

OPEN SPACE BOARD OF TRUSTEES

Wednesday, June 11, 2014 at 6:00 p.m.

Council Chambers, 1777 Broadway

MEETING AGENDA

(Please note that times are approximate.)

- 6:00 I. Approval of Minutes
- 6:05 II. Public Participation for Items Not on the Agenda
- 6:15 III. Director's Updates
The effects of recreation and urbanization on wildlife populations
Voice and Sight Tag Monitoring Project
- 7:00 IV. Matters from the Board
- 7:10 V. Summary of 50th year of Open Space and Mountain Parks Junior Ranger Program and Declaration to Honor Five Decades of Youth Service*
- 7:30 VI. Review of and Recommendation Regarding the 2015 Open Space and Mountain Parks Department Capital Improvement Program Budget and a portion of the Lottery Fund Capital Improvement Program Budget*
- 8:00 VII. Consideration of a smoking ban on all Open Space and Mountain Parks properties, including trails, without exception.*
- 8:20 VIII. Consideration of a recommendation to approve the disposal of Open Space and Mountain Parks land described as an easement on 10,000 square feet to Xcel/Public Service Company of Colorado (PSCo) for an underground electrical feed line across approximately 1,000 linear feet of the Dover-Blacker Open Space property and under the Thomas Lane Open Space roadway for the purpose of providing electricity to the Shanahan Ridge neighborhood.*
- 8:45 IX. Review of proposed trail reroutes in Skunk Canyon valley*
- 9:30 X. Adjournment

*Public Participation

OPEN SPACE BOARD OF TRUSTEES

Minutes

Meeting Date May 14, 2014

BOARD MEMBERS PRESENT

Tom Isaacson Shelley Dunbar Frances Hartogh Molly Davis Kevin Bracy Knight

STAFF MEMBERS PRESENT

Mike Patton Jim Reeder Dave Kuntz Lisa Dierauf Steve Armstead
Mark Gershman Alycia Knutson Annie McFarland Lynn Riedel Leah Case
Michele Gonzales Alyssa Frideres Paula Marie Lewis Jayne Basford

CALL TO ORDER

The meeting was called to order at 6:02 p.m.

AGENDA ITEM 1 – Approval of the Minutes

Tom Isaacson said Mike Patton needs to be added to staff members present. He asked to change the word “did” to “obtained” on page 2. Shelley Dunbar said on page 2 the language should read, “Shelley asked for a map showing all Open Space properties and how many are agricultural. She would also like to know what they are used for.”

Shelley Dunbar moved to approve the minutes from April 9, 2014 as amended. Kevin Bracy Knight seconded. This motion passed unanimously.

AGENDA ITEM 2 – Public Participation for Items not on the Agenda

Bill Briggs, Boulder, said Open Space staff needs to be commended for opening the trails so quickly after the flood. He said the volunteer efforts were tremendous. There is still a lot of work that needs to be done on the trails; he asked the Board and staff to consider a “trail custodian” program which would allow the public to take on some of the routine maintenance. Mike Patton said staff will look into this idea. Kevin Bracy Knight said the level of invasiveness for these groups would need to be monitored and defined.

Jim Knopf, Boulder, showed a map of Skunk Canyon and his neighborhood’s consensus on their preference for trail construction.

Eileen Monyok, Boulder, asked if current participants of the Voice and Sight Tag Program would be grandfathered into the new program. Mike said everyone will have to register as a new participant at the beginning of the year. Eileen asked if people will need to pay an annual renewal fee for each dog. Steve Armstead said there will be a single renewal fee per household.

Mike Barrow, Boulder Mountainbike Alliance (BMA), gave an update on the Smart Trail application (app). He said he supports Bill Briggs’ suggestion for trail work. Shelley asked to which user groups BMA is promoting their app. Mike said it will be promoted to all, but the BMA Website will still gear information towards mountain biking. Frances asked if staff has considered putting trail information onto their own app. Mike said this might be something for the future, but for now it is listed on the Website. Tom agreed that having wildlife and trail information easily accessible would be a good idea.

AGENDA ITEM 3 – Director’s Updates

Lynn Riedel, Plant Ecologist, gave a presentation on the ecological best management practices for trails.

Tom said staff should share this great information with any other land managers who may be interested. Lynn said staff was eager to bring this to the Board as they have already received requests for this

information to be shared. Kevin said this is a really great document and resource. It also presents some great opportunities for research. He suggested the language in the document be changed to reflect that water bars are not the best practice for trail maintenance.

Lisa Dierauf, Community Outreach Supervisor, and Steve Armstead, Environmental Planner, gave an update on the Voice and Sight Tag Program implementation changes.

Frances said what Steve and Lisa have done represents a lot of work in a short period of time. She asked what the rule will be for dogs going off trail. Steve in most places there is no limit to how far away a dog can be from the guardian; the guardian simply needs to remain in control. Frances said the information staff has provided to the Board on effects of wildlife being chased should be provided to the public. Shelley asked if play chasing will be viewed as a violation. Steve said no, but the guardian will need to be conscious of the control level if play turned negative. Shelley said this is something the education session could cover. She asked if the Board could receive a copy of the monitoring implementation specifics that staff will use. Mark Gershman said this will be provided.

Shelley asked if the information session will be videotaped, as that can be a good tool to help instructors improve. Lisa agreed this is a great idea. She noted that instructors will be doing a lot of dry runs with different groups in order to prepare. Kevin asked how many classes will be offered a week. Lisa said 17. Staff wants to ensure 20,000 spots are available to the public prior to Jan. 1. Kevin asked how long a class will be. Lisa said they will most likely be one hour. Kevin suggested that class sizes remain smaller to allow for better engagement. Molly asked who people would contact after the class if they have questions. Steve said it depends, but most likely they will be directed to the Website where there will be contact information. He said there will also be a "Frequently Asked Questions" page to help with repeat questions.

Frances asked if staff has continued to look into using compostable bags for dog excrement. Mike said staff is working on this. Shelley said they could be used even if bags accidentally get mixed into the wrong receptacle. It will still break down which is a step in the right direction.

Shelley asked whether staff believes they will be able to accommodate such a high volume of people needing to take the class, and those who may wait until the end of the year. Mike said staff will be advertising this class early on, and encouraging people to sign up early. Frances asked how staff will deal with those who are displeased at having to attend the class. Steve said the focus will remain on education and reminding the users that the standards and expectations have not changed. This is a rare chance to talk to the guardians about what this program really means. Tom said it would be a good idea to provide a forum for the public to give comments and feedback. Lisa said staff has an evaluation form.

Dave Kuntz, Resource Systems Division Manager, Acting, gave a first quarter update on the 2014 Work Plan.

Tom said the Board and staff should start thinking about the process for the North Trail Study Area (TSA). Mike said staff will bring some initial thoughts to the Board. Shelley suggested having a study session as well as an opportunity for community input. Kevin said it might be nice to have information on trailhead signs about current trail status and upcoming work. Shelley added that volunteer opportunities in specific areas could also be promoted.

Mark Gershman, Environmental Planning Supervisor, gave an update on Greenways.

The Board agreed that of the alternatives, option two: removing the culvert and damaged roadway above the creek, closing the road to through traffic, and building a pedestrian bridge over the creek, is favored.

AGENDA ITEM 4 – Matters from the Board

Shelley said the signage at Skunk Canyon is confusing, and suggested updating this along with an explanation of upcoming work.

Molly Davis gave an update on a resilience strategies workshop she attended. She will keep the Board updated as conversations continue.

AGENDA ITEM 5 – Recommendation to enter into a revocable nonexclusive license pursuant to Boulder City Charter Section 171(a) and Section 175(h) between OSMP and Thomas and Beth Heinrich located at 3173 Third St., Boulder CO to perform mitigation work related to damage caused by a land slump as a result of the extreme rainfall event of Sept. 11-14, 2013.*

Jim Reeder, Land and Visitor Services Division Manager, gave a presentation on a revocable nonexclusive license to perform mitigation work due to a land slump that flowed from Open Space into the Heinrich property.

Tom asked what oversight staff will have during this process. Jim said someone will be on site every day. Molly asked where the equipment will be stored. Jim said on site. Molly asked if staff anticipates this affecting the surrounding area. Jim said the engineering report does not indicate that this will happen, if anything it will improve the area. Kevin asked if this might set a precedent for what people will expect they can do and suggested having guidelines for when/if this would be allowed. Mike said this would always be considered carefully to make sure it serves both the homeowner as well as the Open Space interest.

Public Comment

Mike Barrow, BMA, said the document Lynn presented is really put together well. He is heartened to see this evolution of guidelines coming along, and interested in working collaboratively to make sure this gets implemented well.

Return to the Board

No further comment.

Motion

Shelley Dunbar moved the Open Space Board of Trustees recommend that the department grant a revocable, nonexclusive license to Thomas and Beth Heinrich located at 3173 Third St., Boulder CO to perform mitigation work as described in Attachment B related to damage caused by a land slump as a result of the extreme rainfall event of Sept. 11-14, 2013. Kevin Bracy Knight seconded. This motion passed unanimously.

AGENDA ITEM 6 – Consideration of an approach to repairing flood damage to the Royal Arch Trail*

Mike Patton, Director, OSMP, gave a presentation to the Board on the possible options for repair on Royal Arch Trail.

Shelley asked what Mark Hesse's proposal was for this area. Mike said his preference would have been to reroute the trail. Tom asked if wetland staff has weighed in on the possible reroute. Mike said they would be involved with any alignment.

Public Comment

Terry Murphy, Flatirons Climbing Council (FCC), said the climbing community is in broad support of maintaining the current alignment of Royal Arch. The alternate alignment would make for a significantly longer hike to climbing access. In addition, the current terrain allows for a great educational opportunity.

This trail has been opened since the late 1800s and is very significant to this area and system. Attempting to discourage traffic from this area would be a step in the wrong direction. The Woods Quarry reroute was rejected during the West TSA, and the same thing would likely happen again.

Roger Briggs, Boulder, said the idea of a bridge is very new and he is interested in hearing how this could be done. He said he supports the option with the shortest amount of reroute.

Dan Brillon, Boulder, said Boulder trail runners support either of the two options. They are concerned about the idea of opening this up to a public process, as the West TSA process has already taken place. They view this as just a trail repair. They would prefer this trail to be opened sooner rather than later.

Return to the Board

Tom asked if the Board decided to have a public process could it happen in advance of the June Board meeting. Mike said yes. He added that as the May meeting was noticed the Board could consider that as the public process. Tom said he agreed, but since two Board members have not seen the damage it may be hard to make a decision.

Shelley said this is a very popular trail and getting this open quickly is important. Make a choice that will be permanent and allow us to open the trail this season. Tom said a bridge would have to be very long and very well anchored. The aesthetic of putting this human-made structure in could be negative. Shelley said it does not seem out of character for this trail to have a difficult section. The bridge does seem out of character, and she was inclined not to support this. Molly added that if a public process is going to take place, staff should create a video to show scope of this work.

Tom asked how long it would take wildlife staff to determine whether a reroute will be possible through this habitat. Dave said Heather Swanson would have to put together a proposal and then the Department of Fish and Wildlife would make a decision. If it is determined that no permit is needed, then staff could proceed with trail construction right away.

The Board agreed that they would support a reroute of this trail contingent on the remaining Board members who have not seen the area. If all Board members are not in full agreement, this topic would be pushed to the June meeting with an open house for the public to comment prior to the meeting.

Motion

None.

ADJOURNMENT – The meeting adjourned at 9:37 p.m.

These draft minutes were prepared by Leah Case.

MEMORANDUM

TO: Open Space Board of Trustees

From: Mike Patton, Director, Open Space and Mountain Parks
Dave Kuntz, Resource Systems Division Manager
Mark Gershman, Environmental Planning Supervisor
Steve Armstead, Environmental Planner
Deonne VanderWoude, Resource Monitoring Technician

DATE: June 11, 2014

SUBJECT: Voice and Sight Tag Monitoring Project

This update is being provided in response to the Open Space Board of Trustees' (OSBT) request at the May 14, 2014 meeting for information about the objectives of the Voice and Sight Tag (Tag) Program monitoring project. A summary of the monitoring program is attached to this memorandum and provides the requested information (Attachment A).

