

MINUTES
BOARD OF DIRECTORS REGULAR MEETING
KEN-CARYL RANCH METROPOLITAN DISTRICT

A regular meeting of the Ken-Caryl Ranch Metropolitan District Board of Directors was held on Tuesday, April 26, 2016 at the Ranch House, 7676 South Continental Divide Road, Littleton, CO 80127.

ATTENDANCE

Board Members Present:

Lauri Lehan-Milano, President/Chairperson
Dave Banning, Secretary
Jami Jensen, Treasurer
Jeff Esbenshade, Assistant Treasurer

Board Member Absent:

Robert Generoli, Vice President

Others:

Darrell Windes, District Manager
Allen Rogers, Parks Director
Melissa Daruna, Recreation Director
Dino Ross, Legal Counsel

Residents:

Ruth Sundberg
Seth Murphy

I. CALL TO ORDER

Chairperson Lehan-Milano called the meeting to order at 6:04 p.m.

Director Banning made a motion to excuse Director Generoli's absence from the meeting. Director Jensen seconded. The motion passed unanimously.

II. APPROVAL OF AGENDA

Director Esbenshade made a motion to approve the agenda as presented. Director Banning seconded. The motion passed unanimously.

III. CONFLICT OF INTEREST

There were no new conflicts.

IV. APPROVAL OF MINUTES OF MARCH 22, 2016 BOARD MEETING

Director Lehan-Milano requested the spelling of her name be corrected in Item X (B).

Director Banning made a motion to approve the minutes of the March 22, 2016 Board meeting, as amended. Director Esbenshade seconded. The motion passed unanimously.

V. AUDIENCE PARTICIPATION

There was no audience participation.

VI. COMMUNICATION ITEMS

A. March 2106 Status Report

Director Banning inquired whether Staff had received any comments regarding the digital-only version of the 2016 District Dimensions. Director Banning also inquired about the 2016 maintenance schedule for Prairie Meadows Park and about cleanup of graffiti in the parks.

B. March 2016 Financial Report, Flash Report and Check Register

- District Manager Windes reviewed the March 2016 Financial Report.
- Director Banning had several questions about the financial results for the Environmental Education program and estimated revenues for Ownership Taxes for 2016.
- Director Jensen requested Staff prepare financial statements with comparisons to the prior year's results.

C. March 2016 Invoice from Foothills Park & Recreation District

District Manager Windes reviewed the March 2016 invoice for use of the Ridge Athletic Facility operated by the Foothills Park & Recreation District.

D. Ken-Caryl Ranch Open Space Committee and Ranger Report

The Board reviewed the Open Space Committee and Ranger Reports from the Master Association.

E. Board of Director Meeting Minutes for Plains Metropolitan District

There were no comments.

VII. DISCUSSION ITEMS

A. Veterans Monument Update

Director Esbenshade reported that the eagle sculpture for the Veterans Monument has been transported to Loveland for bronzing. This process is expected to be completed by September.

B. Bond Projects Update

- District Manager Windes updated the Board on the bond projects and the status of Tennis Courts 1 and 2 at the Community Center.

- All bond projects have moved into Phases 2 and 3.

C. Bond Projects Expenditure Summary

District Manager Windes reviewed with the Board the bond project expenditures since inception of the project.

D. Park Renovation Projects

District Manager Windes reported to the Board that Staff has received proposals for the park renovation projects for Heirloom, Saddlewood and Territory Parks. Based on their review of the proposals, Atkinson Design Group and Staff make the following recommendations:

- (1) Accepting KLI Landscaping Inc.'s proposal for the Heirloom Park project in an amount not to exceed \$377,755.47, subject to the parties entering into a mutually acceptable contract approved by the District's legal counsel; and,
- (2) Accepting Modern Golf's proposal for the Saddlewood Park project in an amount not to exceed \$122,887.19, subject to the parties entering into a mutually acceptable contract approved by the District's legal counsel.

The Board will consider action on these items later in the meeting.

E. KCRMA/KCRMD Budget Summit Meeting

District Manager Windes reviewed a draft agenda for the May 18, 2016 Budget Summit Meeting scheduled with the Master Association. District Manager Windes will prepare additional information for the Board to review prior to that meeting.

F. Easement/Encroachment Agreement with Ken-Caryl Ranch Water and Sanitation District

District Manager Windes updated the Board on the Community Center Easement/Encroachment Agreement between the Ken-Caryl Ranch Water and Sanitation District, Ken-Caryl Ranch Metropolitan District and Jefferson County. A draft agreement may be ready for review by all parties in May.

G. 2015 Audit Update

District Manager Windes reported to the Board that, due to the construction of the Ranch House office area, space for Schilling & Company to conduct the audit fieldwork will not be available until sometime in June. At this time, it appears likely that the draft audit of the District's 2015 financial statements will not be available for review by the Board until July or August, which will require the District to request an extension of the July 31 deadline to file the final, approved audit report with the State Auditor.

H. Aquatics Update

Recreation Director Daruna reported that Staff is preparing all three outdoor pools for their annual opening during Memorial Day weekend on May 28.

The Board briefly discussed the procedure for the accounting of resident and non-resident participation at the annual Fourth of July celebration at the Ranch House.

I. Open Space Management Plan Task Force

The Board reviewed the job description and mission of the Open Space Management Plan Task Force, a new joint task force that has been formed by the District and the Master Association.

The Board reviewed a list of proposed Task Force appointees. The Board will consider the appointments later in the meeting.

J. Jefferson Corporate Center Apartments

District Manager Windes advised the Board that the developer of the potential new development adjacent to the South Hogback has requested that the Board grant an easement across its property for the developer to construct a secondary access road for the development. The Board reviewed and discussed a map showing the location of the easement being requested. The Board directed staff to research issues related to the property for further consideration by the Board at its May meeting.

K. Legislative Update

Attorney Ross updated the Board on legislation currently being considered by the Colorado Legislature that may have an impact on the District if enacted into law.

Recreation Director Daruna advised the Board that a recently proposed bill that would have reallocated Conservation Trust Fund monies was defeated.

VIII. ACTION ITEMS – BOND PROCEEDS

A. Motions:

A MOTION TO ACCEPT THE PROPOSAL DATED APRIL 8, 2016 FROM KLI LANDSCAPING, INC., IN AN AMOUNT NOT TO EXCEED \$377,755.47 TO PROVIDE GENERAL CONTRACTOR SERVICES FOR THE HEIRLOOM PARK RENOVATION PROJECT, SUBJECT TO THE PARTIES ENTERING INTO A MUTUALLY ACCEPTABLE AGREEMENT AS APPROVED BY THE DISTRICT’S LEGAL COUNSEL

Director Jensen made a motion to accept the proposal dated April 8, 2016 from KLI Landscaping, Inc., in an amount not to exceed \$377,755.47 to provide general contractor services for the Heirloom Park renovation project, subject to the parties entering into a mutually acceptable agreement as approved by the District’s legal counsel. Director Banning seconded. The motion passed unanimously.

A MOTION TO ACCEPT THE PROPOSAL DATED APRIL 8, 2016 FROM MODERN GOLF IN AN AMOUNT NOT TO EXCEED \$122,887.19 TO PROVIDE GENERAL CONTRACTOR SERVICES FOR THE SADDLEWOOD PARK RENOVATION PROJECT, SUBJECT TO THE PARTIES ENTERING INTO A MUTUALLY ACCEPTABLE AGREEMENT AS APPROVED BY THE DISTRICT'S LEGAL COUNSEL

Director Esbenshade made a motion to accept the proposal dated April 8, 2016 from Modern Golf in an amount not to exceed \$122,887.19 to provide general contractor services for the Saddlewood Park renovation project, subject to the parties entering into a mutually acceptable agreement as approved by the District's legal counsel. Director Jensen seconded. The motion passed unanimously.

IX. A. Motions:

A MOTION TO APPOINT MEMBERS TO THE OPEN SPACE MANAGEMENT TASK FORCE, A JOINT TASK FORCE WITH THE MASTER ASSOCIATION, PURSUANT TO THE MEMORANDUM DATED APRIL 2016, IDENTIFYING THE SPECIFIC APPOINTEES

Director Banning made a motion to appoint to the Open Space Management Plan Task Force those individuals specifically identified in the memorandum dated April 2016. Director Lehan-Milano seconded. The motion passed unanimously.

B. Resolutions:

MD 16-106 A RESOLUTION TO PROTECT THE CURRENT LOTTERY DISTRIBUTION FUNDS FORMULA FROM THE CONSERVATION TRUST FUND

Because the proposed legislation has been defeated, the consensus of the Board was to table this resolution indefinitely.

X. COMMENTS

A. Board

- Director Banning inquired about follow-up of issues addressed in the Joint Study session on April 5, 2016, concerning encroachment and landscape issues on the greenbelts and parks.
- Director Esbenshade commented on a recent article in *Your Hub* concerning property tax revenue for the West Metro Fire Protection District.

B. Staff

District Manager Windes updated the Board on a recent request for installation of bear-proof trash containers in all parks and facilities west of the hogback. The Board directed Staff to consider this action as the facilities and parks are updated and renovated.

XI. A MOTION TO GO INTO EXECUTIVE SESSION TO RECEIVE ADVICE OF LEGAL COUNSEL PURSUANT TO C.R.S. 24-6-402 (4) (b) REGARDING THE DRAFT RESOLUTION ESTABLISHING DISTRICT MANAGER HIRING PROCESS

Director Lehan-Milano made a motion to go into Executive Session to receive advice of legal counsel pursuant C.R.S. 24-6-402 (4) (b) regarding the draft Resolution Establishing District Manager Hiring Process. Director Banning seconded. The motion passed unanimously.

Attorney Ross certified for the record that the Executive Session will constitute an attorney-client privileged communication and will not be recorded. The Board went into Executive Session at 8:52 p.m.

XII. A MOTION TO COME OUT OF EXECUTIVE SESSION

Director Esbenshade made a motion to come out of Executive Session and resume the regular meeting. Director Jensen seconded. The motion passed unanimously. The Board came out of Executive Session and resumed the regular meeting at 9:30 p.m.

Attorney Ross left the meeting.

XIII. A MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS NEGOTIATION ISSUES AND ADVISE NEGOTIATORS REGARDING THE PLAINS METROPOLITAN DISTRICT LITIGATION PURSUANT TO C.R.S. 24-6-402(4) (e)

Director Jensen made a motion to go into Executive Session to discuss negotiation issues and advise negotiators regarding the Plains Metropolitan District litigation pursuant to C.R.S. 24-6-402(4) (e). Director Esbenshade seconded. The motion passed unanimously. The Board went into Executive Session at 9:35 p.m.

XIV. A MOTION TO COME OUT OF EXECUTIVE SESSION

Director Banning made a motion to come out of Executive Session and resume the regular meeting. Director Jensen seconded. The motion passed unanimously. The Board came out of Executive Session and resumed the regular meeting at 10:09 p.m.

XV. ADJOURN

Director Esbenshade made a motion to adjourn the meeting. Director Banning seconded. The motion passed unanimously. The meeting adjourned at 10:10 p.m.

These are the correct minutes for the meeting held on the above date and were approved by the

Board on this _____ day of _____ 2016.

Dave Banning, Secretary

I hereby attest that the information communicated during the first Executive Session, which was held pursuant to C.R.S. 24-6-402(4) (b), and which was not recorded, constituted a privileged attorney-client communication.

Dino Ross, Esq.

I hereby attest that the first Executive Session, which was not recorded, was confined to topics authorized for discussion in Executive Session pursuant to C.R.S. 24-6-402(4)(b).

Lauri Lehan-Milano, President