

**FOOTHILLS PARK AND RECREATION DISTRICT**  
**REGULAR BOARD OF DIRECTORS MEETING**

**June 9, 2009**

The regular meeting of the Foothills Park and Recreation District was held at The Peak Community and Wellness Center, 6612 South Ward Street, Littleton, Colorado 80127.

- I. CALL TO ORDER: Director Nunes called the regular meeting to order at 6pm.
- II. PLEDGE OF ALLEGIANCE: Director Nunes led those in attendance in the Pledge of Allegiance to the Flag of the United States of America.
- III. ROLL CALL:
- |                     |         |
|---------------------|---------|
| Director Maulik:    | Present |
| Director Shangraw:  | Absent  |
| Director Frankland: | Present |
| Director Sutton:    | Present |
| Chairman Nunes:     | Present |

ALSO IN ATTENDANCE: Ronald Hopp, Executive Director; Paul Rufien, District Counsel; Tom Woodard, Director of Golf; Colin Insley, Director of Parks, Planning and Construction; Patricia Parkin, Director of Administrative Services; Richelle Riley, Recording Secretary; other Foothills staff and members of the public.

IV. APPROVAL OF AGENDA:

**MOTION:** Director Maulik moved that the Foothills Board of Directors approve the June 9, 2009 agenda as submitted. Director Frankland seconded the motion. Poll of the Board: Director Maulik, aye; Director Frankland, aye; Director Sutton, aye; Director Nunes, aye. The agenda was approved as submitted.

V. APPROVAL OF MAY 26, 2009 MINUTES:

**MOTION:** Director Maulik moved that the Foothills Board of Directors approve the minutes of the May 26, 2009 Board meeting as submitted. Director Frankland seconded the motion. Poll of the Board: Director Maulik, aye; Director Frankland, aye; Director Sutton, aye; Director Nunes, aye. The minutes were approved as submitted.

VI. COMMUNITY COMMENTS:

Tammy Dietz, 14161 West 4<sup>th</sup> Avenue, addressed the Board. Ms. Dietz spoke representing the Sixth Avenue West Homeowner's Association, and was accompanied by Whit Brown and Robert Nylan who are also directors on the board, and other homeowners from the area were in the audience. She read a letter from the HOA that was distributed to the Board. Referring to a letter previously presented to Foothills Park & Recreation District from the Mesa View Homeowner's Association, Ms. Deitz read that they would like it on record that the Sixth Avenue West HOA, on behalf of the homeowners of Sixth Avenue West subdivision filings one through six, strongly oppose any agreement of exclusion or purchase of land to which Foothills Park & Recreation District holds title that are located in the subdivision of Sixth Avenue West filings one through six. She clarified that the area known as Sixth Avenue West incorporates many subdivisions, and listed the filings and tracts shown on the attached map. Regarding decision to approve any petition to exclude or create a special tax district to purchase lands within Sixth Avenue West areas which are currently held in title by Foothills Park & Recreation District, it is their opinion that this decision cannot be made by a request of Mesa View Homeowner's Association solely. They requested that Foothills Park & Recreation District agree to provide all information necessary for the Sixth Avenue West HOA to complete an accurate study of the issues. They also requested that Foothills Park & Recreation District agree to inform all the homeowners in writing of the proposal that was received from Mesa View HOA with regard to exclusion and purchase of property that could possibly be affected by any decision made regarding Mesa View HOA's proposal. In closing, Ms. Dietz reiterated that the Sixth Avenue West HOA, at this time, strongly oppose any exclusion agreement, discussion of a special tax district or proposal for purchase of lands held in title by Foothills Park & Recreation District located within the boundaries of the Sixth Avenue West subdivision (see attached map) by Mesa View HOA or any other entity until they have had the opportunity to study and inform Sixth Avenue West homeowners.

Director Sutton voiced that he happens to be on the HOA board for Mesa View. He knows the proposal was drawn in a way that allows the other HOA's to be part of it or not be part of it. Ms. Dietz said their concern is that the proposal does address all lands located within the Sixth Avenue West area; they would like to discuss it further with Mesa View.

