

**MINUTES**  
**Regular Meeting of the Board of Directors**  
**Denver Metropolitan Major League Baseball Stadium District**  
**February 27, 2013**

**Board Members Present**

Raymond T. Baker, Chairman  
Ruben Valdez  
John Dikeou  
Patricia Imhoff  
Bob Lee  
Patty Baca

**Board Members Absent**

Wil Alston

**Agenda Item 1.**

On Wednesday, February 27, 2013, a regular meeting of the Board of Directors of the Denver Metropolitan Major League Baseball Stadium District was called to order at 8:05 a.m. by Raymond T. Baker, Chairman. As there was a quorum, the following business was conducted.

**Agenda Item 2.**

**Approval of Minutes**

A motion to approve the minutes of the December 20, 2012, meeting of the Board of Directors was made by Patty Baca, seconded by Bob Lee and unanimously approved.

**Agenda Item 3.**

**New Business**

**RTD Eminent Domain Settlement:**

Ray Baker asked Craig Umbaugh, Tom Ragonetti and Amanda Greenberg to review the documents that were before the board for approval regarding resolution and settlement of the eminent domain action by RTD.

Craig Umbaugh informed the board there were three primary documents to the settlement before the board for approval. The Settlement Agreement which would resolve all further actions with regards to compensation for the property being taken by RTD and would provide for a payment to the District of an addition \$9 million above the original payment of \$15 million, plus \$720,000 in interest for a total of \$9,720,000. The second document for consideration is the Bargain and Sale Deed which would give fee title in the property to RTD. In addition, the parties would execute a Permanent Easement (Permanent, Non-Exclusive for Infrastructure and Emergency Access) to allow RTD to access over the District's property to the property it is acquiring from the District.

Tom Ragonetti advised the board that approval of these documents would resolve the issues with RTD. Tom stated the process began when the board was notified by RTD of its intent to take 1,300 spaces by eminent domain for the rail line to DIA. The District worked with RTD to value engineer the design which resulted in only 628 spaces being taken.

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The District entered into an agreement with RTD to give possession of the property and in return for a payment of \$15 million subject to further negotiation or trial on the final value of the taken property. Tom stated that the documents before the board would be the final agreements and result in dismissal of the lawsuit. Tom Ragonetti advised that the engineers have looked over the remaining work to be finished prior to the start of the season, and most of the work is done with minor concrete work to be done in the next month. The Rockies' view is that this construction work should be complete for the baseball season.

Craig Umbaugh advised that the Rockies must consent to these documents and have done so.

Ray Baker advised that if there were no additional questions, he would support the approval of the documents. Bob Lee made a motion to approve the Settlement Agreement, the Bargain and Sale Deed, the Permanent Easement (Permanent, Non-Exclusive for Infrastructure and Emergency Access) in substantially the forms presented at this meeting and to authorize the Chair or any other office to execute the documents, and take such other action as set forth in the resolution. This motion was seconded by John Dikeou and unanimously approved.

**RESOLUTION 01-13**

A motion that the settlement with the Regional Transportation District ("RTD") regarding the just compensation to be paid by RTD for the taking of certain real property at Coors Field ("Condemnation Property") is approved; that the sale and transfer of the Condemnation Property to RTD is approved; that Ray Baker, as Chair, or any other officer is authorized to execute the Settlement Agreement, the Bargain and Sale Deed, the Permanent Easement (Permanent, Non-Exclusive for Infrastructure and Emergency Access) and any other documents, certificates, agreements and title documents necessary to close the transactions contemplated therein and in the Possession and Use agreement and the intergovernmental Agreement (East Corridor) and to take such other actions as necessary or appropriate to implement the agreements and to effect the purposes of this resolution.

**Agenda Item 4.**

**Comments from the Public**

Charles Wesley introduced himself as being a resident at 26<sup>th</sup> and Blake. Mr. Wesley stated that he was concerned his window sills were covered with a black dust, that the construction was not being property managed and that there should be a better containment plan. Mr. Wesley said that the concern of the dirt is a priority because he has a one-year-old daughter and his understanding is that this is an old rail yard that can contain contamination. Mr. Wesley said that he is pro-development, but this is a public project and he would like to peel back the layers to see if it is being run correctly. Mr. Wesley requested that the Board "step back" and make sure everything is being done properly. Mr. Wesley said the Board is at a good place to stop and take a looking at the parking structure and decide if this is really the best use. Mr. Wesley said he understood the loss of parking, but the District should examine if there is a better way to do this.

