

# RECORD OF PROCEEDINGS

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## FOOTHILLS PARK & RECREATION DISTRICT REGULAR BOARD OF DIRECTORS MEETING

June 27, 2023

### Virtual Option

You are invited to a Teams webinar.

When: Jun 27, 2023, 6:00PM Mountain Time (US and Canada)

Topic: Foothills Park & Recreation District Board Meeting 6/27/2023

Register in advance for this webinar:

<https://events.teams.microsoft.com/event/a02831ce-7fd9-4ebe-89b6-e4e3f99d6112@e0c4bd9d-9b50-4d79-937d-213d59e132e8>

After registering, you will receive a confirmation email containing information about joining the webinar.

- I. CALL TO ORDER: Director Trimble called the regular meeting to order at 6:00pm.
- II. PLEDGE OF ALLEGIANCE: Director Trimble led those in attendance in the Pledge of Allegiance to the Flag of the United States of America.
- III. ROLL CALL:

Director Hanson:	Present
Director Lodice:	Present arrived 6:08 pm
Director Daughtrey:	Present
Director Writz:	Present
Director Trimble:	Present

ALSO IN ATTENDANCE: Paul Rufien, District Counsel; Ronald Hopp, Executive Director; Derek Eberhardt, Director of Operations; Barb Butler, Director of Recreation Programs; Colin Insley, Director of Parks, Planning and Construction; Randy Meyers, 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 Daughtrey moved that the Foothills Board of Directors approve the June 27, 2023 agenda as submitted. Director Writz seconded the motion. Poll of the Board: Director Hanson, yes; Director Daughtrey, yes; Director Writz, yes; Director Trimble, yes. The motion was approved.

### V. APPROVAL OF MAY 23, 2023 MINUTES:

**MOTION:** Director Writz moved that the Foothills Board of Directors approve the minutes of the May 23, 2023 board meeting as submitted. Director Daughtrey seconded the motion. Poll of the Board: Director Hanson, yes; Director Daughtrey, yes; Director Writz, yes; Director Trimble, yes. The motion was approved.

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### VI. COMMUNITY COMMENTS:

### VII. DECISION ITEMS

#### A. 2023 Neighborhood Parks Contract

Referring to the memo provided, Colin Insley said staff are coming to the Board for a contract that had originally been bid in April and no bids were received. Staff put out bids again for these parks with more leeway in terms of timing, he explained. The park sites include Jim Hoida Memorial Park, Willow Creek Park, Westbury Park, and West Laurel Park, Mr. Insley discussed, and talked about the five bids that were received. Mr. Insley indicated staff are seeking approval for SaBell's Civil & Landscape LLC. He recognized staff have worked with them on numerous park projects with success, they were the lowest bid. Mr. Insley answered questions from the Board. He talked about other parks projects where SaBell's was used. Mr. Insley said the work will begin in October and finish in June.

**MOTION:** Director Writz moved that the Foothills Board of Directors approve staff's request to award the 2023 Neighborhood Parks contract in the amount of \$1,237,655.00 to SaBell's Civil & Landscape LLC and authorize the Executive Director to execute the contract documents. Director Hanson seconded the motion. Poll of the Board: Director Hanson, yes; Director Lodice, yes; Director Daughtrey, yes; Director Writz, yes; Director Trimble, yes. The motion was approved.

#### B. Tribute Bench Application

Mr. Insley referred to the application in the packet that was received from the Larry Stearns family that live in the Dancing Willows area. Mr. Stearns takes pictures of great horned owls that nest in the trees there. Consequently, one of the Art in the Park items done this year is a family of owls carved in a tree stump in the Dancing Willows area, and this bench would sit across from that. The Stearns family has agreed to donate the bench to the District.

**MOTION:** Director Writz moved that the Foothills Board of Directors approve the tribute bench request from the Stearns family for the purpose of placing a park bench with dedication plaque at Dancing Willows Park. Director Lodice seconded the motion. Poll of the Board: Director Hanson, yes; Director Lodice, yes; Director Daughtrey, yes; Director Writz, yes; Director Trimble, yes. The motion was approved.

