FOOTHILLS PARK & RECREATION DISTRICT
REGULAR BOARD OF DIRECTORS MEETING

August 23, 2016

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

I. CALL TO ORDER: Director James called the regular meeting to order at 6:01pm.

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

III. ROLL CALL: Director Bosanko: Present
    Director Farrar: Present
    Director Bradley: Present
    Director Meyer: Present
    Director James: 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, Director of Recreation Programs; Derek Eberhardt, Director of Operations; 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 August 23, 2016 agenda as submitted. Director Bradley 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.

V. APPROVAL OF JULY 26, 2016 MINUTES:

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

VI. COMMUNITY COMMENTS:

A. Presentation by Diane Suchomel

    Distributing maps, photos, and information to the Board, Diane Suchomel, district resident, made a presentation asking Foothills to make improvements at Alper’s Farm Park. Ms. Suchomel detailed park history pointing out that Phase One construction was completed in May, 2010; Phase Two construction hasn’t begun. She talked about the estimated cost for Phase Two back in 2009 versus the estimated current cost.

    Ms. Suchomel mentioned she and Mr. Kitners discussed the possibility of xeriscaping at least part of the park. Recognizing that the park needs water, Ms. Suchomel talked about Southwest Metro Water and Sanitation’s fee for a water tap, not including Denver Water fees. Referring to the handouts and providing her thoughts, Ms. Suchomel asked the Board to please finish the park.

    Director James expressed support for a meeting with the Alper’s Farm HOA, and suggested asking Jared’s Nursery for help with xeriscaping. There was discussion about tap fees and Mr. Hopp said staff can look into the overall cost. He added that staff would like to be able to develop Alper’s Farm Park and reminded that the District has identified about $50 million worth of needs throughout all of the District’s park system. Next year it is projected to potentially have about $800,000 in overall capital and it would be up to the Board to determine if that is one of the highest priorities of the overall district.
Director James indicated comments as far as prairie dog management at Schaefer can be addressed with that item on the agenda, and opened the floor for any other community comments.

Ellen Kessler, Ken-Caryl resident, questioned how the solar farm that the District bought into last year is working out. Mr. Hopp answered in general, it is working well and the District is experiencing some savings. He mentioned there was an interruption in service for about 20 days last year because a snake got into one of the transformers, so in the course of 2016 it is a little down of what the projections were. Overall, it is saving money and the ability is there to attribute the savings to specific meters so staff have been moving the meters where the energy consumption is attributed to maximize as much savings as possible.

Burch Pinkerton, district resident, said that weeds haven’t been cut down along the fence; they have had a lot of trouble with moles and rats coming out of that field. He asked that something be done about cutting down the weeds south of the frontage road on Garrison. Mr. Hopp added staff try to keep the grasses as a buffer on the eastern side of that as well as the southern side, the northern side, and the western side to try to deter prairie dogs from moving from the site across the street into yards. He mentioned Foothills is not responsible for the right of way; that is a county function.

Earl Watkins, district resident, said the field is bone dry and expressed concern about it catching on fire.

Chris Holodny, district resident, acknowledged he has butted heads with a lot of people on the Board and thanked the Board for their time, acknowledging they been difficult with the Board. He said that their community is more than happy to work with the Board and submit recommendations that they like, until hopefully they find something the Board will find suitable, and the neighbors as well. Mr. Holodny expressed appreciation for the Board.

Director James asked Mr. Holodny to clarify if he was talking about the end use of the land. Mr. Holodny indicated the reference was made once that the land is going to be developed for something so the neighbors want to help the Board since the BMX fell through. Director James expressed he would like some respect in the end as far as Mr. Holodny’s comments to the Board at the last meeting indicating the Board was taking money from other sources or being deceitful; those accusations were unfounded. Director James expressed respect for Mr. Holodny and the neighborhood. Mr. Holodny said he didn’t mean to disrespect and said he is cautious of checks and balances. Director James considered if there is something the Board is doing that it needs to be called out for as far as illegal or suspicious activity; that would be one thing. However, the Board has shown nothing to Mr. Holodny to have him accuse the Board of having that been done.

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

A. Memorial Bench Application

According to the memo provided, Colin Insley indicated staff have received a request for a memorial bench at Clement Park. This is for a gentleman named Mr. Yugal Gupta who wanted to honor his father. Staff met on site and picked a location for the bench near one of the piers, as shown on the map provided. Mr. Insley pointed out wording that will be on the plaque. The group will pay for the expenses for the bench.

