

RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
PARK MEADOWS METROPOLITAN DISTRICT  
APRIL 28, 2014

A regular meeting of the Board of Directors of the Park Meadows Metropolitan District was held on Monday, April 28, 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  
Roger Pearson  
Greg Kelly  
Sharon Van Ramshorst

Also in attendance were:

Christine Harwell, Chuck Reid and Stephany Juneau; CliftonLarsonAllen LLP  
Tamara Seaver; Icenogle Seaver Pogue, P.C.  
John Cotten and Taylor Goertz; TST, Inc., of Denver  
Matt Bevill; The Brickman Group  
Harold Anderson; Lone Tree City Council  
Kim Monson; Lone Tree City Council  
Tom Haning; 7856 Arundel Lane  
Fred Hammer; 9684 Brook Hill Court

Call to Order

Director Herbolich called the meeting to order at 5:02 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

The agenda was accepted as presented.

Public Comments

Mr. Hammer addressed the Board about the proposed \$450,000 expenditure for Chancery Construction for 2014 median rehabilitation work expressing his belief that this is a major expenditure. He asked the Board if this was the first

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time the work was being performed and how frequently this level of effort will be needed to maintain the medians.

Director Van Ramshorst stated that the Board asked for bids last year and no one bid on it. Furthermore, she stated that PMMD has medians and has to maintain them and that salt and chemicals used on the streets contributed to their degradation.

Director Pearson stated that the Board walked the medians and noted that the project is expensive because of the location of the work being performed, which will need traffic control and the age of the infrastructure. They hope to get on a 5-year plan so that there will not be a big cost in the future.

Mr. Goertz stated that in 2012 they conducted a complete assessment of all of the medians. The new medians will have a 20-year lifespan and newer medians will not require as much tucking. Another cause of the wear and tear of the medians can be due to the vibration from traffic.

Director Kelly stated that in the 1990s, PMMD decided to construct the flagstone medians because they wanted it to distinguish the area. The Board knew that this decision would result in significant maintenance needs.

CONSENT  
AGENDA

The March 31, 2014 minutes were pulled from the agenda as Director Van Ramshorst noted that the description under 5.B. should state that it is a left turn into The Enclave subdivision. Upon a motion duly made by Director Van Ramshorst, seconded by Director Thomas, and upon vote unanimously carried, the Board approved the minutes as amended.

Upon a motion duly made by Director Van Ramshorst, seconded by Director Kelly, and upon vote unanimously carried, the Board approved the remaining Consent Agenda information items.

- V. Review and Approve Minutes of the March 31, 2014 Continued Regular Meeting
- VI. Information Items

DISCUSSION  
AGENDA

- VII. Denver Water Usage Report:

The Board took no action on this item.

- VIII. Landscape Maintenance/Construction Items:

A. April Landscape Maintenance Report

Mr. Bevill reviewed this report with the Board. After discussion, the Board accepted the report.

**Work Orders:**

1. Quebec and County Line Road (South East Corner) Enhancement Planting - \$5,000.

The Board took no action on this matter, pending additional information and electrical work being done by the city.

B. Discuss HOA Backflow Prevention Inspection Policy

Mr. Bevill reported that annual backflow prevention device (BPD) inspections have been performed for the 18 District owned BPDs. Southgate Water HOA BPDs are not included in the contract with Brickman. The inspections are provided by an outside contractor hired by the HOA and typically cost around \$100, plus any materials and/or repairs needed for the BPD to work correctly. BPDs are not specifically referenced in any of the District's landscaping agreements.

Director Pearson encouraged PMMD to assume control of this function and moved to change the District's policies such that PMMD would be responsible for annual inspection and repair of all BPDs in service HOA areas maintained by the District. The motion received no second and the Board took no action on the motion. The request for the District to take over the HOA responsibility for the 16 HOA BPDs was denied.

IX. Construction Project Items

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

1. Under Construction

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

Mr. Cotten stated that electrical inspections have passed and they are waiting for the power meter from Xcel.

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

Mr. Cotten stated that the lights are operating.