Alan Johnson, 338 Howell Street, asked if this proposal does happen, what is the time frame? Director Frankland suggested it is probably a long way away, and explained some of the process including obtaining signatures from homeowners. Director Maulik offered at this point, it is nothing legitimate; we are trying to speak with them and work some things out. There are a lot of steps that have to be gone through for an area to successfully exclude from the government and it could take years. Director Nunes clarified that Mesa View is starting the discussion, and Foothills would like to work with Mesa View and all of Sixth Avenue to make that area happy as much as we possibly can. We feel like we are doing everything to make the entire District fair. She added that Mr. Hopp is open to going to meetings and talking about what we are doing for Sixth Avenue. There was discussion about the proposal from Mesa View HOA. Director Nunes said we are trying to work through some of those issues to continue to have services at Sixth Avenue so they can remain part of the District.

Mr. Hopp confirmed the information provided at the last Board meeting regarding Sixth Avenue and the letter we received from Mesa View HOA has been provided to Bob Haworth, President of the Sixth Avenue West HOA. Concerning the letter tonight with the request to provide information, we have provided all the information that is available. The budget can be found on the Foothills website. Director Nunes reiterated we want to work with Sixth Avenue and keep them in the District.

John Trefny, 14268 West First Avenue, said the letter from Mesa View HOA is very disturbing to the Sixth Avenue West HOA. He expressed they would like to work with Foothills.

Pat Scott, 13950 West Cedar Place, said her house is next to Foothills open space. Over the years she has been very pleased with the services Foothills provides up there. The maintenance workers do just what she would expect to be done with an open space; it's not a manicured park. They may not get taxes back dollar for dollar spent in that area, but there are other benefits to Foothills open space.

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

A. Signature Authorizations

Patricia Parkin referred to the signature authorization resolution and signature cards included in the packet. They have been updated to reflect designation of signature authorities due to change of Board officers, as it relates to the District's financial activities.

**MOTION:** Director Maulik moved that the Foothills Board of Directors approve Resolution No. 09-003 to designate the current Board Chairman, Board Treasurer, Executive Director, and Director of Administrative Services as the official signors as it relates to the financial activities for the District. Poll of the Board: Director Maulik, aye; Director Frankland, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

B. Investment Resolution Update

Ms. Parkin said the current investment resolution includes names from previous Board and staff members who are no longer with the District. It has been updated to provide titles rather than specific names, and updated to say we will follow the applicable State and Federal laws for decisions that are made.

Director Frankland recommended we spell out the type of investments that we can and cannot use. Ms. Parkin proposed we could include legal investments for Colorado. She added the resolution is to reflect who has authority to make investments. The District has a separate investment policy that does refer to specific investments that can be made that go along with

statutes. Director Frankland suggested the resolution should say “per approved Foothills policy”, so somebody knows there is a written policy to look at.

It was decided to table the updated investment resolution, and bring it to the next Board meeting together with an updated investment policy.

IX. EXECUTIVE DIRECTOR’S REPORT:

Mr. Hopp reported that over 500 homeowners who live within a quarter mile of the proposed dog park locations were invited to the public meeting that was held on Thursday, June 4<sup>th</sup>. We had about 40 people attend, including Director Maulik, Director Nunes, and Director Shangraw. They heard people’s concerns and comments, both for and against the dog park. Mr. Hopp indicated the general sense at the end of the meeting of who was opposed and who was in favor was relatively split, but a little more toward the opposition side which was much more vocal.

Director Maulik thought the feelings were “not in my backyard”. She expressed plan “A” seemed too close to the lake and people would have to pass through the dog area to access the lake; there are people who are afraid of dogs. She talked about educating users, and recommended we establish very defined rules.

Director Nunes indicated a lot of good information came out of the meeting. She suggested that perhaps we look at different sites and don’t rush into it. Mr. Hopp reminded that the County Commissioners did approve the grant for \$125,000 for this dog park if we are successful in getting it to happen. The two concepts in Robert Easton Regional Park were the ones presented to the County Commissioners. If we look at alternative sites, we need to see if the funds would still be available. Mr. Hopp believes they recognize there is a gap of this type of facility in the South Jeffco area and they wanted to support it. We need to make sure we fulfill all the requirements of the County.

Mr. Hopp offered that staff will continue to take a look at other possible sites. The earliest we would bring it to the Board for any type of decision would be the first Board meeting in July. Director Frankland indicated he would like the public to have another chance to comment before we vote. Director Maulik suggested inviting somebody from the Englewood dog park to go over the pro’s and con’s that they have experienced.

Mr. Hopp provided a press release to the Board that was developed today. The Foothills Foundation has decided to cancel the Red, White and You event. The primary reason is that they could not secure the sponsorships. The concert that was planned for that evening is being funded by SCFD, so we have decided to continue the concert.