Staff developed this approach after soliciting public comment after inviting community group representatives to participate in focused conversations, and after an OSBT public hearing and vote on July 10, 2013. A copy of the staff memo requesting Board action on the Tag Program monitoring can be found [here](#)¹; and the minutes of this meeting [here](#)² (see Agenda Item 9, p.5).

The OSBT approved a motion recommending that the Voice and Sight Tag monitoring project:

- Retain the following elements of the monitoring conducted from 2006-2010:
 - Inclusion of questions regarding awareness of the Tag Program in the 2015 OSMP resident survey.
 - Interviews with dog guardians to measure degree of compliance with the leash possession requirement. *The decision to repeat interviews beyond 2014 will depend upon the level of compliance measured in the 2014 baseline data collection effort.*
 - Observation:
 - Visible display of Voice and Sight Tag
 - Dog in sight of guardian
 - No more than two dogs off leash
 - Dogs respond appropriately to guardian's command
- Omit the following elements of the previous monitoring:
 - Characterizing observations as conflictive behaviors
 - Excrement removal as part of Tag Program monitoring (but acceptable as a stand alone project)]

¹ <https://documents.bouldercolorado.gov/weblink8/0/doc/123593/Electronic.aspx>

² <https://documents.bouldercolorado.gov/weblink8/0/doc/123844/Electronic.aspx>

- Add the following information to the monitoring report
 - A tally of:
 - Voice and Sight summonses, convictions and incidents
 - Related summonses, convictions and incidents
 - Modifications of future resident and visitor surveys to collect a broader range of information about the perceived benefits and downsides of recreating with dogs
 - Compliance with on-leash requirements
 - Dogs harassing wildlife or causing wildlife to flee
 - Unwanted and uninitiated physical contact with a visitor.
 - Ranger observations

Monitoring of Dog Excrement Removal by Dog Guardians

The failure of some dog guardians to remove dog excrement remains a factor degrading the quality of visitors' experiences on OSMP lands. Staff is committed to on-going efforts to improve the situation. The deployment of staff for the Tag Program monitoring represents an opportunity to collect information about the proportion of visitors that comply with existing regulations at no additional cost to the community. Consequently, at the same time the Tag Program monitoring is underway, staff will also be making observations and gathering information about the rates of excrement removal. However, this information will not be reported as part of the Tag Program monitoring in recognition of the OSBT's motion to separate these two aspects of dog management.

Attachment A: Voice and Sight Tag Program Monitoring Protocol Summary

**City of Boulder
Open Space and Mountain Parks**

Voice and Sight Tag Program

Monitoring Protocol Summary

June 2014



BACKGROUND

Open Space and Mountain Parks (OSMP) began the Voice and Sight Tag (Tag) Program in the summer of 2006. The program's original goal was to increase compliance with voice and sight control laws and decrease the potential for dog-related conflicts. Monitoring was conducted before, one year after, and then again four years after the program's launch. The [Voice and Sight Tag Program Monitoring Report \(Dec. 2011\)](#) documents the results of the monitoring study.

The Boulder City Council approved changes to the Tag Program in May of 2014 to ensure that Boulder trails remain a safe and enjoyable destination for visitors and their dogs while also protecting natural resources and wildlife. The changes go into effect on January 1, 2015. Details about the program changes are available on the OSMP Website at www.voiceandsight.org.

Monitoring coinciding with the launch of the revised Tag Program will again be conducted before, shortly after and then again several years after implementing changes to the program. The monitoring methods have been revised after the completion of a review of the initial monitoring protocols by staff, public feedback, and recommendations from the Open Space Board of Trustees. The monitoring methods have been reviewed by external subject area experts including staff from the National Park Service and local dog training and behavior experts. A summary of changes is available in Appendix A.

Monitoring has been designed to inform staff, community members, and elected and appointed officials about how well changes to the Tag Program have achieved intended outcomes. The Tag Program monitoring consists of two components:

1. Compliance with voice and sight control regulations.
2. Interviews with guardians to determine if they have a leash.

Staff will also be monitoring aspects of dog regulations that are related to the Tag Program:

- Compliance with nonseasonal and seasonal on-leash trail regulations.

Monitoring will be implemented in the spring of 2014 prior to the implementation of the Tag Program changes. The Tag Program changes will be implemented January 1, 2015, and monitoring will be repeated in the spring of 2015. A third monitoring period is currently scheduled for 2018, approximately three years after implementation.

DATA COLLECTION

1. Observable Voice and Sight Regulation Compliance Components

Tag Program monitoring will document compliance with the observable aspects of the voice and sight control regulation. Data will be collected during field monitoring to describe visitor party¹ attributes, dog behaviors, guardian actions and responses and the behaviors of others (dogs,

¹ The phrase "dog-containing visitor party" is defined as any single or group of visitors with one or more dogs being managed under voice and sight control (off leash).

wildlife, humans, livestock) in the vicinity of the observed party. Compliance indicators that can be directly observed (such as a voice and sight tag is not displayed or more than two dogs are off leash per guardian) will be reported using collected field data. Compliance indicators that are subjective and contextual (such as disturbing wildlife or another visitor party) will be evaluated using descriptive field-collected data. The descriptive data collected for each visitor party will be analyzed and the context and chronological sequence of each party's recorded behaviors and interactions will be used to determine a compliance outcome. Because dog control is context-dependent and situational, each visitor party will be evaluated and interpreted using only the data collected for that party. A summary of the visitor party attributes and compliance measures are listed below. Additional details are available in Appendix B and C.

Visitor Attributes

Visitor Party Attributes

- Visitor parties with at least one dog off leash
- People per visitor party
- Dogs per visitor party
- Dog interactions by interaction type
- Dog responses by interaction type

Compliance Measures

Directly Observable Compliance Measures

- Dogs off leash without a Tag Program tag visibly displayed on the dog
- Dogs off leash with unknown tag display (observer unsure)
- Visitor parties with at least one dog out of the guardians' sight
- Visitor parties with more than two dogs off leash per guardian
- Visitor parties with one or more dogs that enter an off-trail area closed to visitor access such as a seasonal wildlife closure or a dogs-prohibited area

Evaluative Compliance Measures

The evaluative compliance measures will be used to determine the compliance outcome of each observed visitor party with the following components of voice and sight control:

- Guardians who fail to comply with the regulation prohibiting their dogs from charging, chasing or other displays of aggression toward a person.
- Guardians who fail to comply with the regulation prohibiting their dogs from chasing, harassing or disturbing livestock or wildlife.
- Guardians who fail to comply with the regulation prohibiting their dogs from charging, chasing or otherwise displaying aggression toward any dog.

Measures

- Number of dog behaviors by code
- Guardian responses by code
- Visitor parties who issue one or more commands to a dog²

²Issue a command means that the guardian signaled (including but not limited to vocalizations [words, whistles, whoops, etc.], clapping, or by making noises with their person or a device, or by motions, movements or positions of their person); **and** that the signal appeared to the observer to be communication intended to establish control of the

- Commands by command theme (e.g. stay, come, leave it)
- Dog responses by behavior code
- Wildlife/livestock responses by behavior code
- Other visitor party (dog and human) behaviors by code

2. Possessing a Leash for Voice and Sight Regulation Compliance

The monitoring will document compliance with the requirement that guardians have a leash for each dog under their control through visitor interviews. Guardians with one or more off-leash dogs will be asked to show that they are in possession of a leash for each dog.

Compliance Measure

- Visitor parties in possession of a leash for each off-leash dog in their party

3. Nonseasonal and Seasonal Leash Regulation Compliance

The monitoring will assess dog guardian compliance with seasonal and nonseasonal leash laws on designated trails. Compliance with these regulations is *not specific to the Tag Program*.

Compliance Measure

- Visitor parties with one or more dogs not on a hand-held leash

MONITORING SITES

The 2014-2018 site selection methods are modeled after and similar to the 2006-2010³ methods. Because the seasonal and nonseasonal leash required components were added, sites were added to account for seasonal and nonseasonal trails requiring that dogs be on leash.

Trail Site selection criteria

These criteria were used when selecting the best location along the trail for each monitoring site in the field (not all sites meet all criteria):

- Sight distance of at least 400 feet (Voice and Sight Component only)
- Audio distance of at least 400 feet (Voice and Sight Component only)
- Few visual obstructions on/along trail such as boulders, shrubs, trees, trail undulations or switchbacks
- Ease of access and available legal parking for field technician
- Location along trail continuum; need to represent various locations along the trail (trailhead, first quarter mile, interior)
- Recreation setting (combination of biophysical, managerial and social conditions along with infrastructure development); need to represent a range of recreation settings

dog. Intended to establish control means that the direction of movement of the guardian, tone of voice and/or rate of speech used by the guardian is more urgent, directive or stern from actions to gain attention rather than a relaxed or noncommanding or directing behavior or tone would be. Establishing control includes but is not limited to gaining the dog's attention and/or requiring the dog to stop or return to the guardian.

³ During 2006-2010 there were 31 total monitoring sites. Additional details for the 2006-2010 monitoring sites are available in the [2011 Voice and Sight Tag Monitoring Report](#).

- Existence of a potential challenge for dog management (water access, prairie dogs, livestock)
- Topographical setting; need to represent flats, hills, peak access, canyons
- Not within a Trailhead Leash area
- Underlain by OSMP owned and managed property (OSMP has enforcement responsibility).

Appendix A: Summary List of Monitoring Protocol Changes

1. Removed conflictive behaviors terminology (as documented in 2006-2010); revised behavior definitions to reflect the voice and sight ordinance language
2. Added a mid-day weekday monitoring period
3. Added a late afternoon/early evening weekend monitoring period
4. Added observation of leash-compliance in nonseasonal and seasonal leash-required areas
5. Added a summary of ranger observations, incidents, summons and convictions
6. Added additional voice and sight monitoring sites including very low to high volume locations along with sites located more interior on the OSMP system
7. Modified behavior coding strategy and behavior definitions
8. Added recording commands given along with dog/guardian responses
9. Moved 2006-2010 off-trail sites as needed to facilitate auditory monitoring of dog guardian commands
10. Added additional leash interview sites including very low to high volume locations along with sites located more interior on the OSMP system
11. Added “livestock” to potential off-trail challenge list for dogs list
12. Removed determination of “negative” or “positive” interactions in the field
13. Revised determination of overall compliance to be evaluation outcome for each visitor party to include interpretation of each visitor party’s chronologically collected attributes, interactions and commands given; determination of compliance *will not occur in the field* by the data collector, and *will be determined later in the office* by a team representing monitoring, project team and ranger staff
14. Added documentation of all dog interactions instead of recording only the first instance of the behavior. For example, if a dog jumps up on more than one other visitor party, the number of times this occurs will be recorded. Previously, the behavior was recorded once per party and subsequent observations of the same behavior for the same visitor party were not recorded.

Appendix B: Recorded Attributes of Dog Containing Visitor Parties

The observer will record the following attributes of the visitor party:

1. The field VP number
2. The number of people
3. The activity type of the people
4. The number of dogs
5. The number of visible leashes
6. The number of dogs that are leashed the entire time in the observation area.
7. The number of dogs that are unleashed for some time or the entire time in the observation area.
8. The number of dogs, whether leashed or unleashed, with and without a green voice and sight tag (VST) and the number of dogs for which no determination could be made regarding whether they were wearing a VST or not due to poor visibility and/or the characteristics of some dogs (e.g. dogs with shaggy coats or wearing a tag pouch).
9. All observed human, dog, wildlife and livestock interactions and behaviors listed in Appendix C. The observer will record any pertinent notes regarding the interaction or behavior observed in the “Notes” section of the datasheet. (e.g., if the observer notes that a dog was barking repeatedly, the observer will record his/her speculation regarding what the dog is barking at, or if a dog jumps on a visitor, the observer will record the guardians’ reaction to the incident.)
10. The number of dogs that are not within view of their guardians. Within view means the guardian can see the dog immediately or by turning his or her head. Tall vegetation, topography, and winding trails are possible reasons why a dog is not within view. The reason the dog is not within view should be noted in the “Notes” section of the datasheet.
11. The number of commands issued to the dog(s) in the party, the type of command, the words used by guardian if possible, the dog response. The guardian will be observed for all attempts to obtain control of the dog.
12. Whether or not the dog entered a visitor closure area
13. Ranger or other staff presence in the area
14. Whether or not there were more than two unleashed dogs per guardian in the visitor party.
15. Whether or not any observable injury resulted from any interaction.
16. Anything unusual about the observation or anything that helps explain data entered in specific columns of the datasheet about the observation.

