

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
CHERRY CREEK VISTA PARK & RECREATION DISTRICT
HELD
November 21, 2013**

A regular meeting of the Board of Directors of the Cherry Creek Vista Park & Recreation District was held at 6:00 p.m. on November 21, 2013 at St. Peter's Lutheran Church, Greenwood Village, CO 80111. The meeting was open to the public.

Attendance

In attendance were Directors:

Howard Buchalter, President
Melissa Wilson, Vice President
Bernie Gehris, Assistant Secretary
Eric Hook, Assistant Secretary
Brendan Adams, Treasurer.

Also in attendance were:

Sarah E.E. Shepherd; Circuit Rider of Colorado, LLC
Dawn Schilling, Schilling and Company Inc.
Conner Shepherd, Circuit Rider of Colorado, LLC, Departed at 7:10 p.m.
Cindy Shepherd, Citizen, Departed at 7:10 p.m.
Eric Plouffe; JBK, Departed at 8:00 p.m.
Matt Mundy, MPM Recreation Management Departed at 8:00 p.m.
Rob Jump; Swim Team Representative, Departed at 6:45 p.m.
Bill Airy; Poo Free Parks Owner, Departed at 6:30 p.m.
Chuck Reid; Manager Landmark Metropolitan District, Departed at 6:20 p.m.

**Call to Order/
Agenda/Dec-
laration of Con-
flicts of Interest**

Director Buchalter called the meeting to order at **6:04** p.m. and declared a quorum. He asked if there were any conflicts of interest that needed to be disclosed. **The Agenda was approved by acclamation as amended acknowledging that items may be taken out of order.**

**Landmark Metro.
District**

Mr. Reid presented the discussion regarding Landmark Metro. District. He described the history of the district. The leftover funds will be given from the in the sum of \$31,859.05. The District has ceased operation and will fully dissolve at the State level and its Board Members decided to give over the remaining funds to the Vista Board. The bank account was closed and the taxes for the Landmark account will bounce back from to County from the taxes collected. The County

will keep the revenues appropriated for Landmark. Mr. Reid requested that during the dissolution process the District could cooperate with the County, State and Landmark District while the State dissolves the District, and that Cherry Creek Vista could agree to be the beneficiary of the funds that were due to Landmark. The dissolving District would like to designate Cherry Creek Vista per this agreement. Mr. Reid offered to connect the District with his contacts at the County. He requested that the Board let him know by the middle of December 2013. Director Buchalter noted that the Board doesn't meet in December and that they would like to consult legal counsel. Matt Dalton of Spencer Fane and Grimshaw represents the Landmark District and could speak with Jim Hunsaker of Spencer Fane and Grimshaw, who is Cherry Creek Vista's attorney. **The Board made a motion to accept Landmark's offer upon the condition of legal counsel's approval of the arrangement. Discussion followed. The Board voted 5-0 to accept the motion, and thanked Mr. Reid for attending the meeting.**

**Pool, Park &
Open Space:**

Poo Free Parks

Mr. Airy was in attendance at the meeting. Director Buchalter presented the Board's opinion that they would like to keep the existing contract with Poo Free Parks. Discussion followed regarding the agreement provisions and the debt that the District would incur with alternate options. **Director Buchalter made a motion to table the discussion indefinitely, with a second by Director Adams. Director Buchalter asked District Management and JBK to oversee the terms of servicing the existing stations and meeting the District's contractual obligations. Discussion followed. The Board voted 3-1 to approve the motion, with Director Gehris opposed, and Mr. Hooke abstained from the vote because he brought the contractor into the District.**

Mr. Airy asked the Board to concede to the proposal. The Board agreed that it will continue to abide by its side of the contract by posting Poo Free Park's logo and contact information on the District website and providing a press release per the agreement. Mr. Airy described his ability to fulfill on the agreement. The Board discussed the motion and the way it could prepare for further action and servicing of the stations.

Bridge and Trail Update

Mr. Shepherd reported on the Bridge and Trail construction. He described the outcomes of the flood and the work to be done by Muller to see if the removal and replacement of the fencing and silt abatement has been completed. The final report will be sent into the Arapahoe County Open Space as soon as the final retainer is paid and the "numbers" reported. There have been some change with the ACOS staffing and report formatting, and the final report will be filed on time. Mr. Shepherd thanked the Board for allowing him to complete the project. Mr. Shepherd

will pick up the sign and will assist the Board though the dedication process in the Spring. Director Wilson said they will schedule a press release when the dedication ceremony time is set and Mr. Shepherd will attend. Ms. Shepherd reported that the bollard should have been installed by now and the trail signs will be ready and posted asap.

