

**SOUTH SUBURBAN PARK AND RECREATION DISTRICT
REGULAR MEETING NO. 824
MINUTES**

Call to order

A regular meeting of the Board of Directors of South Suburban Park and Recreation District was called to order at 5:35 pm, Wednesday, September 17, 2014 at the Goodson Recreation Center, 6315 South University Boulevard, Centennial, Colorado. Chair John Ostermiller presided.

Present: John K. Ostermiller
Susan M. Rosser
Pamela M. Eller
Michael T. Anderson
Scott A. LaBrash

Legal Counsel: James P. Collins, Esq.

Management Staff: David Lorenz, Executive Director
Deanna Heyn, Deputy Executive Director
Brett Collins, Director of Planning & Development
Teresa Cope, Director of Communications
Jay Dikeman, Director of Hospitality Services
JoAnn Gould, Director of Recreation & Community Services
Mike MacLennan, Director of IT
Rich Meredith, Executive Director, Hudson Gardens
Jim Priddy, Director of Parks & Open Space
Bill Ramsey, Director of Golf
Clay Shuck, Deputy Recreation Manager
Linda Addison, Chief Accountant

Study Session

After the call to order, Mr. Ostermiller convened the Study Session, and the group discussed the items on the posted agenda. During the Study Session, members made plans to cancel the November 26 and December 24 Board sessions.

The Board returned to the public meeting at 7 pm.

New employee introductions

Mr. Priddy introduced: Kyle Elliott, Forestry crewmember; and

Allison Boyd, Recreation Program and Facility Supervisor introduced Ashley Stafford, an Athletics intern from the University of Northern Colorado.

Legal Counsel's report

Mr. Collins referred the Boardmembers to his written report in tonight's packet and offered to answer any questions. One item is included on tonight's public agenda for discussion.

August 2014 minutes approval

Meeting No. 822: Boardmembers had no questions. **Without objection, the minutes of August 13, 2014 were accepted as submitted.**

Meeting No. 823: Mrs. Rosser reported on page 15 of the draft that she suggested to a neighbor: ... there's no money *this year*, that may create false hopes for next year's budget... Mrs. Eller had provided Shephard with

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three copyedits to incorporate previously. **Without objection, the minutes of August 27, 2014 were accepted as corrected.**

Citizens comments

No public came forward at this time.

Consent agenda items

- A. APPROVE ACCOUNTS PAYABLE FOR AUGUST 2014 IN THE AMOUNT OF \$1,767,551**
- B. APPROVE A UTILITY EASEMENT TO XCEL ENERGY FOR A SUPPLEMENTAL TRANSFORMER AND ELECTRICAL SERVICE TO THE CONCERT VENUE AT THE HUDSON GARDENS AND EVENT CENTER**

MR. ANDERSON MOVED TO APPROVE CONSENT AGENDA ITEMS A AND B. Mrs. Rosser seconded the motion. With no objections, the motion was approved unanimously (5-0).

NEW BUSINESS

Public hearing: 2015 Budget, public comments

This is the second of the three annual public hearings citizen presentations before the Board, for items they would like to be considered for the budget. Mr. Ostermiller invited the public to come forward.

Walter Sharp, South Sycamore Street, Littleton reported he is putting three project requests before the Board for consideration.

- Planting a public orchard on South Suburban grounds, in a location where non-potable water can be a source of irrigation, and to use this orchard project as a training ground and programming venue to increase amount of fruit available to the public at large. He estimates the project would require 0.25-acre parcel, and he is proposing an area near Watsons Lake and Littleton Golf Course. Expense items would include access and possibly a nonpotable water source.
- A solar garden project on a District property, on District land not available for uses. This would support beautification efforts and allow members of the public to participate into a renewable energy project, similar to the District's recent purchase of panels from solar gardens in Denver and Arapahoe counties. He suggested this could be a profit-making project. This could be a revenue-generating source.
- That he provide services as an investment advisor to South Suburban patrons. This could be a revenue-generating source as well.

Mr. Ostermiller explained Mr. Sharp's proposals would be added to the list of citizen requests. Mr. Lorenz reported the proposal for the orchard was received and forwarded to the Board previously, and the solar garden proposal was provided to the Board today during Study Session.

