

**SOUTH SUBURBAN PARK AND RECREATION DISTRICT
REGULAR MEETING NO. 884
MINUTES**

Call to order/Roll call

A regular meeting of the Board of Directors of South Suburban Park and Recreation District was called to order at 5:40 pm, **Wednesday, March 8, 2017** at the Goodson Recreation Center, 6315 South University Boulevard, Centennial, Colorado. Chair John Ostermiller presided.

(Note to the file: The February 22 regular sessions had been cancelled due to the lack of a pressing agenda. Special posting had been accomplished, per State statute. /ds)

Present: John K. Ostermiller
Scott A. LaBrash
Michael T. Anderson
James A. Taylor
Pamela M. Eller (*absent-excused*)

Legal Counsel: Evan Ela, Esq.

Management Staff: Rob Hanna, Executive Director
Rich Meredith, Executive Director, Hudson Gardens
Brett Collins, Director of Planning & Development
Jay Dikeman, Director of Hospitality Services
Andy Jennings, Director of Parks & Open Space
Mike MacLennan, Director of IT
Eileen Matheson, Director of Recreation Services
Bill Ramsey, Director of Golf
Melissa Reese-Thacker, Planning Manager
Steve Shipley, Director of Finance
Greg Collette, Digital Communications Strategist

STUDY SESSION CONVENED

After the call to order, Mr. Ostermiller convened the Study Session, and the group discussed items on the posted agenda. See the notes below under Announcements and Emergency Items for some upcoming Board quorum events.

The Board paused at 6:52 pm and returned to the public meeting at 7 pm.

PUBLIC MEETING CONTINUED

Citizens' comments

No public came forward to speak tonight.

Executive Director's report

New employee introductions

Kelsi McNutt, Goodson Recreation Center's Program & Facilities Supervisor introduced *Alex Crowell*, Assistant Facilities Supervisor.

Mr. Dikeman introduced *Andrew Phelps*, who was promoted from an apprentice position to the Lone Tree Golf Course Sous Chef and Kitchen Manager recently.

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Legal Counsel's report

Mr. Ela referred the Board to his firm's confidential report in tonight's Board packet. At Mr. Ostermiller's request, he provided updates on several water matters:

To rectify some issues with a Colorado Supreme Court opinion (St. Jude, 2015) which disallowed water rights for certain recreational, aesthetic, and piscatorial uses, Mr. Ela has worked for a clarification. He believes the upcoming State legislation will protect some District rights, as it would grandfather in certain water rights which were in place at the time of the 2015 opinion.

Negotiations with Denver Water regarding water rights to irrigate the Littleton Golf Course are continuing, probably to involve a trade of some District water shares for the Nevada Ditch in return for some water rights from the Farnell Lane wells. Mr. Ela hopes to complete this negotiation in the next couple months. Part of the negotiation will involve construction of and payment for some necessary infrastructure to deliver water from the wells, and the infrastructure cost would be paid back by the District to Denver Water over a period of years. This is part of a more extensive conversion involving water taps and other rights, in advance of the Nevada Ditch probably going dry at some point in the future.

Boardmembers had no additional questions at this time.

Minutes approval

Board members had no corrections, additions, or changes. **Therefore, with no objections, the minutes of meeting no. 883, February 8, 2017 stood approved as presented.**

Consent Agenda items

Mr. Ostermiller presented the Consent Agenda items for consideration by the Board.

- A. APPROVE ACCOUNTS PAYABLE FOR FEBRUARY 2017 IN THE AMOUNT OF \$1,917,375.**
- B. APPROVE A CONSTRUCTION CONTRACT WITH ACADEMY SPORTS TURF, LLC IN THE AMOUNT OF \$339,984 FOR THE FAMILY SPORT CENTER SPORTS DOME TURF REPLACEMENT PROJECT; AND APPROVE AN OVERALL PROJECT BUDGET OF \$373,982 INCLUDING A 10% PROJECT CONTINGENCY.**
- C. APPROVE UPDATES TO THE SOUTH SUBURBAN PUBLIC ART COMMITTEE'S PROCESS TO SELECT AND PLACE ART IN PUBLIC PLACES PLAN, AS SUBMITTED BY THE COMMITTEE.**

MR. LABRASH MOVED TO ACCEPT ITEMS A-C. Mr. Anderson seconded the motion. There was no further discussion. Consent agenda items were approved unanimously (4-0).

