

FOOTHILLS PARK AND RECREATION DISTRICT
REGULAR BOARD OF DIRECTORS MEETING

July 28, 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: | Present |
| 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; Derek Eberhardt, Operations Manager of Recreation Facilities; Barb Butler, Manager of Recreation Programs; 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 July 28, 2009 agenda as submitted. Director Shangraw seconded the motion. Poll of the Board: Director Maulik, aye; Director Shangraw, aye; Director Frankland, aye; Director Sutton, aye; Director Nunes, aye. The agenda was approved as submitted.

V. APPROVAL OF JULY 14, 2009 MINUTES:

MOTION: Director Shangraw moved that the Foothills Board of Directors approve the minutes of the July 14, 2009 Board meeting as submitted. Director Maulik seconded the motion. Poll of the Board: Director Maulik, aye; Director Shangraw, aye; Director Frankland, aye; Director Sutton, aye; Director Nunes, aye. The minutes were approved as submitted.

VI. COMMUNITY COMMENTS:

Director Nunes suggested if members in the audience were in attendance to comment about the dog park or Mesa View Estates, those topics are on the agenda as discussion items; please hold off on comments until after the discussions. Perhaps those presentations will answer some questions.

Susie Love, 12481 West Fair Drive, addressed the Board. She said the boat dock at Hine Lake has not been painted or stained in years; bird droppings and graffiti are all over it. Secondly, Ms. Love told the Board there is a homeless man who sleeps under the bridge by the dam. The police were called and they said they can't do anything unless it is after 10pm; are there any park regulations? Ms. Love said a third item of concern is that people are fishing every night in groups of 30 to 40. They park in the cul-de-sac (resident parking only), and fish until 3am. Ms. Love has spoken with the Division of Wildlife Fish and Game Department. Mr. Insley offered the Division of Wildlife is monitoring the situation. As far as the homeless issue is concerned, Mr. Insley offered we have a contact with the Jefferson County Sheriff's department and he will make them aware. Concerning the dock, he said we may be able to use that as a Boy Scout project. Mr. Hopp suggested we can touch base with Jefferson County regarding usage of the residential streets.

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

IX. EXECUTIVE DIRECTOR'S REPORT:

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Mr. Hopp said in addition to information provided in his memo about the storm we experienced about a week ago, an insurance adjuster will come and review all of our facilities.

The public were encouraged to take the golf survey. There is a link on our website's home page; it ends on July 31st. Through the use of Survey Monkey, August 1st we are hoping to provide a short survey about the new look of our website which was launched last Wednesday.

Derek Eberhardt made clear that the boiler at the Ridge was done in-house for about \$16,500; insurance reimbursement will be \$13,600. Director Frankland asked if there is recourse to the builder if this is not properly installed; it's only six years old. Mr. Hopp offered we will look into what recourse there may be on behalf of the builder.

Concerning storm damage, Director Shangraw said in Bobby Hyatt Park, the gravel path has rivulets starting, and suggested it would be beneficial to fix it before it gets worse. Mr. Insley agreed that we can re-grade the path.

X. DISCUSSION ITEMS:

A. Dog Park Update

Mr. Hopp explained that the issue of a dog park was brought forward by Lynda Fine. He appreciates the passion she has demonstrated, and that of Foothills Unleashed, towards establishing something potentially positive for the community if we find a viable location. We have gone through the legal and required processes in order to determine feasibility of some sites. Mr. Hopp recognized this was brought to Foothills and to the Board by an outside organization, and part of his vision is that we need to partner with organizations like that in order to try to accomplish things. He believes there is the possibility of a dog park; we just need to find a location that would be better received by the public.

For the purpose of those in the audience who may not have seen the memo in the packet, Mr. Hopp read the attached memo. He emphasized when we were approached by Lynda Fine and Foothills Unleashed, we stated we don't have the funds to proceed with this type of development; therefore, the funds need to be raised. Exceptionally, \$125,000 was raised and we believe that would cover a facility. We have also looked at some models for operation and maintenance for other areas, specifically Englewood Unleashed.

