

FOOTHILLS PARK AND RECREATION DISTRICT
REGULAR BOARD OF DIRECTORS MEETING

September 8, 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 – dismissed at 8pm due to prior commitment |
| 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:

It was proposed by Director Nunes to add Mesa View Letter as agenda item “C” under Discussion Items.

MOTION: Director Nunes moved that the Foothills Board of Directors approve the September 8, 2009 agenda with the addition of Mesa View Letter, item “C”, under Discussion Items. 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 agenda was approved with noted change.

V. APPROVAL OF AUGUST 25, 2009 MINUTES:

MOTION: Director Maulik moved that the Foothills Board of Directors approve the minutes of the August 25, 2009 Board meeting 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 minutes were approved as submitted.

VI. COMMUNITY COMMENTS:

A. Human Resources Staff Introduction – Lisa Narrell

Patricia Parkin introduced Lisa Narrell, our new Human Resources Generalist to the Board. Ms. Narrell most recently lived in Barcelona Spain where she worked at a business school as a research analyst, and prior to that has had five years of HR experience. Ms. Narrell was welcomed by the Board.

Marge Melle, 12206 West Belleview Drive, asked the Board what is happening with the dog park; speaking for all the people who signed the petition. Ronald Hopp responded that about two and a half weeks ago we sent a letter to Ms. Fine with Foothills Unleashed. The letter stated that we feel at this time Foothills Unleashed is not a viable community collaborator for us to move forward with this dog park. We are seeking a viable community collaboration entity or people who might want to take it forward in a positive manner. She and the organization were encouraged to either become a viable community collaborator or change their tone of voice in terms of how they are approaching this entity and this opportunity for a dog park; we have not heard anything back from Ms. Fine at this point in time. In regard to seeking other areas in the meantime, Mr. Hopp said we are not. We felt like we needed to have an engagement with a viable community collaboration entity in order for us to continue to put efforts into this process.

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

A. Tribute Tree

Colin Insley said we have a tribute tree application from Girl Scout Troop 3432. They are located in the Mossbrucker Park area and would like to plant a tree in Mossbrucker Park. He mentioned we have started an arboretum there and this would give us an opportunity to plant something of a different species.

MOTION: Director Maulik moved that the Foothills Board of Directors approve Ms. Andrea Nicholl's request on behalf of Girl Scout Troop 3432 to plant a Tribute Tree in Sgt. Timothy M. Mossbrucker Park. 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.

B. Memorial Bench

Mr. Insley told the Board this memorial is being applied for by Ms. Delores Wood. She is the wife of former Mr. John (J.O.) Wood who was involved in the initial earthwork and grading for Clement Park and Johnston Reservoir improvements. Ms. Wood is proposing a standard park bench be installed near the lake trail on the east side of Johnston Reservoir, with a plaque set into the concrete below the bench. The applicant will pay for the materials, any replacements required, and the plaque.

MOTION: Director Shangraw moved that the Foothills Board of Directors approve Ms. Dolores Wood's request on behalf of the Wood family to purchase a memorial park bench to be installed next to the lake trail at Robert F. Clement Park. 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 motion was approved.

C. Foothills Golf Course Tee Box Repairs

Mr. Woodard indicated that at the August 25th Board meeting, the Board was informed that staff would be getting additional proposals for tee box repairs at Foothills Golf Course. Because a proposal was received toward the end of the business day on Thursday, he provided an updated memo to the Board. We received four proposals and Landscapes Unlimited submitted the lowest proposal at \$59,454. Mr. Woodard recognized it was not a formal bid process. We made the decision to complete four of the smallest tee boxes, which are easily accessible, in-house for \$10,518.75 to get the project under \$50,000. That will lower the total cost to \$48,935.25. He recalled the Board had previously approved \$7,500 for tee box renovations at Foothills Golf Course, and said we will be asking the Board to approve an additional \$41,436 from the Golf Development and Improvement Fund. Mr. Woodard reminded the Board that the golf survey showed the number one complaint is the condition of the tee boxes. Staff identified all the tee boxes that need to be repaired, and gave 16 of the tee boxes a 10 or 9 priority rating. Staff are already maintaining 36 holes of golf, and if we try to do the repairs in-house, the course would not open until May. Landscapes Unlimited indicated they could start the project, pending contract approval, by the end of next week and could be finished as early as October 20th. Mr. Woodard explained Landscapes Unlimited is the largest company to bid on the project and is a nationwide company. He discussed that Modern Golf, who submitted the first bid, was a little disappointed and asked that we make sure we compare apples to apples. Mr. Hopp offered he is familiar with Landscapes Unlimited. They are from Lincoln, Nebraska and built most of the golf courses in the Omaha area; they are a very reputable company. Director Maulik asked if we would give Landscapes Unlimited the chance to bid the four tee boxes that we are doing in-house; could we ask them to do them all for \$50,000. Mr. Woodard explained the prices quoted are for all 16 tee boxes; and believes there would be no harm done to ask for \$50,000. When asked if we could do the additional four tee boxes by change order, Mr. Rufien advised against doing it in change orders. If there is a logical basis for phasing the project, it could be done that way if we don't want to go to the expense of the formal statutory bid process for a project that is as close to a maintenance project as it is a capital project. If the four tee boxes we are pulling out have a logical rhyme or reason to be separate other than driving the cost down, we could easily do it in a two phased project.

