FOOTHILLS PARK & RECREATION DISTRICT
REGULAR BOARD OF DIRECTORS MEETING

May 24, 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 6:00pm.

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: Present
Director James: Present
Director Sutton: Present
Director Bradley: Present until 7:02pm

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, Director of Recreation Programs; Derek Eberhardt, Director of Recreation Facilities; 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 Bosanko moved that the Foothills Board of Directors approve the May 24, 2016 agenda as submitted. Director Bielkiewicz seconded the motion. Poll of the Board: Director Bielkiewicz, aye; Director Bosanko, aye; Director James, aye; Director Sutton, aye; Director Bradley, aye. The motion was approved.

V. APPROVAL OF APRIL 26, 2016 MINUTES:

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

VI. COMMUNITY COMMENTS:

Director Bradley recognized there were a number of people in the audience who wanted to comment on the BMX situation. He advised holding off community comments until that item on the agenda was discussed.

A. District Showcase – Gymnastics

Using a power point presentation, Courtenay Argier, Recreation Coordinator for Gymnastics and Cheerleading, shared with the Board what goes on in the gymnastics center, and why gymnastics is a wonderful sport for the children in the community. She expressed Foothills gymnastics is part of CARA gymnastics which promotes family first, then school, then gymnastics. Ms. Argier talked about obstacles and challenges within the gymnastics center, and thanked the Board for their continued support of the gymnastics program.

VII. OLD BUSINESS:

A. Acceptance of Certified Election Results

Director Bradley read into the record the Judges’ Certificate of Election Returns and Statement of Ballots for the Ward 2 election as follows: Chris Crippen, 303 votes; Michael J. Bielkiewicz, 332 votes; Scott Kennerly, 265 votes; Peggy Louise Farrar, 463 votes. The Canvasser’s Certificate of Results for Ward 2 is as follows: Peggy Louis Farrar, elected to a
four-year term. For the record, William Meyer ran unopposed in Ward 1; therefore, is elected to a four-year term. Lori Bosanko ran unopposed in Ward 5; therefore is elected to a four-year term.

B. Board Oaths of Office and Election of Officers

Director Bradley administered the Oath of Office to newly elected board members William Meyer, Peggy Louise Farrar, and Lori Bosanko. The oaths were signed and notarized after the board meeting. The newly sworn-in board members took their seats at the table, with Directors Meyer and Farrar replacing Directors Sutton and Bielkiewicz.

Mr. Hopp presented Director Bielkiewicz with a plaque in appreciation of two years of outstanding service from 2014 to 2016; and presented Director Sutton with a plaque in appreciation of eight years of outstanding service from 2008 to 2016.

As present Chair of the Board, Director Bradley made a motion concerning election of officers.

MOTION: Director Bradley moved that the officers for the next year would be: Chair, Tim W. James; First Vice Chair, Lori Bosanko; Second Vice Chair, Peggy Louise Farrar; Treasurer, John P. Bradley Jr.; Secretary, William Meyer. Director Bosanko seconded the motion. Poll of the Board: Director Bosanko, aye; Director Farrar, aye; Director Bradley, aye; Director Meyer, aye; Director James, aye. The motion was approved.

C. BMX License Agreement Extension

In the packet provided, Colin Insley pointed out a memo which included a copy of the BMX license agreement, vicinity map for the BMX track area, aerial map with overlay of the BMX track, and a grading plan. He said Mile High BMX’s request is for an additional five-year term for their license agreement which will run out at the end of this year. A letter, as required by the agreement, has been submitted to the Board for permission to extend the agreement. Mr. Insley acknowledged Mile High BMX representatives were in attendance as well as representatives from the neighborhood east of the site at Schaefer Athletic Complex. Mr. Insley provided a history of what has transpired from 2011 to this point in time. At this time, the grading plan has been approved through the County.

Bill Turner, member of the Mile High BMX board, said the group has engaged in and worked diligently through formal process, as well as some informal process they have been asked to work through. He indicated the group ran into some challenges that were not anticipated, and they have worked hard to address all the concerns from the community and the District. Mr. Turner provided an update on the process and funding, and said the group has secured the performance bond. He recognized that per the agreement and what the County has asked, building of the track could get started. However, before spending the money and effort, Mr. Turner explained that Mile High BMX wanted to talk to the Board about extending the license agreement. He indicated the group would like to start building the track this spring and be able to use it for the next five years. Mr. Turner addressed lighting, sound, prairie dogs, planning and size of events, and dust mitigation. In answer to Director Bradley, Paul Rufien discussed that termination as it is presently drafted in the agreement is a for cause termination. There would have to be a failure on the part of the BMX group to perform satisfactorily under the Revenue Sharing and Use of Subject Property sections (with their subsections). Mr. Rufien noted that in addition to simply extending or not extending the agreement, there could be a negotiation of the terms of extension, including the current termination provision. Mr. Rufien explained the current termination provision is typical for groups like Mile High BMX to request greater guarantees so they are not going to put all the time, money and effort into it and the District can simply pull the plug. There was discussion and questions answered, including thoughts on the agreement and possible revised termination clause; Director Bradley suggested giving the District much more leeway. Mr. Rufien suggested adding to the agreement, not just a non-conforming use, but an unsatisfactory use – a standard of care and performance.