NEW BUSINESS

PUBLIC HEARING: 2017 Budget Amendment # 1

Mr. Shipley presented the amendment for consideration. This is the annual amendment prepared to carry forward certain 2016 excess funds for expenditure in 2017, a net increase of \$10,831,210, for a total revised 2017 budget of \$69,874,873. Approximately \$159K of the funds are for various operating grants; almost \$10 million is for capital projects underway; and there are some net adjustments and small increases to contingencies. He offered to answer questions.

Mr. Ostermiller asked the reason for the contingency increases. Mr. Shipley affirmed, in the majority, the increases relate to ending the year better than estimated and to additional unspent project funds from 2016. Boardmembers had no further questions at this time.

Mr. Ostermiller opened the public hearing. No public came forward. Mr. Ostermiller closed the hearing and asked for a motion.

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MR. TAYLOR MOVED APPROVE THE RESOLUTION # 2017-004 TO AMEND THE 2017 BUDGET (AMENDMENT # 1). Mr. Anderson seconded the motion. There was no further discussion, and **the motion was approved unanimously (4-0).** (A copy of the resolution is attached hereto and made part of the permanent record.)

Palos Verdes Park, Xcel Energy's easement request for City of Centennial

Brett Collins presented the easement request. The City is trying to underground a lot of its overhead utility lines, for aesthetic and safety reasons. Xcel Energy needs an easement in Palos Verdes Park to underground lines on the north side of the park and near Orchard Road. There would be an underground bore of the line in the park property (i.e., no open trenches in this project), which would avoid disturbance of landscape generally. There will be some utility cabinets above-ground. The easement will be approximately 10 feet in width along most of the alignment.

As there may be some unforeseen underground obstructions, Brett asked the Board's permission to prepare an as-built legal description for the easement after Xcel's work is complete; and to assess the final easement cost at that time, based on actual square footage and final route of the line. He anticipates an approximate total easement assessment of about \$5,000, ultimately to be paid by the City of Centennial through its franchise fees. He asked for the Board's approval of the resolution and easement.

Responding to Boardmembers' several questions, staff reported: The bore path will be around and below tree roots and existing irrigation lines, minimizing overall construction damage. The utility cabinets above-ground will be of the average (smaller) size and green in color. The City of Greenwood Village is working on a similar undergrounding project on the north side of Orchard Road. This section of underground line cannot be placed in the right-of-way by Orchard Road. Xcel is undergrounding lines on the east and west sides of the Park as well.

MR. ANDERSON MOVED TO APPROVE RESOLUTION # 2017-005, AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE UNDERGROUND ELECTRIC LINE EASEMENT IN PALOS VERDES PARK. Mr. Taylor seconded the motion. There were no further questions or comments, and **the motion was approved unanimously (4-0).** (A copy of the resolution is attached hereto and made part of the permanent record.)

Hudson Gardens and Events Center, request for easement from Midnight Farm, LLC

Brett Collins presented. The easement was requested by Midnight Farm LLC, a tree care company with offices at 6295 South Santa Fe Drive, adjacent the Gardens property. They are new tenants of this property and are operating approximately 8 am - 5 pm, Monday - Friday. They requested a driveway access easement onto South Vinewood Street, a public street. The District owns a landscaped strip adjacent the Street (as part of Hudson Gardens) that would be modified.

The District had granted a similar easement to another business in 2011, a dog daycare service by the Gardens. Planning Department staff doesn't anticipate any issues associated with this new easement with regard to Gardens operations. Reduction of the landscape will save some landscape maintenance costs for the District. Responding to Mr. Ostermiller's question, staff anticipates that Midnight Farm will not be chipping trees at their business site.

Mr. Taylor noted that the 6295 South Santa Fe Drive property currently has an access directly onto Santa Fe, and the Colorado Department of Transportation might plan to close that access. Mr. Hanna agreed. Following discussion Mr. Ostermiller concluded, while it's known that CDOT wants to eliminate as many accesses onto Santa Fe Drive as possible, the property owner would need to address this matter to protect their own property values.

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To Mr. Taylor's question, Brett verified that the District's fee for granting the easement would be \$1,894, and not "\$10 and other good and valuable considerations" on the easement document. There were no further questions.

MR. TAYLOR MOVED TO APPROVE RESOLUTION# 2017-006, AUTHORIZING THE GRANTING OF AN ACCESS AND DRIVEWAY EASEMENT IN HUDSON GARDENS. Mr. LaBrash seconded the motion. The motion was approved unanimously (4-0). (A copy of the resolution is attached hereto and made part of the permanent record.)