Mr. Hopp indicated that staff arrived at the Robert Easton Regional Park location because when he, Mr. Insley, and Mr. Kitners looked at different sites throughout the Denver Metro area, many sites were similar to Robert Easton Regional Park. They had other amenities such as ballfields and playgrounds. Having come to the conclusion that those were accepted facilities in other areas of the Denver Metro area, we felt a dog park would be an added benefit to the infrastructure of Robert Easton Regional Park. Though he and staff originally believed that one of two sites at Robert Easton Regional Park would be a good location for a dog park, the disdain for the facility to be located in this particular park was not anticipated. Mr. Hopp recommended we abandon the sites within Robert Easton Regional Park from consideration and would like pursue another site within the District. He reiterated a dog park could be beneficial to the District, is confident we can find a suitable site, and proposed we continue to work with Foothills Unleashed. Mr. Hopp presented a booklet to the Board that Ms. Fine put together showing petitions of support, as well as other information.

Mr. Hopp thanked the Board for their patience with this project. He is encouraged by the engagement of the people of the community, whether advocates or opponents of the proposed dog park; and hopes that engagement translates to engagement in future issues as well.

Two alternate sites staff are beginning due diligence on are Harriman Lake Park and Fehring Ranch. Denver Water owns the property around Harriman Lake. They have indicated it could be a potential site, but they are embarking on a dam improvement project and couldn't devote time to even consider it for at least two years. Concerning Fehring Ranch, there is a lack of infrastructure and we would be starting from scratch on this type of improvement; there is no parking lot and no potable water.

Mr. Hopp explained Fehring Ranch was acquired through Jefferson County Open Space in 2004 and a Master Plan was adopted by the Foothills Board of Directors with input from neighboring communities.

A dog park was part of the original Master Plan; a three acre site northwest of D'Evelyn High School. We are in the process of reviewing a site just to the south of the original Master Plan dog park that could be as much as seven acres which seems would work better for grass recovery. The site would have easy access from Nelson Street off of Quincy. The concept could have a small dog area if that were desired by the community. The site is relatively flat, and we believe we could create a parking area for about 70 cars with minimal grading, using asphalt millings. There is no water on the site; we have talked with Jefferson County about an exemption to this requirement. While they have stated they would consider an exemption, they would like us to continue to explore that as part of the concept; possibly using a water tank or cistern to store water on site. The budget that has been developed is \$125,000 and would include about 35,000 linear feet of fencing, access gates, bull pen, sign kiosk, two shelters, benches, picnic tables, trash cans, bag dispensers, and a water tank. The closest homes are in Mount Carbon Estates, and the closest home is about 900 feet from the proposed dog park site. The high school building is about 600 feet away. Mr. Hopp mentioned that the current Master Plan shows an amphitheatre, community center, and tennis courts on or near the park site. If the District ever built those facilities on the location of the original Master Plan, the dog park would need to be relocated at that time. Mr. Hopp said the concept is natural grass, alternating to allow for regeneration. If this site is pursued, we would have to go through the same community involvement process, take comments for Jefferson County Animal Control, and apply for site approval with Jefferson County Planning and Zoning.

Director Shangraw asked if there are any other viable options. It would be good in the next public process if we had more possible sites to put through the process at the same time. Mr. Hopp said we went through a variety of other locations before we narrowed it down this first time, and believes we would run into a lot of the same issues we had with the Robert Easton Regional Park sites; but can review it again. Director Maulik proposed the area that would have been used for the extra golf course; Mr. Hopp indicated it's reserved for the golf course in the event we are able to build another course.

Mr. Hopp said we will continue discussions with Jefferson County on whether we can get an exemption from the water. If Jefferson County would allow the exemption of a water source, we would have to put up signage that the dog owner is responsible to bring water. Director Shangraw recommended in that process where we ask for an exemption, we suggest that in the future when the remainder of Fehring Ranch is developed, we can revisit the issue of the water.

Concerning time line, Mr. Insley said when we settle on a specific site, we would put an official request into the County for that exemption; it would take about a month or two to process. In addition, we would need to do a site approval plan that could take four or five months since we're changing the use on that location.

Marge Melle, 12206 West Belleview Drive, said before coming to this meeting she attended the Chatfield hearing and emphasized there is a great need for dog parks. She mentioned there are irrigation ditches all over Fehring Ranch. It would be very nice to have a water element in the dog park using the natural ditches. Director Shangraw pointed out that those natural ditches have water rights associated with them and people own those water rights.

Matt Spruill, 12305 West Brandt Place, said after the last meeting he visited five dog parks, including Englewood. He provided information to the Board regarding houses, schools, water sources, and playgrounds close to those five parks and compared them to Concept "A". He believes Concept "A" is a viable issue; the Board should still consider Concept "A" or Concept "B".