Regarding the \$50,000 threshold, Mr. Rufien explained a Board made the decision in the past to lag behind the present state of the law; the \$50,000 is a District policy more than it is a statutory requirement. The statutory threshold has gone up to \$60,000. He concluded what is being presented is a very good solution for this particular project. The proposal process allowed staff to figure out what the project was and how close we were to the threshold; that's been established and we have a company that can come in under that.

Mr. Woodard explained that prior to this presentation, the projection was to finish the year with \$215,803 in the Golf Development and Improvement Fund (including expenses already approved). With this additional request, the balance at the end of the year is projected to be \$174,367. He pointed out that the fund increases by \$255,000 each year, so funds available in 2010 will be \$429,367.

Director Maulik inquired if we can revise the policy to meet the statute of \$60,000. Mr. Rufien advised as with every policy, it lasts only so long as the Board decides to change it. Director Shangraw pointed out the proposal is for the entire amount, so there is nothing to stop us from approving the whole proposal. Board discussion continued and Mr. Rufien assured we are lawful; he can draft the contract however the Board would like. He believes this is more of a maintenance project and his concerns with the threshold were outside concerns - what challenges would potentially be raised. We may be subject to scrutiny if we do the whole \$59,000. There was discussion regarding making this project an exception or creation of a new policy adopting state law. Director Frankland recommended voting on the project the way it is so the contractor can get started, then bring back a change in two weeks to accept the other part; Director Nunes agreed. She added by the next Board meeting we could have the amendment to the policy that states \$50,000.

Mr. Rufien explained the issue with Modern Golf was driven by him; there was a law passed last year about sole source contracting that is discouraged for public entities. After the last Board meeting, Mr. Rufien recommended to Mr. Woodard that he seek other proposals. Staff or the District did not undercut Modern Golf. Modern Golf did good work in setting something up, but the District is doing its best diligence. Mr. Hopp said we will make it right with them in some way; possibly pay for the engineer's time.

It was decided to approve the project as it is and amend the contract for the other four tee boxes, and amend the current contract policy.

MOTION: Director Maulik moved that the Foothills Board of Directors approve appropriation of an additional \$41,436 from the Golf Development and Improvement Fund to allow Landscapes Unlimited, L.L.C. to rebuild an additional twelve tee boxes, and approve the contract with Landscapes Unlimited, L.L.C. subject to approval by District's counsel. Director Frankland 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.

IX. EXECUTIVE DIRECTOR'S REPORT:

Mr. Hopp had no additions or corrections to his report. Director Maulik expressed she is glad we got the pools compliant. Director Shangraw thanked the FEET committee for the cookout they sponsored.

In answer to Director Frankland's question about ideas to replace the retaining wall at Foothills Golf Course, Mr. Hopp said we talked about some options that Mr. Janosik is going to investigate. The concept is going to be difficult because of the topography; we may have to come back to the Board for additional appropriation. Mr. Hopp believes concessionaire concerns have been resolved. Amy Zender and he are going to have meetings at Foothills and the Meadows to make sure all channels of communication are wide open, and he believes there will be no issue moving forward.

X. DISCUSSION ITEMS:

A. Employee Wellness Program

Tami Adams explained that she and Wenonah Macdonald have put together a program for an employee wellness plan, and the *Employee Wellness Benefit Guide* was distributed to the Board. The program is a way to get staff engaged in their own health; there will be a reward or incentive for them to manage their own wellness activities. The program will be presented to employees at the all staff meeting in September, and begin in January, 2010.

