

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF PARK CREEK METROPOLITAN DISTRICT

HELD DECEMBER 12, 2024

The special meeting of the Board of Directors (“Board”) of the Park Creek Metropolitan District (“Park Creek” or “District”) was held on Thursday, December 12, 2024, at 9:00 a.m., at the MCA – Cube, 8371 Northfield Boulevard, Denver, Colorado, and virtually via Zoom. Links and call-in information were provided. The regular Board meeting scheduled for December 19, 2024 will not be held.

ATTENDANCE

Directors in attendance:

Rus Heise, Acting Chair
Jim Chrisman
Andrew Bartlett, via Zoom
Shalise Hudley, via Zoom

Directors absent:

King H. Harris, whose absence was excused
Brian Fennelly, whose absence was excused

Also in attendance:

Tammi Holloway of Stapleton Development Corp.
Jan Bevier of Stapleton Development Corp.
Diane Wheeler of Simmons & Wheeler, via Zoom
Barbara Neal, Public Art Consultant
Gary Truesdale of Brookfield Properties Development, via Zoom
Sarah French of Brookfield Properties Development
Jalen Garcia of Mortenson
Keven Burnett of MCA
Jack Seward, Ex Officio Board Member from Westerly Creek
Metropolitan District (“Westerly Creek”)
Matt Blackburn, Ex Officio Board Member from Westerly Creek
Metropolitan District
Marissa Peck of White Bear Ankele Tanaka & Waldron
Robbi Jones of Kipling Jones
Tom Wendelin, District Consultant, via Zoom

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Joe Landen, resident
Carol Hunter, Board member of Central Park United Neighbors
Heather Tabano, Board member of Central Park United Neighbors
Jessica Rodriguez Bracey, Principal of Northfield High School
Brian Cochran, Assistant Principal of Northfield High School
Linda August, Principal of Inspire Elementary School
Paul R. Cockrel of Cockrel Ela Glesne Greher & Ruhland, P.C.
Micki L. Mills of Cockrel Ela Glesne Greher & Ruhland, P.C.
Kristin Z. Herndon of Cockrel Ela Glesne Greher & Ruhland, P.C.,
via Zoom

NOTICE

It was noted that the agenda notice of the meeting had been properly posted as required by law.

PUBLIC COMMENT

Mr. Landen reiterated his concern with the school zone street markings near Northfield High School located at 56th Avenue and Central Park Boulevard. He presented pictures of the area and students crossing the street during heavy traffic. He indicated that he has attempted to speak to the City and the Denver Public Schools ("DPS") regarding the issue but has not received any positive action. Mr. Landen requested that the Board directly reach out to the City and DPS regarding this issue, including additional traffic controls and a study of a pedestrian bridge across 56th Avenue. Mr. Landen then requested other members of the public to speak regarding the issue.

Ms. Rodriguez, Ms. August, Mr. Cochran and Ms. Tabano each expressed their concern and what they have witnessed.

Mr. Landen suggested a traffic study be performed to better understand the situation and to help determine the best resolution to the problem.

The Board members asked additional questions and provided their comments on the issue. Mr. Cockrel advised that 56th Avenue is a City street, the District has no jurisdiction or regulatory rights to install traffic controls or crossing improvements, and could not

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spend District money on street improvements without approval from the City. The Board discussed reaching out to the City and DPS to discuss the matter and be an advocate for the community. Mr. Cockrel suggested that the speakers write letters to the Board, the City and DPS and circulate petitions setting forth their requests for improving the two street crossings on 56th Avenue . The MCA will also provide information for the Board's information.

CONFLICTS OF INTEREST

It was reported that Directors Chrisman and Fennelly had previously filed a Disclosure of Potential Conflict of Interest Statement with the Board and the Secretary of State in accordance with statutory requirements. Directors Chrisman and Fennelly's potential conflicts arise from their consulting and contract services with Forest City Stapleton, Inc., Forest City Stapleton Land, LLC or other subsidiaries of Forest City Enterprises, L.P. and its related entity, Brookfield Properties Development (collectively "Forest City"), the developer of property within the District and Westerly Creek Metropolitan District ("Westerly Creek" and together with the District, the "Districts"), including entering into various reimbursement, funding, management and service agreements with the District. Director Fennelly also was previously a director on the Board of the Master Community Association, Inc. ("MCA"), which provides property management services for the District.