Appendix C: Person, Dog and Wildlife/Livestock Lists of Observed Behaviors

PERSON BEHAVIOR	DEFINITION	EXAMPLES	RELEVANT B.R.C CODE
No behavior observed			N/A
Verbal invitation	Vocalizations (e.g. words, whistles, sounds etc.) directed towards the dog; “attention-getting;” could be initiated or response	Approaching visitor says "Oh my gosh, you are so cute. Come here!"	
Physical invitation	Hand and/or arm is extended away from the person’s body and towards the dog; “contact seeking;” could be initiated or response	Approaching visitor kneels down and extends arm toward oncoming dog	
Avoidance	Moving away, head/body averted, hands up palms out	Approaching visitor steps laterally away or off trail to avoid contact with oncoming dog	
Verbal protest	Verbal statements and/or noises accompanied by gestures (hands up palms out, shaking head, etc) directed towards dog and/or guardian expressing objection to dog presence and/or behavior	Approaching visitor says "Keep your dog away from me"	
Physical protest	Body movements directed towards getting dog to stop the behavior or for harming the dog	Approaching visitor kicks leg out to get dog away from his/her feet	
Other	Any other behavior observed		

DOG BEHAVIOR	DEFINITION	EXAMPLES	RELEVANT B.R.C CODE
No behavior observed			N/A
Jumping/pawing	PHYSICAL CONTACT REQUIRED; A jumping or pawing dog is one with movements between the moment the paws leave the floor until they are back in contact with the ground (front or all paws) with front paws working independently of each other. A pawing action corresponds to repeated backwards pulls toward the dog's belly and hind legs of a single paw	A dog jumps up and makes physical contact with another human; a dog paws a child's legs as he/she walks by	6-1-16. Dogs Running at Large Prohibited. 6-1-20. Aggressive Animals Prohibited. (Would need to be combined with a negative response from receiving party or a prohibited behavior to be considered violation)
Charging/chasing	A charging or chasing dog is one that incorporates gaits galloping and trotting resulting in forward motion of the dog and/or a "violent rush forward" with the head/body oriented toward "other" present; other present could be wildlife, livestock, person or dog	Dog chasing a fleeing deer or charging an approaching dog	6-1-16. Dogs Running at Large Prohibited. 6-1-20. Aggressive Animals Prohibited. 8-3-5. Wildlife Protection
Aggression display	An aggressive animal is one that bites, claws, or attempts to bite or claw any person; bites, injures, or attacks another animal; or in a vicious or terrorizing manner approaches any person or domestic animal in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated.	Frontal display with teeth and lips showing; Continuous vocalizations of low tones (growling); Attempts to make firm mouth contact or attempts to bite	6-1-16. Dogs Running at Large Prohibited. 6-1-20. Aggressive Animals Prohibited. 8-3-5. Wildlife Protection

DOG BEHAVIOR	DEFINITION	EXAMPLES	RELEVANT B.R.C CODE
Barking	Barking is vocalization of loud sounds. The head is often elevated and thrown forward at the moment of the bark; can be directed at other; “attention-getting;” elevated intensity or frequency	A dog is repeatedly barking at a bird on the side of the trail; dog is standing still on the trail continuously barking at an approaching visitor party	6-1-16. Dogs Running at Large Prohibited. 6-1-20. Aggressive Animals Prohibited. (Would need to be combined with a negative response from receiving party or a prohibited behavior to be considered violation) 8-3-5. Wildlife Protection

WILDLIFE AND LIVESTOCK BEHAVIOR	DEFINITION
No response	
Flee	Wildlife is observed fleeing/moving away; displaced from original location
Alert	Wildlife exhibits alert behaviors that may include vocalizations
Charge	Wildlife charges towards dog/visitor party



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: June 11, 2014

AGENDA TITLE: Summary of 50th year of Open Space and Mountain Parks Junior Ranger Program and Declaration to Honor Five Decades of Youth Service.

PRESENTER/S:

Michael D. Patton, Director, Open Space and Mountain Parks
Jim Reeder, Land and Visitor Services Division Manager
Halice Ruppi, Junior Ranger Coordinator
Steve Mertz, Public Relations Coordinator

EXECUTIVE SUMMARY:

The City of Boulder Junior Ranger Program celebrates its 50th year of continuous service on June 14, 2014. The City of Boulder Open Space and Mountain Parks (OSMP) Department joins the community in recognizing the thousands of young people for their efforts in preserving our public lands.

Each summer since 1965, dozens of teenagers have worked for the City of Boulder's land management agencies to improve our local trails and ecosystems. Junior Rangers have assisted in building or maintaining nearly every mile of trail on OSMP. Over the past 50 years, over 5,000 dedicated young people have served OSMP goals. They provide over 14,000 person hours of service to the department each year.

The teenagers who participated in the program have always been paid for their work, except for one year in the 1970s due to regional economic hardships. Participants also gained knowledge and appreciation for local flora, fauna and ecosystems. While much of their work centered around recreational resources such as trails, Junior Ranger efforts also included integrated pest management, forestry and restoration work after floods and fires. Boulder's youth reported learning teamwork, lifetime stewardship skills and a deep understanding of service, community and connection to OSMP.

On the evening of June 14, 2014, OSMP will honor all Junior Rangers, past and present, with a celebration of their efforts.

STAFF RECOMMENDATION

Open Space and Mountain Parks staff members request that the Open Space Board of Trustees join them in honoring these dedicated people at the 50th anniversary of this program with a declaration to this effect:

The Open Space Board of Trustees joins the staff of the City of Boulder Open Space and Mountain Parks Department in recognizing all of our Junior Rangers over the past 50 years. We salute the more than 5,000 Boulder youth who contributed their talents and efforts in helping the City of Boulder carry out its land management missions. These irreplaceable individuals are an inspiration as they help to protect the resources that make Boulder's Open Space and Mountain Parks so special.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Environmental: City of Boulder OSMP is a significant community-supported program that is recognized as a leader in preservation of open space lands, contributing to the environmental sustainability goal of Boulder's City Council. The stewardship demonstrated by the Junior Ranger program represents the longest running example of preserving and protecting our natural lands.
- Economic: The Junior Ranger program contributes to the economic vitality goal of the city as it provides work and valuable job training for young community members.
- Social: The Junior Ranger program gives teenagers an opportunity to be a valuable part of their community, providing a much appreciated service to our protected lands.

BACKGROUND

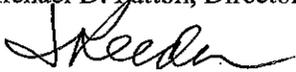
- In 1965 the City of Boulder Parks Department hired 41 boys at 50 cents an hour to primarily work on trails. Passes to Boulder's pools were also offered to participants.
- 1966 - The first year was considered a success. According to the *Daily Camera* - "...the job was well done at a reasonable price for the taxpayers..." and "...it made better citizens and park users out of the boys..."
- 1972 - The first girls were hired as Junior Rangers.
- 1974 - Budget issues forced the Junior Ranger Program to operate as a volunteer program.
- 1975 - Funding again secured to pay participants.
- The Junior Ranger Program has operated under a variety of Open Space, Parks and Recreation and Mountain Parks agencies as the City of Boulder has consolidated and reorganized a number of times.
- Recently, the program has been successfully operating each summer with 100 youth participating, as well as a coordinator and several crew leaders. This year the Junior Ranger staff is comprised of 15 skilled outdoor leaders, ten of whom are program graduates.

To learn more, please visit <https://bouldercolorado.gov/osmp/junior-ranger-50th>

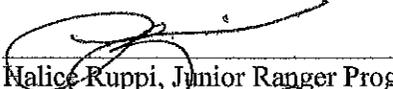
Submitted by:



Michael D. Patton, Director



Jim Reeder, Division Manager



Malice Rupp, Junior Ranger Program Coordinator



Steve Mertz, Public Relations Coordinator



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: June 11, 2014

AGENDA TITLE Review of and Recommendation Regarding the 2015 Open Space and Mountain Parks Department Capital Improvement Program Budget and a portion of the Lottery Fund Capital Improvement Program Budget.

PRESENTERS

Michael D. Patton, Director, Open Space and Mountain Parks
Michael Orosel, Financial Services Manager, Central Services

PURPOSE

This is a request for the Open Space Board of Trustees (OSBT) to:

Review, approve and recommend that the Planning Board approve the Open Space and Mountain Parks Department's 2015 Capital Improvement Program (CIP) budget of \$7,608,000 and make a recommendation concerning allocation of a portion of the city's Lottery Fund Capital Improvement Program Budget in the amount of \$355,300 in 2015.

EXECUTIVE SUMMARY

The purpose of this agenda item is for the OSBT to review the 2015 CIP budget and make recommendations.

Most recently, the Budget Office projected 2014 sales tax revenue to increase 3.11 percent from 2013 actual sales tax revenue and future years' revenue to increase in the range of 3.13 percent in 2015 to 3.41 percent in 2020. The total combined revenue from sales and use tax collected by the city makes up approximately 92 percent of the department's revenue. The Open Space (OS) Fund sales tax base of 0.88 percent is made up of three components: 0.33 percent that will be reduced to 0.22 percent at the end of 2018; 0.15 percent that will sunset at the end of 2019; and 0.40 percent that has no sunset. The 2014 sales tax revenue is currently projected to be \$27,603,608, an increase of \$832,579 over actual 2013 sales tax revenue. Through March 2014, sales tax revenues for the year to date are 5.17 percent above 2013 actual revenue year to date.

The proposed 2015 Capital Improvement Plan (CIP) budget for the Open Space and Mountain Parks Department maintains funding for the Real Estate Acquisition CIP at \$5,400,000, with the

Mineral Rights and Water Rights CIPs remaining at \$100,000 and \$200,000 respectively. The Visitor Infrastructure CIP for 2013 is \$1,908,700 and will continue an implementation of the West Trail Study Area (TSA) Plan and fund repair and restoration projects necessitated by the 2013 flood and cultural resource capital maintenance. These uses of funds will be sustainable under the current Budget Office revenue projections. The Lottery Fund CIP funding for capital projects within the mountain backdrop is at \$355,300 from 2015 through 2020.

STAFF RECOMMENDATION

Staff recommends and requests that the Open Space Board of Trustees make the following motion:

Motion to approve, and recommend that Planning Board approve an appropriation of \$7,608,000 in 2015 from the Open Space Fund CIP as outlined in this memorandum and related attachments; and recommend that \$355,300 be appropriated from the city's Lottery Fund CIP in 2015 as outlined in this memorandum and related attachments.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Environmental: Open Space and Mountain Parks is a significant community-based program that preserves open space land contributing to the environmental sustainability goal of the City Council.
- Economic: The Open Space and Mountain Parks program contributes to council's economic sustainability goal, because it provides the physical context for the diverse and vibrant economic system that supports services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- Social: The Open Space land system is accessible to all members of the community and therefore helps support council's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- Fiscal: Sufficient funds are available in the Open Space Fund to cover the proposed 2015 Capital Improvement Program budget as summarized in the attached Open Space Fund Financial 2013–2020 (Attachment A).
- Staff Time: The budget is the financial representation of the departmental work plan. Preparation and management of the budget are part of the normal work plan.

PUBLIC FEEDBACK

This item is being heard at this public meeting advertised in the *Daily Camera* on June 8, 2014. On July 31, 2014 the City Planning Board is scheduled to review the 2015-2020 CIP as recommended by staff. On August 12, 2014 the City Council will hold its CIP study session.