### VIII. EXECUTIVE DIRECTOR'S REPORT:

Mr. Hopp highlighted items in the report provided. He congratulated Sarah McAfee and Sean Kitners for being nominated for the TRIAD Early Council Children's Champion Award.

We have received notification from the Jefferson County for the 2023 coordinated election asking if we want to do a TABOR election in the fall of 2023. Mr. Hopp explained we don't anticipate that we are, but wanted to make sure the Board knew that we are not and gain concurrence.

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Mr. Hopp reported there was an Xcel Energy issue at Foothills golf course, a different issue than the first one where it took them a long time to move a switch box and transformer out of the way of the clubhouse. In December of 2022, a transformer failed and staff believe it was because there was a power surge from another transformer in an adjacent neighborhood which caused damage to the District's meter housing and disconnect box. It took a long time to get those replaced and get Excel to come back to inspect so we could get our meter back. During that time, a temporary generator was used. About \$170,000 was incurred that staff believe is Excel's fault, Mr. Hopp discussed. A claim was submitted to Xcel and they denied it. Mr. Hopp said there have been conversations with Paul Rufien to see if there is any legal recourse. Mr. Hopp made clear it is completely unrelated to the clubhouse project.

Mr. Hopp pointed out Director Daughtrey and he went to the Special District Association's Board Member workshop.

Dennis Weiner was not in attendance, and Mr. Hopp went over the finance report that was included in the packet. Through May 31, the District is almost \$2.45 million better than plan.

Mr. Hopp made the Board aware that there is a cell tower in Clement Park that has been in the park for almost 25 years. The company, Crown Castle, would like to extend that lease for another 25 years, Mr. Hopp discussed. Staff are inclined to bring that agreement to the Board at a future meeting. There was discussion about escalation in the agreement and CPI. Mr. Hopp indicated staff can check into basing escalation on CPI.

Mr. Hopp pointed out that the Special District Association is holding their annual conference September 12 through 14. Director Daughtrey suggested showcasing, maybe not this year but next year, the District's pool projects and how they came together. Mr. Hopp agreed, the clubhouse project also.

Mr. Hopp added that Director Lodice and Director Daughtrey were able to attend the West Metro Chamber of Commerce Taste of the West at Foothills Fieldhouse.

Director Writz and Mr. Hopp had a meeting today with Deb Jones and a counterpart of hers at Clement Park and Mossbrucker Park to talk about prairie dogs, Mr. Hopp discussed. Ms. Jones is going to potentially provide a proposal for relocation efforts, he discussed. Mr. Hopp recognized the District's Prairie Dog Management Plan says that the District would be willing to contribute towards non-lethal means like a relocation as long as it doesn't exceed the costs associated with a control. The District may consider adding to that if staff think it is in the best interest of the District, Mr. Hopp said. He acknowledged It doesn't solve the problem at Clement Park but there was also conversation about trying to look at vegetation growth that might deter movement. Director Writz talked about a new way to create a natural type of barrier. She thought it could be more of a permanent fix, or a longer lasting fix, and probably would take a little bit more funding from the Board and approval to create this natural barrier, she discussed. Mr. Hopp reiterated if we are successful with relocation and the costs aren't too exorbitant, we would probably pursue that. If it goes beyond that, he added, staff may need to come back to the Board because the policy says the Board would have to approve additional funds if

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it goes beyond what our usual costs of control are. In the meantime, Mr. Hopp said staff have asked Ms. Jones to put together a proposal for potential relocation from Clement Park and Mossbrucker Park at this time.

Mr. Hopp indicated Todd Goulding, Jesse Sherr, Tom Boucha, and Weston Hatfield were in attendance virtually to talk in length about the three major projects which are the clubhouse and the two pool projects, and provide updates on where we are with progress of the schedules as well as where we are financially.