Mr. Ostermiller expressed the hope that the tree service operation would not interfere with the Gardens' current operations. To members' questions, Mr. Meredith reported that sometimes the adjacent dog daycare operation has been noisy. Actually this new commercial use at the 6295 South Santa Fe Drive property may be an improvement on past uses. He assured the Board of Directors that Gardens management staff has contacted past tenants on occasion about various issues and would contact this new firm soon, to ensure users' quiet enjoyment of the Gardens.

2017 Art-on-Loan program at Goodson Recreation Center and Hudson Gardens

Melissa Reese-Thacker, Planning Manager presented. The South Suburban Public Art Committee has found some renewed energy in the past year. A particular improvement is to use the CallForEntry (CaFE) online system to solicit artists' participation and track District request/call processes. The Committee has seen a significant increase in artist submissions for the art-on-loan program, allowing the Committee more choices of art and creating enthusiasm for the art-on-loan program.

The Public Art Committee recommended three sculpture placements for the Goodson plaza this year, for approval by the District Board of Directors tonight.

1. *Mobius*, artist: Richard Ferguson
2. *Deciduous*, artist: Kyle Cunniff
3. *Dream Totem*, artist: Kamber Sokulsky

Mrs. Reese-Thacker expressed appreciation to Mr. Meredith for Hudson Gardens' participation in the annual art-on-loan program. She announced the pieces selected for 2017 placement, as approved by the Gardens' art committee.

1. *Cultural Pedestrians*, artist: Sue Quinlan
2. *Zoo of People and Tribes*, artist: Iskra Ivanova
3. *On the Horizon*, artist: Justin Desiter.

To members' questions, Mr. Meredith explained that Cultural Pedestrians sculpture will be in a location yet to be determined; the Zoo figures will be placed close to the concert venue, and On the Horizon, a cloud sculpture, will be placed by the Welcome Center.

Mr. Anderson noted that two sculptures might pose an issue, as children tend to play on the sculptures displayed by Goodson Recreation Center. Mrs. Reese-Thacker stated that when the staff reviews the pieces, they sometimes ask the artist to make some adjustments in order to make them safer for display (to modify sharp edges, etc.). She agreed that children may climb on the art; she added, it's also a good for children to interact with art, and so the District is trying to balance safety, signage, and generally making the art accessible. Mr. LaBrash encouraged Mrs. Reese-Thacker to move the art pieces with glass further away from the Goodson lobby entrance. To members' questions about the fragility of the Zoo (ceramic pieces), Mr. Meredith reported, they'd been told that the pieces are fairly sturdy.

The art-on-loan will be on display for one year.

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The Committee looks forward to using the CaFE system again. The Committee may place as many as three additional, permanent pieces in 2017: at Cherry Knolls Park, the Entertainment District Park in Lone Tree, and one more location. Particularly for the Entertainment District Park, placement is pending the City's funding of an art project and possibly financial support from the Lone Tree Art Committee. To Mr. Ostermiller's question, Mrs. Reese-Thacker reported that the new Lone Tree Hub (community center) property already has two sculptures in place, dating from its use as a library; and the City's Art Commission probably would be involved in any decisions and would provide funding for any new placements.

There was no further discussion. **MR. LABRASH MOVED TO APPROVE THE SOUTH SUBURBAN PUBLIC ART COMMITTEE'S RECOMMENDATIONS: *MOBIUS* BY RICHARD FERGUSON, *DECIDUOUS* BY KYLE CUNNIFF, AND *DREAM TOTEM* BY KAMBER SOKULSKY, FOR THE 2017 ART-ON-LOAN PROGRAM AT THE GOODSON RECREATION CENTER. Mr. Taylor seconded the motion, which was approved unanimously (4-0).**

Board of Directors items

- Mr. Taylor announced that the recent South Platte Working Group projects update report, encompassing several years of work, is being turned into a slideshow. Mr. Taylor would like to arrange a presentation by Josh Tenneson with Arapahoe County Open Spaces to the Board in an upcoming public meeting. He hopes the public will attend and find out how much has been accomplished.

A subcommittee is working on Riverway signage for the Platte and is anticipating installation on May 15, 2015, to include a telemetry readout of flow speeds in the River. Mr. Taylor hopes that recreational users will pay attention to this signage, especially those people tubing in the River, and therefore they will be aware of safety risks.

