



MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

A regular meeting of the Board of Directors of the Cherry Creek Vista Park & Recreation District was held at 5:30pm on Tuesday September 21, 2023, at the Community Room at 11350 E Orchard Road. The meeting was open to the public.

Attendance:

Directors:

Debra Botton, President

Dave Mohrhaus, Vice-President

Doug Mohr, Treasurer

Jane Rieck, Assistant Secretary/Treasurer

Quanwei Lu, Assistant Secretary/Treasurer – arrived at 7:21pm

Other attendees:

Alicia Corley, Icenogle, Seaver, Pogue

Dawn Schilling, Schilling and Company

Kyle Logan, Logan and Associates

Sarah Shepherd, Circuit Rider of Colorado

Peter Kline, Circuit Rider of Colorado

Sujata Trehan, Circuit Rider of Colorado

Public Attendees:

Doug Schroeder

Jessica Douglass

Mike Douglass

Aaron Spencer

Bernie Gehris

Jessica Yoffe

Gregory Foster

Ling Lu

Celeste Mullen

Andrea Davoll

Kristin Allan

Ashley Wilson

Allen Taffet

Kristen Downs

Don Young

Joanna Zhu

Decai ZS
Sherry Xon
Jessica Giu

**Call to
Order/Agenda/
Declaration:**

Director Botton called the meeting to order at 5:36 pm and declared a quorum. The Agenda was approved by acclamation, acknowledging that items may be taken out of order.

Citizens Items:

Citizens noted that they want to make comments, Director Botton reminded the public that only items not already listed on the agenda were open for discussion under this agenda item. Discussion followed.

**Administrative
Matters:**

a. Review and Approve Meeting Minutes from the Special Meeting held on August 17, 2023 and August 29, 2023

Upon motion by Director Botton and seconded by Director Mohrhaus, the Board voted 4-0 (with one absent) to approve the August 17, 2023 and August 29, 2023 minutes, as amended.

Roll call vote:

Director Botton – Approve
Director Rieck – Approve
Director Mohr – Approve
Director Mohrhaus – Approve
Director Lu – Absent.

b. Board housekeeping and onboarding reminders: email addresses, document share, bill pay, website ADA compliance date, payroll

The Board discussed transitioning the District's website to the Colorado State hosted SIPA site. Management to create a one-page comparison of the SIPA site vs. the current site host for the District, including ongoing costs, options, and functionality.

Management to request from CivicRec for certification to prove that they are ADA compliant.

c. October meeting date

The Board discussed holding the following meetings:

9/26 for a Town Hall meeting,
10/12 for a Tennis and Pickleball working session meeting,
10/28 for the next regular Board meeting.

Financial Reports:

a. Consider approval of September 2023 Claims Payable

Dawn Schilling presented the September 2023 claims payable.

Upon motion by Director Mohr, and seconded by Director Rieck, the Board voted 4-0 (with one absent) to approve the September 2023 Claims, as presented.

Roll call vote:

Director Botton – Approve
Director Rieck – Approve
Director Mohr – Approve
Director Mohrhaus – Approve
Director Lu – Absent.

b. Presentation of the Audited Financial Statement for the period ending December 31, 2022

Dawn Schilling presented the Audited Financial Statement for the period ending December 31, 2022.

Kyle Logan presented the Audit process. He noted that part of the process is to read Board minutes, picks samples of checks and payments, confirm property taxes receipts with the County and discuss financial process with the District’s management and accountant, to ensure that payments are what they should be. He also tests certain details of certain accounts. The Audit was an unqualified or clean audit.

Upon motion by Director Botton, and seconded by Director Mohr, the Board voted 4-0 (with one absent) to accept the Audit as presented and to authorize Director Mohr to sign the management letter.

Roll call vote:

Director Botton – Approve
Director Rieck – Approve
Director Mohr – Approve
Director Mohrhaus – Approve
Director Lu – Absent.

c. Public hearing to consider an Amendment to the 2022 Budget

Upon motion by Director Mohr, and seconded by Director Botton, the Board voted 4-0 (with one absent) to approve opening the public hearing to consider an Amendment to the 2022 Budget.

Roll call vote:

Director Botton – Approve
Director Rieck – Approve
Director Mohr – Approve
Director Mohrhaus – Approve

Director Lu – Absent.

Dawn Schilling presented the amendments to the 2022 Budget to the Board. Dawn Schilling explained that the amendment is required to match each fund's actual expenditures with the 2022 Budget.

Upon motion by Director Mohr, seconded by Director Rieck, the Board voted 4-0 (with one absent) to approve closing the public hearing to consider an Amendment to the 2022 Budget.

Roll call vote:

Director Botton – Approve

Director Rieck – Approve

Director Mohr – Approve

Director Mohrhaus – Approve

Director Lu – Absent.