Director Wilson offered another sign contractor, “Signs By Tomorrow,” for a bid on replacement park signs and trail map signs.

The Board decided to schedule the dedication ceremony for the trail and bridge project at the January meeting based on the 2014 Holiday schedule and the availability of the stakeholders who would most likely be able to attend in April, 2014.

Crown Castle

Ms. Shepherd reported on the update from Crown Castle. The Board discussed how to grant easement of access for the cell tower to Crown Castle, which is the last concern. The Board discussed allowing access of easement via an alternate route if the HOA protested allowing access via the private roadway near the parking lot. **The Board reviewed the contract agreement provisions and agreed that it would allow Directors Buchalter and Gehris to act on behalf of the Board, including granting alternative access and signing the final agreement in December, barring any specific item that would warrant holding off of the new agreement.** The closing date is set for December 11, 2013.

Director Gehris thanked Mr. Shepherd and presented to him a gift of appreciation on behalf of the Board (which he had thoughtfully shopped for) for his service—a Colorado- and travel-themed commemorative gift. Mr. Shepherd thanked the Board and departed the meeting at 7:10 p.m.

Swim Team Update

Nothing to report.

Tennis

Nothing to report.

Landscape Report

Landscape Monthly Maintenance Report

Mr. Plouffe presented his report. He said the services were on schedule and that irrigation system was blown out. JBK will go around to do another round of leaf removal. He discussed the servicing of the trash cans at the dog waste stations. Each replacement station costs around \$750 or can costs \$330 to replace, and some of the cans are already rusted out. Discussion followed regarding details of the servicing the dog stations.

The Board asked for a press release to be posted in the kiosks—on the District Letterhead. The release etc. will be posted on the website and on all kiosks to make good on the contractual obligation, per Mr. Airy's request to remedy this issue.

Mr. Plouffe also presented the estimates for the landscape renovations and playground repairs and maintenance items. Discussion followed regarding the timing of when the improvements could be completed. The Board thanked Mr. Plouffe for his report.

Swimming Pool Manager's Report

Mr. Mundy presented the extra bids for painting the pool building, repairs at the pool facility and the parking lot lining and sealing project. The Board discussed paint colors for the pool. The Board asked if the pool expenses could be spent in the 2013 budget year or in 2014. Discussion followed. The project was tabled till the weather improved in the Spring. The project will be scheduled in January.

Mr. Mundy asked the Board if the District would be willing to donate one pool membership for a new member family to the High Plains Auction and one to Cottonwood HOA. Upon a motion by Director Wilson, with a second by Dir. Buchalter, the Board approved the membership donations by acclamation.

Legal Items

The Board entertained confirming the contracts with professionals and vendors for the 2014 year, contingent upon the approval of the budget and appropriations of the funds for 2014. Discussion followed. Upon a motion by Director Gehris with a second by Director Adams the Board voted to approve the District Management contract 5-0.

Ms. Schilling presented the contract for accounting services. Discussion followed. Upon a motion by Director Buchalter with a second by Director Wilson, the Board approved the accounting contract for 2014 as presented.

Mr. Plouffe detailed the JBK contract. There are no changes to the contract from 2013 to 2014. Discussion followed Upon a motion by Director Wilson with a second by Director Adams the Board voted 5-0 to renew the landscape contract for 2014.

Mr. Mundy presented the MPM Recreation Management Contract for 2014. Discussion followed. Upon a motion by Director Adams and second by Director Wilson the Board voted 5-0 to renew the contract with MPM Recreation Management.

Upon a motion by Director Gehris and a second by Director Wilson, the Board voted unanimously to approve the Simmons Auditing contract as presented for 2014. Ms. Shepherd would print and have Director Buchalter sign the contract for the Audit when claims are signed for in December.

**MINUTES OF THE PUBLIC HEARING
OF THE BOARD OF DIRECTORS OF THE
CHERRY CREEK VISTA PARK & RECREATION DISTRICT
HELD TO CONSIDER THE 2013 BUDGET AMENDMENT &
ADOPTION OF THE 2014 BUDGET
ON NOVEMBER 21, 2013**

A regular meeting of the Board of Directors of the Cherry Creek Vista Park and Recreation District was held on November 21, 2013, to consider amendment of the 2013 budget and the adoption of the 2014 budget, at 6:00 p.m. at St. Peter's Lutheran Church, Greenwood Village, CO 80111. The meeting was open to the public.