Director Harris also has previously filed Disclosure of Potential Conflict of Interest Statements with the Board and the Secretary of State in accordance with statutory requirements. Such potential conflict arises from his director or officer position with Stapleton Development Corporation, a non-profit corporation ("SDC"), which is responsible for the disposition of the development property owned by the City and County of Denver ("City") within the Districts, including entering into agreements with the Districts and with SDC Services Corp., a subsidiary company, which provides administrative services to the District under the Professional Services Agreement.

Director Hundley and Director Bartlett noted their present director positions with the MCA, where Director Bartlett also serves as

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Association president, and have filed Disclosure of Potential Conflict of Interest Statements disclosing such relationships with the Board and the Secretary of State in accordance with statutory requirements.

All Disclosure of Potential Conflict of Interest Statements, whether filed for this meeting or previously, are deemed continuing in nature and are incorporated into the record of the meeting.

All Directors stated that the participation of at least four of them in the meeting was necessary to obtain a quorum of the Board or otherwise enable the Board to act; that written disclosures of such potential conflicts of interest of each Director had been filed with the Board and the Secretary of State in accordance with statutory requirements; and that the nature of each Director's private interests related to their consulting, director or officer positions with either Forest City Stapleton, Inc., Forest City Stapleton Land, LLC or other subsidiaries of Forest City Enterprises, L.P, MCA, and SDC or SDC Services Corp. After each Director had summarily stated for the record the fact and nature of his private interests and had further stated that the determination to participate in voting or take any other action on any contract or other matter in which he may have a private interest would be made in compliance with Section 24-18-201(1)(b)(V), C.R.S., on an ad hoc basis, the Board turned its attention to the agenda items.

MINUTES

The Board reviewed the Minutes of the November 21, 2024 regular meeting and Executive Session. Upon motion duly made, seconded and unanimously carried, the Board approved the Minutes of the regular meeting and Executive Session.

PUBLIC ART

The Board reviewed the Public Art Report submitted by Ms. Neal, a copy of which is attached hereto. Upon motion duly made, seconded and unanimously carried, the Board accepted the Public Art Report.

This is officially Ms. Neal's final Board meeting as the Public Art

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Consultant.

TREASURER'S REPORT

Ms. Bevier did not provide the financial reports. Therefore, there was no Treasurers' Report.

DEVELOPMENT MANAGER'S REPORT

Mr. Truesdale presented one (1) change order for IFDA MH for construction documents updated pricing for Lumin8. Upon motion duly made, seconded and unanimously carried, the Board approved the change order as shown on the attached Development Manager Report.

LEGAL REPORT

Mr. Cockrel reported on the meetings with the Westerly Creek Board and the CFO for the City regarding the Long-Term Finance Plan ("Plan"). Westerly Creek's comments relating to mill levy rates were responded to advising that such rates are mandatory in the Districts' Service Plans and the Bond Indentures. The City's questions were addressed in the CFO briefing, and no other comments were received.

Ms. Jones and Mr. Wendelin presented the final Plan. Upon lengthy discussion and motion duly made, seconded and unanimously carried, the Board accepted the Plan as presented.

Acting Chair Heise then read into the record the Resolution in Recognition and Profound Appreciation of Distinguished Service by Barbara Neal. Therefore, upon motion duly made, seconded and unanimously carried, the Board happily adopted the Resolution, a copy of which is attached hereto.

Mr. Cockrel reviewed general terms of the access easement documents across District owned property adjacent to the RK Mechanical parcel. The Board authorized the officers to executed the documents, which had previously been discussed and approved

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by the Board.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.



Secretary for the Meeting

December 5, 2024

MEMORANDUM

TO: The Board of the Park Creek Metropolitan District

FROM: Barbara Neal
Public Art Consultant for Central Park

RE: Public Art Projects Update

PUBLIC ART COMMISSIONED AND OWNED BY PCMD

Founders Fountain*

Artist(s) Artscapes (Andy Dufford and Christian Muller) (Denver, CO)
Installed: 2003
Monitor.
Assessed 10/8/24. No issues observed.

