

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY
SPECIAL MEETING
MARCH 3, 2011 - 9:30 A.M.
ARVADA CITY HALL -- 8101 RALSTON ROAD
ARVADA, COLORADO 80001

- I. Call to Order
- II. Pledge of Allegiance
- III. Consent Items
 - A. Approval of Minutes of the January 27, 2011 JPPHA Meeting
- IV. New Business
 - A. Approval of Engagement Letter with Icenogle, Seaver & Pogue for 2011 Legal Services
- V. Report of the Project Manager
- VI. Report of the General Counsel
- VII. Report from the Board of Directors
- VIII. Report of the Interim Executive Director
- IX. Public Comment (3 minute limit)
- X. Executive Session
 - A. Discussion of matters being negotiated, Pursuant to CRS 24-6-402(e)
 - B. Discussion of matters regarding land acquisitions, Pursuant to CRS 24-6-402(a)

ADJOURNMENT

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY
SUMMARY OF MINUTES OF SPECIAL MEETING
JANUARY 27, 9:30 A.M.
ARVADA CITY HALL -- 8101 RALSTON ROAD
ARVADA, COLORADO 80001

I. Call to Order by Chairman McCasky

Chairman Kevin McCasky called the meeting of the Jefferson Parkway Public Highway Authority (JPPHA) to order at 9:35 a.m. Present were Chairman Kevin McCasky; Director Marc Williams; Director Don Allard; Director Pat Quinn; Director Walt Spader and Ken Lloyd, Member, representing the Regional Air Quality Council

Also in attendance were Bill Ray, Interim Executive Director; Tamara Seaver, Legal Counsel for the JPPHA; Chris Daly, Arvada City Attorney; Bill Tuthill, Attorney for City and County of Broomfield; Ellen Wakeman, County Attorney for Jefferson County; Kevin Standbridge, City and County of Broomfield; Dick Bauman, PB; Jim Daves, PB; Jefferson County Commissioner Don Rosier.

II. Pledge of Allegiance

III. Discussion in re: Town of Superior

Chairman McCasky recognized three Board of Trustees from the Town of Superior and introduced Chris Hanson, Trustee; Sandy Pennington, Trustee; and Debra Williams, Trustee.

Bill Ray introduced this item and reported on discussions he has had with the Town of Superior regarding their concerns over increase in traffic and noise.

Dick Bauman, PB, presented a PowerPoint of the traffic impacts to Superior Environs and the CDOT Noise Study results.

Trustees Pennington and Williams stated they do not agree with the DRCOG study and want to look at alternative alignments.

Chairman McCasky stated that the JPPHA Board has accepted the alignment and we are proceeding along a path to bring a process to formalize this alignment. He said every step taken is in agreement with the 10.25 mile alignment. He said it works and is functional and provides an excellent opportunity for people to get out of neighborhoods and get onto a major arterial. He said Superior would have to take some kind of action since the JPPHA Board is moving forward to a concession agreement or a request for proposal to construct the parkway in this current alignment.

Trustee Williams said either eliminating the Indiana interchange or moving it further south by a mile would really help impact Superior in a positive way and she knows the alignment is not going to be moved. Director Allard stated a change in an interchange is a change in the alignment.

Chairman McCasky said the JPPHA Board feels comfortable, not only with the impacts in Superior, but all other communities. He said they would make all information available, including the 1601 Analysis to the Town of Superior.

IV. Election of Officers

A. Chair; Vice-Chair; Treasurer; Secretary

Chairman McCasky said Don Rosier will be the Jefferson County Commissioner appointed to the JPPHA Authority.

V. Organizational matters

A. Resolution 11-01, A Resolution Concerning Annual Administrative Items

Chairman McCasky moved that Resolution 11-01, A Resolution Concerning Annual Administrative Items, be approved and that Director Marc Williams be elected as Chairperson; Director Don Rosier be elected as Vice-Chairperson and that Director Pat Quinn be elected as Secretary and Treasurer. Director Spader seconded.

