 and the tree rings are in the budget for \$12,000 for a total of \$42,000. The submitted work orders are approximately \$43,000. Mr. Blodgett will ask Mr. Bevill to make up this \$1,000 overage in his budget later in the year.

Director Pearson stated even though there is a slight increase from the budget, he is supportive of this work being done.

1. Top Dress Median Beds - \$31,908

Upon a motion duly made by Director Pearson, seconded by Director Thomas, and upon vote unanimously carried, the Board approved Work Order No. 1.

2. Top Dress Tree Rings in Turf - \$11,396

Upon a motion duly made by Director Pearson, seconded by Director Thomas, and upon vote unanimously carried, the Board approved Work Order No. 2.

- B. Discuss Request by Lone Tree Terrace HOA for District to Maintain the South Side of Arrowhead Way (Lone Tree Parkway to Scrub Oak)

1. Review Cost Estimate – \$5,425

Mr. Blodgett reviewed the cost estimate with the Board. He stated the Brickman cost is slightly higher than the \$4,400 cost estimate incurred by the HOA with their present contractor due to the additional tree and turf services provided in the Brickman standard HOA landscape ROW maintenance agreement with the District.

Director Pearson noted this is a unique situation in the District where one HOA backs up to another HOA with landscaped maintenance being their responsibility on the other side of their wall facing the adjacent HOA. Mr. Blodgett noted the District's past practice has been to maintain arterial and collector streets. This is a local street with a very unique situation. Mr. Cotten noted that Fairview and Rosemont are also considered collector streets by the City of Lone Tree. The District presently provides only median maintenance on Fairview. Director Pearson asked if the ROW should first be brought up to certain standards before the City accepts maintenance responsibility?

Mr. Blodgett noted he and Ms. Seaver reviewed the District's Service Plan, IGA's and License Agreement with the City of Lone Tree. It is not clear whether or not the District's current License Agreement with the City restricts the landscaped maintenance to arterial and collector streets. Ms. Seaver recommends that the District obtain the concurrence of the City of Lone Tree before proceeding with the Arrowhead Way maintenance. The Board concurred.

Upon a motion duly made Director Van Ramshorst, seconded by Director Thomas, and upon vote unanimously carried, the Board approved the District maintenance of the Arrowhead Way ROW from Lone Tree Parkway to Scrub Oak on the south side subject to the City of Lone Tree's concurrence.

2. Discuss Back of Curb Landscape Maintenance Policy

Previously discussed.

C. Discuss Ash Borer Treatment Cost Estimate (March)

Deferred to March meeting.

D. 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)

Mr. Goertz reported the City still does not have a firm schedule from the contractor as to when they will be complete. They continue to incur liquidated damages at \$500 a day. Director Pearson noted this has been for approximately 100 days which means \$50,000 in fees to be deducted from their contract. Director Pearson expressed concern about paying the claim at today's meeting regarding the pedestrian light work. Mr. Cotten noted the City has already made this payment and the District is reimbursing the City. Mr. Cotten noted that the retainage is still being held on the contract.

Mr. Cotten discussed the necessary landscape repairs that are needed. Mr. Bevill has recommended that these wait until spring to be completed.

1. Discuss Change Order for Conduit Adjacent to Woodmen Building ROW

Mr. Cotten reported the Change Order is not needed.

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

Mr. Goetz reported an electrician is reviewing the wiring that failed. After re-inspection, Xcel will connect the meter. These lights should be on within a few days.

Director Pearson asked about changing the pedestrian lights at the service station on the south west corner of Park Meadows Drive and Yosemite. Mr. Cotten reported since Texaco is a large corporation this might be difficult to pursue. The Board concurred.

- 2. 2014 Bid Package and Construction-Landscaping (Bid Opening March 17th)

Mr. Goetz reported more than one plan holder has picked up the plans. Mr. Cotten reported there is a mandatory pre-bid conference within the next week or so.

- a. C470/Yosemite Interchange Landscaping
- b. Landscaped Median in Park Meadows Drive (Acres Green to Quebec)

- 3. 2014 Bid Package – Landscaped Median Rehabilitation Work

Mr. Goetz reported this will be advertised in the Rocky Mountain purchasing system this week. He hopes to have bids available for Board review at the March 24th meeting.

- 4. Under Design

- a. Landscaped ROW on East Side of Park Meadows Center Drive from East Mall Entrance to County Line/I-25 Interchange - \$62,500 (\$31,250 each COLT and PMMD)

- 1. Discuss Agreement with TMA

Mr. Cotten reported this work has begun on the north east corner. The City of Lone Tree will have a letter agreement with the TMA for their share of \$31,250. PMMD will have a separate letter agreement. Ms. Seaver

will work with Mr. White's office regarding the District's letter agreement.

- b. Acres Green Landscaped Median Modifications (Parkway Drive to County Line Road) – Matt Bevill

Deferred to the March meeting.

- B. Accept 2014-2018 Capital Improvement Project Plan Draft – (to be Discussed Following Receipt of 2014 Construction Bids)

Mr. Cotten reported the City of Lone Tree is proceeding with an additional lane on eastbound Lincoln to the northbound I-25 ramp in 2014. CDOT does not have the funds available for this. They are paying for the ramp metering cost of \$26,000. The estimated cost is \$430,000. Lone Tree will pay \$250,000. They are requesting \$180,000 from the District. After discussion, upon a motion duly made by Director Herbolich, seconded by Director Van Ramshorst, and upon vote unanimously carried, the Board approved the District participation of \$180,000 in 2014.

Mr. Cotten reviewed his 2014-2018 Capital Improvement Plan. He reported Project #7, a northbound right turn lane in Yosemite at Park Meadows Drive is also a new project. The estimated cost is \$550,000. Lone Tree is requesting the District to pay half of this cost of \$275,000 in the 2015 budget. After discussion, upon a motion duly made by Director Herbolich, seconded by Director Van Ramshorst, and upon vote unanimously carried, the Board approved the request for \$275,000 in the 2015 budget. Director Kelly noted this will exceed the amount of funds available in 2015. Mr. Blodgett will adjust other projects and review again with the Board in the future.

- C. Other

None.

X. Financial Items

- A. Approve February 19, 2014 Updated Cash Position Report

Mr. Blodgett reviewed the February 19, 2014 Updated Cash Position Report with the Board. After discussion, the Board accepted the February 19, 2014 Updated Cash Position Report.

B. Approve January Claims Totaling \$313,370.32

Mr. Blodgett reviewed the January claims with the Board. After discussion, upon a motion duly made by Director Herbolich, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the January claims represented by check numbers 3641 through 3658 totaling \$332,386.32.

C. Other

None.

XI. Manager's Items

A. Referrals

None.

B. Other

Mr. Blodgett reported the District business cards with the summary of the District's 2014 budget and assessed valuation have been completed and are provided tonight to the Board and the public.

Mr. Blodgett reported he is out of the office March 1st through 8th. Mr. Dave Peak in his office will assist with the DEO duties for the PMMD election in his absence.

XII. Attorney's Items

A. 2014 Director's Election Update

Ms. Seaver reported on the recent House Bill 1164 revised election law which was approved and signed into law by Governor Hickenlooper last week. She noted the County no longer will keep a permanent mail-in voter list. This is now the responsibility of the District. The District has no way of doing this in the short term. In addition, the County estimated 40 to 60 percent of the District's voters are on the permanent mail-in voter list. This makes a polling place election very costly in that many mail ballots will have to be sent anyway. She strongly recommended the District proceed with a mail ballot election if there is a contested election for the May 6th Director seats. At this time, there are five candidates for the three positions.

After discussion, upon a motion duly made by Director Herbolich, seconded by Director Pearson, and upon vote unanimously carried, the Board authorized a mail ballot election for the District for the May 6th Directors' Election.

