FOOTHILLS PARK & RECREATION DISTRICT
REGULAR BOARD OF DIRECTORS MEETING

February 23, 2016

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

I. CALL TO ORDER: Director Bradley called the regular meeting to order at 6:02pm.

II. PLEDGE OF ALLEGIANCE: Director Bradley led those in attendance in the Pledge of Allegiance to the Flag of the United States of America.

III. ROLL CALL:

Director Bielkiewicz: Present
Director Bosanko: Absent
Director James: Present
Director Sutton: Present
Director Bradley: Present

ALSO IN ATTENDANCE: Ronald Hopp, Executive Director; Paul Rufien, District Counsel; Dennis Weiner, Director of Administrative Services; Colin Insley, Director of Parks Planning and Construction; Barb Butler, Manager of Recreation Programs; Tom Woodard, Director of Golf; 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 James moved that the Foothills Board of Directors approve the February 23, 2016 agenda as submitted. Director Sutton seconded the motion. Poll of the Board: Director Bielkiewicz, aye; Director James, aye; Director Sutton, aye; Director Bradley, aye. The motion was approved.

V. APPROVAL OF JANUARY 26, 2016 MINUTES:

MOTION: Director Bielkiewicz moved that the Foothills Board of Directors approve the minutes of the January 26, 2016 board meeting as submitted. Director Sutton seconded the motion. Poll of the Board: Director Bielkiewicz, aye; Director James, aye; Director Sutton, aye; Director Bradley, aye. The motion was approved.

VI. COMMUNITY COMMENTS:

A. Part-Time Scholarship Awards

Ronald Hopp observed it was a board initiative to implement a part-time scholarship award program to recognize part-time employees who are trying to further their education. Twice a year part-time employees are asked to submit essays, and the ones that are selected are awarded before the Board. This semester’s award recipients Nastassja Michel, Head Guard in Aquatics and Trinity Neve, Center Associate, were unable to attend tonight’s meeting. Brianna Garcia, Program Leader in Children’s Programs, was in attendance and received her award.

Director Bradley proposed to increase the award from three individuals per semester to four individuals. The Board agreed to award four part-time scholarships starting in the fall.

B. Staff Introduction

Gary Ramos introduced Brandon Norris who has worked in the Parks department for over two years as a part-time seasonal employee. Brandon has been promoted to full-time status as an irrigation technician in Urban Parks. Brandon was welcomed by the Board.
VII. OLD BUSINESS:

A. Urban Drainage Agreement Amendment

Referring to information provided in the packet, Colin Insley explained the amendment is for the County and Urban Drainage to appropriate additional funding for the Beers Sisters Reservoir rehabilitation project at Blue Heron Park. The District is a party to that agreement even though no funds are contributed by the District. Mr. Insley made clear this is so the District is aware of where the funding goes. He provided an update on the project which will start most likely in 2017. Mr. Insley said what the District will need to think about, that is not part of the project, is redoing some of the trails across the dam and through the spillway. Mr. Insley mentioned the need to set up an informational meeting with Westridge and Sunrise Creek so they are aware of when this is happening.

Director Bradley expressed appreciation for the wonderful relationship the District has had with Urban Drainage over the years; they have done many good things for the District.

MOTION: Director Bielkiewicz moved that the Foothills Board of Directors approve the Amendment to Agreement Regarding Final Design, Right-of-Way, Acquisition and Construction of Urban Drainage and Flood control Improvements for Coon Creek at Beers Sisters Lake Reservoir, located in Blue Heron Park in Jefferson County, and authorize the Executive Director to execute the agreement. Director James seconded the motion. Poll of the Board: Director Bielkiewicz, aye; Director James, aye; Director Sutton, aye; Director Bradley, aye. The motion was approved.

VIII. NEW BUSINESS:

IX. EXECUTIVE DIRECTOR’S REPORT:

Referring to the report provided, Mr. Hopp pointed out the job fair that was mentioned had over 75 people attend and as of yesterday, 46 applications have been returned that have the job fair listed as a referral. Mr. Hopp said he and Colin attended a meeting with the developer of the southwest corner of Coal Mine and Kipling and the County to discuss an easement, as well as park credits. Mr. Hopp reminded the Board that the next board meeting is March 8th.

Mr. Hopp discussed that at the last meeting, the Board approved language and the setting of a memorial bench at Clement Park. Since that time, the person who would like to have this memorial bench placed has requested a change in the language to cite biblical verses. The original wording, as well as the changed wording, was provided for the Board’s discussion.

Paul Rufien advised if the Board wishes to approve this change, he believes it can. Given the nature of the change, First Amendment issues, he said the general rule is that the District, as a governmental entity, cannot do anything to endorse religion. The question becomes whether allowing scripture in a public park does that or not. An exception to the general rule is that for individualized remembrance it can be acceptable, and this falls in that category. Despite that, Mr. Rufien explained, this District has first-hand experience with litigation over this kind of thing. The Board needs to be aware of it as the decision is made whether to approve the change or not.

Director Bielkiewicz asked for any public opinion. In answer to Diane Suchomel, Mr. Rufien explained the District was in this situation in the past and it was related to the Columbine Memorial where there are scriptural references. Mr. Rufien said the District was taken to federal court in one instance and the District prevailed. The District heard from national political watch dog groups that exist for the sole purpose of seeking these things out and trying to enforce them. Director Bradley noted there were no objections from anyone in the audience. Mr. Rufien observed the Board is doing what it needs to do in recognizing these are unique passages unique to these individuals, the District is not expending its funds, while the District is allowing it within its public park, it is doing so for the right reasons both legally and for the greater good. Mr. Rufien observed the Board would be expanding the existing policy here, removing the District from editorial control, if it were any other religious statement, the District cannot pick and choose what would be appropriate.

Director Bradley recognized the four board members were in agreement to approve the language. Mr. Hopp questioned if the District is challenged and the end result is that staff would like to remove them, would it be prudent for staff to tell the individuals that the District reserves the
right to remove them. Mr. Rufien agreed that would be within the Board’s prerogative if faced with a challenge.

Director Bradley observed that Putter’s Pride has built up considerably since it started approximately 35 years ago. Mr. Hopp indicated Putter’s Pride is talking about making some improvements to their facility and might want to have an extension to their agreement. Director Bradley expressed appreciation to staff for offering free classes for lifeguarding.

Director James questioned the expiration timeline of the BMX contract; Mr. Hopp said there are renewable terms associated with that contract. Mr. Insley indicated the BMX group would like to give the Board an update on their fundraising, etc. When that takes place, Director James recommended keeping the neighbors in the loop. In answer to Director James, Mr. Hopp provided information regarding the parcel on the northeast side of Coal Mine and Wadsworth; the developer plans to change some of the uses that were originally proposed.

X. DISCUSSION ITEMS:

A. Finance Update

Outlining the report provided for year-to-date operating revenues and expenditures as well as non-operating revenues and expenditures through January 31, 2016, Dennis Weiner reported the District’s year-to-date operating revenues were higher than planned; year-to-date operating expenditures were lower than planned, Mr. Weiner detailed. As a result, the net operating loss had a favorable variance to the plan. Non-operating revenues and expenditures were unfavorable to plan mainly due to the timing of the collection of property taxes from the County, Mr. Weiner explained. As a result of all the activity, total net expenditures were unfavorable due to slower collection of property tax revenues which will true itself up over the course of twelve months. Mr. Weiner concluded January was a positive month for the District overall.

B. Mill Levy Update

Mr. Hopp recalled the Board approved a resolution authorizing a mill levy and board election for May 3, 2016 that would be conducted as a mail ballot election; it had not yet been determined what the ballot language would look like. Staff was in the process of doing some due diligence and reaching out to constituents and stakeholders. As part of that, a focus group type of meeting was held with 20 – 25 stakeholders, the Management Team was there as well as Director James. The information that was presented related to a mill levy and the group was engaged in conversation, Mr. Hopp explained. Mr. Hopp characterized the meeting as kind of lukewarm, with concerns raised related to the fact that residents had recently been notified about their property tax increases, and there was discussion about the overall political climate from a national perspective. There was discussion related to time frame and the ability to disseminate information; staff has limited opportunity and ability to advocate for the District. Mr. Hopp indicated it was apparent that, though there were a couple of people who said they would be willing to help, it was going to be difficult to really engage constituency to advocate on behalf of the District. Mr. Hopp added the District has a lot of things going on from a project perspective, timing wise, and delaying a mill levy election might be a better opportunity if there would more time to disseminate information, to finalize the Master Plan; to engage user groups, sports associations, HOAs, church groups, and school groups. Staff felt the District would be in a better position to be successful probably in November of 2017. Mr. Hopp concluded the decision was made to not pursue a mill levy election this May and track towards continuing to carry information out to the general public about the District’s needs and be proactive in getting the information disseminated. There is no Board action required, Mr. Hopp said, and talked about various ways this information has been disseminated to the public. Mr. Hopp added that Wards One, Two and Five are up for election at this time and there have been some interested parties.

Director Bradley thanked staff, Mr. Hopp, and Director James for taking the time and the effort to conduct that meeting, and for the well thought out conclusion, and agreed it is the right thing to do. Director James added the overall feeling he got from the meeting was that when Mr. Hopp was presenting the balance sheet showing funds from the refinancing and land sales, which will be used up very quickly, the public got the sense that Foothills is doing well, and he felt that now is not the time to go for the mill levy. He cautioned that the money that is going into Clement Park is going to be used up very quickly and the District will need
to address future concerns as far as neighborhood parks and infrastructure that is aging throughout the District. Director James agreed the District could have a better chance in November of 2017. Director Sutton agreed, it was very well reasoned and putting things in that perspective makes sense.

XI. EXECUTIVE SESSION

A. Contract Negotiations per 24-6-402(4)(e), C.R.S.

**MOTION:** Director Bradley moved that the Foothills Board of Directors move into Executive Session to discuss Contract Negotiations pursuant to Colorado Revised Statute 24-6-402(4)(e). Director Bielkiewicz seconded the motion. Poll of the Board: Director Bielkiewicz, aye; Director James, aye; Director Sutton, aye; Director Bradley, aye. The motion was approved.

The regular meeting adjourned at 6:59pm. Executive Session started at 7:01pm and ended at 7:20pm. The regular meeting reconvened at 7:20pm.

XII. ADJOURNMENT:

The regular meeting was adjourned at 7:21pm. The next regular board meeting will be held at 6pm on Tuesday, March 8, 2016, at Peak Community & Wellness Center, 6612 South Ward Street, Littleton.

Submitted by:

Richelle Riley, Recording Secretary