

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY
SPECIAL MEETING
FEBRUARY 22, 2012 1:00 - 5:00 PM
WEST WOODS GOLF CLUB
6655 QUAKER ST.
ARVADA, COLORADO 80001

- I. Call to Order
- II. Pledge of Allegiance
- III. Consent Items
 - A. Approval of Minutes of the January 19, 2012 JPPHA Meeting
- IV. Reports from Staff
- V. Report of the General Counsel
- VI. Report from the Board of Directors
- VII. Public Comment (3 minute limit)
- VIII. New Business
 - A. Status of Golden Lawsuit
- IX. Executive Session
 - A. Legal Advice related litigation matters, and concession efforts, pursuant to C.R.S. 24-6-402(4)(b)
 - B. Discussion of matters being negotiated related to concession efforts, and developing strategy and instructing negotiators related thereto, pursuant to C.R.S. 24-6-402(4)(e)
 - C. Discussion related to the acquisition of property for right of way purposes, pursuant to C.R.S. 24-6-402(4)(a)
- X. Adjournment

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY
SUMMARY OF MINUTES OF REGULAR MEETING
JANUARY 26, 2012 2:00 P.M.
ARVADA CITY HALL -- 8101 RALSTON ROAD
ARVADA, COLORADO 80001

I. Call to Order by Chairman Williams

Chairman Marc Williams called the meeting of the Jefferson Parkway Public Highway Authority (JPPHA) to order at 9:03 a.m. Present were Chairman Marc Williams; Vice-Chairman Don Rosier; Director Don Allard; Director Pat Quinn; Director Greg Stokes; Lorraine Anderson

Also in attendance were Victoria Runkle, Staff to JPPHA; Bill Ray, Staff to JPPHA; Ed Icenogle, Legal Counsel for the JPPHA; Ellen Wakeman, Jefferson County Attorney; Chris Daly, Arvada City Attorney; Bill Tuthill, Broomfield County Attorney;

II. Pledge of Allegiance

III. Election of Officers

A. Chair; Vice-Chair; Treasurer; Secretary

Director Rosier moved that all current officers be reelected. Bill Ray reminded the Board that the current officers are Marc Williams, Chair; Don Rosier, Vice-Chair; and Pat Quinn, Secretary.

The following votes were cast on the motion:

Those voting Yes: Williams, Rosier, Allard, Quinn, Stokes

The Motion was approved.

IV. Organization Matters

A. Resolution 12-01, A Resolution Concerning Annual Administrative Items

Director Rosier moved that Resolution 12-01, A Resolution Concerning Annual Administrative Items, be approved. Director Quinn seconded.

The following votes were cast on the motion:

Those voting Yes: Williams, Rosier, Allard, Quinn, Stokes

The Motion was approved.

V. Consent Items

A. Approval of Minutes of the December 14, 2011 and January 9, 2012 JPPHA Meetings

The minutes were approved. Director Stokes submitted some changes to both the December 14, 2011 and January 9, 2012 minutes following the adjournment of the meeting. The changes were to remove Walt Spader's name from the motions made in both meetings and replace them with Director Stokes' name.

VI. Report from Staff

A. 2011 Year-End

Victoria Runkle presented the 2011 year-end report. For the year of 2011, the Authority started with \$45,938 in the bank. She then reviewed the revenues and expenditures throughout the year and said at year end, there was a balance of \$2,817,298 to meet the needs of the Authority's share of the section 16 escrow agreement.

Ms. Runkle pointed out that on the 2012 Estimated Budget, which is the last column on the sheet, the ending fund balance will be \$173,948 when the section 16 escrow transfer of \$2,800,000 occurs in 2012.

Director Quinn asked for a break down, or a one page summary by project, from Ed Icenogle's firm that would show what they have worked on each month and what they anticipate for the next month or two. He said this way the board can track it in the future.

VII. Public Comment

Michael Kuhn addressed the Board regarding concerns with the budget. He said he is asking for all FTEs from all parties dedicated to JPPHA. He wants an accounting of how many people, including people who take notes, traffic engineers, and the entire support staff being paid for by his tax dollars. He said he is looking for all those who are paid behind the scenes and not reported in the budget, which he considers hidden costs. Mr. Kuhn referred to a publication last June which was an article by Leroy Moore talking about Wildlife Refuge. He said he also wants access to the traffic studies that have been done and said he would propose that there are many construction companies in the United States that could do the job.

VIII. Report from Staff

Bill Ray advised the Board that Isolux has indicated they have proceeded along with their study and that staff will be able to review it, in a very similar way that was used in the RTD process. He said governments were given access to a data room to review, but not to take electronic notes or take documents from the room because of their proprietary nature. He said it is our intent to have a series of review sessions in the data room and at the conclusion of those sessions, we have been invited to a series of workshops where proponents would sit down with staff, probably sometime the middle of next month. Mr. Ray said Isolux is adhering to their contractual obligations and we will know more within the next seven days. He said staff will keep the Board up to date on what we have learned from that and will maybe set up workshops in mid February for the Board's involvement.

IX. Executive Session

- A. Discussion of matters being negotiated, Pursuant to CRS 24-6-402(4)(e)
- B. Discussion of matters regarding land acquisitions, Pursuant to CRS 24-6-402(4)(a)
- C. Discussion of matters regarding legal advice, Pursuant to CRS 24-6-402(4)(b)

Ed Icenogle stated the subjects for executive session are for matters being negotiated, pursuant to CRS 24-6-402(4)(e); for discussions of matters regarding land acquisitions, pursuant to CRS 24-6-402(4)(a); and for discussion of matters regarding legal advice, pursuant to CRS 24-6-402(4)(b).