Dave Gwinn, 8132 South St. Paul Way, Centennial 80122 spoke as a citizen, a board member for the Littleton Hockey Association, and a member of the Gold Medal Citizens Committee this year. One of the facilities he uses the most is the South Suburban Ice Arena. Hopefully the Arena will be getting some good improvements and the opportunity to generate revenue. He proposed the District create a bar/restaurant, similar to the restaurant at the Family Sports Center (as well as at the Foothills ice arena). Perhaps it could pay for itself as well as subsidize other District needs. The Arena is one of the oldest facilities in the area and District, and there are lots of opportunities for improvement.

Mr. Ostermiller reported for the record, The District has received requests from citizens from

- Dennis Connelly, Centennial (District resident) for a new backstop on the southeast corner of Cherry Park.

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- A letter from Ralph Dergance in Littleton, requesting funds to figure out a method to retain the water level in the Ridgeview Park pond.

The proposed 2015 Budget will be presented to the Board in October, once staff has determined priorities, and citizen requests have been evaluated by staff and forwarded to the Board.

November 4, 2014, approval resolution of support for District ballot issue # 4C

The language of the 2-mill ballot question and a Resolution to conduct the election on November 4 was approved by the Board on August 27, 2014.

Mr. Lorenz explained the District Board is allowed to pass a resolution of support that can be distributed through normal channels throughout the District. Staff drafted two versions (A and B) for the Board's consideration. Mr. Lorenz stated his preference for version "A."

Mr. LaBrash asked if this resolution of support should have been handled by the Board prior to putting the issue on the ballot. Mr. Collins offered the opinion that there is an exception in the Colorado Fair Campaign Practices Act, which allows a government board not only to pass a resolution of support for its own ballot questions, but for other agencies' questions as well, if they choose.

Mr. Anderson stated, it's important for the Board to stand up and show combined support for the resolution and the action, for the mill levy increase. He stated his preference for Version A, which tells more of the story, is more transparent, and answers more questions that people may have. Version B may raise some questions. Version A doesn't restrict the use of the funds.

To Mrs. Eller's question, no Boardmembers offered objections to Version A. She stated that A is very good.

Mr. Lorenz reviewed possible methods of distribution, adding that while the District won't directly distribute the resolution to the local media, a reporter could pick it up for an article. Jim Collins added, the pro-issue citizens committee can pay for publication.

Mrs. Rosser stated she liked Version A as well. The supporters need to make a case for the increase, and A does that better; it is more persuasive than Version B.

MRS. ELLER MOVED TO APPROVE THE RESOLUTION OF SUPPORT (VERSION A), and Mrs. Rosser seconded the motion. There was no further discussion, and the motion was approved unanimously (5-0). (A copy of the approved resolution-Version A is attached hereto and made part of the permanent record.)

Centennial Link Trail, Georgetown Trail Easement approval

Brett Collins requested approval of the easement, which is needed for the Phase 3 trail construction.

Staff has been working on building the new Centennial Link Trail for 3-4 years, and Phase 3 is the last major section. The amended easement agreement will approve a 20-foot-wide easement to accommodate a wider trail. The new trail will increase from a 5-foot to an 8-foot width. Phase 3 trail construction is almost complete. Staff and the Georgetown HOA waited to complete this easement until construction was in and the easement could follow the exact path of the railway. The HOA board hasn't yet signed the easement; Brett asked the Board of Directors to approve the easement and allow the Executive Director to execute the final document.

Brett presented construction photos. The work included setting a 95-foot and a 75-foot span bridge over previous low-water crossings.

Mrs. Rosser recalled, some Georgetown residents had a problem with the plan because this alignment is placed pretty close to their townhomes. She asked if the issue still exists. Brett responded, it took a while to build neighborhood agreement for a wider trail. Staff conducted meetings and a master-planning process. Now, the neighbors are very supportive of the project and trail width and are excited about having it going in.

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Mrs. Rosser complimented the artistic retaining wall, and Brett reported some good comments about it. Mrs. Rosser asked about a ribbon-cutting event with the City of Centennial. Brett suggested it could take place after the construction is complete, after October 1.