Ms. Macdonald outlined the *Employee Wellness Benefit Guide* which was modeled after the City of Glenwood Springs. She explained some of the wellness program goals we hope to accomplish such as a reduction in health care costs and increased job satisfaction. In addition to Ms. Adams and Ms. Macdonald, the wellness team consists of Kevin Brown, Mark Elder, Paul Janosik, Richelle Riley, and Ashlee Taylor. We will meet on a regular basis to review different activities, etc.

Ms. Adams outlined the program and said we are offering participation in the program to all employees. She talked about an on-line wellness program and total health assessment that staff can utilize in collaboration with Kaiser, and explained the programs and points system. Ms. Adams said the goal is to get as many people as possible to participate, and provided examples of incentives that may be offered. There are different programs within our District that we can give away that have no hard cost, but still provide good value to the employees. Another benefit that, at this time would be restricted to full time and level two staff, may be eight hours of paid time off.

Director Shangraw suggested participation in the Second Wind Fund event being a way to gain points; and as a community service we could promote events in our community. Ms. Adams agreed and described a health fair being planned for next year that we would host for the community and employees.

In answer to Director Maulik, Ms. Adams indicated that Kaiser is not offering a discount at this time for the District establishing a wellness program. In regard to taking classes during work shifts, Ms. Adams said it would be up to supervisors, and the wellness team is in place to address those types of issues. Concerning an employee's privacy, Ms. Adams assured the employee's participation information will only go through Ms. Macdonald in Human Resources.

B. Children's Programs Strategic Planning Update

Amber Selby talked about Children's Programs' recent strategic planning session. She met with the four specialists and Barb Butler to discuss in great detail what they wanted the future of Children's Programs to be. Included on their agenda was an overview of their objectives, a team building activity, development of a feel good list, questions and answers about the District, discuss value that Children's Programs provide to the community, vision, and goals. The group went through a process to vote on those goals and develop an action plan to move forward.

Using a PowerPoint presentation, Ms. Selby highlighted their feel good list, and things they discussed that would help make Children's Programs perfect. Ms. Selby read their new mission statement: "We are committed to providing families in our community recreational and educational programs that are safe, healthy, and fun at a reasonable cost". She went on to explain their goal setting process, and described their priority goals.

Ms. Selby outlined the Children's Programs organizational chart. She pointed out one of the four specialists, Shauna Moser, was pulled from the programming component to oversee the administrative aspects of the department, including registration and billing. The other three specialists will oversee all of the programming components. By taking away some of the administrative processes, the goal is to open up more time for them to oversee more things in the programming realm. Ms. Selby explained how the administrative position will help their systems be more consistent and help the department become more organized.

Director Shangraw asked if this has helped with staff morale; Ms. Selby confirmed she can see staff will be very excited to get these things in place.

C. Mesa View Letter

Referring to the letter distributed to the Board from Mesa View Estates, Mr. Hopp indicated the proposal fairly accurately encapsulates the conversation from the meeting he attended with them and Directors Sutton and Nunes. In addition to these items, Mr. Hopp said he also gave a general overview of tax dollars collected, the same type of information that was presented to the Board about six months ago. It quickly moved to discussions about control of Estates Park, funding mechanisms, and how Mesa View Estates can make their desired improvements in that area.

Mr. Rufien provided a memo to the Board outlining some issues we may be facing from a legal prospective. His initial reaction was that this is a very positive step; Mr. Hopp and Directors Sutton and Nunes did a very good job identifying the core issues. The tone and proposal coming from Mesa View is much different than before, and provides groundwork to get something done. The three general things Mr. Rufien believes are out there for discussion are clearly Mesa View wants "control" of the park ("control" needs to be defined), the second is the creation of a sub-district, and the last one is the potential for sharing existing property tax revenue generated from that area; there are some legal constraints in our ability to do that. Mr. Rufien clarified sub-district "A" is essentially everything north of Hampden. What that means as far as a consideration of a new sub-district, from an administrative perspective, is the District would have four separate mill levies if a new sub-district were to be created, not just three.

Mr. Hopp applauds the efforts of the Mesa View board to make improvements to their area and enhance Estates Park, even beyond the typical things. It's clear their desires will cost money and they don't seem to have an issue with that. Mr. Hopp would like continue to forge the spirit of "win, win", and how we can make it work for everybody under the nuances of this being a public park. The park was deeded through a commissioner's deed through the Senate Bill 35 program in 1991; the outright sale of the property doesn't come without challenges. Mr. Hopp indicated that some of the improvements mentioned at the meeting they attended were private in nature. Commending their desire to want to go to that level, Mr. Hopp indicated doing private improvements in a public park is another legal hoop that needs to be jumped through. He said we need to respond in some way, it may take more meetings with the Mesa View board to flush out some of the details; he and Mr. Rufien will need guidance from the Board at some point in time.