ANALYSIS

Capital Improvement Plan

For 2015, the CIP for the Open Space Fund is recommended to include \$5,400,000 for land acquisition, \$200,000 for water rights acquisition, \$100,000 for mineral rights acquisition and

\$1,908,700 for visitor infrastructure (Attachment B). Additionally, the department recommends appropriation of its share of the Lottery Fund in the amount of \$355,300 in 2015 (Attachment C).

Within the Real Estate Acquisition program, properties acquired since 2000, including lands in Jefferson County, have been purchased under the guidance of the Accelerated Acquisition Program and the Acquisition and Management Plan 2000 - 2006 as it has been extended through 2011. Staff anticipates acquiring an additional 8,731 acres under the Acquisitions Update 2013-2019 subject to availability of funds.

Under this plan, additional open space will be acquired within the following acquisition areas: Boulder Valley Comprehensive Planning Area, Mountain Parks, Table Mountain and Jefferson County Partnerships, as approved by the OSBT and City Council.

The Water Rights Acquisition program provides funding to purchase additional water rights from private owners or others for use on Open Space for agricultural and environmental purposes, as water becomes available in the Coal Creek, South Boulder, Boulder and Lefthand Creek watersheds. Funds will also be used for professional, legal and engineering fees, related analysis and other costs as may be necessary to manage and protect the water rights portfolio. OSMP staff will continue to work with other city departments to assist in enhancing in stream flow where possible.

The Minerals Rights Acquisition program provides funding to purchase underlying mineral interests from private owners, as they become available on the real estate market. Many of these interests in minerals, gas, oil and aggregates were severed from the properties before purchase by the city and could cause future management issues. Funds are also used for research, mapping and analysis of potential acquisitions.

The Visitor Infrastructure program provides funding for capital maintenance of existing trails and trailheads; construction of new trails and trailheads and other facilities that improve the visitor experience, such as safe road crossings; and restoration of areas where visitor impacts are high. For 2015, it is recommended that the Visitor Infrastructure CIP be allocated \$1,908,700. This allocation will fund expenditures in the West TSA at the level of \$1,044,700 and includes funding for the following large (>\$50,000) projects:

- Lower Big Bluestem Trail, South Mesa Road repairs - \$544,700 of the estimated \$750,000 cost
- Royal Arch Trail flood repair - \$150,000
- South Boulder Creek West Trail repair - \$100,000
- Flagstaff Summit improvements - \$250,000

Projects in the balance of the system are funded at a total of \$864,000 and include the following projects:

- North Trail Study Area - \$50,000
- Restoration of riparian and wetland habitats - \$59,000
- Agriculture facility capital maintenance - \$100,000
- Boulder Creek and South Boulder Creek confluence post flood restoration - \$ 150,000
- Cultural resource/facility restoration - \$60,000
- Hartnagle House restoration - \$65,000
- Viele House foundation repair - \$80,000

- Pedestrian bridge over South Boulder Creek at Greenbelt Meadows neighborhood - \$150,000
- South Boulder Creek instream flow improvements in anticipation of the expansion of Gross Reservoir - \$150,000.

Lottery Fund Allocation

The Historic Structures and Trails Stabilization and Restoration program uses lottery funds to identify, analyze, stabilize and rehabilitate significant historic structures and trails and protect other sites and artifacts identified in cultural resource inventories. These funds will be utilized to supplement the Visitor Infrastructure CIP.

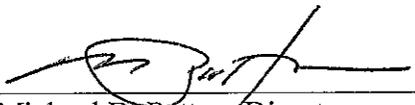
OSMP's appropriation from the Lottery Fund is \$355,300 in 2015. It is expected that funding will be \$355,300 per year from 2015 through 2020. Lottery Fund revenues are evaluated and projected each year and appropriations are adjusted based on an analysis of revenues and maintaining sufficient reserves in order to offset any short-term funding shortfall. Lottery funds are allocated in 2015 for the following projects:

- Bear Canyon Road flood damage repair - \$150,000
- Lower Big Bluestem Trail, South Mesa Road repairs - \$205,300 of the estimated \$750,000 cost

Relationship of CIP to Operating Budget

The Open Space and Mountain Parks Visitor Master Plan was adopted in April 2005 and outlines a significant capital expenditure plan in order to address identified needs within the six-year CIP schedule. This, together with the Open Space Long-Range Management Policies adopted in 1995, sets the management direction for the OSMP Department. These policy level plans, along with area and resource management plans, provide the framework to prioritize and budget specific resource management actions. In an effort to better support implementation of these plans, the department developed a Strategic Operating Plan including eight Legacy Programs and eight Organizational Dynamics Issues as well as a Project Management Model. In April 2008, the department initiated a related reorganization plan.

Submitted by:



Michael D. Patton, Director



Michael Orosel, Financial Services Manager

ATTACHMENTS:

- Open Space Fund Financial 2013 through 2020
- Summaries of Open Space Fund 2015-2020 Capital Improvements Program (CIP)
- Summary of Lottery Fund 2015-2020 Capital Improvements Program (CIP)

ATTACHMENT A
CITY OF BOULDER
2013-2020 PROPOSED BUDGET
OPEN SPACE and MOUNTAIN PARKS FUND

OPEN SPACE AND MOUNTAIN PARKS

	2013 Actual	2014 Revised	2015 Proposed	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected
Beginning Fund Balance	\$ 18,917,725	\$ 17,030,351	\$ 15,450,931	\$ 18,647,883	\$ 22,015,537	\$ 28,815,661	\$ 36,395,802	\$ 42,587,861
Sources of Funds								
Net Sales Tax Revenue	\$ 26,771,029	\$ 27,603,608	\$ 28,467,600	\$ 29,327,322	\$ 30,421,231	\$ 31,458,595	\$ 28,464,917	\$ 23,701,368
Investment Income	103,098	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Lease and Miscellaneous Revenue	642,958	485,909	485,909	485,909	325,000	325,000	325,000	325,000
Sale of Property	256,880	-	-	-	-	-	-	-
Funds from CDOT for Granite acquisition	1,300,000	-	-	-	-	-	-	-
General Fund Transfer	1,072,174	1,103,384	1,321,742	1,171,553	1,208,122	1,245,832	1,284,720	-
Grants	-	-	-	-	-	-	-	-
Total Sources of Funds	\$ 30,146,139	\$ 29,517,901	\$ 30,600,251	\$ 31,309,784	\$ 32,279,353	\$ 33,354,427	\$ 30,399,637	\$ 24,351,368
Uses of Funds								
General Operating Expenditures	\$ 10,658,554	\$ 12,478,830	\$ 11,428,807	\$ 12,166,877	\$ 12,531,883	\$ 12,907,840	\$ 13,295,075	\$ 13,693,927
Increase to 2014 base	-	-	\$1,544,775	-	-	-	-	-
Operating Supplemental and Carryover	-	164,896	-	-	-	-	-	-
Vehicle Acquisition	-	-	-	300,000	-	-	-	-
Cost Allocation	1,066,954	1,108,400	1,321,742	1,387,829	1,457,221	1,530,082	1,606,586	1,686,915
Capital-Real Estate Acquisition CIP	9,464,695	5,400,000	5,400,000	5,400,000	5,400,000	5,400,000	5,400,000	-
Capital-Real Estate Acquisition Carryover	-	-	-	-	-	-	-	-
Capital-Water Rights Acquisition CIP	52,725	200,000	200,000	200,000	200,000	200,000	200,000	-
Capital-Water Acquisition Carryover	-	335,091	-	-	-	-	-	-
Capital-South Boulder Creek Instream Flow	1,912	100,000	150,000	2,000,000	-	-	-	-
Capital-So Bldr Crk Instream Flow Carryover	-	148,089	-	-	-	-	-	-
Capital-North TSA	-	50,000	50,000	100,000	200,000	100,000	50,000	-
Capital-Reroute Flagstaff Trail	-	120,000	-	-	-	-	-	-
Capital-Reroute Green Mtn. West Ridge	-	60,000	-	-	-	-	-	-
Capital-Reroute Saddle Rock Trail	-	65,000	-	-	-	-	-	-
Capital- Reroute Ute and Range View Trails	-	65,000	-	-	-	-	-	-
Capital-So. Mesa Rd./Shanahan Tr. Repair	-	-	544,700	-	-	-	-	-
Capital-Flagstaff Summit Improvements	-	-	250,000	-	-	-	-	-
Capital-Royal Arch Trail Repair	-	-	150,000	-	-	-	-	-
Capital-Restore Wetland Habitats	-	-	59,000	-	-	-	-	-
Capital-So. Boulder Crk. Bridge at Greenbelt	-	-	150,000	-	-	-	-	-
Capital-So. Boulder Creek West Trail	-	-	100,000	-	-	-	-	-
Capital-Agriculture Facilities	-	-	100,000	110,000	110,000	120,000	120,000	-
Capital-Boulder/So. Boulder Crks Confluence	-	-	150,000	-	-	-	-	-
Capital-Cultural Resources/Facility Restor.	-	-	60,000	-	-	-	-	-
Capital-Hartnagle House Restoration	-	-	65,000	-	-	-	-	-
Capital-Viele House Repair	-	-	80,000	-	-	-	-	-
Capital-West TSA	746,641	500,000	-	550,000	450,000	600,000	50,000	50,000
Capital-East TSA	-	-	-	-	50,000	50,000	200,000	200,000
Capital-Mineral Rights Acquisition	-	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Capital-Mineral Acquisition Carryover	-	361,184	-	-	-	-	-	-
Capital-Visitor Infrastructure CIP	264,929	350,000	-	250,000	200,000	200,000	500,000	800,000
Capital-VI CIP Carryover	-	2,165,419	-	-	-	-	-	-
Capital-LIDAR/Aerial Imaging	60,578	-	-	-	-	-	-	-
Capital-LIDAR/Aerial Imaging Carryover	-	12,010	-	-	-	-	-	-
Capital-Highway 93 Underpass Carryover	1,021,410	-	-	-	-	-	-	-
Debt Service - BMPA	1,624,540	1,500,969	1,701,563	1,587,661	987,162	760,602	660,686	660,686
BMPA note supplemental	-	591,320	-	-	-	-	-	-
Debt Service - Bonds & Notes	7,070,575	5,221,113	3,797,712	3,789,762	3,792,962	3,805,763	2,025,231	-
Total Uses of Funds	\$ 32,033,513	\$ 31,097,321	\$ 27,403,300	\$ 27,942,130	\$ 25,479,228	\$ 25,774,286	\$ 24,207,578	\$ 17,191,528
Ending Fund Balance Before Reserves	\$ 17,030,351	\$ 15,450,931	\$ 18,647,883	\$ 22,015,537	\$ 28,815,661	\$ 36,395,802	\$ 42,587,861	\$ 49,747,701
Reserves								
OSBT Contingency Reserve	\$ 5,475,000	\$ 3,500,000	\$ 2,500,000	\$ 2,400,000	\$ 2,000,000	\$ 2,000,000	\$ 1,100,000	\$ 100,000

ATTACHMENT A
 CITY OF BOULDER
 2013-2020 PROPOSED BUDGET
 OPEN SPACE and MOUNTAIN PARKS FUND

Pay Period 27 Reserve	-	45,000	95,000	145,000	195,000	-	-	-
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
South Boulder Creek Flow Reserve	1,450,000	1,750,000	2,000,000	-	-	-	-	-
IBM Connector Trail	-	-	200,000	-	-	-	-	-
Vehicle Acquisition Reserve	-	150,000	300,000	-	-	-	-	-
Facility Maintenance Reserve	-	100,000	200,000	300,000	400,000	500,000	600,000	-
Total Reserves	\$ 7,815,000	\$ 6,435,000	\$ 6,185,000	\$ 3,735,000	\$ 3,485,000	\$ 3,390,000	\$ 2,590,000	\$ 990,000
Ending Fund Balance After Reserves	\$ 9,215,351	\$ 9,015,931	\$ 12,462,883	\$ 18,280,537	\$ 25,330,661	\$ 33,005,802	\$ 39,997,861	\$ 48,757,701