Using Screen Share, Todd Goulding, Owner's Rep for the clubhouse project, detailed the monthly project budget that is submitted once per month with every draw, this being the financials through the end of May. He discussed three large categories that are unknown conditions; irrigation relocation, Excel Energy claim and all the costs associated with that, water and tap fees from both Lakehurst and Denver Water. Mr. Goulding said we are able to currently absorb those costs in the overall budget. Hard Costs Contingency is where these costs are absorbed today, in addition to other typical costs, he said. The thought at the moment is that the clubhouse budget can continue to absorb these unforeseen conditions, they will be carried here. If we start running into difficulties later, we will have to address where to assign some of these costs that were unanticipated for the project. Mr. Goulding explained that Adolfson and Peterson have been able to absorb some of the costs we have incurred to date within their contract. Mr. Goulding detailed the Change Order Summary for the project, and explained how the process works.

Mr. Goulding gave an overview of how things are going with the project. He said there was a lot of discussion with the design team on how to handle ground water. For the most part, it has gone fairly well despite the heavy rains we have seen to date, he explained. The biggest impact with the recent rain is delay of paving the new parking lot.

Mr. Hopp concluded the project is doing okay, and still within the numbers. That could change. Those three unknown conditions, if we can carry them within the overall budget numbers, we will. If we have to identify other funds to take care them in the future, we would have funds to be able to do that.

Jesse Sherr with Perkins & Will, and Tom Boucha and Weston Hatfield with FCI were in attendance virtually for the pool projects.

Using Screen Share, Mr. Hopp gave a general overview of the pool projects. It was known fairly early-on that the Sixth Avenue West Pool project was not going to get done in time for the summer. It is looking more like Columbine West Pool is also not going to be done in time for any of the summer. There was about 40 days of winter or rain weather that they could not do any work, Mr. Hopp explained.

Mr. Hopp pointed out challenges at Sixth Avenue West Pool, and costs associated with unforeseen conditions. He said some of these costs will be absorbed in the construction contingency, but bigger items will be costs over and above what we were anticipating. Mr. Hopp talked about challenges at Columbine West Pool. Costs associated with some of the time delays are not as big at Columbine West as they are at Sixth Avenue, he explained.

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The District had a GMP for pool projects that also had contingencies, but have now probably exceeded those numbers, Mr. Hopp brought to the Board's attention and discussed. Overall, Columbine West at this point in time, we feel is about \$186,000 over than anticipated, and Sixth Avenue is about \$406,000 over anticipated, for a total of about \$593,000. He reminded when staff presented construction and capital projects for the year, about \$800,000 had been earmarked in anticipation of these types of things. He explained there is no issue of covering these costs, we may need some sort of official authorization. When the project is finished, there will be some sort of project close-out and maybe some additional allocation of funds. Mr. Hopp pointed out that \$600,000 is less than five percent of the overall project.

Paul Rufien advised it would be premature to take formal action right now. He agreed the update was very important for the Board to hear. Mr. Rufien discussed as we are closer to the end of the project and know more hard and fast dollars, then there may be an action to take. He suggested it may not be necessary according to Colorado contracting laws. It would be more in association with our own budget whether we would want to do something to formalize it. He advised to wait and continue to get these kind of updates. Mr. Rufien added that any time the Board wants to, we could do something.

Mr. Hopp invited the Board to contact him to tour the projects at any time.

### IX. DISCUSSION ITEMS:

#### A. Feeding Many/Jovial Concepts Presentation

Mr. Insley introduced Dr. Shirl Smith, with Feeding Many, to the Board. Referring to the memo provided, he discussed that in 2017, the Board at that time approved an agreement for Feeding Many, a non-profit organization, to build an orchard at one of the District's sites, and pointed out a vicinity map. The agreement states that if Feeding Many decided to move on, they would see if there is a different entity who would be willing to take it on.

Using PowerPoint, Dr. Smith provided information about the community orchard and gardens, including the aviary in the center. She spoke about the volunteers and introduced people from the community who were in attendance. Dr. Smith explained it is time to pass her baton, and she vetted organizations in which to pass the baton. She indicated she had a conversation with Jovial Concepts for transition. Dr. Smith explained though she is retired, she will remain as a consultant on this project for the next two years.