To Mr. Anderson's question, Brett reported that the HOA will maintain the site, including the edges within the easement and adjacent to the trail. The District will maintain the trail itself. The easement has a twenty-foot width.

To Mrs. Rosser's questions, Brett explained the alignment and connections to the Little Dry Creek Trail and (in the vicinity of Quebec and Xanthia), including an on-street path, as well as a connection to the trailway in the Willow Spring Open Space (Willow Creek Trail). While there is no Phase 4 for the project at this point, staff has discussed possible future projects including improving the sidewalk along Arapahoe Road and improvements to the Little Dry Creek Trail.

Mrs. Rosser asked if the trail signs would be updated as part of this project. Brett explained that this wasn't in the scope of this project. Mrs. Rosser expressed concern that the maps on District signs be updated to show trail connections built in recent years, as well as the paper maps produced for the public. Brett suggested that District crews could update the signage maps in the vicinity of the new connections. (There is not a budget to replace all the signs at this time.) The next edition of the paper map will be updated as map inventory runs out; the current inventory may run out in 1.5 to 2 years: perhaps less, as the maps are given away at public meetings; but on the other hand, much of the public is accessing maps on their phones at this point.

Mrs. Rosser thanked the Centennial City Council and Kathy Turley, Councilmember (present tonight) for the City's financial support of the project. Mrs. Rosser stated concern that the District maps should show the current trail connections.

There were no further questions. **MR. ANDERSON MOVED TO ACCEPT AN AMENDED AND RESTATED TRAIL EASEMENT AGREEMENT FROM THE GEORGETOWN VILLAGE HOME OWNERS ASSOCIATION FOR THE CENTENNIAL LINK TRAIL, AND APPROVE THE EXECUTIVE DIRECTOR TO EXECUTE THE EASEMENT ON THE DISTRICT'S BEHALF AS SOON AS IT IS RECEIVED FROM THE GEORGETOWN VILLAGE HOME OWNERS ASSOCIATION. Mrs. Rosser seconded the motion. There was no further discussion, and the motion was approved unanimously (5-0).** Mr. Ostermiller directed Mr. Lorenz to execute the easement.

Mr. Ostermiller greeted Mrs. Turley.

Willow Creek Park and Trail improvements, award of contract

Brett Collins presented. The District has partnered with the City of Centennial to build the park and trail improvements. The scope of the proposed work includes an upgraded, state-of-the-art playground built to ADA standards; replacement of an outdated bridge with a superior bridge that will allow better maintenance vehicle access, and replacing some of the trailway with concrete. A portion of the project site is located in Lone Tree (Douglas County), and so the District will be paying for these improvements.

The proposed project has been presented to the neighborhood, and staff had buy-in from the neighborhood for the most part. They addressed a controversy with a few residents regarding changing some of the trail surface to concrete. They believe all the neighbors have been in favor of the playground improvements. Staff has worked with the City's parks & trails committee. Brett concluded, it's a good project to move forward with.

Arrow-J Landscape & Design, Inc. (AJI) was the lowest bidder. AJI was the contractor for the 2008 improvements in that area, and overall the company has done good work for the District on several projects. Brett expressed confidence that they would get the work done.

Planning staff was not recommending that the Board accept bid alternate 1, construction of a trail spur, at this time. There are some property ownership and easement rights that have not been resolved.

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To Mrs. Rosser's questions, Brett reported the section of trailway to be resurfaced in concrete is 95 feet long, and it is an existing trailway currently surfaced with crusher fines. The section serves as a ramp from the street to the main trailway.

Staff anticipates issuing the notice of award and notice to proceed to AJI immediately, with work to start about September 28, and construction completion in mid-December (assuming no weather delays). Seeding and restoration will occur in spring 2015. The picnic area will stay as it is.

