

*Approved as Amended 9/10/14*  
**OPEN SPACE BOARD OF TRUSTEES**  
Minutes  
Meeting Date August 20, 2014

**BOARD MEMBERS PRESENT**

Tom Isaacson      Shelley Dunbar      Frances Hartogh      Molly Davis      Kevin Bracy Knight

**STAFF MEMBERS PRESENT**

Jim Reeder      Dave Kuntz      Mark Gershman      Greg Seabloom      Don D'Amico  
John D'Amico      Leah Case      Brad Skowronski      Lynn Riedel      Megan Bowes  
Alyssa Frideres      Annie McFarland      Cecil Fenio

**GUESTS**

Kurt Bauer, Environmental Project Manager, Utilities  
Craig Eicher, Xcel Area Manager, Boulder Area

**CALL TO ORDER**

The meeting was called to order at 6:01 p.m.

**AGENDA ITEM 1 – Approval of the Minutes**

Frances Hartogh moved to approve the minutes from July 9, 2014. Kevin Bracy Knight seconded. This motion passed unanimously.

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

Morgan Lommele, Boulder Mountainbike Alliance (BMA), said BMA supports adding a new single-track trail on the Joder property to connect Olde Stage Road and Left Hand Canyon Drive. This would be an important link in the regional trail connection between Lyons and Boulder. It is worth looking at a new connection versus using a road bed or existing trail. BMA can commit to building this trail with the help of their volunteers.

**National Institute of Science and Technology (NIST)**

Julie Krintzer, Boulder, said the Open Space area near the NIST property is unique as it connects her neighbors together. They have become accustomed to these foot paths and were surprised when barricades were put up with no notice. She said the neighbors want to make sure that crucial connectors are preserved, and they would like to be included in this process.

Pete Fox, Boulder, said he would like to be a part of this process in the future, and agreed that the Open Space and Mountain Parks (OSMP) Website should have updates on progress.

Tom Masterson, Boulder, said more than 1000 users per week use these connector trails. He thanked OSMP for removing the barricades along Broadway and agreeing to keep trails open through the planning. He would like more information about this process and for the neighbors to be included in the planning. He asked that access to Skunk Creek be preserved, and said the bridge over Anderson Ditch is a priority.

Janet Streater, Boulder, thanked staff for having the open house. She asked that undesignated trails not be closed, and to prioritize the bridge at Anderson Ditch. She read a message from her neighbors asking to help minimize impact on the Skunk Creek crossing.

David Paule, Boulder, said Anderson Ditch needs to be addressed immediately. There is no bridge needed across Skunk Creek; simply maintain the area as is. He said the barricades put up with no public notice caused some mistrust as well as worry among the neighbors. He asked that staff work with community associations to help with future planning.

Kimman Harmon, Boulder, agreed that a bridge at Skunk Creek is not necessary. She asked that the trees near the building east of Anderson Ditch be left as is; they are a good buffer between the building and the street.

Jim Morris, Boulder, appreciated having an easy way to get into Open Space without using any other means of transportation.

### **South Boulder Creek**

Ben Binder, Boulder, showed the Board a power point presentation and recommended the Board support the Water Resources Advisory Board (WRAB) recommendation to City Council asking to use the gravel pits on the University of Colorado (CU) land as a retention pond.

Ruth Blackmore, Boulder, agreed with the WRAB recommendation. She said she is opposed to the city giving up so much Open Space land when CU is giving up so little. She said the city needs to negotiate more with CU to try and use part of their property as a retention pond.

Laura Tyler, Boulder, thanked staff and Kurt Bauer for keeping their neighborhood informed of this process. She said last September when the flood happened she has never felt so much terror, and strongly supports this proposal. She asked that the Board extend the empathy they have for the trail users to the neighbors who live in this area.

Rick Mahan, Boulder, said he understands the environmental impacts of the berm, but having something like this in place last September would have prevented a lot of the flood damage in his neighborhood.

Steve Karakitsios, Boulder, supports the WRAB study from 2010, but he is concerned that this is the first time it has been brought forward to the Board. He said it is important to look at the possible liability, and the berm proposal should not be shelved. He said the Board should recommend this option to City Council.