There was a presentation about the proposed Chatfield environmental pool with a capacity of 500 acre-feet. The environmental pool capacity would be used to ensure flows in the Platte River during low-flow times of the year and so keep the fish population alive. The Greenway Foundation has taken on the challenge of finding funding partners for this project. Denver Water has committed to 250 acre-feet. It's proposed that South Suburban would participate in this effort and fund 10 acre-feet (\$75,000 commitment). Mr. Taylor suggested that it's important for South Suburban to participate in this effort, as seasonal low flows in the Platte impact South Platte Park.

Members discussed whether the additional flows also could serve some recreation purposes. Mr. Ela noted reported that some extra flow could help the boat chutes in the Platte, a "grandfathered-in" recreation use predating the 2015 State Supreme Court ruling (See Legal Counsel's report, above). Members discussed which agencies have already made any financial commitment.

Following discussion on next steps for the District, Mr. Hanna suggested that he and Mr. Ela work together on specifics and make a recommendation to the Board at a future session. Several individuals offered to make contacts at the local agencies and ascertain whether the other agencies are likely to commit to the project. Mr. Ostermiller wants to know where the Working Group stands with the plan and what South Suburban's potential role is. To Mr. LaBrash's question, Mr. Ela suggested that the reservoir construction schedule is not firm; and the environmental pool was a requirement of the Feds with the augmentation of the Reservoir capacity.

- Mr. Anderson reported on the most recent Lone Tree Subcommittee meeting. Discussion included the recent Lone Tree staff changes, the city's recent resident survey, an update on the Entertainment District Park buildout, and summer plans for Cook Creek Pool. It is anticipated that the Lone Tree City Deputy Manager will be coordinating recreation duties when City staffer Torie Brazitis leaves in the near future.

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Particular to the City's survey, Mr. Anderson reviewed citizens' responses about parks and recreation facilities, concluding, the parks were scored "excellent" and facilities scored "good" to "excellent." He offered to share detail with Boardmembers, concluding, the citizens hadn't identified any significant problems requiring attention.

Great Outdoors Colorado rejected the grant request for the Entertainment District Park Phase I construction, and therefore the playground won't be built during this initial phase.

- Mr. Anderson and the Board of Trustees met recently with the District consultant and Principal Financial Group representatives to review current employee benefit programs. They concluded: No retirement investment funds need to be changed at this time; recordkeeping is in order generally, but some followup will be done; funds are healthy; the employee education program is planned for the 2017 year; and the District is in pretty good shape.
- Mr. Ostermiller reported that the Hudson Gardens Foundation Board did not meet in February. He referred the group to Mr. Meredith's written report for some items of general interest.
- Mr. Ostermiller reported that the City of Littleton has advertised the City Manager position again and is anticipating candidate interviews in May 2017. At the same time, the City of Centennial is advertising to fill its City Manager position.
- Mr. Ostermiller reported on the light rail system in the Denver metro area. He travelled a substantial portion last Saturday with Mrs. Ostermiller. He noted a new park going in by a Westminster light rail station with lots of water features and landscaping; he encouraged members to go take a look.

Announcements and emergency items

There were no posted announcements or emergency items on the agenda this evening and no special session is planned in the short-term. As noted during study session tonight, there are some upcoming quorum events:

- Most Boardmembers will attend a training session for the new Board packets delivery system on Friday, March 24, 9 am, at the Goodson Recreation Center.
- All Boardmembers will be invited to a tour of the South Suburban Golf Course Clubhouse remodel project in the next few weeks, exact date and time TBD.
- A quorum of the Board is likely to attend the Centennial State of the City event, April 12 at lunchtime.

Adjournment

There was no executive session this evening.

There being no further business to come before the Board, the group adjourned for the evening at 8:07 pm.

Donna Shephard
District Records Clerk

/ds

**RESOLUTION #2017-004
TO AMEND 2017 BUDGET (Amendment # 1)**

WHEREAS, the Board of Directors of South Suburban Park and Recreation District appropriated funds for the fiscal year 2017 as follows:

General Fund	\$21,930,408
Conservation Trust Fund	925,405
Grants Fund	35,842
2010 One Mill Fund	5,195,804
Golf and Recreation Facilities Enterprise Fund	27,273,454
Debt Service Fund	3,682,750

WHEREAS, the necessity has arisen for additional expenditures requiring the expenditure of funds in excess of those appropriated for the fiscal year 2017;

WHEREAS, the unanticipated additional expenditures are contingencies which could not have been reasonably foreseen at the time of adoption of the budget; and

WHEREAS, funds are available for such an expenditure from surplus funds available to the District,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the South Suburban Park and Recreation District shall and hereby does amend the Budget for the fiscal year 2017 as follows:

General Fund	\$26,286,941
Conservation Trust Fund	1,038,152
Grants Fund	62,676
2010 One Mill Fund	11,130,127
Golf and Recreation Facilities Enterprise Fund	27,659,227
Debt Service Fund	3,697,750

BE IT FURTHER RESOLVED, that such sums are hereby appropriated from the revenues of the District to the proper funds for the purposes stated.