Ms. Seaver noted the February 28th is the deadline to be listed on the ballot. March 3rd is the deadline to be a write in candidate. A lot drawing for the candidates is held March 4th to 7th and the ballot is certified by March 7th.

B. Discuss Fair Campaign Practices Act

Ms. Seaver reviewed this Act with the Board. She noted it is intended for campaigns such as a bond issue where the District is advocating the passage of a measure with the voters. It is not designed for a candidate election. For an advocacy election, each Board member may spend \$50.00 of District funds in that election. For a candidate election, the Board must provide only factual information to the voters regarding the candidates for the Board seats.

C. Discuss Candidate Information Newsletter Mailing

Director Herbolich recommended the Board provide information on all of the candidates to the voters within the District similar to what the Southgate Water and Southgate Sanitation District provided in their April 2012 election. Ms. Seaver indicated this is appropriate if all candidates participate and the information on each candidate provided is identical. If that is not the case, the Board cannot send the information.

After discussion, the Board authorized Mr. Blodgett's office to prepare a candidate information newsletter mailing with questions to each of the candidates to be sent to all households, apartments and businesses in the District during approximately the first week of April prior to mail ballots being received by voters.

Ms. Juneau reviewed the bids received for the newsletter. After discussion, the Board approved the use of Egan Printing to print and mail the newsletter for the District. Mr. Blodgett's office will prepare a schedule for the newsletter mailing and a timeframe once the ballot is certified during the week of March 3rd.

Director Herbolich reported he and Director Van Ramshorst spoke with the City of Lone Tree regarding a possible sign board on City streets indicating the information on the District election and other District elections. The City has decided not to do this. They will have a sign board noting election information is on the Districts' websites.

Mr. Hammer noted that South Metro and Southgate have their own newsletters. He recommended the District provide a newsletter of their own regarding District activities and projects. After discussion, the Board concurred. The Board will discuss preparation and distribution of a newsletter later in 2014 following the May election.

D. Discuss Spring Timberlines Issue – Request for PMMD to Participate

Director Herbolich noted he had spoken with the City Manager and the City has withdrawn their request for District participation in this Timberlines issue.

E. Other

None.

XIII. Director's Items

Director Pearson and Director Herbolich reported on their evaluation meeting with Mr. Blodgett. They indicated they are presently satisfied with Mr. Blodgett's efforts to manage within his budget and leverage costs by utilizing Ms. Suazo and Ms. Juneau to the maximum extent possible.

Director Herbolich and Director Kelly reported on their evaluation meeting with Mr. Cotten in his responsibilities as District engineer. They indicated they are satisfied with the efficiencies provided by TST serving as the District engineer for the City and the District rather than the District hiring a separate engineer.

Director Kelly asked Mr. Goertz and Mr. Cotten to prepare a schedule for tracking of projects of design, construction, bidding and completion schedule at a very high level which the District Board can use as a tracking mechanism with updates for each project throughout the year. Mr. Cotten and Mr. Goertz will prepare for use in the future.

Director Pearson reported he will not be present for the March 24th meeting. Director Van Ramshorst indicated she is returning from the mountains for the meeting. After discussion, the Board decided to continue the meeting to Monday, March 31st at 5:00 p.m. at the Lone Tree Civic Center.

XIV. Other Items

None.

RECORD OF PROCEEDINGS

XV. Adjournment

Upon a motion duly made by Director Herbolich, seconded by Director Thomas, and upon vote unanimously carried, at 7:10 p.m. the Board continued the meeting to March 31, 2014 at 5:00 p.m. at the Lone Tree Civic Center. The March 24th regular meeting is cancelled.

Respectfully submitted,



Secretary for the Meeting

Next Scheduled Meeting: The Next Meeting is a Continued Meeting scheduled for March 31, 2014, at 5:00 p.m. at the Lone Tree Civic Center, 8527 Lone Tree Parkway, Lone Tree, Colorado