Director Shangraw made the point that around Hine Lake, dogs have to be on a leash, it's not a place for dogs to swim. It wouldn't be available for dogs to play in, even if the dog park were located in that area. In her mind, Option "B" is not viable because it conflicts with what is in the Master Plan; meaning there is only one option at Robert Easton Regional Park. In order to have a good public process, we need to have more than one option which means looking elsewhere so we get the best site for everyone involved.

Elias Gamez, 12348 West Dorado Place, asked how to find out about the meetings. He was informed of when and where Board meeting notices/agendas are posted, including the Foothills Park & Recreation District's website. Mr. Hopp said in the case of the June 4th public meeting, the only requirement was to send notices to anybody who lived within a

quarter of a mile of the proposed sites. There was a posting in the Columbine Courier and Lynda Fine, with Foothills Unleashed, tried to notify as many people as possible.

Director Nunes emphasized that this is a process and this is the first community dog park that Foothills has ever looked at; we have a lot of education to go through.

B. Mesa View Estates

Paul Rufien distributed a memo to the Board for discussion regarding Mesa View Estates. Mr. Rufien received communication from an attorney representing some residents within that area and unclear as to exactly how many or exactly the structure of the organization; but it was many as opposed to few. The purpose of the contact to Mr. Rufien was to discuss the form of a potential petition for exclusion. Mr. Rufien noted we don't have an exclusion process yet, and will not have one until that petition is filed. Their attorney had drafted a petition for Mr. Rufien's review; Mr. Rufien provided comments back and has not heard back from the attorney. He believes the probability is that we are going to be going through the exclusion process. Because it is going to be a fairly complicated matter, it would serve the Board best to make some proactive decisions rather than reactive. Possible discussion topics were outlined in Mr. Rufien's memo.

Mr. Rufien's opinion is that we would be well served by this Board establishing a position as to how we want the ultimate exclusion hearing to go. It could be just a presentation from the petitioners and then the Board immediately makes a decision. It could involve staff giving a presentation that touches upon all of the statutory criteria and advocates or does not advocate a position. It could be that staff are prepared to respond to questions from the public, the petitioners, or the Board. It could be that we just listen and make a determination. Mr. Rufien advised once the petitions are filed, we have certain time lines that must be met as far as when the hearing is scheduled.

A second issue, Mr. Rufien explained, is that a deposit is required along with the petitions. Statutes contemplate that the deposit will cover the cost of the exclusion proceeding; it could include staff time and legal time. It would be beneficial for the Board to know what that deposit amount would be before the petitions come.

A third issue is that any type of strategic planning needs some discussion as to how that's going to go. Mr. Rufien suggested we may encounter a split Board on this decision; that makes things difficult for staff as to what they are to do and how they are to do it. He suggested to develop protocol as to how those discussions are going to go and how directions will be given that staff can follow with some degree of confidence and as little controversy as possible.

Mr. Rufien's recommendation is to begin discussing that now or have it be an agenda item at the next Board meeting.

Concerning when public comment is collected, Mr. Rufien said we are required to provide notice to all of the residents within the area. This will probably be a petition that represents 100 percent ownership. A secondary notice is required within a small geographic area. The public is required to provide us with objection, if any, prior to the public hearing. Mr. Rufien confirmed there has to be a public hearing, and it is ultimately the Board's decision based on the statutory criteria.

There was discussion on the proposed deposit fee. The Board needs to give staff and Mr. Rufien direction as to what type of information they want to hear. If the Board looks for Mr. Rufien to take a position, then he will be doing more, and staff will devote a lot of time. Those types of costs can be included in the deposit. The nature of the deposit is to cover everything; it could be a few thousand dollars. Director Frankland questioned not knowing what the petition is, how do we know how much staff time would be involved? Mr. Rufien replied it is guess work; we need to consider financial impacts of the area to be excluded, and service level requirements for the area will be impacted. He advised if this petition is designed to play out until the end, it would be difficult for the Board to make a decision with data from one side and nothing from the other; although it would be the most cost effective.

Director Maulik said she would like to hear both sides of the issue. Director Shangraw offered she would like to see Mr. Rufien play the “devil’s advocate” roll; and it be covered in the cost of the deposit. Mr. Rufien discussed length of time when the petition will be filed and what it will cover is not known; there may be 30 to 45 days to schedule the hearing after the petition is filed. Mr. Rufien reiterated he and staff need direction from the Board in order to estimate full cost for the deposit amount. Director Shangraw suggested the Board can read the memo and get back to staff.