2. 2014 Landscape Construction Schedule

a. C470/Yosemite Interchange (North Side) Landscaping

Mr. Goertz stated that lane closures will be limited during the mall's busy hours. Director Pearson stated that he would like to keep Pam Schenck, Park Meadows Mall General Manager, informed about the project and specifically notified about planned lane closures. Mr. Cotten has talked with Ms. Schenck and informed her that efforts will be taken to minimize lane closures.

This project is expected to begin May 22<sup>nd</sup> and end July 3<sup>rd</sup>.

b. Landscaped Median in Park Meadows Drive (Acres Green to Quebec)

Mr. Cotten reported that they held a pre-construction meeting last week and work began April 28<sup>th</sup> and will be completed in June.

3. 2014 Landscaped Median Rehabilitation Work

a. Review Proposals

Mr. Goertz reviewed the proposal from Chancery Construction, stating that PMMD utilized the Rocky Mountain Bidnet System. The RFP reached 93 contractors and only Chancery responded. Mr. Goertz stated that he has worked with Chancery before and knows they are reliable.

Chancery will sub-contract out traffic control and the masonry work. The contract contains a yearly mobilization fee for every annual contract that is executed, and unit price costs in the contract are inclusive of all costs. Actual masonry work will be limited due to allowed lane closures between 8:30 a.m. to 3:30 p.m.

Mr. Goertz stated that Chancery will not be on-site full time, although TST will have a significant presence while work is being done. Mr. Goertz will initially be the point of contact, and then will see how working relationships function.

Mr. Goertz noted that they have not established a start date.

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- b. Consider Approval of Agreement with Chancery Construction for 2014 Median Rehabilitation Work – Lincoln Avenue and Yosemite (Lincoln to Lone Tree Parkway) - \$450,000

Upon a motion duly made by Director Kelly, seconded by Director Pearson, and upon vote unanimously carried, the Board approved the Agreement with Chancery Construction for 2014 Work – Lincoln Avenue (Lone Tree Parkway to Commons Street) and Yosemite (Lincoln to Lone Tree Parkway) - \$450,000.

- 3. Under Design

None.

- B. Status of County Line Road RFP (Yosemite to Inverness Drive)

Mr. Cotten informed the Board that the County is finalizing the RFP for the study, which is expected to be released next week (May 5<sup>th</sup>-9<sup>th</sup>). Park Meadows Metro District is not contributing to the study, which SPIMD and stakeholders are financing.

Last, Mr. Cotten noted that the Lincoln to I-25 on-ramp improvements project is going to bid in May.

- C. Accept 2014-2018 Capital Improvement Project Plan

It was noted that Mr. Blodgett has adjusted estimated project budgets, but has not significantly changed the Plan.

After discussion, upon a motion duly made by Director Van Ramshorst, seconded by Director Kelly, and upon vote unanimously carried, the Board accepted the 2014-2018 Capital Improvement Project Plan.

- D. Other

None.

- X. Financial Items

- A. Review 2013 Draft Audit

Ms. Harwell reviewed the 2013 Draft Audit with the Board noting that the District has a strong and growing "net position" which indicates fiscal health. Audit field work will start Monday, May 5<sup>th</sup> and will take two to three days. Ms. Harwell expects that the auditor will issue an "unmodified opinion" which means that all financial information is reported based on accepted governmental accounting standards and no significant changes are made to the District's financial practices.

Ms. Harwell noted that Haynie & Company will perform the audit. Director Herbolich suggested that a different Haynie Partner manage the audit next year, in lieu of rotating auditors. Ms. Harwell will make that request.

B. Approve March 31, 2014 Financial Statement

Ms. Harwell reviewed the March 31, 2014 Financial Statement with the Board. After discussion, upon a motion duly made by Director Thomas, seconded by Director Van Ramshorst, and upon vote unanimously carried, the Board accepted the March 31, 2014 Financial Statement.

C. Approve April 15, 2014 Cash Position Report

Ms. Harwell reviewed the April 15, 2014 Cash Position Report with the Board. After discussion, upon a motion duly made by Director Thomas, seconded by Director Van Ramshorst, and upon vote unanimously carried, the Board accepted the April 15, 2014 Cash Position Report.