Jeffrey Lipton, CU, said the University is willing to work with the city to fix deficiencies and take downstream residents out of the flood plain. CU has worked with the city since 2002 on mapping and flood mitigation studies. He noted the flood also directly affected the CU community. Tom asked if CU has taken an official position on the berm. Jeff responded that they have not.

### **AGENDA ITEM 3 – Director’s Updates**

#### **NIST Trail Management**

Annie McFarland, Visitor Master Plan Implementation Coordinator, gave an update on the management plan for trails bordering OSMP and NIST.

Tom said the proposed bridge across Skunk Creek is not ideal. Dave said staff is most interested in minimizing erosion and there might be other alternatives. Shelley noted she would vote against having a bridge over Skunk Creek; the current trail is sustainable, and there is adequate crossing. She suggested designating the gravel road that NIST security currently uses. Dave said staff can look into this as an option, although it will continue to be a service road for NIST. Tom said things have come a long way since last week and staff has done a lot of good work since the closure, but he noted that it is important to get these issues to the public and the Board before closures happen. He said unless NIST insists on a

bridge across Skunk Creek, his preference would be that it not happen. He asked if the Four Pines Trail is a ways down on the work plan. Dave said yes, but the connection from Four Pines across NIST will be looked at. Frances said despite the high volume of concerned e-mails from the neighbors, it was pleasing to see the quick response from staff. Tom suggested adding a link on the OSMP Website so people could stay informed.

### **South Boulder Creek Flood Mitigation Proposed Alternative**

Don D'Amico, Ecological Systems Supervisor, and Kurt Bauer, Environmental Project Manager, Utilities, gave an update to the Board.

Tom asked how often a berm is expected to be needed. Kurt said the berm is conceptually designed for a 100-year flood event. Shelley asked about the berm alignment. Kurt responded that currently Colorado Department of Transportation (CDOT) only has a recommendation for the first stage of construction which pushes the berm alignment outside of its footprint; the alignment might change when the design is finalized. He said he may have more specifics at the next meeting. Shelley asked what CU's position is on this project. Kurt said they have coordinated with CU staff who are in agreement with the concept. Shelley asked if there are any potential repercussions or liability concerns if the city chooses not to build something that later could be proven to save lives. Kurt said he is unsure about this, but will follow up.

Tom noted that any disposal of Open Space can only happen if the Board approves it first. Kevin asked if the Board needs to use the same approval language as WRAB. Dave said no. Frances said she would like to see this area. It seems there might not be enough new information between now and the next meeting to help make a decision. Dave agreed this decision is very important and deserves some consideration and deliberation before it is made. Frances said she would like to know more about other options and potential areas on CU. Kurt said it was not previously in the scope to look beyond working within CU's conceptual plan, but heard tonight from Jeff Lipton that now they can reengage.

Molly Davis said it is important that whatever is decided on is carefully scrutinized. She agreed that something needs to be done to help protect the community. Tom asked for the City Attorney's Office (CAO) opinion on this potential disposal. He said the Board welcomes input from the neighbors, but would also like to hear from others in the conservation community. He noted that Open Space is part of the city as a whole, but the Board still needs to respect the charter mandate when making this decision.

### **Chautauqua Meadow Trail Repair/Rehabilitation Project**

Greg Seabloom, Trails Supervisor, gave an update on the upcoming trail project at Chautauqua Meadow.

Kevin said he supports doing what we can to reduce mud and erosion. He asked if all trails in this area are going to have a crusher fine surface. Greg said yes, except for the Chautauqua Trail. Kevin asked if the crusher fine mix has any environmental impacts. Greg said the mixture is natural; a low ratio of crusher fines mixed with a naturally existing product to serve as a binding agent. Kevin suggested using physical pinch points in areas where grade reversals are recommended to help manage traffic. Greg said this will be used when possible. Shelley asked if parking will be affected when materials are staged. Greg said no. Frances asked how visible the fence will be. Greg said minimally visible to avoid impeding the view. Frances asked if this proposal is a last attempt to deal with mud. Greg said this is a high use recreation site, and this material has proven to be very effective. Frances asked how the crusher fine color is chosen. Greg said this material is sourced locally and there are very few choices; staff will select one that matches native soil colors.