2015-2020 Capital Improvements Program

Open Space Fund

03-Jun-14

	Est Total Cost	2015 Recommended	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected	6-year Total	Prev Alloc Funding	Unfunded Amount
Capital Enhancement										
Flagstaff Summit Improvements	250,000	250,000	0	0	0	0	0	250,000	0	0
OSMP North Trail Study Area (NTSA)	600,000	50,000	100,000	200,000	100,000	50,000	50,000	550,000	100,000	-50,000
Restoration of Riparian and Wetland Habita	59,000	59,000	0	0	0	0	0	59,000	0	0
OSMP West Trail Study Area (WTSA)	3,319,486	0	550,000	450,000	600,000	50,000	50,000	1,700,000	1,119,486	500,000
Visitor Infrastructure - System Wide		0	250,000	200,000	200,000	500,000	500,000	1,650,000	350,000	0
OSMP East Trail Study Area (ETSA)	300,000	0	0	50,000	50,000	200,000	200,000	500,000	0	-200,000
Project Type Total:	4,528,486	359,000	900,000	900,000	950,000	800,000	800,000	4,709,000	1,569,486	250,000

Capital Maintenance

Agriculture Facilities Projects	100,000	100,000	110,000	110,000	120,000	120,000	0	560,000	0	-460,000
Boulder Creek and South Boulder Creek Co	150,000	150,000	0	0	0	0	0	150,000	0	0
Cultural Resource/Facility Restoration	60,000	60,000	0	0	0	0	0	60,000	0	0
Hartnagle House Restoration	65,000	65,000	0	0	0	0	0	65,000	0	0
Lower Big Bluestem Trail, South Mesa Roa	544,700	544,700	0	0	0	0	0	544,700	0	0
Royal Arch Trail Flood Repair	150,000	150,000	0	0	0	0	0	150,000	0	0
South Boulder Creek West Trail Flood Repa	100,000	100,000	0	0	0	0	0	100,000	0	0
Viele House Foundation Repair	80,000	80,000	0	0	0	0	0	80,000	0	0
Project Type Total:	1,249,700	1,249,700	110,000	110,000	120,000	120,000	0	1,709,700	0	-460,000

Land and Asset Acquisition

Mineral Rights Acquisition		100,000	100,000	100,000	100,000	100,000	100,000	600,000	100,000	0
OSMP Real Estate Acquisition Program		5,400,000	5,400,000	5,400,000	5,400,000	5,400,000	5,400,000	32,400,000	5,400,000	0
Water Rights Acquisition		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	200,000	0
Project Type Total:		5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	34,200,000	5,700,000	0

2015-2020 Capital Improvements Program

Open Space Fund

03-Jun-14

	Est Total Cost	2015 Recommended	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected	6-year Total	Prev Alloc Funding	Unfunded Amount
New Capital Project										
South Boulder Creek at Greenbelt Meadows	150,000	150,000	0	0	0	0	0	150,000	0	0
South Boulder Creek Instream Flow	2,400,000	150,000	2,000,000	0	0	0	0	2,150,000	250,000	0
Project Type Total:	2,550,000	300,000	2,000,000	0	0	0	0	2,300,000	250,000	0
Funding Source Total:	8,328,186	7,608,700	8,710,000	6,710,000	6,770,000	6,620,000	6,500,000	42,918,700	7,519,486	-210,000

2015-2020 Capital Improvements Program

Lottery Fund

03-Jun-14

	Est Total Cost	2015 Recommended	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected	6-year Total	Prev Alloc Funding	Unfunded Amount
Capital Enhancement										
Bear Canyon Road Flood Damage Repair an	150,000	150,000	0	0	0	0	0	150,000	0	0
Project Type Total:	150,000	150,000	0	0	0	0	0	150,000	0	0
Capital Maintenance										
Trail Repair (LF) - Lower Big Bluestem Trai	205,300	205,300	0	0	0	0	0	205,300	0	0
OSMP - Historical Structures & Trails - Sta		0	355,300	355,300	355,300	355,300	355,300	1,776,500	686,000	0
Project Type Total:	205,300	205,300	355,300	355,300	355,300	355,300	355,300	1,981,800	686,000	0
Funding Source Total:	355,300	355,300	355,300	355,300	355,300	355,300	355,300	2,131,800	686,000	0



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: June 11, 2014

AGENDA TITLE: Consideration of a smoking ban on all Open Space and Mountain Parks properties, including trails, without exception.

PRESENTER/S

Mike Patton, Director, Open Space and Mountain Parks
Andy Pelster, Land and Facilities Operations Supervisor

EXECUTIVE SUMMARY

Boulder is a community with a long history of commitment to both health and quality of life. In early 2014, City Council reaffirmed these commitments by directing city staff to develop a proposal that would eliminate the possibility of outdoor second hand smoke in nearly all of the city's heavily used gathering spaces and recreational facilities. Staff has responded with a proposed ordinance that would ban smoking in city parks, recreation facilities, on city Open Space and Mountain Parks (OSMP), along all multi-use paths and in much of downtown Boulder. Feedback is being sought from boards and commissions in the areas affected by the proposed ordinance and a public hearing will be held at City Council in the fourth quarter of 2014 with additional direction to be determined at that time.

STAFF RECOMMENDATION

The staff recommendation is to ban smoking on all OSMP properties, including trails, without exception. Designated public access points to OSMP currently provide the regulatory infrastructure necessary to notify users of the smoking ban.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Environmental: OSMP is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- Economic: Open Space and Mountain Parks contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.

- Social: Because OSMP lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- Fiscal – The proposed smoking ban will have a minimal fiscal impact. The regulatory infrastructure to notify users of the ban is already in place at all OSMP designated public access points.
- Staff time – Enforcement of the smoking ban will occur during normal, routine patrol activities.

PUBLIC COMMENT AND PROCESS

This item is being heard as part of this public meeting advertised in the *Daily Camera* on June 8, 2014.

ANALYSIS

General Considerations

Staff considered the different mechanisms by which smoking could be banned. After internal discussions, it was clear that an ordinance (See Attachment A) was preferred over a city manager rule because it is more easily enforceable by law enforcement personnel.

There was also a consideration of the various types of smoking devices, tobacco and nicotine products that should or should not be included in the ban. Based on the complexity and uncertainty of regulating newer nicotine products such as e-cigarettes, the relative unobtrusiveness of other tobacco products such as chewing tobacco, and the practical realities of enforcement, it was determined that the proposed ban should apply only to smoking that requires ignition for use (e.g. cigarettes, cigars, pipes, etc.).

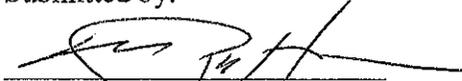
Open Space and Mountain Parks

The staff recommendation is to ban smoking on all OSMP properties, including trails, without exception. A lack of second hand smoke will enhance the visitor experience and an absolute prohibition on smoking will help mitigate a potential fire hazard on OSMP properties. Designated public access points to OSMP currently provide the regulatory infrastructure necessary to notify users of the smoking ban.

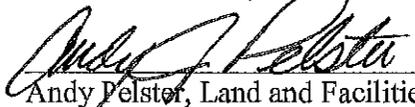
NEXT STEPS

Fourth Quarter: Public hearing at City Council. (Packet will be provided to relevant boards and commissions at that time.)

Submitted by:



Michael D. Patton, Director



Andy Felster, Land and Facilities Operations Supervisor

ATTACHMENTS:

A. Draft Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6-4, B.R.C. 1981,
ADDING A NEW SECTION 6-4-3.5 "SMOKING PROHIBITED
IN PUBLIC PLACES," AND SETTING FORTH RELATED
DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Chapter 6-4, "Regulation of Smoking," B.R.C. 1981, is amended as follows:

6-4-1. Legislative Intent.

The purpose of this chapter is to protect the public health, safety, and welfare by prohibiting smoking in certain public places and prohibiting smoking in buildings open to the public or serving as places of work, except in certain buildings or parts of buildings where the council has determined that smoking should not be prohibited, and fixing the requirements of property owners in this regard. In addition, this chapter regulates access of minors to tobacco products.

6-4-2. Definitions.

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

"Bar" means any indoor area that is operated and licensed as a tavern liquor license under Article 47 of Title 12, C.R.S., primarily for the sale and service of alcohol beverages for on premises consumption and where the service of food is secondary to the consumption of such beverages.

"Building" means any structure enclosed for protection from the weather, whether or not windows or doors are open. If a person leases or possesses only a portion of a building, the term "building" applies to the leasehold or possessory interest as well.

"City Municipal Campus" as used in this Chapter shall mean the entire area between the east curb line of 13th Street, to the east curb line of 9th Street and between the north curb line of Arapahoe Avenue and the south curb line of Canyon Boulevard, provided, however, that this definition shall not apply to moving vehicles on Broadway or 13th Street or, unless otherwise prohibited by this Chapter, to individuals smoking on real property that is privately owned.

"Cigar-tobacco bar" means a bar that, in the calendar year ending December 31, 2005, generated at least five percent or more of its total annual gross income or fifty thousand dollars in annual sales from both the onsite sale of tobacco products and the rental of onsite humidors. In any calendar year after December 31, 2005, a bar that fails to generate at least five percent of its total annual gross income or fifty thousand dollars in annual sales both from the onsite sale of tobacco products and the rental of onsite humidors, shall not be defined as a "cigar-tobacco bar" and shall not thereafter be included in the definition, regardless of sales figures.

"Dwelling," as used in this chapter, means any place used primarily for sleeping overnight and conducting activities of daily living, not including a hotel or motel room or suite or bed and breakfast.

"Downtown Boulder Business Improvement District" is as depicted in Appendix 8-B of Chapter 8-6.

"Enclosed area," as used in this chapter, means an area which contains a structure made up of a roof and two or more walls regardless of the composition of the walls or roof. This includes, but is not limited to, the following: park shelters, event tents, bus shelters, patio awnings and canopies.

"Entryway" means the outside of any doorway leading into and exiting from a building or enclosed area. "Entryway" also includes the area of public or private property within fifteen feet of the doorway.

"Mall" means the Downtown Boulder Mall as defined in Ordinance No. 4267, as amended by Ordinance No. 4543 and any successor ordinance.

"Public conveyance" means any motor vehicle or other means of conveyance licensed by the Public Utilities Commission of the state for the transportation of passengers for hire, and includes, without limitation, busses, taxicabs, limousine services, and airport passenger services.

"Smoke" or "smoking" means the lighting of any cigarette, cigar, or pipe or the possession of any lighted cigarette, cigar, or pipe, regardless of its composition.

"Tobacco product" means cigarettes, cigars, cheroots, stogies, periques, and other products containing any measurable amount of tobacco, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco.

"Tobacco store" means a retail business open to the public where alcohol is not sold, if more than eighty-five percent of its gross revenue from that location is from the retail sale of cigarettes and tobacco products or products related to the use of cigarettes and tobacco products.

"Transit Stop" as used in this chapter, means a public conveyance passenger waiting area designated by signage attached to a post and the public right of way around the stop, including but not limited to the bus shelter, and bench.

6-4-3. Smoking Prohibited Within Buildings and Enclosed Areas.

- (a) No person shall smoke within any building or enclosed area except in one of the following locations:
 - (1) In any dwelling. This exception does not extend to a lobby, common elevator, common hallway or any other common area of a building containing attached dwelling units;

- (2) In a hotel/motel room or bed and breakfast guest room rented to one or more guests if the total percentage of such smoking rooms in such hotel/motel or bed and breakfast does not exceed twenty-five percent. This exception does not extend to a lobby, common elevator, common hallway or any other common area of a hotel/motel or bed and breakfast;
 - (3) In a tobacco store;
 - (4) In a cigar-tobacco bar which existed as of December 31, 2005, provided that it does not expand its size or change its location from the size and location in which it existed as of December 31, 2005;
 - (5) In a building or on property which is occupied by the state of Colorado, the United States government, Boulder County or the Boulder Valley School District which was not designated as a smoke free area by the manager of such area. The city council urges such governmental entities to designate smoke free areas in order to promote full access by the public and protect the health of employees;
 - (6) In private homes, private residences and private automobiles; not to include any such home, residence or vehicle being used for child care or day care or a private vehicle being used for the public transportation of children or as part of health care or day care transportation; or
 - (7) In a limousine under private hire.
- (b) Unless excepted under subsection (a) of this section, the prohibitions of this chapter apply to all buildings or enclosed areas which serve as places of work, but this subsection (b) neither enlarges nor diminishes the meaning of subsection (a) of this section.
 - (c) Nothing in this chapter shall prevent an owner, lessee, principal manager or person in control of any place, including, without limitation, any motor vehicle, outdoor area or dwelling, from prohibiting smoking completely in such place, and no person shall fail to abide by such a private prohibition.