Director James opened the floor for comments on the matter.

Richard Courtney, district resident, suggested something could be put in the agreement that says no operation after 7pm, no lighting, and clauses like that to protect their neighborhood.
Mr. Rufien interjected the way the agreement currently is phrased is that the BMX folks would have to provide a proposed schedule to the District and the District has the right to approve it. The agreement could say the track cannot be used before or after certain timeframes. Somewhat of a peril of doing that would be the reasonable exception to the rule, and not wanting to box it in too much, Mr. Rufien explained.

Earl Watkins, district resident, said he has lived across the street from the park before there was ever a park. He questioned whether adequate parking has been provided for the BMX facility and asked what is going to be done about the dust, dirt and prairie dogs.

Mr. Rufien explained that currently in the agreement there is a parking provision which is very similar to the hours of operation provision. They are authorized to park around the facility, and they are obligated to submit a parking plan to the District for approval before any events.

Pam Courtney, district resident, said these residents have lived in the neighborhood for many years, and can’t imagine losing the view that they have, and expressed this is not the right place to do the BMX track.

Brooke Martin, district resident, indicated she was representing 30 – 35 residents who were against the track previously and are still against it. She suggested parking is going to be an issue, and compared the proposed BMX track at Schaefer Athletic Complex to other tracks concerning parking. She suggested defining terms in the agreement more precisely.

Larry Brown, district resident, mentioned it doesn’t seem like there is enough room for another event in the area. He questioned why put so much time and money into the course and the event, and not allow for a lot more people to be there to use it.

Chris Holodny, district resident, expressed concern about parking spaces, suggested this is a moral issue, and reiterated the BMX track doesn’t belong there.

Robert LaMielle, with Mile High BMX, asked the Board to look at this not as a burden on the community but as an asset, and elaborated. He expressed the track is not noise and chaos, and commented about the length of time it has taken to get the track going. Mile High BMX has been sensitive in following process, being respectful and diligent.

Linda Olmstead, district resident, expressed concern the track will devalue the neighborhood’s property value, and expressed concern about noise. She said it is too small of an area for what is being proposed.

Mary Lou Ray, district resident, expressed thought that environmental studies would have to be done before this type of amusement could come into the neighborhood.

Director James made clear this is a renewal time with the opportunity to extend the lease or suspend it. He thanked the community for expressing their thoughts to the Board.

Gina Writz, district resident, said they worked with CPW and Foothills Park & Recreation District to move 15 prairie dogs from where the BMX track is going to be built to a location south of that on the same property. She needs signatures on the permit from last year, and can start moving the 15 prairie dogs. Mr. Hopp cautioned a caveat would be if those densities have changed.

Jason Miller, with Mile High BMX, discussed an additional $16,000 was raised for a performance guarantee that is put in escrow with the bank. That was one of the hold-ups with raising funds.

There was discussion about scheduling and programming events at the Schaefer Athletic Complex, including BMX activities.

Director James reiterated it was brought up to shorten the term of the lease and edit the termination clause to more of a standard type of performance. Director Bosanko recommended attaching to the lease best practices as far as non-conforming use and adding hours as far as the sound system and how long the events can be. There was discussion about fencing. In answer to Director James, Mr. Turner explained the track could be completed in roughly a two to three week construction period. Mr. Turner said, depending on weather,
races typically start sometime around Mothers Day and things tend to wind down in October/November, depending on weather.

In answer to Director Farrar, Mr. Hopp explained why this particular site was chosen for the BMX track, boiling it down to existing infrastructure, and the site already had a site approval process. Mr. Hopp provided context for why the District’s relationship with Mile High MBX was put into place five years ago.

Mr. Turner reported on the activities and conversations with the neighbors about their concerns. He reiterated Mile High BMX wants to be good neighbors, provide a great facility for this community and do a good job of it, and act in the best spirit they are able to according to the agreement.

Director James proposed since there has been little to no ground breaking, take one more month and table this to the next meeting. Staff can look at the terms of the agreement, standard of care and performance, and the Board can vote at the June Board meeting.

**MOTION:** Director James moved to table the motion to approve the License Agreement with Mile High BMX for another five year term; look at terms of the agreement, and standard of care and performance, and vote at the June board meeting.

