

FOOTHILLS PARK & RECREATION DISTRICT
REGULAR BOARD OF DIRECTORS MEETING

December 13, 2011

The regular meeting of the Foothills Park & 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 6:00pm.
- 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:
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| Director Maulik: | Present |
| Director Johnson: | Present |
| Director Bradley: | Present |
| Director Sutton: | Present |
| Chairman Nunes: | Present |

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

Potential conflicts of interest were disclosed pursuant to Colorado Revised Statutes 18-8-308(2), 24-18-109(3)(a), 24-18-110, and 32-1-902(3).

IV. APPROVAL OF AGENDA:

MOTION: Director Maulik moved that the Foothills Board of Directors approve the December 13, 2011 agenda as submitted. Director Bradley seconded the motion. Poll of the Board: Director Maulik, aye; Director Johnson, aye; Director Bradley, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

V. APPROVAL OF NOVEMBER 22, 2011 MINUTES:

MOTION: Director Bradley moved that the Foothills Board of Directors approve the minutes of the November 22, 2011 board meeting as submitted. Director Maulik seconded the motion. Poll of the Board: Director Maulik, aye; Director Johnson, aye; Director Bradley, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

VI. COMMUNITY COMMENTS:

Ray Goodwin, who is an attorney in Littleton, told the Board he has been hired by a number of the homeowners in the Shadow Ridge area to address the issue of the land that is being considered for sale here, and asked where the process is at this point. Mr. Hopp explained that tonight for consideration by the Board is a Purchase and Sales Agreement with a developer for the parcels at Simms and Ward; northwest and southwest corners. None of the public processes with the County have begun; those processes will start after the Board's approval, if it is approved tonight. Mr. Hopp said the contract indicates single family detached homes on the northwest parcel and single family detached or attached homes on the southwest parcel.

Mr. Goodwin said he looked at this based on the plat that was done to do the Ridge development. There was open space, commercial, and residential designated and platted at that time. At some point along the way, Foothills obtained a lot of this property including the Foothills property we are talking about here. He indicated what has frustrated most of the residents is that there was a 1999 resolution by the Board that presented the space being looked at for selling was open space and if it would be sold, it would be only after public hearing. Mr. Goodwin observed Foothills has designated other spaces to sell. Those happen to be spaces that have been on a Master Plan in 2005 and designated properties that are going to be sold; he did not see the same designation in 2005 for this property. The frustration these homeowners have is that they relied on this, bought their property with open space premiums, and have been taxed each year by the County for the open space increased value of their properties.

Mr. Goodwin said it seems that legally this is an administrative taking; almost a reverse eminent domain because these people have paid based on a value. He indicated he came to the meeting tonight because there is a voice that wants to come from one of these homeowners, and they would like to have it open for discussion.

Kerry Schaper, representing the Church of Jesus Christ of Latter-day Saints, wished the Board a very Merry Christmas and Happy Holidays. She indicated the church has a canning system in Aurora, and presented the Board with packages of jam. The group appreciated working with Foothills Park & Recreation District this summer on the Powderhorn Park build. Ms. Schaper introduced Rob Runyon who is part of their local church leadership team. Mr. Runyon said they like to get out as a church and mix with members of the community, and thanked the Board. Director Bradley offered that the group represents the best of anyone in our community and expressed the Board's and staff's appreciation for working with them and other groups.

Doug Sutton, District resident, addressed the Board regarding the discussion about the sale of property and said he had the opportunity to meet with Ronald Hopp and Director Bradley. He went to Mr. Hopp and Director Bradley with the feeling that it's so hard to acquire open space, how could you want to let it go? After meeting with them, that feeling has tempered and Mr. Sutton wanted to show support, with qualification, of the proposal. He explained his position to the Board relating it to the Alpers Farm property. Mr. Sutton suggested Foothills maintain extreme controls through the rezoning process, and try to fix the elevation of the property. He suggested that the residents should know that if the District is saying this is the last straw before we do something really drastic, they have to know why it's the last straw. Mr. Sutton talked about the platting process and the rezoning process. He recognized the intentions of Mr. Hopp and the Board of Directors is in the right direction.

Mike Marsolek introduced himself to the Board as one of the new board members for the Foothills Men's Club, and said they have some ideas to attract new members. Being a resident of the District for 25 years, Mr. Marsolek observed a lot of revenue comes through the golf program and it's beneficial that they thrive for the sake of the District.