PASSED, APPROVED, AND ADOPTED this 8th day of March, 2017, by the Board of Directors of the South Suburban Park and Recreation District,

by a vote of 4 for and 0 against.

South Suburban Park and Recreation District, by

John K. Ostermiller, Chairman

ATTEST:

SIGNED

James A. Taylor,
Assistant Secretary/
Assistant Treasurer

LA/

**South Suburban Park and Recreation District
Resolution # 2017-005**

**RESOLUTION AUTHORIZING THE GRANTING OF
AN NON-EXCLUSIVE UNDERGROUND ELECTRIC LINE
EASEMENT IN PALOS VERDES PARK**

WHEREAS, the South Suburban Park and Recreation District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, formed and operated pursuant to Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to Section 32-1-1001(1)(f), C.R.S., the District is authorized to acquire, dispose of and encumber real and person property including, without limitation, rights and interests in property, leases and easements necessary to functions and operation of the District; and

WHEREAS, Xcel Energy (“Grantee”) on behalf of the City of Centennial has requested a non-exclusive underground electric line easement (“Easement”) over and across a small portion of Palos Verdes Park, as more particularly described on Exhibit A (the “Easement Area”); and

WHEREAS, the District’s staff has determined that the site for the proposed Easement is not needed for development or use by the District and the use of the Easement will not have an adverse affect upon the Park; and

WHEREAS, the Board of Directors has reviewed and approved a form of Easement Agreement; and

WHEREAS, the Grantee of the Easement will be required to pay the costs of processing the Easement and, under the terms of the Easement Agreement, will be required to restore and protect the Easement Area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the South Suburban Park and Recreation District as follows:

1. **Approval of Easement.** The Board hereby approves and authorizes the grant of a non-exclusive driveway and access easement to Grantee, in accordance with the terms and provisions of the approved Easement Agreement.

PASSED, APPROVED, AND ADOPTED this 8th day of March, 2017 by the

Board of Directors of the South Suburban Park and Recreation District,

by a vote of 4 for and 0 against.

South Suburban Park and Recreation District, by

ATTEST:

SIGNED

John K. Ostermiller, Chairman

James A. Taylor,
Assistant Secretary/
Assistant Treasurer

BC/ds

**South Suburban Park and Recreation District
Resolution # 2017-006**

**RESOLUTION AUTHORIZING THE GRANTING OF AN
ACCESS AND DRIVEWAY EASEMENT, HUDSON GARDENS**

WHEREAS, the South Suburban Park and Recreation District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, formed and operated pursuant to Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to Section 32-1-1001(1)(f), C.R.S., the District is authorized to acquire, dispose of and encumber real and person property including, without limitation, rights and interests in property, leases and easements necessary to functions and operation of the District; and

WHEREAS, Midnight Farm, LLC (“Grantee”) has requested a non-exclusive driveway and access easement (“Easement”) over and across a small portion of Hudson Gardens, as more particularly described on Exhibit A (the “Easement Area”); and

WHEREAS, the District’s staff has determined that the site for the proposed Easement is not needed for development or use by the District and the use of the Easement will not have an adverse affect upon Hudson Gardens; and

WHEREAS, the Board of Directors has reviewed and approved a form of Easement Agreement; and

WHEREAS, the Grantee of the Easement will be required to pay the costs of processing the Easement and, under the terms of the Easement Agreement, will be required to restore and protect the Easement Area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the South Suburban Park and Recreation District as follows:

1. **Approval of Easement.** The Board hereby approves and authorizes the grant of a non-exclusive driveway and access easement to Grantee, in accordance with the terms and provisions of the approved Easement Agreement.

PASSED, APPROVED, AND ADOPTED this 8th day of March, 2017 by the

Board of Directors of the South Suburban Park and Recreation District,

by a vote of 4 for and 0 against.

South Suburban Park and Recreation District, by

ATTEST:

SIGNED

John K. Ostermiller, Chairman

James A. Taylor,
Assistant Secretary/
Assistant Treasurer

TF BC/ds