Director Sutton suggested either doing a sub-district or some type of lease; it seems the simpler, more direct approach would be the lease. Mr. Rufien indicated with a lease there would not be a separate funding source immediately available, at least from the District's side. The assumption would be that any improvements created within that area, Mesa View would largely pay for themselves; without the sub-district mechanism they would be left to come up with that money on their own accord.

Mr. Hopp clarified with Director Sutton that Mesa View needs the Foothills Park & Recreation District as a funneling mechanism for the taxing authority to generate the dollars for the sub-district to fund the improvements. If Mesa View Estates would voluntarily raise the money from their HOA, they would not need Foothills as that funding mechanism.

Director Shangraw expressed confusion as to whether they don't want to pay taxes or want to pay more taxes and develop more facilities. Mr. Rufien said discussion will be on both sides of the spectrum. As far as the lease goes, as long as the District owns the property it is publicly owned property; there are always exceptions. Mr. Rufien added, as was discussed with the Edge, we can lease portions of, or all of, a public facility for private operations. Issues the District would have to overcome would be political concerns with the County. There would potentially be tax consequences to the Mesa View entity as the lessee if privatized enough that the County deems it is now appropriately part of the tax rolls. In addition, there would be policy considerations of this Board as to whether it wants any of its neighborhood parks to take on a more private character. Mr. Rufien indicated there are issues that would have to be overcome and negotiated as part of a lease, and explained how a lease is a viable thing that can be considered.

Director Shangraw agreed with conducting a straw poll of all of the residents. In addition, she would like to keep everything in context of what is in the best interest of the community and the rest of the District; and does not feel we are ready to make that kind of determination. Mr. Rufien indicated the straw poll he mentioned was in the context of a sub-district such as Kipling Villas.

Director Shangraw agreed and noted Kipling Villas had a narrowly defined purpose; this is not narrowly defined yet. Director Sutton proposed it is well developed; their desires were put in writing. He said conceptually is where we are tonight; we are talking about Board consideration of them staying in the District, what would it take. Director Sutton determined what it takes is control of the park and control of the revenue in the park so they can do some improvements. Mr. Rufien said in his perspective and in his memo, it was not in consideration for staying within the District. It was more in consideration for the “win, win” scenario within the community. He indicated if we get into what it is going to take to stay in the District, that discussion couldn’t be had without further discussion from him about petition for exclusion and that whole process. Conceptually, the things Mr. Rufien outlined in his memo are viable. The first step the Board needs to consider before a straw poll is a defined area. Director Sutton said the Mesa View sub-division clearly defines the area. Mr. Rufien suggested a map could be created to show what it is going to be which includes the number of homes affected, number of residents, amount of property taxes in play, and mill levy scenarios. Mr. Rufien agreed with Mr. Hopp, the concept has been defined this far, it is appropriate for the District to take it to the next step; we can start to put more shape to the concepts that exist. He reiterated his take on the Mesa View letter we just received is a positive one, the concepts are viable and it is appropriate for the District to be respondent.

Director Nunes asked if we were to make Mesa View a sub-district, don’t we have to go to all of Sixth Avenue because it is all of Sixth Avenue’s park, not just Mesa View’s park. Mr. Rufien said that is appropriate for the Board to consider. Once we see a map of the area that shows Mesa View, the proposed sub-district, and where the park is located; the first question will be is it appropriate to even entertain this discussion with Mesa View, or is it a Sixth Avenue park and this District believes it’s necessary to engage all of that area. If we are talking about a contract that would preclude neighbors from using that park, Mr. Rufien said the Board has to look at that very carefully. Director Sutton said that hasn’t been suggested. Mr. Rufien continued to describe the right questions to be asking and the right discussion to be having.

Director Maulik observed that the District will pay for all the data collection to make legitimate decisions; Mesa View needs to own up to some financial responsibility. Director Sutton said the Board’s conversation is leading towards costing a lot of money and involving people that don’t need to be; Director Frankland agreed. Director Sutton continued that Mesa View is not after denying anybody anything, they want control of the park that is contained solely in their neighborhood and the tax dollars that are raised from that sub-division; it’s that simple. Director Maulik pointed out they don’t bring in revenue except for tax dollars and we support the whole District; we are going to set a precedent here. She acknowledged she is not opposed to a sub-district, but can’t see giving Mesa View 80% of their current tax revenue dollars so they can have that park. Director Sutton said the District has had the benefit of 100% of their tax dollars for 20 years for which the District has done nothing in the area of any significant benefit. Mesa View is saying that is no longer acceptable. They have been asked if there is a way they would be willing to stay in the District; this proposal is what they have come out with. Director Sutton said it’s left to the Foothills Board how the park will be controlled.