MOTION: Director Bradley moved that the Foothills Board of Directors approve the memorial bench request from Mr. Yugal Gupta for the purpose of placing a park bench with plaque along the lake trail at Robert F. Clement Park. 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.

B. Columbine Hills Sign Request

Colin Insley acknowledged the Columbine Hills Civic Association had put in a request to place a sign at the corner of West Canyon Avenue and South Kendall Boulevard. He pointed to a map in the packet showing the particular location, and a picture of what the sign would look like that denotes the sub division. Mr. Insley indicated there is a general Letter of Understanding to have on file if there is a situation in the future that needs to be remedied. The sign would be installed by an Eagle Scout, Mr. Insley said.
MOTION: Director Bosanko moved that the Foothills Board of Directors approve the Columbine Hills sign installation at the corner of West Canyon Avenue and South Kendall Boulevard provided that the Columbine Hills Civic Association approve the Letter of Understanding with the District. Director Bradley 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.

IX. EXECUTIVE DIRECTOR’S REPORT:

Referring to the report provided, Mr. Hopp highlighted the closing of Lilley Gulch pool due to staffing decreases. Based upon the District’s community outreach, there has been much response. Derek Eberhardt reiterated that the response has been overwhelming. The potential candidate pool for a lifeguard training class currently is 31 individuals; Mr. Eberhardt provided a detailed update for Aquatics staffing.

Mr. Hopp mentioned Amendment 70 is a ballot initiative that is an increase in minimum wage and if it passes this November, the immediate impact to us will be that on January 1, 2017, minimum wage will be $9.30. In 2017, at a minimum, it would cost the District about $30,000 to absorb that increase and it would become exponenital from there. Mr. Hopp indicated it is something staff will plan for in the budgeting process, but will know in November.

Mr. Hopp highlighted a meeting that occurred with some of the members of Plains Metro District regarding a piece of property, and referred to a parcels map in the packet. The Plains Metro District would like to swap those parcels with the respective owners. Plains Metro District has to build a swimming pool as part of litigation between them and Ken Caryl that will serve those residents. It is an overlapping recreational amenity with an overlapping boundary in the Foothills District that would serve a different district, Mr. Hopp explained; they need the District’s permission to build a recreational amenity within Foothills District boundaries that would serve another district. It would be operated by Ken Caryl; Foothills District residents could have access to it on a pay basis. Mr. Hopp observed that Deer Creek Pool is less than a mile to the east of that. He mentioned that if they develop a swimming pool on that parcel in the District, that’s a non-taxable development versus something that could potentially be a taxable entity that could provide tax dollars to the District. Mr. Hopp indicated if the Board is receptive to giving consent, staff could bring it forward at the September board meeting.

Paul Rufien interjected it is a statutory requirement that if anybody wants to overlap with the District’s services, the District has to allow them to do that, and talked about some similar instances. The form of consent would be a letter from the District, and could include conditions. Mr. Hopp indicated staff have had ongoing conversations with Ken Caryl about expansion of their IGA beyond the Ridge and they have chosen not to expand the IGA. Board discussion ensued. Referring to the map, Mr. Hopp pointed out an area that, according to an information sheet, will be developed into 71 patio homes. Because that is contiguous to the District, Mr. Hopp had asked if they would consider allowing that to be included in the Foothills District, and elaborated. Director James advised staff find out what park and recreation district would serve those homes and see if Foothills could provide them the services; if the homes are only in Plains Metro, the District could help them out and they could help the District out. Mr. Hopp pointed out it may also be Ken Caryl because Plains Metro will be dedicating this pool to Ken Caryl for operation. Mr. Hopp reiterated that Plains Metro would build the pool, Ken Caryl would own and operate it and the provision of service would be to Ken Caryl residents, and presumably Plains Metro residents as well. Mr. Hopp described areas within the Plains Metro District.

Director James suggested that staff ascertain what would be in it for the District. Mr. Hopp clarified that Foothills residents would have access to the pools but would pay an out of Ken Caryl rate. Mr. Hopp summarized negotiations between now and September would include some sort of benefit to the District and its residents and concluded the Board is, for the most part, amenable to granting permission to allow them to build in the District, depending on what the concessions are. Mr. Rufien noted when Ken Caryl is referenced, there are two entities there; the Metro District and the Community Association. The Community Association is private and can do whatever it wants to, the Metro District is public and has the same type of obligation Foothills does; which of those entities will be operating the pool matters to the discussion. Mr. Rufien explained that anything the District would want done can be accomplished. In answer to Director Bosanko, Mr. Rufien indicated Foothills can request the Metro District manage the pool if that is something important to Foothills - wanting it to be public and Foothills residents having the right to use it, that would be a reasonable request.