Director Frankland requested the new ward boundaries be placed on the website. Director Maulik requested a larger, more detailed map. Mr. Rufien determined the new boundary map will be sent to the County Clerk by the end of the year. Mr. Hopp assured when the boundary map is officially implemented we will post it on the website.

Mr. Hopp told the Board he provided a letter response to Mr. Burt, and has had a follow up conversation with Cici Kesler, manager of the Mesa View Estates Homeowner’s Association. She has sent the letter to all of the Mesa View Estates board members. Mr. Hopp also provided her the information that was presented at the last Board meeting and sent her the link to our website to view the budget. Mr. Hopp pointed out that Ms. Kesler was not aware that their mill levy was less than the rest of the District. They are interested in the matching funds program; we have developed an application form stating the parameters and requirements. There was discussion about the matching funds process and requirements. Mr. Hopp indicated it has to be capital type repair, and cannot create additional operational need. We need to find projects that will reduce our operational costs, or projects that would be a revenue enhancer for the District.

Mr. Hopp talked about our discussions with the County to lease the remainder of their shares of the Bergen system, and the affect it could have on representation on the Bergen Board. If Mr. La Breche (County representation) resigns, Mr. Hopp said we would ask the Foothills Board to appoint another representative. Mr. Insley is currently on that Board.

X. DISCUSSION ITEMS:

A. Employee Survey Results

Mr. Hopp explained we conducted an employee survey using Survey Monkey, which has been a fantastic tool. We also did a Before and After School program survey, and are in the process of developing a golf survey. He provided the Board an overview of the results of the employee survey. We received 258 responses out of over 700 eligible. He said he was encouraged that about 80% of the employees are either satisfied or very satisfied, and noted lots of narrative was provided in the survey that still needs to be gleaned. Before outlining each question, Mr. Hopp said the survey was sponsored by him, Human Resources, and FEET. In conclusion, he said he has broken down the reports by department and employment level, and that information will be posted on the intranet. We can begin to see if we have issues in any level of employee or department. Mr. Hopp can provide that information to directors and managers so they can review it to see if there is anything we need to respond to immediately. We will continue to monitor and figure out what we need to work on; it is very valuable information.

B. South Suburban/Cherry Hills Village Exclusion Case

Mr. Hopp thanked Mr. Rufien for providing the attached memo. This is a case Mr. Rufien has been working on for six years. It is a great win for South Suburban but has far reaching affects on all districts.

Mr. Rufien explained as in his memo, how the case might apply broadly to special districts as a whole and perhaps specifically to this District as we go forward. He said within the special district world, it is a case that has been watched for a long time; it's not necessarily over, a lot of money is on the table. The city who stands to pay that money at this point in time has vowed to go as far as they can with it, but their rights to appeal are now exhausted. Now it is up to the courts (Supreme Court specifically) as to whether they want to hear any more about it. Mr. Rufien pointed out that significantly, less than 10% of those cases get heard by the Supreme Court. He said the memo is informational, akin to a legislative update. This is new law, something that applies in Colorado now that didn't apply before. Mr. Rufien explained the issue as it relates to Cherry Hills Village being a city.

Regarding the monthly summary comparison report of district usage versus non-district usage, it takes a considerable amount of time to prepare and Mr. Hopp asked the Board if they still find it valuable. He suggested we do the report quarterly; the Board agreed and Director Nunes believes it would help when we are getting into the 2010 budget. Director Frankland advised if we see a drop off in a particular area, it needs to be brought to the Board's attention.

Mr. Hopp and Director Nunes will be absent for the June 23<sup>rd</sup> Board meeting. There was a suggestion to cancel the June 23<sup>rd</sup> Board meeting and discussion ensued.

**MOTION:** Director Maulik moved that the Foothills Board of Directors cancel the June 23, 2009 Board meeting. Director Sutton seconded the motion. Poll of the Board: Director Maulik, aye; Director Frankland, nay; Director Sutton, aye; Director Nunes, aye. The motion was approved.

XI. ADJOURNMENT:

The regular meeting was adjourned at 7:30pm. The next Board meeting will be held at 6pm on Tuesday, July 14, 2009 at The Peak Community and Wellness Center, 6612 South Ward Street, Littleton.

Submitted by:

Richelle Riley  
Recording Secretary