Discussion continued and Director Maulik reiterated she would be for forming a new sub-district and raising additional tax dollars to dedicate to the area. Director Sutton clarified the additional dollars would be created for some additional improvements above and beyond. That in no way was a substitution for 80% of the current tax dollars that are being paid in that sub-division; it is in addition. Director Sutton indicated he was asked to see if he could facilitate a “win, win” and believes he has done that. There was discussion and Director Sutton suggested we vote.

In answer to Director Shangraw, Director Sutton explained all the dollars that the District would turn over to Mesa View would have to be used for management and maintenance of the park. Director Shangraw said those would have to be tied to an expense that could be justified, and expressed another thing the Board should be looking at is what this says to the rest of our community. As a Board, we are still responsible for addressing the needs of the rest of the greater District; we can’t ignore that because we have a proposal in front of us.

Director Nunes summarized that the proposal is adjusting “1, 2, and 3”; Director Maulik has said she is in favor of doing a sub-district like Kipling Villas where everything stays the same

but more tax money is raised and spent for that area. She agrees with Director Maulik in that aspect, and is 100% in favor of just the sub-district. In thinking of all of Sixth Avenue, Director Nunes expressed concerns with giving or leasing the park to Mesa View and needs to look at the entire District. Director Sutton said if doing this as a sub-district is what it takes to make this Board happy, he has no opposition to that; but would prefer to do it as a lease. He added he can't support anything less than 80% or some number of the existing tax base.

Mr. Hopp offered 59% is being spent in the area and 41% being spent elsewhere in the District. Director Nunes recommended if we come up with the true numbers, that would be more of the bargaining piece. Mr. Hopp suggested we keep in mind the pool and other parts in the area.

Using the example of Kipling Villas, Director Shangraw expressed concern if we were to do something different with another sub-district, there is an equity problem. Director Frankland discussed the Sixth Avenue area being excluded from the election, they might have voted "no" and we wouldn't have all these facilities. The District is still putting excess profits into sub-district "A" that he personally doesn't get any benefit from. Director Shangraw said those profits are operational funds, not capital funds; they go into the whole District. Director Frankland reiterated money is going into facilities and operations that they never had a say in. There was discussion about sub-district "A" and application of taxes used for operations.

Mr. Hopp observed precedence is a big issue here; going down a pathway that we have never gone before raises issues. He referred to the roller hockey rink that is on Foothills property that we lease to a private entity; are there areas in Mesa View Park that provide that opportunity. He suggested he and Mr. Rufien can think about precedence that the District has undertaken before, overlay that with this proposal and see if there is something that could be a match; and talked about things that could be problematic or could be a possibility. Mr. Hopp advised from a majority perspective, this Board has to be comfortable with precedence before we move forward. Director Nunes said she would like to look at the area to get a visual of what we are talking about.

Mr. Hopp mentioned this situation puts him and Mr. Rufien in a precarious situation because they both work for the whole Board, and this is a divided issue. They will do their best to provide the Board the facts and details they need to make decisions as a majority. Mr. Rufien explained that the District is the lessee to public parks from Jefferson County; and referred to the Clement Park lease. Mr. Rufien advised a response to Mesa View now of acknowledgement would be appropriate, and let them know when we will have a formal response.

XI. EXECUTIVE SESSION

A. Personnel Matters per 24-6-402(4)(f), C.R.S.

MOTION: Director Shangraw moved that the Foothills Board of Directors move into Executive Session for Personnel Matters per 24-6-402(4)(f), C.R.S. Director Frankland seconded the motion. Poll of the Board: Director Shangraw, aye; Director Frankland, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

The regular meeting adjourned at 8:21pm, and Executive Session began at 8:26pm.

Executive Session adjourned at 8:41pm, and the regular meeting reconvened.

XII. ADJOURNMENT:

The regular meeting was adjourned at 8:42pm. The next Board meeting will be held at 6pm on Tuesday, September 22, 2009, at The Peak Community and Wellness Center, 6612 South Ward Street, Littleton.

Submitted by:

Richelle Riley, Recording Secretary