The following votes were cast on the motion:

Those voting Yes: McCasky (2), Williams, Allard, Quinn, Spader
The Motion was approved.

VI. Consent Items

A. Approval of Minutes of the December 16, 2010 JPPHA Meeting

Director Williams moved that the minutes of December 16, 2010 be approved. Director Spader seconded.

The following votes were cast on the motion:

Those voting Yes: McCasky (2), Williams, Allard, Quinn, Spader
The Motion was approved

VII. New Business

A. Resolution 11-02, A Resolution Concerning the Power of the Executive Director to Procure and Execute Certain Contracts on Behalf of the Authority

Chairman McCasky affirmed that this would give the Executive Director the power to execute certain contracts up to \$50,000 without the approval of the Board.

Director Quinn moved that Resolution 11-02, A Resolution Concerning the Power of the Executive Director to Procure and Execute Certain Contracts on Behalf of the Authority, be approved. Director Williams seconded.

The following votes were cast on the motion:

Those voting Yes: McCasky (2), Williams, Allard, Quinn, Spader
The Motion was approved

B. Approval of PB Task Order 4.C.

Director Allard moved for approval of PB Task Order 4.C. Director Quinn seconded.

The following votes were cast on the motion:

Those voting Yes: McCasky (2), Williams, Allard, Quinn, Spader

The Motion was approved

VIII. Report of the Project Manager

A. Status of Request for Proposal

Bill Ray said there have been several discussions with firms seeking more information and clarity. He said this will be discussed further in an executive session for instructions to negotiators.

IX. Report of the General Counsel - None

X. Report from the Board of Directors

A. Chairman McCasky reported on a meeting with Piper Jaffray and Goldman Sachs and said there is both excitement and optimism in participating in our project.

XI. Report of the Interim Executive Director

A. 2010 Year-end budget report

Mr. Bill Ray said the 2011 budget has been provided in the agenda packet and this is just an informational item.

B. Authority to Proceed with Acquisition of Rocky Flats Transportation Corridor

Mr. Ray said the JPPHA Board received the appraisal from U.S. Fish & Wildlife and that appraisal was for about \$28,000 per acre for 100 acres. He said based on their information, he cannot challenge their appraisal. He said we can seek another appraisal, challenge their appraisal, or accept their conclusions and move forward with the acquisition. Mr. Ray said should the JPPHA Board decide to move forward, a resolution has been prepared. Mr. Ray said he would recommend that \$28,000 per acre will be inserted into the resolution.

Director Williams moved that Resolution 11-03, A Resolution Concerning the Acquisition of Real Property in the Rocky Flats National Wildlife Refuge as Right-of-Way, be approved with the insertion to reflect \$28,000 per acre for 100 acres more or less. Seconded by Director Quinn.

The following votes were cast on the motion:

Those voting Yes: McCasky (2), Williams, Allard, Quinn, Spader

The Motion was approved

XII. Public Comment (3 Minute Limit)

A. Cheryl Williamson, 5714 Gore Range Way, Golden, addressed the Board regarding the JPPHA website. She asked several questions about the parkway including stop lights, berms, noise around the retirement community at Hwy 58 & 93, access from 58th, the alignment at that location, and whether there is a frontage road. Chairman McCasky stated that staff would meet with her to answer her questions.

XIII. 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)

Director Williams 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: McCasky (2), Williams, Allard, Quinn, Spader

The Motion was approved

XIV. Adjournment at 1:15 p.m. following executive session.

Kevin McCasky, Chairman

Christine Koch, Recording Secretary

ICENOGLER | SEAVERR | POGUE

A Professional Corporation
Attorneys at Law

4725 South Monaco Street, Suite 225
Denver, Colorado 80237
Telephone: 303.292.9100
Facsimile: 303.292.9101

FEB 23 2011

T. EDWARD ICENOGLER
Eicenogle@ISP-law.com
Direct: 303.867.3002

February 9, 2011

Jefferson Parkway Public Highway Authority
c/o Bill Ray
City of Arvada
P.O. Box 8101
Arvada, Colorado 80001

Re: Jefferson Parkway Public Highway Authority - 2011 Legal Services

Dear Bill:

Thank you for allowing us to serve the Jefferson Parkway Public Highway Authority and its Board of Directors in 2010. We look forward to providing our services to the Authority in 2011.