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Ray Baker advised Mr. Wesley that after the meeting he would set up a meeting with Kevin Kahn and the construction firm to provide him information as it relates to the soil concerns.

Martin Moran introduced himself and said he lives at 27<sup>th</sup> and Blake. Mr. Moran expressed concern of the public outreach process. He said that although the District's consultants said that they had worked with the neighbors, nobody has knocked on his door. Mr. Moran said that the neighbors have to deal with the construction and traffic day-in and day-out, but no one has offered to compensate them. Mr. Moran said most people would rather walk to the games. According to Mr. Moran, people from Lakewood or wherever can still drive and park or take the light rail, which is great. Mr. Moran said that he is very disappointed that the board could not come and talk to the people most affected by this and the Board should be held to a higher standard.

Ray Baker asked Sean Maley of CRL, who coordinated the community outreach for the District and the Rockies along with Matt Sugar, if they would like to comment about the issues raised by Mr. Moran. Sean said this is a project allowed as a use by right, but that the District and the Rockies still went out to the public. In May, 2012, after prior discussions with Councilwoman Montero, on behalf of the District and the Rockies, he reached out to all of the neighbors in a 2,000 foot radius through their neighborhood organizations, and six neighborhood associates. Sean said the architect made modifications to the project because of the community input.

JoAnn Herrick, a resident of Bag Factory Lofts, said Sean should mention that at the River North meeting every person at River North was opposed to the parking garage project. Ms. Herrick said the Bag Factory Lofts HOA was notified, but it took from July 17 to Oct 17 to finally get a meeting with Ray Baker. She said that they were disappointed that Ray never came to their HOA meetings. She said the Downtown neighborhood association abstained and did not vote on the parking garage because they do not want the project in their neighborhood. Ms. Herrick expressed concern about traffic and pollution problems with cars coming in and out of the garage. In addition, Ms. Herrick expressed concerns about the height of the building and questioned if four levels were needed. In addition, Ms. Herrick said she was concerned about the homeless and that they will try to sleep in the parking garage where they can get shelter, and who will be responsible for preventing that. Ms. Herrick said there is also a lawsuit by the Bag Factory Lofts HOA against the District and said if the HOA prevails, the District will have wasted a lot of taxpayer money.

Ray Baker entertained any other comments from the Public:

Mr. Wesley said he would like to see the project delayed while all of the issues were discussed, as the delay would not affect the District's funds.

Ray Baker then recognized Kevin Kahn of the Colorado Rockies, who said that the issues that were discussed in prior meetings about declining parking inventory are coming to pass. According to Kevin, Projects at 22<sup>nd</sup> and Blake, 21<sup>st</sup> and Lawrence are breaking ground soon and property at 20<sup>th</sup> and Chestnut is breaking ground later this Spring, resulting in more lost parking.

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Kevin said that in response to neighbor concerns, the Rockies are putting employee parking on the top level of the parking garage to spread out the load upon exit. Kevin said that as to Mr. Wesley's concerns about the soils and dust, Terracon, an environmental consulting firm, has been on the project continuously and inspectors have come down to review everything. The inspectors concluded that all operations were appropriate and Terracon's plan is appropriate. Kevin Kahn said that he will set up a meeting with Mr. Wesley and Terracon. Kevin also noted that 25% of the crowd comes from outside the metro area and need parking as do many people who live in the metro area but choose to drive. Kevin and the Rockies remain concerned about the loss of parking because of development and said that although light rail will help, it will not replace the need to make up for the lost parking.

Ray Baker asked for further comments; there were none. Ray asked Kevin to please follow up after the meeting with Mr. Wesley.

**Agenda Item 5.**

Comments from the Board:

Ray Baker advised that a meeting would definitely be held in May or June, and additional meetings may be needed prior to then. Ray said that Wil Alson was absent due to his wife's illness and extended the thoughts of the board.

**Agenda Item 6.**

Other Business:

None

**Agenda Item 7.**

Adjourn:

There being no other business, a motion to adjourn this meeting of the District was made by Patty Imhoff, seconded by Bob Lee and unanimously approved.

  
Secretary-Treasurer