Frances asked if trails will be designed to be single file. Greg said yes. Frances said many groups take advantage of the wide trail to walk side by side; she asked if there will be language posted on why that is no longer an option. Greg said this has not been discussed, but revisions to the kiosk language can be

made. Kevin said when a trail is built well people will use it, especially when it successfully sheds water. Tom said his experience with crusher fines is very favorable. He said putting a fence up might impact the most iconic scenery in the city. He suggested trying the crusher fines first and maybe a smaller section of fence. Greg said it is unlikely that signage alone would be effective. Staff will look for balance between preserving the view and trail management. Shelley said she would be in favor of trying something other than a fence first. Dave clarified that other than the fence along the south side of Baseline, no other fencing will be going in until next year. That section could serve as a trial run. Tom agreed that would give a sense of the visual impact. Kevin said if crusher fines are going in first that will also provide a sense if that alone is working. The Board agreed that the alignment is fine, and there are no objections to the outreach plan or the use of crusher fines. They suggested staff proceed incrementally with the fence by putting in small sections to start with.

### **Monitoring Protocol: Undesignated Trail Closure and Restoration - Sanitas (Wittemyer) and Anemone Subareas**

Megan Bowes, Ecological Technician, gave an update on the monitoring protocol for Sanitas (Wittemyer) and Anemone.

Kevin asked how geographic accuracy is established. Megan said staff used Global Positioning System (GPS) units that have sub-meter accuracy. Frances asked how long this requirement will be in place. Megan said two years and then after that the area will be reevaluated. Dave said there has been a lot of interest in undesignated trails, so staff wanted to make sure Board was aware of the monitoring protocol and what the results will determine in regard to management.

### **Temporary South Boulder Creek Trail Closure**

Mark Gershman, Environmental Planning Supervisor, gave a heads up to the Board about a potential temporary closure/delay on the South Boulder Creek Trail.

Shelley asked how soon staff will be signing the area. Mark said very soon, but staff wanted to brief the Board first. Staff is working with CDOT on a joint message. Kevin asked if the timing would allow for the connection of the South Boulder Creek Trail upstream of the US36 crossing with the bikeway to be constructed between the Table Mesa Park and Ride and South Boulder Creek. Mark said this is a great suggestion and he will pass it along.

### **Other**

Jim Reeder said the Green Mountain Lodge access reroute is complete. Front Range climbing stewards are working on the upper trail reroute at Royal Arch.

### **AGENDA ITEM 4 – Matters from the Board**

Kevin said thank you for putting in the cattle grades. He said staff did a great job with trail work on the Hogback Trail.

### **AGENDA ITEM 5 – Consideration of a motion to approve the purchase of approximately 80 acres of land, the mineral estate, nine shares of Left Hand Ditch Company water, 80 shares of Dry Creek-Davidson Ditch Company water, two houses and associated outbuildings located at 3285 and 3287 95<sup>th</sup> St. from the Martinson family for \$3,000,000 for OSMP purposes.\***

John D'Amico, Property Agent, gave a presentation to the Board on a possible acquisition.

Frances asked how long the family would continue to receive 50 percent of mineral royalties. John said they will receive this as long as the well is producing. Shelley asked about the evaluation for the sale price. John said the property was appraised and compared to other home sites in the area. Tom asked what would happen to this property if OSMP did not buy it. John said it would likely become a luxury home

site. Shelley asked if there would be a building size restriction. John said yes. Tom said because of all the trees you would not be able to see the house from Open Space. He asked if this property was in the acquisition plan. John said yes; this is a key property. Tom said this is a very expensive piece of land, and OSMP may be unable to complete the acquisition plan if this much continues to be spent on properties. John agreed that if they paid this price consistently they would be short on acreage, but there are few properties that come in this high of a priority. Shelley asked if this property would link to other trails. Tom said this does not meaningfully add to the nearby trails. He asked if the department is likely to run into any other issues with acquisitions as budget for this year is almost used up. Dave said bonds will be sold at the end of this year, but last night council approved preliminary funding if needed for purchases ahead of bonding authority.

Molly asked why this property is such a high priority. John said it is a large property that has good soil for agriculture and a large amount of water. Molly asked if this fits the council objectives for agriculture. John replied yes and confirmed that this land is zoned for agriculture. Kevin asked if there is a benefit to Open Space purchasing this over someone else if in both cases it would be used for agriculture. He said this is a hard decision as it is unclear what else might become available in the future.