Central Park Boulevard Bridge Embellishments* *Geodes*

Artist: Andy Dufford (Denver, CO)
Installed 2003
Monitor.
Assessed 10/8/24. Still missing several stones from the pedestal façades.
The artist, Andy Dufford is in touch with MCA regarding the rock contractor and source.
Continue to monitor.

Martin Luther King Boulevard Bridge Embellishments* *Westerly Sky*

Architect: Doug Lamson (Denver, CO)
Installed: 2004
Monitor.
*These projects were funded in part by an allocation of \$450,000 from the public art funds provided by the Denver Urban Renewal Authority.

Ellipse I (East 29th Avenue and Xenia Street) *The Eye and the Horizon (After Monet)*

Commission: \$100,000
Artist: Ilan Averbuch (Long Island City, NY)
Installed. 2006
Monitor.
Assessed: 10/10/24.

The conservator, Mathias Leppitsch (metal sculptor and fabricator), has signed his contract. He will begin the maintenance and conservation as weather permits.

Navigator Park

Airfoils

Commission: \$100,000
Artist: Patrick Marold (Denver, CO)
Installed at the Shops at Northfield. 2006
Deinstalled and Reinstalled in Navigator Park 2023
Monitor.
Assessed 10/8/24.

Airfoil

The fourth Airfoil, installed in 2007, is on long term loan to DSST/Montview High School.
Monitor.

F15 Pool

Conditional Reflections

Commission: \$75,000
Artists: Jeanine Centuori and Russell Rock of UrbanRock Design (Los Angeles, CA)
Installed. 2008
Deaccessioned 2013

Ellipse II (East 35th Avenue and Xenia Street)

The Picnic

Commission: \$110,000
Artist: Gerald Heffernon (Winters, CA)
Installed. 2009
Monitor.
Assessed: 10/17/24.

Central Park Boulevard Median

Prairie Reef

Commission: \$150,000
Artist: Erick Johnson (Fort Collins, CO)
Installed. 2010
Monitor.
Assessed: 10/8/24.

Eastbridge Town Center

Talking Parking Meters

Commission: \$100,000
Artists: Jim Green (deceased) and Ryan Elmendorf (Denver, CO)
Installed. 2017
Monitor.
Assessed: 10/9/24.

Met with the sound conservator, Nathan Koral, on site. (12/2) The new speakers have a significantly clearer sound. Additional work is needed on the Greetings meter and paint touch up also for the other two meters. Nathan will provide an estimate for this work. Weather permitting, this work will be done before the end of the year.

Prickly Plume Park *Open House*

Commission: \$100,000

Artist: Ty Gillespie (Paonia, CO)

Installed 2021

Monitor.

Assessed: 10/9/24.

North Park *Alta*

Donation

Artist: Rodrigo Nava (Putney, VT)

Installed. 2022.

Monitor.

Assessed: 10/9/24.

ARTWORK CONVEYED TO THE CITY AND COUNTY OF DENVER

Nancy Steinfurth and I met with Erica Garcia about their maintenance and conservation of all the artwork conveyed to the City and County of Denver, as well as about conveying *Alta*, the remaining sculpture to be conveyed to Denver Parks. (11/14)

Community Garden

Garden Stories

Commission: \$75,000

Artist: Lars Stanley (Austin, TX)

Completed. 2009

Conveyed to the City and County of Denver 2009 via an Assignment of Interest.

Monitor.

Assessed: 10/9/24.

Continue to advocate for maintenance and conservation of this artwork when needed.

Central Park Recreation Center *Staplefield and Thought Balloons*

Commission: \$250,000

Artist Team: Walczak & Heiss (Marek Walczak, NY and Wesley Heiss, PA)

Installed. 2011

Thought Balloons commissioned by Arts and Venues Denver Public Art Program

Staplefield conveyed to the City and County of Denver in 2011 via an Assignment of Interest.

Monitor.

Assessed: 10/10/24.

Continue to advocate for maintenance and conservation of these artworks when needed.

The website, <http://thoughtballoons.org/> will continue to solicit suggestions for dialogue text indefinitely.

Westerly Creek Park

Chorus

Commission: \$155,000

Artist: Thomas Sayre (Raleigh, NC)

Installed. 2010

Conveyed to the City and County of Denver 2011 via an Assignment of Interest.