MRS. ROSSER MOVED TO APPROVE A CONSTRUCTION CONTRACT WITH ARROW-J LANDSCAPE AND DESIGN, INC. (AJI) IN THE AMOUNT OF \$286,203 FOR THE WILLOW CREEK PARK AND TRAIL IMPROVEMENTS AND APPROVE A TOTAL PROJECT BUDGET NOT TO EXCEED \$640,502, INCLUDING A 15% CONSTRUCTION CONTINGENCY, BRIDGE, PLAYGROUND EQUIPMENT AND SURFACING, PROFESSIONAL SERVICES, AND OTHER PROJECT RELATED EXPENSES. Mr. LaBrash seconded the motion. There was no further discussion, and the motion was approved unanimously (5-0).

Mrs. Rosser added, the City of Centennial contributed \$300K to this project. Mrs. Turley expressed approval, as the project is likely to come in under budget.

Sheridan City Park award of contract

Brett Collins presented this project as well. Several years ago, the City of Sheridan acquired a site for a city park with Arapahoe County Open Space shareback money. The property, directly west of the City municipal buildings, has been held for a couple of years; the City applied for an Arapahoe County Open Space grant twice, but wasn't awarded funds for park construction. Since then, the City has decided to use some City funds to available for parks, trails and open space to complete the park. District staff worked on the master plan in 2011, with the City Council and District Board. The plan was revised in 2012.

The City will fund the entire project, and District staff will prepare the landscape plan and manage the project. The City has funded engineering and consultant work.

Powers Construction was the low bidder for construction. Powers is a new vendor for the District, and has supplied bonding and references. Staff predicts that Powers will do quality work.

Brett reviewed the project funding and costs for the public. He asked for approval of the award.

MRS. ELLER MOVED TO APPROVE A CONSTRUCTION CONTRACT, CONTINGENT UPON WRITTEN FUNDING APPROVAL FROM THE CITY OF SHERIDAN, WITH POWERS CONSTRUCTION IN THE AMOUNT OF \$178,337 FOR THE SHERIDAN CITY PARK; AND APPROVE A TOTAL PROJECT BUDGET NOT TO EXCEED \$233,799, INCLUDING A 10% CONSTRUCTION CONTINGENCY, UTILITY HOOK UPS, PROFESSIONAL SERVICES AND OTHER PROJECT RELATED EXPENSES. Mrs. Rosser seconded the motion. There was no further discussion, and the motion was approved unanimously (5-0).

Littleton Community Trail update

Mr. Ostermiller asked about the construction schedule for the City Ditch trail (Littleton Community Trail). Brett reported the entire trail will be completed after November 1. The stretch in the vicinity of Cornerstone Park will be completed after November 1. The weather may impact the work schedule into December. The commitment to the County is to complete work by the end of December, including reports to several funding agencies.

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Trails and community partnerships

Mr. Lorenz stated, the Willow Creek and Sheridan projects are good examples of cooperative relationships with the cities that the District has built. The cities receive shareback funds and will share these funds with the District to build priority projects.

Mr. Ostermiller thanked Brett for getting these three projects off the ground.

Proposed Board policy on meeting packet distribution

The District doesn't have a policy on public session packets at this time, prepared mainly for use of the Board of Directors. Mr. Lorenz presented staff's proposal for a new policy. There has been a request recently from a member of the public to receive a packet regularly.

Mr. Lorenz asked Mr. Collins about the appropriate action. Mr. Collins drafted an opinion, included in tonight's legal report: essentially, that either the District staff should forward copies to no one outside the Boardmembers and those staff who need copies (in Mr. Lorenz' judgment), or the packet should be available to all. With Mr. Collins' recommendation, Mr. Lorenz was suggesting the Board adopt a policy: that regular Study Session and Public Meeting Board packet distribution will be limited to current Board members, legal counsel, and key staff members as determined by the Executive Director, including the CEO of Hudson Gardens.

Currently, District staff forwards a few copies to those who have requested it, typically past Boardmembers, some individuals who serve as liaisons from other agencies, or professionals who are consulting currently with the District. Mr. Collins clarified that a Board packet is actually a work product, and not an approved document. He expressed approval of Mr. Lorenz' summary of the situation.

Lengthy discussion ensued.