#### **Public Comment**

None.

#### **Return to the Board**

No further comment.

#### **Motion**

**Frances Hartogh moved the Open Space Board of Trustees approve a motion recommending that the Boulder City Council approve the purchase of approximately 80 acres of land, mineral estate, nine shares of Left Hand Ditch Company water, 80 shares of Dry Creek-Davidson Ditch Company water, two houses and associated outbuildings located at 3285 and 3287 95th Street from the Martinson family for \$3,000,000 for Open Space and Mountain Parks purposes. An additional \$40,000 for immediate property improvements such as home repairs, boundary fencing and irrigation improvement is also being requested for expenditure from the acquisition budget. Kevin Bracy Knight seconded. This motion did not pass; Tom Isaacson, Shelley Dunbar, Molly Davis, and Kevin Bracy Knight dissented.**

**AGENDA ITEM 6 – Recommendation to enter into a nonexclusive license pursuant to Boulder City Charter Section 175(h) between OSMP and Public Service Company of Colorado for three power pole support beams on the East Rudd property for the purpose of facilitating the construction of the Boulder County/CDOT road improvement project on State Highway 93. This is the same highway improvement project which encompasses the OSMP new Community Ditch underpass.\***  
Jim Reeder, Land and Facility Services Division Manger, gave a presentation to the Board.

Tom asked how big the light supports are. Craig Eicher said they will be the size of a standard pole. Tom asked if staff is comfortable with the visual aspect. Jim said yes.

#### **Public Comment**

None.

#### **Return to the Board**

No further comment.

#### **Motion**

**Shelley Dunbar moved the Open Space Board of Trustees recommend that the Open Space and Mountain Parks Director grant a nonexclusive license to Public Service Company of Colorado to allow it to place three support beams for utility poles on the East Rudd Open Space property for the purpose of facilitating the construction of the Boulder County/CDOT road improvements on State Highway 93. Molly Davis seconded. This motion passed unanimously.**

**AGENDA ITEM 7 – Consideration of the Anemone Hill area on-trail requirement during trail construction and undesignated trail restoration.\***

Annie McFarland, Visitor Master Plan Implementation Coordinator, gave a presentation on the Anemone Hill Trail construction.

Kevin asked if this area is heavily used. Annie said this area does not draw the same attention as other areas. Molly said this trail is good for those looking for a steep trail in the winter. Shelley asked how the rolling option would work. Annie said it would be an out and back experience. Users would be able to hike to the closure barrier, but then would have to turn around; as new sections of trail opened, the closure barrier would be moved allowing users to go a bit farther. Dave noted that the preference is to allow users into as much of the area as possible versus closing the whole thing while construction takes place.

**Public Comment**

Guy Burgess, Boulder, said this trail is especially valuable in the winter. He suggested keeping the old trail open during the winter when the new trail construction is taking place. He asked staff to consider making part of the trail alignment steeper to provide a mixed-user experience. It seems likely users would have trouble getting their heart rate up on the proposed alignment. He said it would be worth asking the public what their thoughts are on this new generation of flat trails.

**Return to the Board**

Tom asked what the time table is for physically reclaiming undesignated trails. Annie said this would happen simultaneously; Megan is prepared to start on this next week if approved. Her work will be driven by Board direction. Shelley said it does not seem that this will offer the public enough trail miles to really make a difference. Look at the option to defer some of the reclamation work, and wait until the new trail is built so users could have a longer walk. Frances said this trail is desirable as it is a quick uphill. She cautioned that staff close this area in a way that the public can understand. Kevin said if staff started at Settlers Park and moved forward this would provide a little more than a mile of trail. Tom said he supports this plan, but would suggest that staff request the contractor to work east to west so trail connections would be linked.

**Motion**

**Kevin Bracy Knight moved the Open Space Board of Trustees approve Open Space and Mountain Parks implementation of Alternative A Revised--“Rolling Trail Opening”-- that implements opening the Anemone Hill Trail sequentially as sections are completed for visitor access. Molly Davis seconded. This motion passed four to one; Frances Hartogh dissented.**

ADJOURNMENT – The meeting adjourned at 11:30 p.m.  
These minutes were prepared by Leah Case.

APPROVED BY:

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Tom Isaacson  
Board Chair

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DATE