6-4-3.5. Smoking Prohibited in Public Areas.

No person shall smoke:

- (a) in the Downtown Boulder Business Improvement District including the Mall but excluding alleys;
- (b) on any city owned or maintained park, parkland, or facility other than Flatirons Golf Course or Chautauqua unless otherwise prohibited by a sign;
- (c) on any city property leased to others, or city owned or maintained property that is maintained by the Parks and Recreation Department, other than Chautauqua;
- (d) on any open space and mountain parks property;

(e) on any trail, path or multi-use path and within fifteen feet of curtilage to any trail, path or multi-use path;

(f) within twenty-five feet of a library facility;

(g) within fifteen feet of a transit stop; and

(h) within the City Municipal Campus.

6-4-4. Smoking Prohibited in Public Conveyances.

No person shall smoke in any public conveyance.

6-4-5. Smoking Areas in Cigar-Tobacco Bars.

(a) The owner, lessee, principal manager or person in control of a cigar-tobacco bar may designate one smoking area of no more than fifty percent of the square footage of the floor area of the establishment which is open to the public so long as it meets all of the following criteria:

- (1) It is independently ventilated from the non-smoking areas;
- (2) It is physically separated from the non-smoking areas;
- (3) A designated smoking area under this section may not include any waiting area, lobby, hallway, elevator, restroom, or area adjacent to a self-service food line or cash register, and such areas shall also be excluded from the calculation of the square footage of floor area under this subsection;
- (4) Any service or amenity which the establishment chooses to provide to patrons, other than smoking, shall at all times be at least as available in the non-smoking majority portion of the establishment as in the designated smoking area. This requirement includes, without limitation, live entertainment and games; and
- (5) The city manager may make reasonable rules interpreting the terms independently ventilated and physically separated and specifying ventilating and construction measures which will accomplish these goals.

(b) No owner, lessee, principal manager or person in control of a cigar-tobacco bar which designates a smoking area shall fail to maintain it in accordance with the requirements of this chapter.

(c) Independently ventilated shall mean that the ventilation system for the area in which smoking is permitted and the ventilation system for any nonsmoking area do not have a connection which allows the mixing of air into the smoking and nonsmoking areas.

(d) Physically separated means that there are physical barriers such as walls and doors extending from floor to ceiling that prohibit smoke from entering a nonsmoking area.

~~6-4-5.5 Smoking Prohibited on the Mall.~~

~~No person shall smoke on the Mall.~~

6-4-6. Signs Required to Be Posted.

To advise persons of the existence of "No Smoking" or "Smoking Permitted" areas, no owner, lessee, principal manager or person in control of a building, enclosed area or an establishment within a building shall fail to post signs with letters no less than one inch high or symbols no less than three inches high as follows:

- (1) Where smoking is prohibited in the entire establishment, a sign using the words "No Smoking" or the international no-smoking symbol shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the building, enclosed area or establishment.
- (2) Where certain areas are designated as smoking areas pursuant to this chapter, a sign using the words "No Smoking Except in Designated Areas" shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the building or establishment.
- (3) In tobacco stores, a sign shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the building or establishment using the words "Smoking Permitted: children under eighteen years of age must be accompanied by a parent or guardian."
- (4) A sign using the words "No Smoking within fifteen feet of the entryway" shall be posted conspicuously on all entryways of buildings, enclosed areas or establishments.
- (5) The requirements of this section do not apply to an exempt dwelling or any public areas listed in section 6-4-3.5.

6-4-7. Additional Responsibilities of Proprietors.

- (a) No owner, lessee, principal manager, or person in control of a building or establishment shall fail to:
 - (1) Ask smokers to refrain from smoking in any smoke free area;
 - (2) In a cigar-tobacco bar, affirmatively direct smokers to designated smoking areas; and
 - (3) Use any other means which may be appropriate to further the intent of this chapter.
- (b) No owner, principal manager, proprietor or any other person in control of a business shall fail to ensure compliance by subordinates, employees and agents with both the

restrictions on sale and display of tobacco products contained in section 6-4-8, "Restrictions on Sale and Display of Tobacco Products," B.R.C. 1981, and the restrictions on smoking within fifteen feet of any entryway contained in section 6-4-9, "Entryway," B.R.C. 1981.

6-4-8. Restrictions on Sale and Display of Tobacco Products.

- (a) No person shall furnish to any person who is under eighteen years of age, by gift, sale or any other means, any tobacco product. Before selling to any individual any cigarette or tobacco product, a person shall request from the individual and examine a government issued photographic identification that establishes that the individual is eighteen years of age or older; except that, in face to face transactions, this requirement shall be waived if the individual appears older than thirty years of age.
- (b) No person shall sell or offer to sell any tobacco product by use of a vending machine.
- (c) No person shall stock or display, or sell from a stock or display, tobacco products in a business which sells such products at retail in a manner which makes them accessible to customers without the assistance of an employee. This subsection requires a direct, face-to-face exchange of the tobacco product from an employee to the customer.
- (d) No person shall distribute any tobacco product with-out charge in any public place or at any event open to the public for the purpose of promotion or advertising. No person shall, in any public place or at any event open to the public, distribute any coupon or similar writing which purports to allow the bearer to exchange the same for any tobacco product, either free or at a discount.
- (e) No person shall sell tobacco products except cigars or pipe tobacco in any form or condition other than in the packaging provided by the manufacturer.
- (f) No person shall sell cigarettes except in packs of twenty or more cigarettes per pack.
- (g) It is an affirmative defense to a charge of violating subsection (a) of this section that the person furnishing the tobacco product was presented with and reasonably relied upon a document which identified the person receiving the prohibited items as being eighteen years of age or older.
- (h) It is a specific defense to a charge of violating subsection (b) of this section that the vending machine was located in a place of work not open to the public where persons under eighteen years of age are not permitted access.
- (i) It is a specific defense to a charge of violating subsection (c) of this section that the store was a tobacco store and no person under the age of eighteen years was within the premises unless actually accompanied by a parent or legal guardian. A tobacco store may use self-service displays of tobacco products so long as it is within the terms of this specific defense.

- (j) It is a specific defense to a charge of violating subsection (c) of this section that the tobacco product was a cigar or pipe tobacco in a locked walk-in humidor, entry into which by the customer required the assistance of an employee and no person under eighteen years of age was in the humidor.
- (k) Monitoring by employee.
 - (1) It is a specific defense to a charge of violating subsection (c) of this section that the tobacco product was a cigar or pipe tobacco in a walk-in humidor which was visually monitored by an employee and no person under eighteen years of age was in the humidor.
 - (2) This defense shall not apply if there have been three convictions of violation of subsection (c) of this section involving the business within any thirty-six month period, based on the dates of the offenses, and the most recent conviction became final no more than five years before the pending violation.

6-4-9. Entryway.

- (a) No person shall smoke within any entryway of a building, enclosed area or common entrance to a multifamily dwelling, except a single family dwelling.
- (b) No owner, principal manager, proprietor or any other person in control of a business shall fail to ensure compliance of this section by subordinates, employees and agents.

6-4-10. City Manager May Issue Rules.

- (a) The city manager may adopt rules regarding the prohibition of smoking pursuant to Chapter 1-4, "Rulemaking," B.R.C. 1981.
- (b) The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter.

Section 2. [****], B.R.C. 1981, is amended to read:

Section 3. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 4. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this ____ day of _____, 20__.

Mayor

Attest:

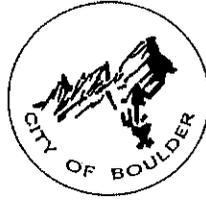
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this ____ day of _____, 20__.

Mayor

Attest:

City Clerk



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: June 11, 2014

AGENDA TITLE: Consideration of a motion to approve the disposal of Open Space and Mountain Parks land described as a 10,000 square foot easement to Xcel/Public Service Company of Colorado for an underground electrical feed line across approximately 1,000 linear feet of the Dover-Blacker Open Space property and under the Thomas Lane Open Space roadway for the purpose of providing electricity to the Shanahan Ridge neighborhood. This is a disposal of Open Space land under City Charter Section 177.

PRESENTER/S:

Michael D. Patton, Director, Open Space and Mountain Parks
Jim Schmidt, Property Agent

EXECUTIVE SUMMARY

The Shanahan Ridge neighborhood in Boulder relies entirely on electrical service for all household heating and electrical needs. The Public Service Company of Colorado (PSCo) provides only one feed to this entire neighborhood via an underground conduit from Thomas Lane across the Mardick private property and then across the Blacker-Dover Open Space property (See Attachments A and B) to a switch cabinet located in a utility easement south of Greenbriar Boulevard. There is no redundant electrical feed to this neighborhood. This buried line in its previous location across the Shanahan private property had failed during the big rains of September 2013.

The city granted a nonexclusive revocable license to the PSCo last February, after obtaining this Board's positive recommendation in December of 2013 (see Attachment C, December 18, 2013 Open Space Board of Trustees memo). The license enabled PSCo to underground an electrical service line to the Shanahan Ridge neighborhood. At the time this license was granted, the city collected \$12,500 from PSCo as fair market value compensation for the use of the Open Space and Mountain Parks land. Now that the construction of the underground line is completed, it is desirable to have a permanent easement granted for the electrical service line.

It was always contemplated that Xcel would be granted a formal easement within a few months of the project being completed.

STAFF RECOMMENDATION

Suggested Motion Language: Staff requests Board consideration of this matter and action in the form of the following motion:

Motion to approve the disposal of 10,000 square feet of Open Space land described as a permanent easement to Public Service Company of Colorado for its electrical feed line servicing the Shanahan Ridge neighborhood under the Dover-Blacker Open Space and under Thomas Lane for the consideration of \$12,500.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Environmental:** Open Space and Mountain Parks (OSMP) is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- **Economic:** OSMP contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- **Social:** Because OSMP lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

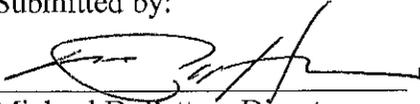
OTHER IMPACTS

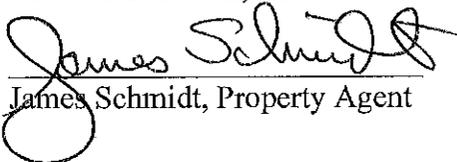
- **Fiscal** – The Open Space Fund has already collected the \$12,500 from PSCo for payment for this easement.
- **Staff time** – This matter has been handled by staff during its normal work hours.

PUBLIC COMMENT AND PROCESS

This item is being heard at this public meeting, advertised in the *Daily Camera* on June 8, 2014. A Notice of Disposal of Open Space land was published in the *Daily Camera* on May 30, 2014 pursuant to Section 177 of the City Charter.