VII. OLD BUSINESS:

A. 2012 Budget

Mr. Hopp recalled that on November 8th and November 22nd, staff presented to the Board the various departmental details for the proposed 2012 budget. Those budget numbers were based upon preliminary assessed property valuations that were received in August. New valuations were received the end of November/first part of December and they declined by \$20,539. The original revenue presented in the preliminary budget was \$20,935,260. Mr. Hopp outlined the changes from the preliminary budget that was presented to the Board and this budget being presented for the Board's consideration for approval tonight. A spreadsheet with those details was provided to the Board. In summary, the total changes from the preliminary budget are \$1,111,927 for a total proposed revenue budget of \$22,047,187; the total changes in expenditures since the preliminary budget was presented are \$1,111,927, for a total final proposed budget of \$22,047,187.

If approved by the Board, Mr. Hopp said we will provide the following resolutions to the State of Colorado and to Jefferson County. Resolution No. 11-006 for the adoption of the 2012 budget, Resolution No. 11-007 which appropriates the 2012 budget, Resolution No. 11-008 to levy property taxes. A public notice has been published in the Columbine Courier indicating the 2012 proposed budget is open for public inspection during business hours, it was reviewed at the November 8th and November 22nd board meetings, and that there will be a public hearing tonight.

- Public Hearing

Director Nunes opened the public hearing at 6:30pm. There were no comments. The public hearing was closed at 6:31pm.

- Resolutions

MOTION: Director Maulik moved that the Foothills Board of Directors approve Resolution No. 11-006 to adopt the 2012 Budget for the Foothills Park & Recreation District; Resolution No. 11-007 to appropriate the 2012 Budget for the Foothills Park

& Recreation District; and Resolution No. 11-008 to levy 2012 property taxes for the Foothills Park & Recreation District. I further move that the Foothills Board of Directors approve the proposed expenditures for the Golf Development and Improvement Fund as presented in the 2012 Budget. Director Bradley seconded the motion. Poll of the Board: Director Maulik, aye; Director Johnson, aye; Director Bradley, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

B. Land Parcels Project – Purchase and Sale Agreement

- Simms and Ward Parcels

Mr. Hopp pointed out the information provided in the packet is similar to information provided in previous packets. The only change is the direction from the Board asking staff to address in the agreement the type of development that would happen on these parcels. The revised agreement provided for the Board's consideration tonight does include language that states that the buyer intends to develop only single family detached residential properties on the north parcel and only single family detached or attached residential properties on the south parcel. These are subject to the established public processes with Jefferson County. Mr. Hopp reiterated the contract has been finalized for the Board's consideration and has been signed by High Point Holdings, which is Century Communities.

Paul Rufien advised knowing that the Board has taken this very seriously and considered very carefully every matter that has come up, the legal counsel that addressed the Board from the podium didn't raise any new issues, but did use some terms that perhaps the Board has not considered. If there are any questions that the Board might have of a specific legal nature that came up today, Mr. Rufien encouraged the Board that that's appropriate for Executive Session.

In regard to Doug Sutton's comment, Director Maulik pointed out the Board talked about not becoming developers and staying out of close monitoring of the process, and asked if that can be addressed by Mr. Rufien. What is our participation going to be in the process? Mr. Hopp indicated we will continue to be the owners of the property until it closes which will be after all of those public processes. We would be the co-signer on the application processes for all of the zoning through Jefferson County. Mr. Hopp indicated we have had several meetings with the County over the past three years in discussion with this. He pointed out that Terry Green, who is one of our employees, worked for Jefferson County for 35 years and has contacts with individuals there. Mr. Hopp said we fully intend to be at every meeting because being a co-applicant for the whole zoning process, it will be required of us.

After brief discussion, the Board decided to move into Executive Session.

MOTION: Director Maulik moved that the Foothills Board of Directors move into Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing strategies for negotiations and instructing negotiators; and Colorado Revised Statute 24-6-402(4)(b) to seek advice of legal counsel on a specific matter, being the issues that were raised today during the public comment. Director Bradley seconded the motion. Poll of the Board: Director Maulik, aye; Director Johnson, aye; Director Bradley, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

The regular meeting adjourned at 6:40pm. Executive Session started at 6:42pm and ended at 7:04pm. The regular meeting reconvened at 7:05pm.

Director Nunes asked the audience if there were further community comments on the land parcel sale. There were no comments.

MOTION: Director Bradley moved that the Foothills Park & Recreation District Board of Directors Chairman be authorized to execute, on behalf of the District, a Purchase and Sale Agreement for High Pointe Holdings, LLC (Century Communities) as discussed subject to final approval from District staff and Legal Counsel. Director Maulik seconded the motion. Poll of the Board: Director Maulik, aye; Director Johnson, aye; Director Bradley, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

Director Nunes made clear this is not an easy decision for this Board or this District to make. She thanked the audience and encouraged them to continually be a part of this process with Jefferson County.

C. 2012 Board Meetings and Legal Posting Locations

At the August 9, 2010 board meeting, Mr. Hopp recalled the Board approved moving from two board meetings per month to one board meeting per month. Staff are recommending in 2012 those meetings be held the fourth Tuesday of the month January through October, and November and December would be the second Tuesday of the month. Mr. Hopp explained the reason that staff is selecting the fourth Tuesday is because of when financials are finalized. We think we can have better financial data for the Board at the end of the month for the previous month as opposed to the beginning of the month. If we want to change any of the recommended scheduled dates, we can do that at this time.

Director Johnson pointed out the fourth Tuesday would be spring break in March. It was agreed the March meeting can be moved to March 13th (second Tuesday) instead of March 27th.

Also for the Board's approval is the posting locations, which is required by law, for the 2012 board meeting agendas. Mr. Hopp indicated they are the same locations we have used for many years. He made clear the motion reflects approval of the recommended meeting dates as well as the resolution establishing posting locations for the year 2012.

MOTION: Director Maulik moved that the Foothills Board of Directors approve the recommended meeting dates for 2012 as discussed and approve Resolution No. 11-009 to establish posting locations for the year 2012 as presented. Director Bradley seconded the motion. Poll of the Board: Director Maulik, aye; Director Johnson, aye; Director Bradley, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

VIII. NEW BUSINESS:

A. Rocky Mountain Roller Hockey League Lease Amendment

In November of 2009, Mr. Hopp explained the Board approved a Site Lease amendment with the Rocky Mountain Roller Hockey League (RMRHL) that changed the original Site Lease from a rental payment of \$1,000 per month to \$1,000 per year from the period of January 1, 2009 through December 31, 2009, and RMRHL took on some maintenance responsibilities. Since that time, we have established a more communicative relationship with representatives from RMRHL. With our concurrence, they have come to the conclusion that they could and should expand some of their offerings at that site beyond just roller hockey. They are entertaining opportunities for Box Lacrosse and Roller Derby, and are requesting an amendment to the lease to allow alternatives such as those, and allow alcohol sales. The Roller Derby would hold the liquor license and get special event permits for specific bouts.

Larry Aubrecht, RMRHL representative, told the Board one of the things he pushed for this year is to expand communications, and reiterated they are looking for opportunities to expand activities. Director Bradley encouraged more and more of this sort of relationship with this agency and other agencies like RMRHL – cutting across the lines and helping one another.

MOTION: Director Bradley moved that the Foothills Board of Directors approve the second Amendment to the Site Lease with Rocky Mountain Roller Hockey League as discussed. Director Johnson seconded the motion. Poll of the Board: Director Maulik, aye; Director Johnson, aye; Director Bradley, aye; Director Sutton, aye; Director Nunes, aye. The motion was approved.

IX. EXECUTIVE DIRECTOR'S REPORT:

In addition to the attached report, Mr. Hopp talked about the performance of the Penalty Box; from November 11th to December 11th it did over \$19,000. Mr. Eberhardt elaborated we have \$19,300 in total sales coming out of the Penalty Box. That doesn't account for the concession operations downstairs. He said we have about \$4,600 in food sales, \$850 in non-alcoholic beverages, \$2,000 in liquor sales, \$9,455 in beer sales, and \$600 in wine sales. We estimated revenues for the first year at \$127,000; if we continue at this pace we are exceeding our

expectations. There was discussion about being open on weekend mornings when there is a tournament.

Mr. Hopp reported that Pickle Ball is being very well received. Director Bradley said he observed and participated in Pickle Ball and the quality and how it was run was first class; everything was handled wonderfully well.

At our meeting in January, Mr. Hopp said we will have a supplemental budget for 2011 to allow us to receive the authorized strength of expenditures for the Golf Revenue refinancing that we did.

Mr. Hopp and Colin Insley met with BMX representative, Chad Wells. Staff had heard that they were entertaining an alternative location in Aurora. We met to find out if they are committed to Foothills because we applied to Jefferson County Open Space to move the Disc Golf Course. We requested and received a letter stating they are still interested and we are still in the process of drafting that agreement. Mr. Hopp indicated our hope is to have it for the Board's consideration at the January board meeting.

X. DISCUSSION ITEMS:

XI. ADJOURNMENT:

The regular meeting was adjourned at 7:32pm. The next board meeting will be held at 6pm on Tuesday, January 24, 2012, at The Peak Community and Wellness Center, 6612 South Ward Street, Littleton.

Submitted by:

Richelle Riley, Recording Secretary