Concerning strategizing, Director Shangraw said she is very uncomfortable with the idea that everything we say can go straight back to Mesa View; there is no pipeline in the other direction. Mr. Rufien acknowledged we are public, they are not. Director Shangraw asked when we get into this process further, is there a way to have a subcommittee of the Board excluded from the potential conflict of interest. Mr. Rufien offered he is doing everything necessary to protect the District from challenges. With the type of strategy we are doing now, there is probably nothing we can do about that pipeline unless you can tap into somebody on the other end. Mr. Rufien recognized that executive sessions could come up in this context, and there, the pipeline should not exist. Director Shangraw pointed out sometimes that fails, as it has in the past. Director Sutton acknowledged we have a broad constituency and we have to represent all of their interests. He thinks that has been failed in the past, and believes the Board can do their job with ethics behind it. There was discussion on ways the Board can establish a trusting relationship despite having differing opinions on the subject.

Director Shangraw expressed frustration because with the initial request from Mesa View, Mr. Hopp wrote back that we would like to work with Mesa View and come up with a solution that would be best for both groups. Obviously with this petition process, there has been no thought given to that avenue. It’s frustrating because it’s going to cost the District a tremendous amount of money and staff time; our resources are stretched very thin. Mr. Hopp confirmed he has had email conversations with Mr. Burke and Ms. Kesler and he has offered to meet with them. There have been some requests from them for additional information, and to his knowledge, everything that they have requested has been provided. Mr. Hopp has had no positive response from them to meet. Director Sutton believes that needs to be encouraged, and acknowledged he is on the Mesa View board and has encouraged open talks. Mr. Hopp asked Director Sutton for suggestions on how to continue to outreach to Mesa View. Director Nunes asked Director Sutton what we can do as a Board to make this better. Director Sutton said to strongly encourage dialogue and get all of the issues laid out. There was discussion about meeting scenarios. Director Shangraw suggested in the beginning stages it might be more productive to start with staff; Mr. Rufien agreed that would be productive but may want the ears of a Board member as well. Director Sutton said he would help facilitate a meeting tomorrow. Director Nunes remarked that it sounds like this has been an ongoing issue that staff have tried to be a part of resolving; perhaps now we figure out a different way to do it. Mr. Rufien recommended item number one on the agenda be “can we hold off on filing any petitions until this dialogue runs its course, and have a fair chance at being successful”. Director Maulik reminded this is a new administration; we would like the chance to avoid a separation.

It was decided that tomorrow, Director Sutton will facilitate setting up a meeting with Mesa View; he, Mr. Hopp, and Director Nunes will attend. Mr. Hopp expressed to Director Sutton if there is anything he needs to do to continue to facilitate that conversation and potential meeting, please let him know. Director Sutton acknowledged that Mr. Hopp made overtures and responded; he can’t think of why they haven’t responded.

Director Maulik suggested providing them a District contact list of who to call when there is an issue.

Mr. Hopp mentioned he is meeting with the Sixth Avenue West HOA on Thursday at their request; as well as Mr. Insley, Mr. Ramos, and Director Shangraw.

C. Departmental Quarterly Reports

1. Golf

Tom Woodard referred to his quarterly report provided in the packet. He noted that in April and May, rain impacted weekend play seven of the eight weekends; followed by the second wettest June on record in the state. We are 5,174 rounds below our three year average. Revenue wise, we are approximately \$80,000 lower than in 2008, and year-to-date we are about \$170,000 down in revenue for the first half of the year. Monday's storm missed the Meadows Golf Course. It did hit Foothills Golf Course and was closed for half a day. Expense-wise, the only challenge we are facing right now is some unallocated budget expenditures. We had to replace a refrigerator and two pump stations, and are trying to cover those expenditures with our operational budget. Mr. Woodard reported that through the first two quarters of the year, our green fee revenue per round increased by \$1.50. Comparing 2009 to 2008, Mr. Woodard said the fee increase that we implemented and some of the discounting we eliminated is working. The food and beverage operator is down \$69,716; the weather and economy has impacted them. We are in the process of doing a golf survey and to date, have had 321 respondents. Mr. Woodard said we are in the final process of looking at how we can fill our unused tee times.