Monitor.

Assessed: 10/17/24.

Continue to advocate for maintenance and conservation of this artwork when needed.

Prairie Basin Park *Phantom Pavilion*

Commission: \$175,000

Artist: Volkan Alkanoglu (Portland, OR)

Installed: 2018

Conveyed to the City and County of Denver 2022 via an Assignment of Interest.

Monitor.

Assessed: 10/9/24.

Continue to advocate for maintenance and conservation of this artwork when needed.

Sandhills Prairie Park *Drift Inversion*

Commission: \$175,000

Artist: David Franklin (Indianola, WA)

Installed: 2017

Conveyed to the City and County of Denver 2022 via an Assignment of Interest.

Monitor.

Assessed: 10/9/24.

Continue to advocate for maintenance and conservation of this artwork when needed.

The Bluffs Park *Wind Gate Art Suite*

The Five

First Light

Beyond the Plains

Commission: \$300,000

Artist: Rodrigo Nava (Putney, VT)

Installed: 2019

Conveyed to the City and County of Denver 2022 via an Assignment of Interest.

Monitor.

Assessed: 10/9/24.

Have sent images of two open seams in *The Five* grouping to Erica Garcia. Discuss whether repair is needed.

**PUBLIC ART IN CENTRAL PARK COMMISSIONED BY THE CITY AND
COUNTY OF DENVER/ARTS AND VENUES**

Fire Station # 26 *Tradition*

Artist: Joe Cipri (Westminster, CO)

Commission: \$36,000

Installed: 2007

Sam Gary Branch Public Library *LaminallLight*

Artist: Steven Appleton (Los Angeles, CA)

Commission: \$93,000

Installed 2012

Assessed: 10/10/24.

Continue to advocate for maintenance and conservation of this artwork when needed.

Uplands Park *Woven Light*

Artist: Catherine Widgery (Cambridge, MA)

Commission: \$340,000

Installed: 2018

Assessed 10/9/24.

Continue to advocate for maintenance and conservation of this artwork when needed.

**PUBLIC ART COMMISSIONED FOR THE CENTRAL PARK STATION ON
THE A LINE BY THE REGIONAL TRANSPORTATION DISTRICT (RTD)**

Central Park Station *Balloon Man Running*

Artist: Sean O'Meallie (Colorado Springs, CO)

Commission: \$85,000

Installed: 2016

Monitor progress on conservation and repair of this artwork, and time line for
reinstallation at the Central Park Station.

Barbara Neal

Public Art Consultant for Central Park

303-519-6611 (c)

barbaraneal35@gmail.com



December 5, 2024

MEMORANDUM

INCORPORATED

800 North Pearl Street
#802
Denver, CO 80203

303-519-6611

barbaraneal35@gmail.com

TO: Park Creek Metropolitan District

FROM: Barbara Neal

RE: Public Art Update

It has been a privilege and a pleasure to work with you to commission, assemble and maintain the Public Art Collection for Central Park. I deeply appreciate your interest and your generous support for this project over the past 20 plus years. I continue to wish you the best for the successful completion of this amazing redevelopment of the former Stapleton International Airport.

Thank you.

Park Creek Metropolitan District Board Meeting

Development Manager Agenda

December 12, 2024

Project Update

Award Recommendation

Short Form Agreement

Work Order Approval

Change Order Approval

IFDA MH

Lumin8 C/O #1

\$29,682

Construction documents updated pricing



CONTRACTOR CHANGE ORDER
Exhibit C

The Park Creek Metropolitan District
7350 E. 29th Ave. Suite 200
Denver, CO 80238

CHANGE ORDER NO.: 1

PROJECT: 40th Avenue Queue Cutter

DATE: 20-Nov-24

TO: Lumin8 Transportation Technologies, Inc.
5920 Lamar Street
Arvada, CO 80003

CONTRACT NO.: FMH-003

DESCRIPTION CO #1 Description- Que Cutter Approved construction documents updated pricing
OF CHANGE:

Full and final settlement of all costs and charges, including all necessary labor, material, equipment, services, taxes, costs to maintain schedule, bonds and insurance described in the following:

Line	Pay Item	Description	Non Park Trunk Amt	Park Trunk Amt	Denver Water Amt	In-Tract Amount	Total Amount
1	110.000	Drilled Caissin (36 Inch)	\$0	\$0	\$0	\$3,762	\$3,762
2	120.000	Potholing	\$0	\$0	\$0	\$320	\$320
3	130.000	2 Inch Electrical Conduit (Power Feed)	\$0	\$0	\$0	\$300	\$300
4	140.000	3 Inch Electrical Conduit	\$0	\$0	\$0	\$1,305	\$1,305
5	CO1.1	96 Strand Fiber optic	\$0	\$0	\$0	\$16,240	\$16,240
6	150.000	Electric Service Meter	\$0	\$0	\$0	\$129	\$129
7	180.000	Pull Box Type C	\$0	\$0	\$0	\$756	\$756
8	200.000	Intersection Detection Camera (FLIR Only)	\$0	\$0	\$0	(\$17,535)	(\$17,535)
9	215.000	CCTV	\$0	\$0	\$0	\$28	\$28
10	230.000	Telemetry (Field)	\$0	\$0	\$0	(\$6,391)	(\$6,391)
11	270.000	Traffic Signal & Foundation	\$0	\$0	\$0	\$8,514	\$8,514
12	290.000	Pavement Marking	\$0	\$0	\$0	\$3,834	\$3,834
13	300.000	Survey	\$0	\$0	\$0	\$775	\$775
14	310.000	UPR Flagging	\$0	\$0	\$0	\$801	\$801
15	320.000	Traffic Control (DBE)	\$0	\$0	\$0	\$7,290	\$7,290
16	340.000	Mobilization	\$0	\$0	\$0	\$9,554	\$9,554

See Attached for Additional Breakout Information

Net Increase/Decrease to Contract:	\$0	\$0	\$0	\$29,682	\$29,682
The original Contract Sum was	\$0	\$0	\$0	\$387,962	\$387,962
Net change by previously authorized Change Orders	\$0	\$0	\$0	\$0	\$0
The Contract Sum prior to this Change Order was	\$0	\$0	\$0	\$387,962	\$387,962
The Contract Sum will be modified in the amount of	\$0	\$0	\$0	\$29,682	\$29,682
The new Contract Sum including this Change Order will be	\$0	\$0	\$0	\$417,644	\$417,644

AS A RESULT OF THIS CHANGE THE SCHEDULE IS INCREASED BY 0 CONSECUTIVE CALENDAR DAYS
UNLESS STATED ABOVE, ALL CONTRACT PROVISIONS SHALL CONTINUE IN FULL FORCE AND EFFECT

Recommended by: Construction Manager
M.A. Mortenson Company
4715 Willow St,
Denver, CO 80238


BY (Signature)


(Printed Name)

12/13/24
Date

Approved by: Development Manager
Forest City Central Park.
7351 E. 29th Ave.
Denver, CO 80238

BY (Signature)

(Printed Name)

Date

Accepted by: Contractor/Supplier
Lumin8 Transportation Technologies, Inc.
5920 Lamar Street
Arvada, CO 80003

Timothy McGinn
BY (Signature)

Timothy McGinn
(Printed Name)

12/2/2024
Date

Approved by: Owner
The Park Creek Metropolitan District
7350 E. 29th Ave. Suite 300
Denver, CO 80238

BY (Signature)

(Printed Name)

Date

Please See Attached for Routing Information



CONTRACTOR CHANGE ORDER BREAKOUT
Exhibit C

The Park Creek Metropolitan District
7350 E. 29th Ave. Suite 300
Denver, CO 80238

CHANGE ORDER NO.: 1

PROJECT: 40th Avenue Queue Cutter

DATE: 20-Nov-24

TO: Lumin8 Transportation Technologies, Inc.
5920 Lamar Street
Arvada, CO 80003

CONTRACT NO.: FMH-003

DESCRIPTION OF CHANGE: CO #1 Description- Que Cutter Approved construction documents updated pricing

