

Approved as Amended 10/23/14
OPEN SPACE BOARD OF TRUSTEES
Minutes
Meeting Date September 10, 2014

BOARD MEMBERS PRESENT

Tom Isaacson Frances Hartogh Molly Davis Kevin Bracy Knight

STAFF MEMBERS PRESENT

Mike Patton Jim Reeder Dave Kuntz Don D'Amico Steve Armstead
John D'Amico Mike Orosel Mark Gershman Leah Case

GUESTS

Kurt Bauer, Engineering Project Manager – Utilities
Jeff Lipton, Director of Real Estate, University of Colorado (CU)
Jeff Arthur, Director of Public Works for Utilities

CALL TO ORDER

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

AGENDA ITEM 1 – Approval of the Minutes

Tom Isaacson asked, on the Aug. 20 minutes, to change “whole things” to “whole thing” under agenda item 7. Under Return to the Board, he said “staff closes this area” should be “staff close this area,” and “staff requests the contractor” should be “that staff request the contractor.” He said in the vote for the Martinson motion, Kevin Bracy Knight should be added to the Board members who dissented.

Molly Davis moved to approve the minutes from Aug. 20, 2014 as amended. Tom Isaacson seconded. This motion passed unanimously.

Frances Hartogh moved to approve the minutes from Sept. 2, 2014. Tom Isaacson seconded. This motion passed unanimously; Kevin Bracy Knight abstained as he was absent during that meeting.

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

None.

AGENDA ITEM 3 – Director's Updates

Update on Implementing the Voice and Sight Tag Program Changes

Steve Armstead, Environmental Planner, gave the Board an update on the Voice and Sight Tag Program.

Frances asked if the Daily Camera has been helpful in promoting the education class. Steve said they have. Frances suggested putting a countdown on the Open Space and Mountain Parks (OSMP) Website. She said she has received positive feedback on the upcoming changes.

Change in Dog Regulations on Lion's Lair Trail and Wittemyer Open Space

Dave Kuntz, Resource Systems Division Manager, gave an update to the Board on the new dog regulations at the Wittemyer Open Space.

Tom said he supports making it clear up front that this area will be a no-dog trail; this would be easier than having to change a behavior down the road.

AGENDA ITEM 4 – Matters from the Board

Tom said he needs to change the October Board meeting date; this date will be posted when chosen.

AGENDA ITEM 5 – Public hearing and consideration of a recommendation to City Council regarding the South Boulder Creek Major Drainageway Mitigation Plan. *

Don D'Amico, Ecological Systems Supervisor, and Kurt Bauer, Engineering Project Manager – Utilities, gave a presentation to the Board.

Kevin asked why the option to have a pipeline, which has no negative environmental impact, was not a part of the staff recommendation. Kurt said this option was not supported by other departments, and Urban Drainage would not provide maintenance to it. Jeff Arthur added there were several elements that provided a safety concern. Frances asked if Frasier Meadows would be pulled out of the flood plain under the staff recommendation. Kurt said yes, with construction of the full alternative including the retention pond. Tom asked if the consultant was tasked with looking at the environmental impacts for this project. Don said yes, but noted that staff still provided some feedback, as the mitigation proposed was either not feasible, or created issues for implementation. Frances asked if the land shown to be impacted by the berm includes damage during construction. Kurt said they only took into account permanent loss. Molly said she is concerned that just one of these options will not meet all of the potential needs; she would encourage staff to make sure they have strong data to support their solution.

Public Comment

Chuck Wellman, Boulder, said flash flood danger is a proven fact, and he supports the staff recommendation. In addition to the berm, the remainder of the detention pond could remain open for available habitat. With this proposal it appears in the instance of a flood, Boulder would not lose precious Open Space, but instead gain security. He recommends that the entire package goes forward

Ruth Blackmore, Boulder, said rushing to build poorly designed structures is not an appropriate response. The proposed berm has not been well thought out, nor have alternatives been investigated. This would have a major destructive impact on Open Space. She would urge the Open Space Board of Trustees (OSBT) recommend looking at all other alternatives before considering Open Space for a retention pond. She said she supports the staff recommendation.

Rick Mahan, Boulder, said CU is more than a willing partner. Staff does not need to study this anymore, but rather prevent this issue from happening again, and move forward. Look at the option to partner with the Colorado Department of Transportation (CDOT) and CU.

Steve Karakitsios, Boulder, said the definition of insanity is to do something over and over, knowing the end result will be the same. When CU bought this property, the flood plain was mapped out showing where the water would go if there was a flood. They were accurate in showing that water cresting over Highway (Hwy) 36 will go into their neighborhood. He said there were no reported casualties that day from Frasier Meadows, but trauma can have long lasting and even fatal effects.

Kathie Joyner, Boulder, said the majority of flood water came from Hwy 36. This community is very lucky that the main loss was only property damage. The recommendation for the Hwy 36 detention phase would positively affect structures, and asked for this option not to be dismissed.

David McGuire, showed a power point presentation of various flood damage. He asked the Board to please take into consideration the health and welfare of Boulder residents.

Carl Norby, Boulder, said the staff recommendation is good. He noted there are some steps throughout the city, such as cleaning out the creeks, which should be done as soon as possible.