Submitted by:

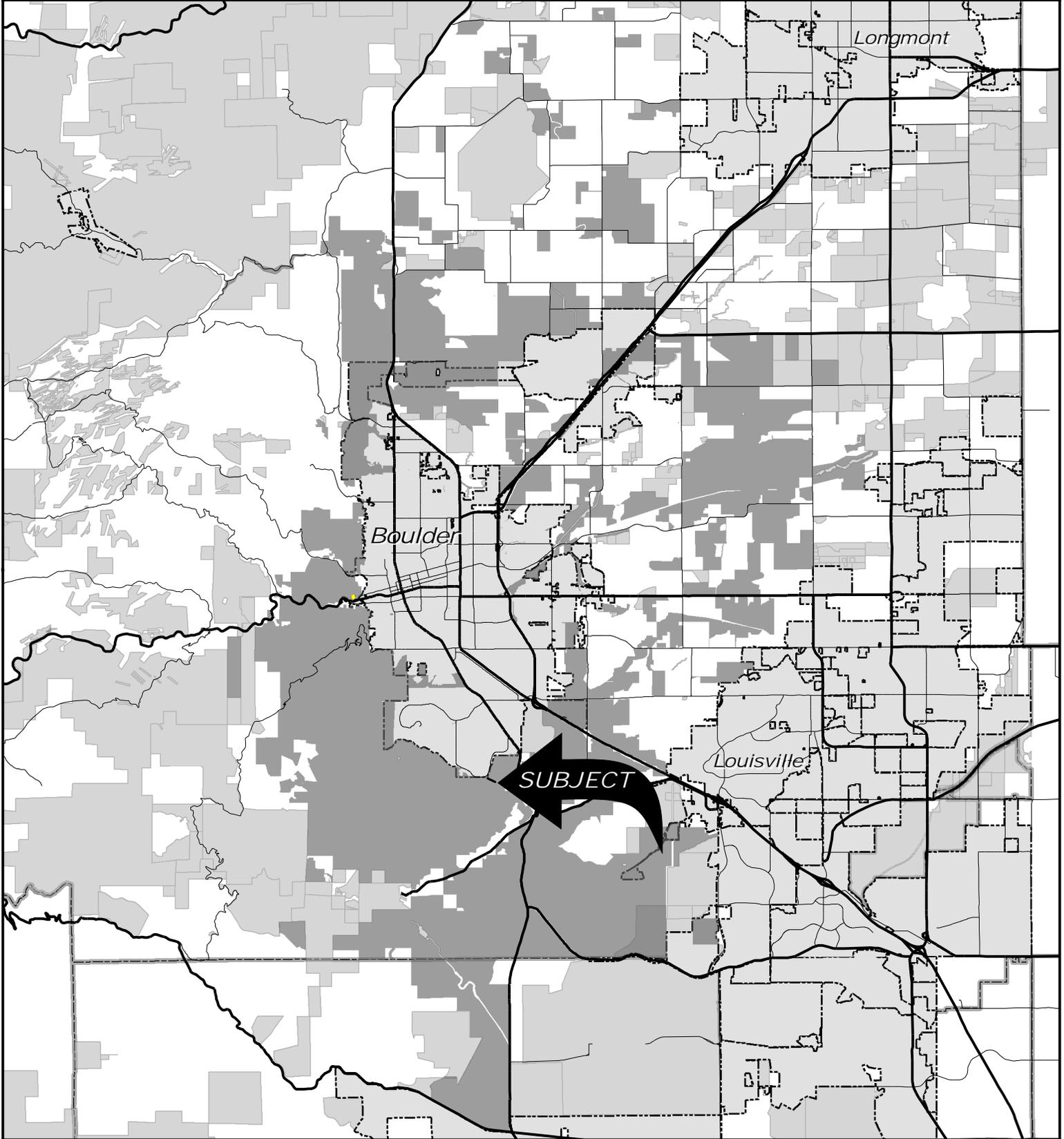

Michael D. Patton, Director


James Schmidt, Property Agent

ATTACHMENTS:

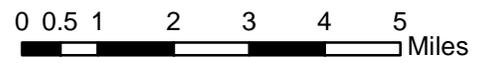
- A. Vicinity Map**
- B. Location Map**
- C. December 18, 2013 OSBT Special Meeting Memo**

ATTACHMENT A - City of Boulder Open Space & Mountain Parks VICINITY MAP - Public Service Co. Easement



© 2013 City of Boulder, Colorado
 All rights reserved. The map information contained herein is intended for informational purposes only and is not intended to be used for any other purpose. The City of Boulder does not warrant the accuracy of the information contained herein. The City of Boulder provides no assurance, express or implied, as to the accuracy and completeness of the information contained herein.
 The information depicted is provided as a general representation only. While every effort was made to ensure the information is accurate, the City of Boulder provides no assurance, express or implied, as to the accuracy and completeness of the information contained herein.
 Document Path: E:\MapFiles\Property\DoverBlacker\DoverBlackerVICINITY.mxd

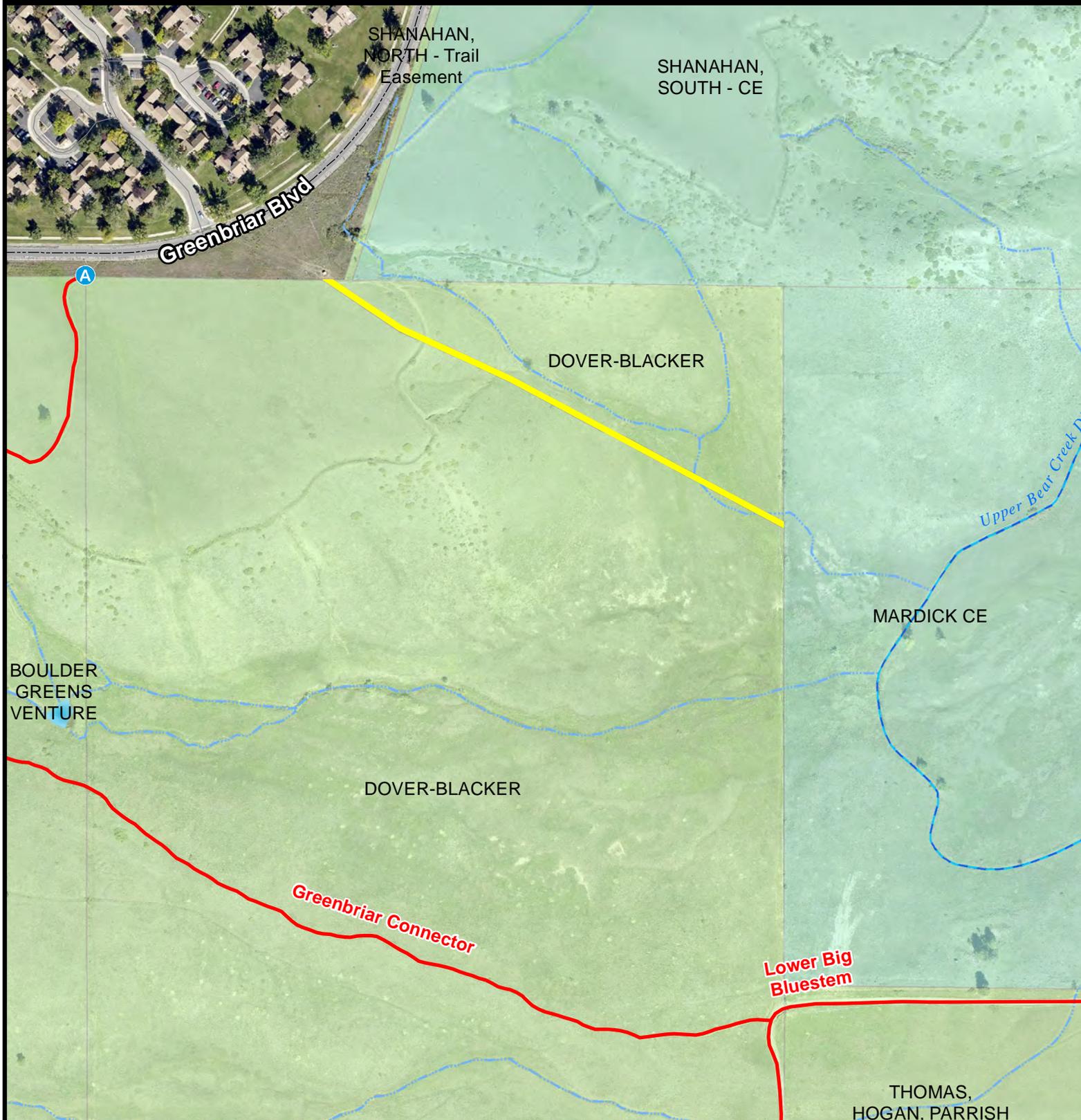
-  Public Service Co. Easement
-  City of Boulder OSMP



Approximate property boundaries from Boulder County Assessor's data.

ATTACHMENT B - City of Boulder Open Space & Mountain Parks

LOCATION MAP - Public Service Co. Easement



© 2013 City of Boulder, Colorado

All rights reserved. The map information contained herein is intended for the sole use of the purchaser and may not be copied, duplicated or redistributed in any way, in whole or in part, without the expressed written consent of the City of Boulder.

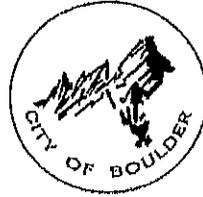
The information depicted is provided as a graphical representation only. While source documents were developed in compliance with National Map Accuracy Standards, the City of Boulder provides no guarantee, express or implied, as to the accuracy and/or completeness of the information contained herein.

Document Path: E:\MapFiles\Property\DoverBlacker\DoverBlacker_locationMap.mxd

- Public Service Co. Easement
- OSMP Ownership
- OSMP Conservation Easement

- A Access Point
- Hiking Trail





**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

SPECIAL MEETING DATE: December 18, 2013

AGENDA TITLE Consideration of a recommendation to grant or deny a nonexclusive revocable license to Xcel/Public Service Company of Colorado (Xcel) to bore and place an underground electrical feed line across approximately 1,000 linear feet of the Dover Blacker Open Space property and under the Thomas Lane Open Space roadway for the purpose of providing electricity to the Shanahan Ridge neighborhood.

PRESENTER/S

Michael D. Patton, Director, Open Space and Mountain Parks
James Reeder, Land & Visitor Services Division Manager
Jim Schmidt, Property Agent

EXECUTIVE SUMMARY

The Shanahan Ridge neighborhood in Boulder relies entirely on electrical service for all household heating and electrical needs. Xcel provides only one feed to this entire neighborhood via an underground conduit from Thomas Lane across the Mardick private property and then across the Shanahan private property to a switch cabinet located in a utility easement south of Greenbriar Blvd. There is no redundant electrical feed to this neighborhood. This buried line failed during the big rains of Sept. 9-12, 2013. In order to quickly restore electrical service to the neighborhood, Xcel placed an electrical feed in a PVC pipe on the adjoining Dover Blacker Open Space land. This was done without any communication, consultation or permission from the Open Space and Mountain Parks (OSMP) Department. This temporary feed could arguably fail at any time as the PVC pipes have already begun to come apart and parts of the conduit are simply tied to existing boundary fencing along the east-west steep hillside. It is also potentially subject to vandalism and interference by animals.

Xcel has determined that it had no easement across the Shanahan private property where it has its failed buried service line and the Shanahans are now refusing to grant Xcel an easement. Thus, Xcel is now asking OSMP for an easement or license to underground this line across the northeast corner of the Dover Blacker Open Space property to provide for a more secure electrical feed to the Shanahan Ridge neighborhood. The construction plan is to bore from the switch cabinet location up along Greenbriar downhill about 500 feet, bore again from the Mardick private property another roughly 500 feet uphill and then dig a pit (approximately 3 x 5 feet) on the Dover Blacker Open Space land and splice the lines together at the pit location. The line would then be undergrounded down the Mardick property and be bored under Thomas Lane.

Because of the time involved in processing a formal easement (four to five months), staff has determined that the Open Space Charter (Boulder City Charter: Article XII, Section 171(a)) allows the director to issue a Nonexclusive Revocable License which would allow Xcel to legally place its electrical line under the Open Space land. Prior to the director issuing such a license, the Open Space Board of Trustees must first make its recommendation on the matter (Boulder City Charter: Article XII, Section 175(h)). Staff has determined that the reasonable compensation for this license should be \$12,500 based upon a valuation of the Open Space land at \$40,000 per acre. Should it be granted, staff will provide Xcel with restoration standards as part of the license agreement.

It is contemplated that Xcel will apply for a formal easement within four months of the project being completed.

STAFF RECOMMENDATION

Staff requests that the Open Space Board of Trustees pass a resolution recommending that the director issue a nonexclusive revocable license to Xcel to bury its electrical feed servicing the Shanahan Ridge neighborhood under the Dover Blacker Open Space and under Thomas Lane for the consideration of \$12,500 and upon such further terms and conditions developed by staff.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Environmental:** OSMP is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- **Economic:** OSMP contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- **Social:** Because OSMP lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- **Fiscal** – The Open Space Fund would realize \$12,500 from Xcel's payment for this license.
- **Staff time** – This matter has been handled by staff during its normal work hours.