D. Approve March Claims Totaling \$113,276.16

Mr. Reid reviewed the March claims with the Board. After discussion, upon a motion duly made by Director Herbolich, seconded by Director Kelly, and upon vote unanimously carried, the Board approved the March Claims totaling \$113,276.16.

XI. Manager's Items

A. 2014 Director's Election Update

Ms. Juneau reviewed the 2014 Director's Election with the Board. She stated that there are 21 UOCAVA voters, 4,945 ballots were sent out. We have received over 400 ballots back and approximately 35 ballots were undeliverable.

Ms. Seaver reviewed the definition and eligibility of Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) with the Board. Ms. Seaver explained that this act affords registered electors that are currently serving in the military the opportunity to vote.

B. Referrals

None

C. Other

None

XII. Attorney's Items

A. Consider Approval of Amendment to the 2014 Landscape Maintenance Services Agreement with Brickman to Add Arrowhead Way ROW - \$5,425

Ms. Seaver reviewed the draft amendment with the Board of Directors. After discussion, and upon a motion made by Director Herbolich, seconded by Director Kelly, and upon vote unanimously carried, the Board approved the Amendment to the 2014 Landscape Maintenance Services Agreement with Brickman to Add Arrowhead Way ROW - \$5,425.

B. Discuss Landscape Maintenance Services Agreement with the Lone Tree Terrace HOA

In the context of provision of landscape maintenance services for real property owned by Lone Tree Terrace Homeowners Association property . Ms. Seaver advised the Board that in order to spend public funds on such services, the District should possess an real property interest in the property being served. At a minimum, this would require that the District be granted an easement to provide landscape maintenance services. Ms. Seaver advised that licenses are not interests in real property.

The District currently has license agreements for its other landscaping service agreements, and Ms. Seaver recommended modifying the agreements to ensure easement interests are granted to the District. Ms. Seaver will draft the Lone Tree Terrace HOA Agreement to require the grant of an easement..

Mr. Cotten provided background on the use of licenses for the commercial properties for which PMMD provides landscaping services and the difficulties in dealing with lenders

After discussion, upon a motion duly made by Director Herbolich, seconded by Director Kelly, and upon vote unanimously carried, the Board approved pursuing modifications to the existing landscape maintenance services agreements as discussed, and authorizing preparation of a similar agreement with the Lone Tree Terrace HOA.

Other

None.

XIII. Director's Items

Director Van Ramshorst discussed the recent PMMD newsletter, stating that the Board should consider doing a newsletter four times a year and put it on the website, which will be kept up to date. After discussion, the Board decided to have management keep the website up to date. This is the primary method of communication with taxpayers. This eliminates the need for a periodic newsletter. The Board concurred with Director Van Ramshorst's opinion that the website is underutilized and asked management to bring back a plan about how best to improve PMMD's communication efforts.

Director Pearson reported that he takes exception to one characterization of PMMD that was in Mr. Hammer's newsletter biography. Specifically, Director Pearson stated that PMMD is open, honest and transparent. Director Pearson noted that the Board posts all information on the District's website and that the District Board Members and outsourced staff are willing communicators about PMMD. Following additional discussion, the Board concurred with Director Pearson's belief and they are collectively proud of PMMD's openness, honesty and transparency.

Director Pearson offered his gratitude for Director Thomas's six years of service to the District. All Board members thanked Director Thomas for his service.

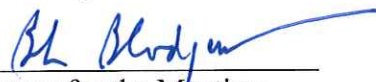
XIV. Other Items

None.

XV. Adjournment

There being no further business to discuss, upon a motion duly made by Director Herbolich, seconded by Director Pearson, and upon vote unanimously carried, the Board adjourned the meeting at 6:56 p.m.

Respectfully submitted,

  
Secretary for the Meeting

Next Scheduled Meeting: The Next Meeting is a Regular Meeting scheduled for May 19, 2014, at 5:00 p.m. at the Lone Tree Civic Center, 8527 Lone Tree Parkway, Lone Tree, Colorado