Please find enclosed our 2011 billing rates. In light of recent economic conditions and in light of the challenges imposed on our public sector clients, we have not increased our rates for 2011 over those charged in 2010. We also attach an addendum presently required by law, assuring we do not employ illegal aliens.

Very truly yours,

ICENOGLER | SEAVERR | POGUE
A Professional Corporation


T. Edward Icenogle

:TEI/dah
Enclosures

ICENOGLLE | SEAVER | POGUE

A Professional Corporation
Attorneys at Law
4725 South Monaco Street, Suite 225
Denver, Colorado 80237
Telephone: 303.292.9100
Facsimile: 303.292.9101

2011 BILLING RATES

T. Edward Icenogle	Shareholder	\$250.00 per hour
Tamara K. Seaver	Shareholder	\$250.00 per hour
Alan D. Pogue	Shareholder	\$250.00 per hour
Deborah A. Early	Associate	\$215.00 per hour
Jennifer L. Ivey	Associate	\$175.00 per hour
Gordon F. Garrett	Of Counsel	\$275.00 per hour
Stacie L. Pacheco	Paralegal	\$125.00 per hour
Darcy A. Hitt	Paralegal	\$115.00 per hour

ADDENDUM TO CONTRACT

This Addendum (the "Addendum") is made to the Legal Services Contract by and between the Jefferson Parkway Public Highway Authority, a body corporate and political subdivision of the State of Colorado (the "Authority"), and Icenogle Seaver Pogue, P.C., (the "Contractor").

This Addendum is attached to and made a part of the Contract. All capitalized terms used and not otherwise defined herein shall have the respective meanings ascribed to them in the Contract.

I. Pursuant to §§8-17.5-101, *et seq.*, C.R.S., definitions in which are hereby incorporated:

A. Contractor hereby certifies to the Authority, that, as of the date of this Addendum, Contractor does not knowingly employ or contract with an illegal alien who will perform work under this Contract and that Contractor will participate in the E-Verify Program administered by the U.S. Department of Homeland Security and the Social Security Administration (the "E-Verify Program"), in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Contract.

B. Contractor shall not:

1. Knowingly employ or contract with an illegal alien to perform work under this Contract; or

2. Enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract.

C. Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Contract through participation in the E-Verify Program.

D. Contractor shall not use either the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Contract is being performed.

E. If Contractor obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, Contractor shall:

1. Notify the subcontractor and the Authority within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

2. Terminate the subcontract with the subcontractor if, within three (3) days of receiving the notice required pursuant to subsection I.E.1 hereof, the subcontractor does not stop employing or contracting with the illegal alien; except that Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

F. Contractor is required to comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to § 8-17.5-102 (5), C.R.S. to ensure that Contractor is complying with this Addendum to this Contract.

G. If Contractor violates a provision of this Addendum, the Authority may terminate the Contract for a breach of the Contract. If the Contract is so terminated, Contractor shall be liable for actual and consequential damages to the Authority. The Authority shall notify the Colorado office of the Secretary of State if Contractor violates a provision of this Addendum to this Contract and the Authority terminates the Contract.

IN WITNESS WHEREOF, the Contractor hereto has executed this Addendum. By the signature of its representative below, the Contractor affirms that it has taken all necessary action to authorize said representative to execute this Addendum.

CONTRACTOR:

ICENOGLÉ | SEAVER | POGUE
A Professional Corporation



T. Edward Icenogle