To Mrs. Rosser's question, Mr. Collins explained that under open meetings law, citizens can receive a lot of the packet materials, but not the entire packet, and not on an ongoing basis. Mr. Collins strongly suggests that the District provide agendas (as it does) in advance of meetings, to those who request them. Staff added, the agendas are displayed on the website and at District recreation facilities; and as the public requests, copies are forwarded to them regularly by email or US mail.

To Mrs. Rosser's observation, Mr. Collins agreed that providing documents to public requesting them, in advance of a meeting (on the website or in another format) may not be an issue usually; however, he provided an example where staff may propose an item for public discussion, but the Board may decide to take up that item, or some aspect of it, in Executive Session instead. All kinds of work product issues come up. Mrs. Rosser explained how she uses the information on other agency websites, and that she reviews agendas to decide if she might want to attend a meeting.

Staff added, Board-approved meeting minutes are displayed on the District website as well for about three months.

To Mrs. Eller's question, Mr. Collins explained that a person could request a whole packet through an open record request after a meeting and after Board review—i.e., after the Board reviews it as in an open session (deleting any items that are still at work product stage). This does not imply that a citizen could ask once, and then get all the packets into the future. He emphasized that local counties and cities can do things differently from the special districts, and that this draft policy is trying to address a situation where a person has been requesting the packets in their entirety; occasionally there will be a work product issue. If an individual requests documentation on a single topic, they can contact District staff and request it and probably it would be available; Mr. Lorenz or his designee would decide whether it can be released.

Mr. Lorenz stated his concern is administrative. If allowed, where does the distribution stop? Also, this creates more work for staff. Staff would need to make sure anything sensitive or legal is excluded, and there's an opportunity for human error. He's not sure why someone (not on the Board or staff) would need a packet in

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advance of the meeting. To Mrs. Eller's question, Mr. Lorenz guessed the District has received 2 to 4 requests for packets in the last 3-4 years.

Lengthy discussion ensued. Some members expressed interest in providing the packet to the public, and some expressed concern about aspects of sensitivity, providing the information to people without ready internet access, the work involved, and other matters. The Board decided not to take action tonight. Members asked Mr. Lorenz for additional information or consideration, including:

- The public's expectation at this time to have documents available to them electronically (by web, email attachment, etc.)
- What other local agencies are doing to provide packets to the public (as a whole, or sections)
- How much staff work it would take to put up packet information on the website and take it down again
- Whether the District needs to acquire a software to manage the packet documents, and what local municipalities are using to display their packets to the public and to allow for (limited) paper printing.
- If the policy is approved, if the District would need to accommodate some public with paper packets, and whether the District can charge for providing the service. Mr. Collins expressed the opinion that the District could charge for printing packets under the public records act.
- If the District could provide more substantial agendas into the future that would meet the information needs of most of the public, including information on funding sources and details of costs.

MRS. ROSSER MOVED TO TABLE THE MATTER REGARDING THE PROPOSED POLICY (THAT REGULAR STUDY SESSIONS AND PUBLIC MEETING BOARD PACKETS BE LIMITED TO CURRENT BOARD MEMBERS, LEGAL COUNSEL, AND KEY STAFF MEMBERS AS DETERMINED BY THE EXECUTIVE DIRECTOR, INCLUDING THE CEO OF HUDSON GARDENS), PENDING RECEIVING ADDITIONAL INFORMATION FROM STAFF. Mr. LaBrash seconded the motion. The motion was approved 4-1, with Mrs. Eller voting against.

Mr. Lorenz asked if District staff should continue to provide those few copies of packets to individuals other than Board and staff currently receiving them, or to stop delivery; and how to handle additional requests. The Chairman directed Mr. Lorenz to put the matter of delivering to any new recipients on hold until the Board decides at a future meeting, and to continue delivery to the current group.

Discussion ensued on minutes and agendas provided on the website; and Mr. Ostermiller cut off the discussion for tonight.

Board of Directors items

Members reported on the Special District Association annual conference in September.