2. Leisure Services

As described in the attached quarterly report for Leisure Services, Barb Butler said we are tracking ahead of last year by about \$213,000. A lot of that is due to increased revenue as well as decreased expenses. Year-to-date we are tracking about \$44,000 ahead in revenue compared to what we budgeted. She said it can be attributed to the Athletic Department, Children's Programs, and Silver Sneakers. Facility budgets are doing better due to controlled expenses. Aquatics is flat, and Cultural Arts is on track to meet this year's projections. The Edge is tracking a little low year-to-date because of some decrease in ice rentals. Ms. Butler talked about some highlights from each department. The new cardio equipment has been installed at the Peak. Ms. Butler said it has done wonders for the community; the machines are hard to get on because they're full. Mr. Eberhardt added that on August 7th we are having a free day at the Peak, and there will be sessions throughout the day to orient patrons on the new equipment. We will be selling some discounted annual passes as well as some multi-visit cards.

3. Parks, Planning and Construction

As outlined in his quarterly report, Colin Insley said revenues are currently tracking at 47% for the entire budget; 60% of property taxes are in and 46% of specific ownership taxes are in. Expenses are tracking about 42% overall. Mr. Insley provided highlights from each department. He mentioned a volunteer group, Americorp, who came out with kids who did a lot of work, particularly in the Lilley Gulch area. Regarding noxious weed control, Mr. Insley said we are trying, within our budget parameters, to get after it and will probably get more aggressive with that program in the fall. We have done some organic control with the use of weevils. Due to the recent storms, he said the insurance adjuster is going to look at the fleet, as well as the facilities. Mr. Insley explained we have joined the Clean Cities group. The group looks at alternative fuels and the possibility of grants that may be available to turn some vehicles to alternative fuel vehicles. Director Shangraw wondered if we are saving on water, can we borrow from that budget for the weed budget. Mr. Insley agreed we can shift some of those funds into herbicides. He noted we have limited staff in terms of who can spray, so we may need to bring in some vendors.

4. Administrative Services

Ms. Parkin distributed a corrected memo for her attached quarterly report and explained the correction. The total Administrative Services' expenditures are expected to be \$939,500 less than planned. Purchased services expense is expected to be approximately \$224,500 less than planned, significantly improving the performance of Administrative Services.

Summarizing the Administrative Services Department's performance for the first half of the year compared to our plan, Ms. Parkin said net revenues and expenditures were expected to be approximately \$946,000 better than planned. That is largely due to \$681,000 budgeted in Debt Reserve for potential salary increases this year or for future debt reserves. She explained the balance of approximately \$265,000 of potential savings is due to mill levy election that was planned and will not happen this year, legal services is tracking about \$35,000 less than planned, and unemployment claims are about \$44,000 less. Overall for the District, Ms. Parkin believes we will be about \$26,000 over planned as far as unemployment because of layoffs at the end of 2008. With Administrative Services, Parks, and Leisure Services being favorable to budget, and golf will make up what they can; she is confident our numbers are coming in very well. Ms. Parkin provided highlights for each department in Administrative Services.

Concerning the District as a whole, Ms. Parkin told the Board that net revenue for the first half of 2009 was about \$3.6 million compared to \$2.5 million in 2008; an increase of roughly \$490,000. She said the increase in net revenue can be attributed to Athletics and Children's Programs tracking ahead, and a grant that Children's Programs received in the quarter which has not been spent. We have had lower salaries, benefits, utility costs, and lower debt payments this year.

5. Marketing and Community Outreach

Mr. Hopp highlighted that staff in Leisure Services, as well as the Marketing Department, have worked to instate the Southwest Plaza space. We are starting to do demonstrations and having a presence at Southwest Plaza. He reminded the Board that the space has been given to us for free.

XI. EXECUTIVE SESSION:

A. Property Update and Negotiations per 24-6-402(4)(a), C.R.S. and 24-6-402(4)(e), C.R.S.

MOTION: Director Maulik moved that the Foothills Board of Directors move into Executive Session pursuant to Colorado Revised Statutes 24-6-402(4)(a) and 24-6-402(4)(e). Director Shangraw seconded the motion. Poll of the Board: Director Maulik, aye; Director Shangraw, aye; Director Frankland, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

The regular meeting adjourned at 8:10pm and Executive Session began at 8:20pm.

The Executive Session ended at 9:44pm and the regular meeting reconvened.

XII. ADJOURNMENT:

The regular meeting was adjourned at 9:45pm. The next Board meeting will be held at 6pm on Tuesday, August 11, 2009, at The Peak Community and Wellness Center, 6612 South Ward Street, Littleton.

Submitted by:

Richelle Riley
Recording Secretary