Director Rosier moved to go into executive session for the above noted items. Director Quinn seconded.

The following votes were cast on the motion:

Those voting Yes: Williams, Rosier, Allard, Quinn, Stokes

The Motion was approved.

The Board moved into executive session at 9:30 a.m.

Return to public session at 10:55 a.m.

X. New Business

- A. Approval of Contract with Icenogle Seaver Pogue, P.C., for 2012 Legal Services

Director Quinn asked for a detail sheet and/or reporting mechanism for additional fees in 2012.

Director Allard moved for approval of the noted contract. Director Rosier seconded.

The following votes were cast on the motion:

Those voting Yes: Williams, Rosier, Allard, Quinn, Stokes

The Motion was approved.

B. Purchase of Liability and Errors and Omissions Insurance

Victoria Runkle presented two options on this issue; CIRSA and the City of Arvada's broker. She said she recommends the private carrier due to representation during legal issues. Bill Tuthill said he supports CIRSA and has been satisfied with their performance. Ed Icenogle said he cannot compare due to lack of experience.

Director Rosier moved to approve the insurance through CIRSA. Director Quinn seconded.

The following votes were cast on the motion:

Those voting Yes: Williams, Rosier, Allard, Quinn, Stokes

The Motion was approved.

C. Resolution 12-02 – A Resolution Concerning the Authority's Commitment to Impact Minimization and Mitigation and Management Access in Connection with its Acquisition of Real Property in the Rocky Flats National Wildlife Refuge as Right-of-Way.

Mr. Icenogle explained that this is a replacement resolution which will repeal Resolution 11-07.

Director Quinn moved approval of Resolution 12-02, A Resolution Concerning the Authority's Commitment to Impact Minimization and Mitigation and Management Access in Connection with its Acquisition of Real Property in the Rocky Flats National Wildlife Refuge as Right-of-Way. Director Rosier second.

The following votes were cast on the motion:

Those voting Yes: Williams, Rosier, Allard, Quinn, Stokes

The Motion was approved.

D. Resolution 12-03 – A Resolution Concerning Approval of Agreement for the Exchange of Lands with the United States of America and the State of Colorado

Mr. Icenogle said this includes the approval of the exchange agreement and the authorization to commit \$2.8 million to the escrow that arises under that agreement. He said it also authorizes the acceptance of a quit claim deed and delegates to the Chairman the authority to execute agreements and delegates to the executive director and general counsel the ability to make non-essential and non-material changes to all documents related thereto.

Director Allard moved for approval of Resolution 12-03, A Resolution Concerning Approval of Agreement for the Exchange of Lands with the United States of America and the State of Colorado. Director Rosier second

The following votes were cast on the motion:

Those voting Yes: Williams, Rosier, Allard, Quinn, Stokes

The Motion was approved.

Director Quinn moved that staff be further directed to take all steps necessary to secure acquisition of any remaining interest in real property needed to construct the Jefferson Parkway and to bring before the board for its consideration any formal actions necessary to complete those acquisitions. Director Allard seconded.

The following votes were cast on the motion:

Those voting Yes: Williams, Rosier, Allard, Quinn, Stokes

The Motion was approved.

- E. Motion by Rosier for option A to join in existing legal issues as a party to as presented by legal counsel. 2nd by Quinn. Approved unanimously.

Director Rosier moved that the JPPHA intervene in the lawsuits as discussed and that we approve option A as presented by legal counsel. Director Quinn seconded.

The following votes were cast on the motion:

Those voting Yes: Williams, Rosier, Allard, Quinn, Stokes

The Motion was approved.

- F. Other

Following questions regarding the budget, Mr. Ray said when we amend the budget, state law requires us to do that in the same manner that we adopted the budget so we would need to post, publish and hold a public hearing thereafter.

Director Quinn said he would like an estimate of legal fees for the first quarter to come to the board.

Director Allard asked if any action needs to be taken with regard to payment for recent negotiations. Mr. Ray said the board previously gave authority to the staff to incur expenses of up to, but not including, \$50,000. He said in the overall resolution of costs in regards to the Golden sessions, there has been an allocation of costs by and between CDOT, Jefferson County, Broomfield and Arvada and we will probably be looking at taking between \$8,000 and \$10,000 out of the authority.

Mr. Ray said the overall bill ended up being almost \$120,000. CDOT will pay \$60,000; Jefferson County \$15,000; Arvada \$15,000; Golden \$15,000; Broomfield \$5,000 and about \$10,000 against the authority.

Director Allard asked if there will be a formal budget to adopt since in December what was adopted was more of an informational sheet. He said he would like to see an amended budget and hold a public hearing on it. Mr. Ray said an amended budget will be presented to the Board and a public hearing will be held.

Director Rosier said he would like to publically commend everyone involved with the recent negotiations regarding the Fish and Wildlife Service and the Department of Interior. He said it has taken a tremendous amount of creativity to get to this point and he is impressed with the caliber of individuals that work for all of our agencies. Mr. Rosier said our attorneys and staff are top notch and people often criticize governmental employees and he is just duly impressed with what everybody did, how they did it and the results achieved. Director Quinn said this is monumental when you look at the whole

issue with Section 16, the creativity of staff and having seen the discussions and gave kudos to Jefferson County for taking the lead. Steve Snyder, Jefferson County, was recognized for his work on this issue.

XI. Adjournment at 11:18 a.m.

Marc Williams, Chairman

Christine Koch, Recording Secretary