- Mr. LaBrash thought it was great! He was disappointed in the number of topics to discuss and number of options for classes, but overall it was good. He attended a really good session on elections; he believes the District is directly on track with what the presenters propose regarding do's and don'ts.
- Mrs. Rosser thought the conference was valuable however, there are fewer topics presented for park and recreation districts specifically. She valued her conversations with the other attendees.
- Mrs. Eller noted a session on video interviews with long-term staff, for the benefit of newer staff: What things the staffmember learned, that they wished they knew when they started. It showed the value of social media and technology.
- Mr. Anderson reported the theme of the conference was, leading into the future. He thought that the presentations were faithful to that theme. The keynotes were all very interesting. He appreciates the difficulty for the SDA in putting on this conference, with the diversity of districts (and services provided by the

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agencies); the conference has to appeal to the broadest types. He found the SDA conference valuable, and he hopes the Board will continue to go and have opportunities to stretch.

Mrs. Rosser noted how good the District looks, indicating the high level of maintenance, especially after all the rain this year. She thanked staff for putting on a good face for the public.

Mr. Ostermiller reported that the previous night the Littleton City Council approved a resolution: In the future, if urban renewal or tax increment financing are proposed for a redevelopment within the City, then the City must work with the special districts and get their approval of the impact of the tax split before the project moves forward. This is an opportunity for agencies to be at the table before the City approves projects. Mrs. Rosser asked if this would include the Fire District, and Mr. Ostermiller reported it would not. Mr. Ostermiller noted that the State is backfilling school budgets; but not so for the special districts. He is encouraged that the City Council took the step. Hopefully, special districts will get a piece of the pie in future TIF projects.

Members talked about the Hickenlooper gubernatorial campaign.

Following up on a discussion during Study Session, Mr. Lorenz read a news release from Arapahoe County that explained what the public can do at any of the new County voting centers for the November election. Goodson Recreation Center will be a voting center for the November election starting in mid-October; and as the public can vote or drop off ballots at Goodson, Mr. Ostermiller asked staff for verification that the 100-foot limit for electioneering activities would be in force.

Mr. Lorenz reported on visiting the opening event for the new Arapahoe County Library in Sheridan. It's a beautiful facility, there was a large turnout, and he hopes this is a very positive turning point for the City.

Announcements and emergency items

(On the agenda posting, staff again announced the October 23 Budget Retreat (study session), start time 8 am, at Lone Tree Golf Course Clubhouse, 9808 Sunningdale Boulevard.)

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 8:36 pm.

Donna Shephard
Executive Assistant

/ds

**RESOLUTION OF SUPPORT
OF
2 MILL LEVY
NOVEMBER 4, 2014 ELECTION
SOUTH SUBURBAN PARK AND RECREATION DISTRICT**

WHEREAS, the South Suburban Park and Recreation District ("District") has placed before its voters a 2 mill tax levy for general operating and other purposes, including protecting and enhancing the High Line Canal Trail, the South Platte River Trail (Mary Carter Greenway) and other local trails; repairing, maintaining and improving existing parks, recreation facilities and playgrounds; replacing outdated mechanical equipment with new energy saving systems including solar energy; and saving water by replacing aging and inefficient irrigation systems in parks and using non-treated water where feasible;

WHEREAS, the Gold Medal Citizens Committee has determined that the District is well managed and needs additional funding to address increasing costs for maintaining everything it provides for the community;

WHEREAS, the District's long-term plan for parks, trails, open space and recreation facilities requires this revenue for a 10-year period to support both the current and future needs of the South Metro area for recreational opportunities and maintenance; and

WHEREAS, the Colorado Fair Campaign Practices Act prohibits the spending of District funds to support such a ballot proposal; but the Act does authorize the adoption and distribution in normal fashion of a Resolution regarding the issue,

NOW, THEREFORE, be it resolved by the Board of Directors of the South Suburban Park and Recreation District that the Board does express its strongest possible support for the 2 Mill Ballot Question as placed before the voters for a November 4, 2014 decision; and further confirms that this is a vitally important measure necessary to the maintenance of services and facilities being provided for the health, safety and welfare of current and future District residents.

Approved and adopted by the Board of Directors on September 17, 2014, by a vote of

5-0.

South Suburban Park and Recreation District Board of Directors

Attested:

SIGNED

By: John K. Ostermiller, Chairman

By:

Pamela M. Eller, Secretary of the Board

TC/