Director Bradley expressed appreciation for Commissioner Rosier, who has been an incredible supporter of the District, and parks and recreation in general.

**MOTION:** Director Bradley moved that the Foothills Board of Directors nominate Commissioner Rosier for the Foothills Award and present it at either the September or October board meeting. Director Bosanko seconded the motion. Poll of the Board: Director Bosanko, aye; Director Farrar, aye; Director Bradley, aye; Director Meyer, abstain; Director James, aye. The motion was approved.

Mr. Hopp thanked Joe Moylan, the new Columbine Courier reporter, and expressed appreciation for his coverage of the District.

Regarding the Plains Metro District discussion, Director James clarified with Mr. Hopp to find out what park and recreation district will serve that future community.

X. DISCUSSION ITEMS:

A. Finance Update

Referring to the report provided, Dennis Weiner said the District continues to have a positive financial performance compared to the budgeted expectation.

Highlighting the report, the District’s year-to-date operating revenues were higher than planned, Mr. Weiner explained, and total year-to-date operating expenditures were better than planned. As a result of the operating activity, net operating loss was favorable to the plan, mainly driven by lower than planned operating expenditures overall.

Non-operating revenue was favorable to plan, Mr. Weiner outlined. Non-operating expenses were unfavorable to plan mostly due to the acquisition of the Foothills Fieldhouse that occurred in June and resulted in an unplanned expenditure, Mr. Weiner explained.

As a result, net revenues were favorable to plan. Mr. Weiner summarized the negative budget impact resulting from the acquisition of the Fieldhouse was offset by higher net operating revenue, proceeds from the land sale that occurred earlier in the year, and higher than planned property tax collections for the year.

B. Prairie Dog Management

Mr. Hopp discussed the District has a Prairie Dog Management Plan that was approved by the Board and revised several times over the last several years; the Board directs staff to do what needs to be done under that plan. Five years ago when the Board approved the agreement with Mile High BMX there were some concerns raised, primarily by Gina Writz at the time, about the prairie dogs that were going to be impacted by that BMX development. Despite the fact that the Prairie Dog Management Plan says the District will not allow relocations, but because the District was going to be impacted ultimately by the decision to build the BMX track and going to be impacting those prairie dogs, the Board directed staff to work with Ms. Writz and other advocates to see if some prairie dogs could be relocated from the BMX site, the rest were going to be mitigated.

Currently, Mr. Hopp acknowledged the BMX project is not moving forward. On June 30th, Mr. Insley let Ms. Writz know that the BMX project was not happening; therefore there was no reason to relocate those prairie dogs. Since prairie dogs were encroaching to the east, north, west and south, Mr. Insley let her know she could pick 15 prairie dogs from wherever she would want and move them to the previously delineated site, they didn’t have to be from the BMX site. After not hearing from Ms. Writz, on August 5th, Mr. Insley and Mr. Hopp again expressed the same information to Ms. Writz. Mr. Hopp added that staff had serious concerns with the foundation of Foothills Fieldhouse, prairie dogs are encroaching in the irrigated areas by Jason Jennings field and there are concerns about the synthetic turf related to that. There is concern about their impact on the golf course to the south and potential encroachment into the dam south of the property. Mr. Hopp talked about buffers according to the maintenance plan, and said staff have been keeping taller grasses on the perimeter of the
park to keep them from moving out from the middle of the park, they have breached through that and have gotten into some areas that, according to the policy, they would be mitigated. Ms. Writz had other ideas, reached out to board members, and as a result of that has been placed on the agenda to present other thoughts.

Gina Writz explained some of their delay in moving forward with moving 15 prairie dogs. Using a Power Point presentation, Ms. Writz and Tina Gurdikian explained the process of passive relocation, and asked the Board to look at some passive relocation in some of the areas that are showing some concern. Ms. Writz indicated if passive relocation doesn’t work, the fall back could be a poison control, but not have that be the first option. Ms. Gurdikian suggested trapping them and moving them back to the BMX area. Ms. Writz described where the prairie dogs would be moved from and where buffers would be created.

Paul Rufien advised in addition to Foothills granting permission, there is state law that is going to dictate whether they can trap, who can trap, and how many can be trapped; discussion ensued between the Board, neighbors who were in the audience, Ms. Writz and Ms. Gurdikian. Diane Suchomel, district resident, commented that two years trying to keep prairie dogs out of the irrigated area at Mossbrucker Park didn’t work, and elaborated. Ms. Gurdikian agreed that there is a problem and said the task force is coming to the Board with a solution for volunteer help. Discussion continued.

Referring to efforts at Mossbrucker Park, Mr. Hopp suggested passive relocation does not work; it is counter to the District’s existing management plan. Mr. Hopp maintained if the prairie dogs are not impacting other areas that are infrastructure, houses, ballfields, turf areas, golf courses, they are left alone. Mr. Hopp proposed that staff, within the confines of the management plan that is approved by the Board, do a mitigation of the perimeter area that he described. Passive relocation could be experimented from the east along Garrison, and move them in. Discussion continued. Tom Woodard discussed the success of the PERC machine staff uses for mitigation.

Ms. Gurdikian asked for two months for a combination of passive relocation and trapping them and pushing them in, have CPW say exactly how many can be moved to stay within the numbers of 15 per acre. There was discussion.

Director Bradley proposed, on this parcel, give the group two months and evaluate in 18 months, expressing concern for the building and the ballfield. Director James expressed concern about setting a precedent, there needs to be a management plan where these situations should not always have to come to the Board and expressed willingness to give the group more time, and make an exception to the rule and elaborated.

Mr. Hopp observed the suggestion is counter to the plan approved by the Board and undermines staff and their ability to deal with everybody who calls them. The reason for the plan is to give staff the parameters to work within, and if every time someone doesn’t like those parameters and comes before the Board and the plan is changed, it gets difficult for staff to continue to do their jobs. There was discussion.

Mr. Rufien advised this is a policy making board, not an operations board; there is an existing policy. If the Board’s action tonight is anything other than one hundred percent adherence to that policy, then the Board absolutely needs to revoke the policy and not adopt a new one because this is at least the third last chance that has been presented to this Board. The policy was amended in 2014 and 2015 because of deviations, and the Board is talking about deviation in 2016 that would require an amendment to the policy. The policy has been implemented, staff has made a recommendation under the policy. If the Board wants to do anything other than adopt staff’s policy, Mr. Rufien recommended the Board eliminate the policy altogether and not adopt another one. Ms. Gurdikian questioned that, and Director Meyer explained how the policy is implemented. Mr. Rufien made clear that he is taking no position as to what should be done regarding prairie dog control. Constituents absolutely have the right to come to the Board during community comment any time they would like and talk about whatever they would like to do and it is the Board’s obligation to listen. Mr. Rufien emphasized it is bad public practice to amend, modify, deviate from a policy on an annual basis; that renders the policy essentially worthless because it can be circumvented. He advised that is the undermining of staff because the existing policy, adopted by this Board, says what staff is supposed to do. Staff did exactly what they were supposed to do and now they are going to be told something different, and that is the Board’s prerogative.
Along with doing so, get rid of the policy so that the next time it comes before the Board, the Board is not bound by a document that will be violated. Mr. Rufien said this would be the same with any policy. Ms. Gurdikian continued to discuss the policy, and Director Bradley reaffirmed his previous comments, and suggested the policy is being followed.

Director James concluded unless there is a motion on the table to amend or discard the policy, the Board will have the policy enacted and the buffer zones as directed by staff, the movement of the 15 dogs is still on the table.

Mr. Hopp summarized the Board would like for staff to work with Ms. Gurdikian and Ms. Writz and others on some potential passive relocations so staff can determine the efficacy of it and evaluate that in the future, and acknowledged that would be within the parameters of the policy. Pointing to a map of the area, Mr. Hopp recommended staff do a 50 foot buffer around the whole perimeter; mitigate, as per the policy, in the turf areas. The 50 foot buffer would mitigate the dogs up against the building and it would also mitigate the concerns of the neighbors to the east and the irrigated area. Mr. Hopp pointed to where staff would like to continue to do passive relocation. He reiterated he will work with the group on some potential passive relocation efforts there, in combination with staff’s efforts to mitigate so the hazards associated with that can be eliminated; then evaluate the effectiveness.

XI. ADJOURNMENT:

The regular meeting was adjourned at 8:58pm. The next regular board meeting will be held at 6pm on Tuesday, September 27, 2016, at Peak Community & Wellness Center, 6612 South Ward Street, Littleton.

Submitted by:

Richelle Riley, Recording Secretary