Upon motion by Director Mohr, and seconded by Director Botton, the Board voted 4-0 (with one absent) to adopt the 2022 Budget resolution, as presented.

Roll call vote:

Director Botton – Approve

Director Rieck – Approve

Director Mohr – Approve

Director Mohrhaus – Approve

Director Lu – Absent.

Legal Items:

1. Lakeview Park Cell Tower Expansion Project Review and Updates

Alicia Corley gave the Board an update: Crown Castle is agreeable to waiting an additional 30 days, however Crown Castle reported that they plan to continue with the process with the County.

Director Mohr added that \$5,000 were approved to hire a Special Counsel to the District in order to evaluate the contract, letters and District position. Discussion followed. Director Botton and Director Mohr gave the public a review of what the Board has done over the past few months, and a brief history of what and how items have unfolded. Discussion followed.

Director Mohr made a motion to expand Chris Carrington's scope to evaluate the risk of litigation from the letter received by legal counsel representing unnamed homeowners. The motion was not seconded.

Director Rieck made a statement to the public, stating her response to the letter circulated in the community on September 5, 2023. Director Mohrhaus also made a statement.

2. Update on Brick Fence Damages

Alicia Corley gave the Board an update regarding the brick fence damage at Maplewood Avenue. A trial is set for January 22-24, 2024. Sarah Shepherd gave the Board an update on the recent brick fence repairs at Cherry Creek Drive; the insurance company has posted the payment check and repairs work is nearly completed.

3. Hail damages claim discussion

Sarah Shepherd gave the Board an update on hail damage: the main park that sustained damage was Peakview Park. Discussion followed. The Board discussed pursuing a claim for the roof of the pool facility buildings, including the Community Room, as well the damages at Peakview Park. Discussion followed. The Board has a \$2,500 deductible for any claims filed.

Management will contact the insurance agency to request an adjuster to begin an investigation.

Executive Session:

A motion was made by Director Mohr to adjourn into Executive Session pursuant to §24-6-402(4)(e), C.R.S. to receive legal advice, develop negotiating positions, strategy, or instruct negotiators, pursuant to §24-6-402(4)(b), C.R.S., to consult attorney on specific legal questions, and pursuant to §24-6-402(4)(a), C.R.S, for the purposes of discussing the purchase, sale, acquisition, lease, transfer or sale of real, personal or other property related to the Lakeview Park Cell Tower. The motion was seconded by Director Botton.

Roll call vote:

Director Botton – Approve
Director Rieck – Approve
Director Mohr – Approve
Director Mohrhaus – Abstain
Director Lu – Approve.

Executive session began at 7:28 pm.

Upon a motion by Director Botton, with a second by Director Mohrhaus, the Board voted to exit the Executive Session at 8:44 p.m.

Roll call vote:

Director Botton – Approve
Director Rieck – Approve

Director Mohr – Approve
Director Mohrhaus – Approve
Director Lu – Approve.

Upon a motion by Director Mohr, the board voted to expand the scope of the Special Counsel to include review of the letter dated September 5, 2023, and to receive a report from Special Counsel via a Special Meeting, including an executive session agenda item, as soon as practicable, with the limit on associated fees to remain at \$5,000. Director Botton seconded the motion.

Roll call vote:
Director Botton – Approve
Director Rieck – No
Director Mohr – Approve
Director Mohrhaus – Approve
Director Lu – No
The motion passes 3-2.

Upon further discussion, the timing of the Town Hall meeting will remain open, pending the outcome of the meeting with the attorney.

Cell tower updates will be posted to the websites as soon as possible.

**Operations and
Maintenance:**

Sarah Shepherd reported on District communications. The District has received a request from High Plains school for the District to donate a Family Pool Membership for the school fundraiser, as it has in past years.

Upon a motion by Director Mohrhaus and seconded by Director Botton, the Board voted 5-0 to donate a Full Family Membership to High Plains School.

Ms. Shepherd updated the Board on the damages associated with a party at the Community Room. The room required additional cleaning and the coffee table has been replaced. The total of damages is \$187, which will be removed from the damage deposit. Discussion followed.

Director Mohrhaus presented a motion to decline future rental requests from this individual/family. The motion was seconded by Director Rieck.

Roll call vote:
Director Botton – No
Director Rieck – Approve

Director Mohr – No
Director Mohrhaus – Approve
Director Lu – No.

The motion failed 2-3. The individual will be able to secure future rentals, with damage deposits required.

**Additional Board
Member Items:**

Director Mohrhaus expressed frustration the A/V installer has not completed set up on the A/V system. Management will work with the construction team to ensure the system is operational as soon as possible.

Adjournment:

There being no further business on the agenda, the Board approved by acclamation to adjourn the meeting at 9:01 p.m.

The next Board meeting is a Special Meeting, scheduled for October 10, 2023 at 5:30 p.m., via Zoom.



Secretary for meeting