Using Power Point, Kristina Welch, with Jovial Concepts, spoke to the Board about their gardens and their 15 years of gardening experience. She assured their goal is to take on Dr. Smith's project and continue to serve the community. Ms. Welch said their non-profit also donates the food they grow to food banks and elementary schools. She talked about their projects. Ms. Welch discussed they purchased a house for their non-profit and the back yard opens into the orchard, and talked about what they do and programming they are planning to do.

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Mr. Hopp reiterated the District has an agreement with Feeding Many. With Dr. Smith's impending retirement, we will likely enter into a new agreement with Jovial Concepts. It will be a similar type of agreement for the utilization of the land for the orchard.

Jay Pickard, attorney for Feeding Many, discussed that they have lined up the transition for their 501-C3 and are set on that front. He expressed confidence that this can continue to be a productive thing. Mr. Pickard acknowledged Dr. Smith was out there working all the time and developing relationships, and created a great foundation for what is going to happen there.

Community member and volunteer, Kelly O'Toole-Leonard, said one of things that brought her and her husband to that neighborhood was the orchard. They reached out to Dr. Smith and started volunteering, she discussed.

Dr. Smith gave honey from the hives to each of the board members. She said they do have a Fall Festival planned for October 14<sup>th</sup>. She said it will be her celebration of transitioning, Jovial Concepts will come in and carry that tradition forward.

### B. Employee Handbook Update Overview

Referring to the memo provided, Frannie Masters indicated the Employee Handbook was last updated in 2018.

The handbook now has been updated with legislative changes that have occurred, duplicate policies were removed, and Employer's Counsel did a legal review, Ms. Masters said. Using PowerPoint, Ms. Masters outlined the updates due to the employment law changes that have occurred.

Ms. Masters went over policies that were updated including a policy related to weapons. Up until 2021, public employers in Colorado could not prohibit weapons, and with the change that occurred in 2021, they can. To be consistent with recommendations received from Employer's Counsel, and from the Colorado Special Districts Pool, there is an update to the policy to prohibit employees from carrying weapons. Ms. Masters clarified the pool is who provides the District's property and liability and workers comp insurances.

Ms. Masters said an additional floating holiday has been added for full-time staff. Currently, staff were getting one floating holiday. The second one was added for Juneteenth, Ms. Masters discussed.

There was discussion about the weapons policy. Ms. Masters discussed the law that changed in 2021.

Ms. Masters talked about duplication of some policies in the Employee Handbook. In the interest of reducing the size and eliminating the times where if we are making an update to a policy that we

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have to update it in more than one place, we tried to take out the duplicated policy and have it in one place.

Employer's Counsel did a review on the handbook and they had feedback including to keep the handbook brief to only cover things that apply to all employees, Ms. Masters explained. She pointed out policies that were separated from the handbook that were included in the board packet.

There was discussion about drug testing. Ms. Masters explained the only type of testing we do is reasonable suspicion with the exception of CDL drivers that have to comply with DOT requirements. There was discussion about mushrooms. Ms. Masters reiterated because we are doing reasonable suspicion, there has to be signs that somebody is under the influence so it is less likely that the levels are going to matter at that point because they are demonstrating some sort of behavior that makes a person think that they are operating under the influence. Ms. Masters added that even if a person is legally using marijuana or legally using mushrooms, they shouldn't be under the influence of those substances at work.

Ms. Masters said at the August meeting, she will answer any outstanding questions and ask the Board to adopt the Employee Handbook.

Mr. Hopp said he will be virtual for the July board meeting.

Mr. Hopp announced that Barb Butler has officially announced her retirement. Her last day with the District will be on August 11<sup>th</sup>. There will be a retirement reception for her August 2<sup>nd</sup> at Meadows Golf Course Clubhouse. He recognized that Ms. Butler has been with the District 28 years in April.

Director Daughtrey said she will be virtual for the July board meeting.

### XI. ADJOURNMENT:

The regular meeting adjourned at 7:50pm. The next regular board meeting will be held at 6pm on Tuesday, July 25, 2023.

Submitted by: Richelle Riley, Recording Secretary