Attendance: In attendance were Directors:
Howard Buchalter, President
Melissa Wilson, Vice President
Bernie Gehris, Assistant Secretary
Eric Hook, Assistant Secretary
Brendan Adams, Treasurer

Also in attendance were:
Sarah E.E. Shepherd; Circuit Rider of Colorado, LLC
Dawn Schilling, Schilling and Company, Inc.

Call to Order: **The public hearing on the budget was called to order at 8:35 p.m. by Director Buchalter.**

**Agenda & Disclosure
Of Conflicts of
Interest:** The agenda was approved by acclamation.

Board Discussion Ms. Schilling presented to budget to the Board. The figures in the draft budget were explained and discussed.

Public Comment None with no public present for hearing.

**Adoption of the
Amended 2013 Budget
& 2014 Budget** The draft 2014 Budget amended 2013 Budget, having been properly noticed in the Villager Legals and circulated to the Board on October 15, were discussed.

Ms. Schilling presented the amended 2013 Budget to increase the total expenditures in Capital Project Fund from \$202,423 to \$430,000 in total expenditures and the enterprise fund from \$211,550 to \$350,000 in total expenditures. Upon a motion by Director Wilson, with a second by Director Gehris the Board voted 5-0 to approve the amended 2013 budget as described by Ms. Schilling.

Ms. Schilling presented the 2014 Budget. Discussion followed regarding itemized expenditures for 2014. **A motion was made by Director Hook, with a second by Director Gehris to: 1. adopt 2014 Budget, as amended; 2. to appropriate the full amount of budgeted expenditures in the adopted 2014 Budget, and: 3. to approve and set the mill levy to fund those expenditures, contingent upon the final certification of valuation, with expenditure amounts of: \$234,000 in general fund, \$51,221 for Right of Way Fund, \$279,209 for debt service fund, and \$156,682 for the arterial row debt service fund, \$30,100 in capital projects fund, \$225,104. Upon a vote, the motion was approved unanimously.**

The Public Hearing was closed by the Chairman, Director Buchalter, at 9:08 p.m.

Election Update

At 9:08 p.m. the Board discussed the election to raise the mill levy in the 2014. Discussion followed regarding amount by which to increase the mill levy. Ms. Shepherd would speak with legal counsel regarding the FAQ's list, the timeline activities for dissemination and use at the January meeting. **The Board discussed increasing the mill levy by 1.8 mills total, and to "DE-TABOR" in single question. Ms. Shepherd would ask Mr. Shepherd for the Mill Levy Comparison Chart he created in early 2013 for reference in January.**

Financial Matters:

Financial Statements

Ms. Schilling presented the revised Claims totaling \$29,789.23. **Upon a motion made by Director Buchalter, with a second by Director Hook, the Board voted 5-0 to approve the claims presented for the period ending November 30, 2013.**

Ms. Schilling presented the Financial Statements for the period ending October 31, 2013. **Upon a motion by Director Wilson with a second by Director Hook, the Board voted 5-0 to approve the financial statements as presented.**

Administrative &
Manager Items:

Minutes of October 24, 2013

Discussion followed regarding the meeting notes and amendments/corrections. **Upon a motion by Director Wilson with a**

second by Director Gehris, the Board approved the October 24, 2013 minutes, 5-0, as amended.

The Board Directed Ms. Shepherd to post and file all administrative filings, and to assist Ms. Schilling in completing the A/V Mill Levy Certification by their deadlines by acclamation. The Board approved the 2014 meeting schedule per its regular 3rd Thursday of each month, from 6-8 p.m. at 9300 East Belleview Ave., St. Peter's Lutheran Church, Greenwood Village, CO 80111, except the months of February and July, by acclamation.

Board Member: None.

Adjournment: Upon a motion by Director Adams, with a second by Director Hook, the meeting was adjourned at 9:36 p.m. The next meeting of the Cherry Creek Park & Recreation District is scheduled to be held on January 16, 2014 at 9300 East Belleview Ave., St. Peter's Lutheran Church, Greenwood Village, CO 80111.

Secretary for the Meeting:


