

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, May 24, 2016 at the Ranch House, 7676 South Continental Divide Road, Littleton, CO 80127.

ATTENDANCE

Board of Directors Present:

Lauri Lehan-Milano, President/Chairperson, arrived at 6:20 p.m.

Robert Generoli, Vice President

Dave Banning, Secretary

Jami Jensen, Treasurer

Jeff Esbenshade, Assistant Treasurer

Others:

Darrell Windes, District Manager

Allen Rogers, Parks Director

Melissa Daruna, Recreation Director

Emily Powell, Attorney

Kaitlyn Groves and Jill Good with Elevation Corporate Fitness

Residents:

Ruth Sundberg

Ken Anderson

Karen Rowe

I. CALL TO ORDER

Director Generoli called the meeting to order at 6:05 p.m.

II. APPROVAL OF AGENDA

Director Jensen requested Item (M) under Discussion Items (B) under Action Items – Operations be moved to consideration following Item XIV, an Executive Session to Discuss a Personnel Matter.

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

III. CONFLICT OF INTEREST

There were no new conflicts.

IV. APPROVAL OF MINUTES OF APRIL 26, 2016

Director Banning inquired whether staff had received any further comments regarding the maintenance of Prairie Meadow Park.

Director Esbenshade made a motion to approve the minutes of the April 26, 2016 Board meeting. Director Jensen seconded. The motion passed unanimously.

V. AUDIENCE PARTICIPATION

- Karen Rowe commented on the turf and irrigation reduction plan at Amaranth Park. Ms. Rowe indicated she was opposed to any turf reduction in the park, even if the irrigation was reduced.
- Ruth Sundberg requested the Board take a position and write a letter in opposition of the planned commercial development near Dinosaur Ridge at the intersection of C-470 and Alameda Parkway. The property is several miles north of the District. The Board indicated it would take this request under advisement.
- Ken Anderson was in attendance for a bond project update scheduled later in the meeting.

VI. COMMUNICATION ITEMS

A. April 2016 Status Report

Director Banning had a question on the method for tracking usage of the new fitness room at the Community Center.

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

District Manager Windes commented that the recreation programming revenues were not yet updated due to the process of expanding the dates from the new Active Net to the financial program. Mr. Windes anticipates this process to be up to date for the May financial reporting.

C. April 2016 Invoice from Foothills Park & Recreation District RE: Ridge Recreation Center

The Board reviewed the April 2016 invoice from the Foothills Park & Recreation District for use of the Ridge Recreation Center.

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

There were no comments.

E. Board of Director Meeting Minutes for Foothills Park & Recreation District

The Board reviewed the Board of Director Minutes for the Foothills Parks & Recreation District for March 8, 2016.

There were no comments.

F. First Quarter 2016 Investment Report

District Manager Windes reviewed the First Quarter 2016 Investment Report with the Board.

VII. DISCUSSION ITEMS

A. Elevation Corporate Fitness Wellness Programs Update

- Kaitlyn Groves and Jill Good with Elevation Corporate Fitness updated the Board on the activity in the new fitness area of the Community Center.
- The Board discussed the possible benefits to the efficiency and effectiveness of the fitness programming if the District's current fitness staff were employed directly by Elevation Corporate Health instead of by the District. Staff will review this option in greater detail and report back at a future Board meeting.

B. Veterans Monument Update

Director Esbenshade updated the Board on the most recent activity at the Veterans Monument and the planned event scheduled for Memorial Day.

C. Bond Projects Update

District Manager Windes updated the Board on the status of the bond projects. All projects are currently under construction and are in the final phases.

D. Bond Projects Expenditure Summary

District Manager Windes reported the bond project expenditure summary was not complete at the time of the meeting. Mr. Windes will send the updated report to the Board when it is completed.

E. Park Renovation Projects Update

District Manager Windes and Recreation Director Daruna updated the Board on the park renovation projects at Heirloom and Saddlewood Parks. Both parks are scheduled to be under construction by early June.

F. KCRMA/KCRMD Budget Summit Meeting Follow-up

District Manager Windes reported on the May 18 Joint Budget Summit Meeting held with the Master Association. Director Lehan-Milano suggested the financial needs of Ken-Caryl Ranch as a whole be viewed as a global budget to more effectively see where the obligations of both the District and Master Association should lie.

Further discussion of this subject is scheduled for the June 7 Joint Study Session with the Master Association.

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

Attorney Powell briefed the Board on the proposed final Easement/Encroachment Agreement with the Ken-Caryl Ranch Water and Sanitation District ("Water District") at the Community Center. Attorney Powell reported that, unfortunately, after extensive negotiations and multiple proposed draft agreements by the District, the only agreement that could be reached is very one-sided in favor of the Water District. The Water District has approved the form of the Easement/Encroachment Agreement before the Board; however, the parties are continuing to negotiate the exhibit.

The Board will consider action on this topic later in the meeting.

H. 2015 Audit Update

District Manager Windes reported that the status of the 2015 audit has not changed, with field work scheduled to begin in July by Schilling and Company.

I. Aquatics Update

Recreation Director Daruna updated the Board on the status of the three outdoor pools.

All pools are scheduled to open as planned on Saturday, May 28.

J. Recreation Department Staffing Updates

Recreation Director Daruna reported on recent staffing changes in the Recreation Department and distributed an updated Department Organization Chart.

K. Jefferson Corporate Center Apartments – Documents Review

In relation to the request made by the Embry Company for an access easement for a planned future apartment development in the Jefferson Corporate Center, the Board reviewed the Bargain and Sale Deed on the South Hogback property from the Ken-Caryl Ranch Foundation dated February 4, 2003. The Board determined that the Bargain and Sale Deed does not permit use as an access easement without the Ken-Caryl Ranch Foundation's permission. District Manager Windes will report back to the Embry Company.

L. Temporary Construction Easement Request from Jefferson County

Parks Director Rogers reviewed a request from Jefferson County for a Temporary Construction Easement for road improvements on Ute Avenue near the South Hogback.

The Board will consider action on this item later in the meeting.

VIII. ACTION ITEMS – BOND PROCEEDS

A. Motions:

A MOTION TO APPROVE AN EASEMENT/ENCROACHMENT AGREEMENT WITH THE KEN-CARY RANCH WATER AND SANITATION DISTRICT FOR THE COMMUNITY CENTER

Director Lehan-Milano made a motion to approve an Easement/Encroachment Agreement with the Ken-Caryl Ranch Water & Sanitation District for the Community Center. Director Jensen seconded.

Following discussion, the motion passed 4-1 with Director Banning voting in opposition.

B. Resolutions:

None

IX. ACTION ITEMS

A. Motion

A MOTION TO APPROVE A TEMPORARY CONSTRUCTION EASEMENT WITH JEFFERSON COUNTY

Director Esbenshade made a motion to approve a Temporary Construction Easement with Jefferson County. Director Generoli seconded. The motion passed unanimously.

X. ADMINISTRATION OF OATHS OF OFFICE

District Manager Windes, in his capacity as a notary public, administered the Oaths of Office for Lauri Lehan-Milano, Jami Jensen and Jeff Esbenshade to serve on the Board of Directors until May of 2020.

XI. ELECTION OF OFFICERS

Upon motion duly made and seconded, the Board elected the following slate of officers:

President: Lauri Lehan-Milano

Vice President: Bob Generoli

Treasurer: Jami Jensen

Secretary: Dave Banning

Assistant Treasurer: Jeff Esbenshade

XII. COMMENTS

A. Board

Director Jensen requested information on whether the District has a policy regarding use of the indoor tennis courts during inclement weather for league tennis events. Recreation Director Daruna will check with the Tennis Facility Supervisor, Judy Anderson, on the policy and report back to the Board.

B. Staff

- Parks Director Rogers presented information submitted by a resident suggesting that a neighboring resident's garden may be encroaching onto District property. Attorney Powell will review the encroachment issue and follow up with District Manager Windes.
- District Manager Windes reported on a request from a North Ranch resident for a portable restroom in North Ranch Park. The Board stated that such a restroom is not consistent with the neighborhood design guidelines for that park.

XIII. 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 Jensen made 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 Banning seconded. The motion passed unanimously. The Board went into Executive Session at 9:28 p.m.

XIV. A MOTION TO COME OUT OF EXECUTIVE SESSION

Director Lehan-Milano made a motion to come out of Executive Session and resume the regular meeting. Director Generoli seconded. The motion passed unanimously. The Board came out of Executive Session and resumed the regular meeting at 9:54 p.m.

XV. MD 16-107 A RESOLUTION ACCEPTING DISTRICT MANAGER WINDES' RETIREMENT, AND ESTABLISHING A HIRING COMMITTEE AND DISTRICT MANAGER HIRING PROCESS

The Board discussed proposed revisions to the composition of the Hiring Committee and establishment of the District Manager position salary range.

Director Generoli made a motion to approve the Resolution Accepting District Manager Windes' Retirement and Establishing a Hiring Committee and District Manager Hiring Process, subject to revision of the composition of the Hiring Committee and District Manager position salary range, as discussed by the Board. Director Esbenshade seconded. The Resolution was approved 4-1 with Director Banning voting in opposition. Director Banning stated that he disagrees with the proposed District Manager hiring process.

Attorney Powell was excused from the meeting at this time.

XVI. 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 Lehan-Milano 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 9:58 p.m.

XVII. 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 Banning seconded. The motion passed unanimously. The Board came out of Executive Session and resumed the regular meeting at 10:20 p.m.

XVIII. ADJOURN

Director Lehan-Milano made a motion to adjourn the meeting. Director Generoli seconded. The motion passed unanimously. The meeting adjourned at 11:04 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.

Emily Powell, 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