Mr. Hopp clarified direction for staff and legal counsel is to renegotiate some terms of the agreement. Director Bosanko recommended staff can look into possibly a reduced term, with discussion with Mile High BMX to see if that would work for them, and also amend the agreement to define the non-conforming use with parameters including the noise element and sound system, suggested set hours based on other events and proximity to the neighbors; parking can be addressed with scheduling.

**MOTION:** Director Bosanko amended the motion to allow staff to amend the agreement with a possible reduced term of extension, define the non-conforming use with parameters including use of sound system and suggested set hours, as discussed, and table to the June board meeting. Director James seconded the amended motion. Poll of the Board: Director Bosanko, aye; Director Farrar, aye; Director Meyer, aye; Director James, aye. The amended motion was approved.

VIII. NEW BUSINESS:

A. June Board Meeting Date Change

Mr. Hopp indicated he is unable to attend what is currently the scheduled June 28th board meeting, and mentioned there are at least two board members unable to attend that meeting. It is being suggested to change the board meeting to June 21st.

**MOTION:** Director Bosanko moved to change the June 28, 2016 board meeting to June 21, 2016, 6pm in the Maple Room at Peak Community & Wellness Center. I further direct staff to execute the necessary paperwork and postings to accommodate the date adjustment. Director Farrar seconded the motion. Poll of the Board: Director Bosanko, aye; Director Farrar, aye; Director Meyer, aye; Director James, aye. The motion was approved.

IX. EXECUTIVE DIRECTOR’S REPORT:

Referring to the report provided, Mr. Hopp discussed the 401k Committee has saved some money by changing some funds. Director Bielkiewicz has served on the committee for the last couple of years; prior to that, it was Director Bradley. Mr. Hopp indicated there is a need for a new representative from the Board of Directors to serve on the committee.

Mr. Hopp pointed out that Parks’ staff applied for and received a $25,000 matching grant to mitigate invasive species of Russian olive trees and various other invasive species in the Wingate South Park area. Mr. Hopp explained there have been discussions about a smoke free policy or refrain from smoking type of policy in our parks. He indicated initially the thought process was to have a refrain from smoking policy, but staff may suggest a smoke free policy, unenforceable, but could be self-policied.
Concerning the development related to the southwest corner of Coal Mine and Kipling, the developer wants to have an easement across the property and the District wants to get some consideration out of that. Mr. Hopp indicated as part of that conversation, staff were able to get consideration of that developer building a section of a Dutch Creek Trail extension west of Kipling, and referred to a map included in the report. He said it is part of an overall trail master plan that would extend further to the west which is contingent upon future funding. Mr. Hopp reiterated that section of trail would be a requirement as part of the easement that would be granted for that particular developer.

Mr. Hopp made the Board aware that it is appearing that the potential closing on the Rocky Mountain Roller Hockey facility may happen sometime after June 25th and before July 10th or so. He recalled that the Board had authorized him to execute all documents associated with that closing. If it is in that time frame, Mr. Hopp indicated he will be unavailable and will likely have the Board authorize somebody else to execute those documents in his absence. That authorization may be at the June 21st board meeting.

Mr. Hopp added that schematic designs have been provided to the Board for the next phase of Clement Park. Staff would be glad for any feedback because the construction design phase will be entered into very soon.

There have been a few staff changes, Mr. Hopp reported. Emily Carpenter, Facility Coordinator at the Peak, resigned. Rather than replace that position, Kelly Rodriguez, who has been the Specialist at the Ridge, has been promoted to a Facility Supervisor’s role and will oversee the Peak, Ridge, and Lilley Gulch. Derek Eberhardt, who was Manager of Facility Operations, has been promoted to Director of Facility Operations and Barb Butler was promoted from Manager of Recreation Programs to Director of Recreation Programs.

X. DISCUSSION ITEMS:

A. Finance Update

According to the report provided for the period ending April 30, 2016, the District continues to have a strong start to the year financially speaking and compared to the expected budget, Dennis Weiner reported. He went through some financial highlights as provided in the report. Year-to-date operating revenues were lower than planned, mainly due to lower than planned admission fees; Mr. Weiner highlighted those admission fees. Total district year-to-date operating expenditures were less than planned; Mr. Weiner outlined larger components of that variance. Total net operating loss year-to-date was favorable to plan, driven by lower than planned overall expenditures. Non-operating revenues and expenditures were better than plan, Mr. Weiner explained. As a result of all of the year-to-date activity, net revenue was favorable to the plan.

XI. ADJOURNMENT:

The regular meeting was adjourned at 8:10pm. The next regular board meeting will be held at 6pm on Tuesday, June 21, 2016, at Peak Community & Wellness Center, 6612 South Ward Street, Littleton.

Submitted by:

Richelle Riley, Recording Secretary