PUBLIC COMMENT AND PROCESS

This item is being heard at this public meeting, advertised in the *Daily Camera* on Dec. 15, 2013.

Submitted by:



Michael D. Palton, Director



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: June 11, 2014

AGENDA TITLE: Review of staff proposed trail reroutes in Skunk Canyon valley.

PRESENTER/S

Michael D. Patton, Director, Open Space and Mountain Parks
James Reeder, Land and Visitor Services Division Manager
Dave Kuntz, Resource Systems Division Manager, Acting
Annie McFarland, Visitor Master Plan Implementation Coordinator

EXECUTIVE SUMMARY

The Community Collaborative Group (CCG) developed a plan for the trails in the Skunk Canyon valley area near the Hollyberry Lane access point. Open Space and Mountain Parks (OSMP) staff used the guidance of that plan to determine which trails would be closed and restored, which would be designated and which would be rerouted. While not meeting every guideline in the plan, staff feels that its design meets most of the guidelines in the best way possible.

Some members of the public have expressed concerns that the staff design does not follow the West Trail Study Area (TSA) Plan closely enough and should be modified.

Staff is asking the Board to review the West TSA Plan for trails in this area and the corresponding staff design and then give the department its recommendation on how best to proceed.

STAFF RECOMMENDATION

Staff recommends that the Board support staff's planned trail reroutes in Skunk Canyon valley as depicted in the map attached to this memo, Attachment A.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic - Open Space and Mountain Parks contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. Diverse and high-quality opportunities for visitor activities throughout the OSMP system help attract and support businesses and residents who seek such opportunities.
- Environmental – The trail reroutes as proposed by the West TSA Plan and those proposed by OSMP staff both consider the effects on wildlife and plants in the valley. Timing of the work will take into consideration restrictions in place for working in Preble’s meadow jumping mouse habitat.
- Social - Because the Open Space land system is accessible to all members of the community, it helps support council’s community sustainability goal because all residents who live in Boulder can feel a part of and thrive in this aspect of their community.

OTHER IMPACTS

- Fiscal – Costs to implement either set of reroutes will be mainly staff time, including seasonal trails crews and are included in the budget.
- Staff time – Staff time is will include planning, applying for permits and trail construction.

PUBLIC COMMENT AND PROCESS

This item is being heard at this public meeting, advertised in the *Daily Camera* on June 8, 2014.

BACKGROUND

In 2010 and 2011, the CCG grappled with what changes needed to be made in the western part of the OSMP trail system. This Skunk Canyon valley area was a part of those discussions. The West TSA Plan was subsequently approved by OSBT and City Council in the fall of 2011.

The listed general goals for TSA Plans are:

1. Resource protection
2. Improving user experience
3. Improving trail sustainability
4. Protection of cultural resources
5. Maintaining visitor access opportunities.

Specific parts of the Plan critical to this discussion are included below.

West Trail Study Area Plan Summary:

General guidelines (West TSA Plan, page 5):

“All new trail alignments illustrated on the maps are conceptual. The specific alignment will be developed by OSMP staff during implementation.

Reroutes are illustrated in two ways: 1) with a new conceptual alignment or 2) in cases where a new conceptual alignment has not been identified, the old alignment is simply shown in yellow.

The term only applies to the designated trail system. In other words, undesignated trails are not rerouted, they are designated.

The construct term and symbology applies to newly designated trails for which there is no or minimal existing tread.

The designate term and symbology applies to newly designated trails in an existing undesignated trail corridor. Current undesignated trails will not necessarily be designated as is; rerouting or additional trail work may be required.”

Specific Plan guidelines for Skunk Canyon near the Hollyberry Lane access point (West TSA Plan, page 25):

“Designate trail connectors from the Hollyberry Ln access point to lower Skunk Canyon.

- Two connectors from Hollyberry Ln to Skunk Canyon.
- Minor realignment needed to make the more northern trail more sustainable. Trail should not be realigned farther east than the existing undesignated trail.
- Two short connectors from Hollyberry Ln to the NCAR Skunk Canyon service road.

Driving Factors/Benefits:

- Provides a gentle, short, flat loop opportunity.
- Provides desired neighborhood connections.”

ANALYSIS

Skunk Canyon Trail was significantly damaged in the September 2013 flood. The trail was identified in the West TSA Plan as one that needed to be realigned. Staff determined that rather than repair the trail in place, it made more sense to go ahead with the planned reroute. This was done starting in the fall of last year.

Along with the reroute, the West TSA Plan called for rerouting, designating and closing of social trails in the Skunk Canyon valley near the Hollyberry Lane access point. It seemed that the best time to make those planned changes was in conjunction with the Skunk Canyon Trail reroute

OSMP staff used the West TSA Plan as a guide in determining which trails and portions of trails to designate, which to close and restore and where to build new trails (Attachment B).

Staff believes that this plan solves all of the somewhat competing guidelines in the West TSA Plan in the best possible fashion. The proposed combination of social trail designations, social trail closure and restorations and reroutes does a fair job of protecting

the natural resources of the area while providing very nice user experiences. The desired gentle, short, flat loop is provided as are many combinations of trails for more intense, longer loops. Two connectors from Hollyberry to the National Center for Atmospheric Research (NCAR) service road are planned. Neighborhood access points are maintained. The realignment of the northern social trail is minor and is to the west of the existing alignment.

Staff does grant that the expected two connectors to Skunk Canyon Trail merge into only one access point from the provided loop. This route is approximately 1000 feet longer than using the southern social trail would if it continued directly west to connect to the new Skunk Canyon Trail.

Staff acknowledges that there are some concerns from people in the immediate neighborhood, specifically:

1. The West TSA Plan indicates that the southern social trail (heads approximately due west) should be designated and would connect directly to the newly constructed Skunk Canyon Trail.
2. The staff alignment for the southern social trail parallels the northern designated trail and Skunk Canyon Trail, effectively cutting that block of habitat in half.
3. The proposed re-route of the southern social trail also adds some distance to one's hike if they desire to go west on Skunk Canyon Trail.
4. The rerouted southern section of the loop would be so close to Skunk Canyon Trail that many people would take an off-trail, short-cut up to Skunk Canyon Trail. It is noted that Skunk Canyon Trail would be very visible from the southern rerouted trail as well.

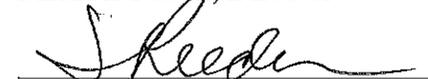
CONCLUSION

Staff is asking the Board to review the West TSA Plan for trails in this area and the corresponding staff design and then give the department guidance as how they would like the department to proceed.

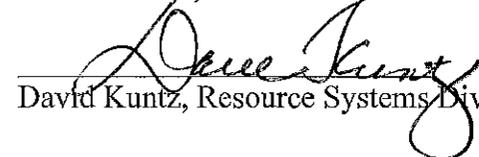
Submitted by:



Michael Patton, Director



James Reeder, Land and Visitor Services Division Manager

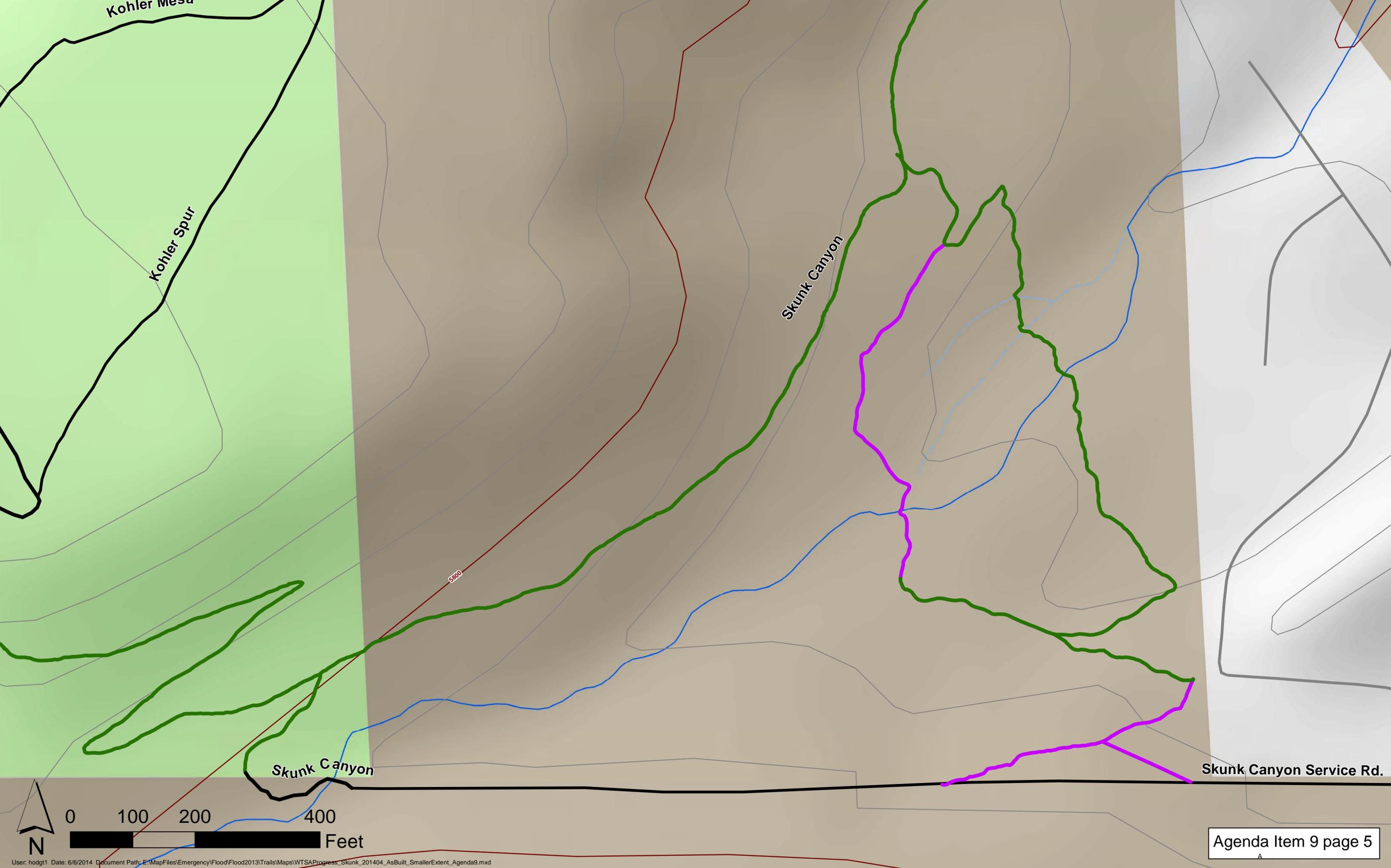


David Kuntz, Resource Systems Division Manager, Acting

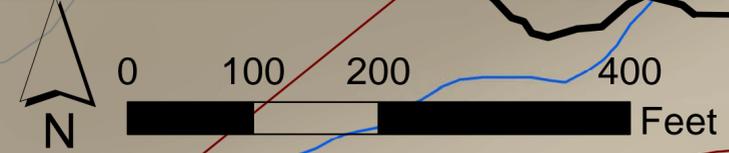
ATTACHMENTS:

- A. Staff's Skunk Canyon Plan Map
- B. Staff's Skunk Canyon Plan Map with West TSA Plan

Trails - As Built		Hydrology		Roads	
	As Built		Stream		Roads
	To Be Built		Intermittent Stream		OSMP Land
	No Recommendation		Ditch		OSMP Ownership
					NCAR/NIST



Skunk Canyon Service Rd.



WTSA Planned Trails		Trails - As Built		Hydrology			Roads		OSMP Land	
	Construct		As Built		Stream		Roads		OSMP Ownership	
	Designate		To Be Built		Intermittent Stream		Ditch		NCAR/NIST	
	Re-route (WTSA Plan)		No Recommendation							
	Repair									
	Restore/Close									