Line	Pay Item	Description	Category	Explanation	Unit	Unit Cost	Non Park Trunk QTY	Park Trunk QTY	Denver Water QTY	In-Tract QTY	Total QTY	Total Cost
1	110	Drilled Caissin (36 Inch)	Roadway	Que Cutter updated pricing on approved CDs	LF	\$198.00				19.00	19.00	\$3,762
2	120	Potholing	Roadway	Que Cutter updated pricing on approved CDs	HR	\$20.00				16.00	16.00	\$320
3	130	2 Inch Electrical Conduit (Power Feed)	Roadway	Que Cutter updated pricing on approved CDs	LF	\$3.00				100.00	100.00	\$300
4	140	3 Inch Electrical Conduit	Roadway	Que Cutter updated pricing on approved CDs	LF	\$4.50				290.00	290.00	\$1,305
5	CO1.1	96 Strand Fiber optic	Roadway	Que Cutter updated pricing on approved CDs	LF	\$56.00				290.00	290.00	\$16,240
6	150	Electric Service Meter	Roadway	Que Cutter updated pricing on approved CDs	EA	\$129.00				1.00	1.00	\$129
7	180	Pull Box Type C	Roadway	Que Cutter updated pricing on approved CDs	EA	\$189.00				4.00	4.00	\$756
8	200	Intersection Detection Camera (FLIR Only)	Roadway	Que Cutter updated pricing on approved CDs	EA	(\$8,767.50)				2.00	2.00	(\$17,535)
9	215	CCTV	Roadway	Que Cutter updated pricing on approved CDs	EA	\$28.00				1.00	1.00	\$28
10	230	Telemetry (Field)	Roadway	Que Cutter updated pricing on approved CDs	EA	(\$6,391.00)				1.00	1.00	(\$6,391)
11	270	Traffic Signal & Foundation	Roadway	Que Cutter updated pricing on approved CDs	EA	\$8,514.00				1.00	1.00	\$8,514
12	290	Pavement Marking	Roadway	Que Cutter updated pricing on approved CDs	LS	\$3,834.00				1.00	1.00	\$3,834
13	300	Survey	Roadway	Que Cutter updated pricing on approved CDs	LS	\$775.00				1.00	1.00	\$775
14	310	UPR Flagging	Roadway	Que Cutter updated pricing on approved CDs	DAYS	\$267.00				3.00	3.00	\$801
15	320	Traffic Control (DBE)	Roadway	Que Cutter updated pricing on approved CDs	DAYS	\$729.00				10.00	10.00	\$7,290
16	340	Moblization	Roadway	Que Cutter updated pricing on approved CDs	LS	\$9,554.00				1.00	1.00	\$9,554

Total: \$29,682

CONSECUTIVE CALENDAR DAY INCREASE TO THE PROJECT SCHEDULE AS A RESULT OF THIS CHANGE IS 0 DAYS

Routing Information: 6 originals to Contractor for Signature (from Mortenson)
5 originals returned to Construction Manager for Signature (from Contractor)
5 originals forwarded to Development Manager for Signature (from Construction Manager)
5 originals forwarded to Owner for Signature (from Development Manager)
3 executed originals returned to Development Manager (from Owner)
2 executed originals returned to Construction Manager (from Development Manager)
1 executed original returned to Contractor (from Construction Manager)

**A RESOLUTION IN RECOGNITION AND PROFOUND APPRECIATION
OF DISTINGUISHED SERVICE BY BARBARA NEAL**

WHEREAS, Barbara Neal, has faithfully and with honor, integrity and great distinction served as the Public Art Consultant for the Park Creek Metropolitan District (“District”) for nearly twenty (20) years; and

WHEREAS, Barbara Neal has not only provided outstanding guidance and dedication for the betterment and beautification of the District, but for the entire Central Park community; and

WHEREAS, Barbara Neal has been a strong advocate on behalf of the Central Park community in all matters concerning public art; and

WHEREAS, among many other valuable attributes, Barbara Neal has fully embraced the mission of the District to provide the highest quality of art installations for the visitors, residents and property owners within the Central Park community.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Park Creek Metropolitan District that with esteemed admiration and profound appreciation hereby recognizes and celebrates the many years of service and contributions Barbara Neal has provided to the District and to the entire Central Park community.

ADOPTED unanimously this 12th day of December, 2024.

PARK CREEK METROPOLITAN
DISTRICT

By



King H. Harris, Chairman

ATTEST:



Jim Chrisman, Secretary