Ryan Eisenbraun, Boulder, said he supports the diversion plans west of Hwy 36. This plan would eliminate the spillover effect, a result of ineffective engineering along Hwy 36. Loss of life should not be the wake up call. He asked the Board to please act now and correct this problem.

Raymond Bridge, Boulder, asked the Board to not rush into projects which have had dubious design. He said places such as the gravel pits at CU were not considered enough. There are a lot of important aspects in this area including habitat. He urged the Board to take charge in protecting Open Space seriously, and to thoroughly investigate alternative strategies.

Terri Walters, Boulder, said their home is directly in the flood plain, and the water came into their neighborhood very quickly. They had extensive damage, and if the water had been any higher they would have lost their home entirely. The environmental concerns surrounding the berm are very small compared to the loss of life.

Karen Hollweg, Boulder, Friends of Boulder Open Space (FOBOS), supports the staff recommendation. She said the berm is a concern as it would impact the view of the city as well as damage very valuable land. FOBOS strongly urges the city to look at in-depth mitigation alternatives.

Elmar Dornberger, Boulder, said they lost the majority of their belongings, including most childhood possessions. They cannot afford to go through this a second time. He asked the Board to come up with a solution now.

Keith Hoffman, Boulder, said the cost benefit analysis does not include the hard-to-document costs. Boulder is an amazing community and this event consumed lives; both with death and people's ability to pursue dreams. The cost benefit needs to consider those who lost work space, time to contribute to the community and other intangible effects.

Jonathan Dings, Boulder, asked the Board to think about the impact on the community when making a decision. Many people are still displaced, there is a shortage of housing, and the human suffering continues. The staff recommendation enables this to move forward.

Jill Daugherty, Boulder, said she is concerned that Federal Emergency Management Agency (FEMA) costs are understating the human cost. Many people chose not to deal with FEMA, and are incurring a lot of out-of-pocket expenses. Others were rejected from FEMA, and some were only given partial help. The benefit side is dramatically understated for not having to deal with this process again.

Return to the Board

Tom asked if the land on CU property has been studied. Kurt said they have tried to stay within the CU concept plan, but have asked the contractor to look at alternatives on the CU South property. Tom asked if the University has a position on using the gravel pits for retention ponds. Jeff Lipton said they are willing to look at these options; their priority has always been safety of downstream residents. Molly asked what the timeline would be for implementation if the staff recommendation gets accepted. Kurt said it could take five to seven years until completion.

Tom said this would be the biggest disposal of Open Space land the Board has had so far, as the ecological impacts far exceed any previous disposal. There is a human aspect of this that is very powerful and the balance of this decision is very difficult. Kevin agreed that this is a difficult decision, but noted the Open Space Charter counters what is being presented. He suggested looking at other alternatives that will be better for Open Space and also meet the needs of those in the flood plain. Molly agreed that this is a very difficult decision. She said they need to make sure they come up with the right answer. She said

she understands the urgency for a solution, but would suggest taking the necessary time to make sure the solution will actually work. Frances said this is a part of living in a community that has natural risks surrounding it, and this Board needs to represent both the community and all of the creatures on the property. The area proposed for possible disposal would cause an enormous impact to Open Space land.

Motion

Frances Hartogh moved the Open Space Board of Trustees recommend proceeding with the “West Valley Improvements” and “Arapahoe Detention” phases of the “Regional Detention at U.S. 36 with Downstream Improvements” flood mitigation alternative at this time. Molly Davis seconded. This motion passed unanimously; Shelley Dunbar was absent for this vote.

Frances Hartogh moved the Open Space Board of Trustees recommend investigating alternatives to the “Regional Detention at U.S. 36” component which may have lesser potential for environmental impacts. Molly Davis seconded. This motion passed unanimously; Shelley Dunbar was absent for this vote.

Frances Hartogh moved the Open Space Board of Trustees make a statement to City Council: The Board believes that constructing a regional detention at US 36 would require a significant disposal of Open Space lands, which would be subject to all applicable Open Space charter provisions. Molly Davis seconded. This motion passed unanimously; Shelley Dunbar was absent for this vote.

AGENDA ITEM 6 – Consideration of a motion to approve the purchase of approximately 80 acres of land, the mineral estate, nine (9) 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 St. from the Martinson family for \$3,000,000 for OSMP purposes. *

John D’Amico, Property Agent, gave a presentation to the Board on the Martinson Property. This acquisition was discussed at the last Board meeting, but brought back by staff. At its 2013 retreat, City Council developed a vision with tasks and a two-year outcome. One of the goals for OSMP was to have more local, sustainable organic agriculture and farm housing. The Martinson property hits all these targets uniquely.

Tom asked if row crops are more water intensive than what is currently being grown. Mike said if you put in row crops of smaller things, such as most vegetables, it would not require any extra water. He noted that lessees could also rotate crops and put in a grass crop for livestock. Tom asked if the acquisition plan as a whole could still be completed using the per-acre value. Mike said yes. Molly asked how agricultural properties are governed. Mike said the Agriculture Plan provides direction on agricultural uses just like other management plans provide direction for other OSMP-owned property. Kevin asked if it makes sense for the properties that have passive recreation to be included in the Trail Study Areas (TSA). Mike said not necessarily; the Agriculture Plan looks at how this all fits together. Molly said she is curious to know how land is managed when it is producing food. Mike said staff keeps close tabs on leases and pays careful attention to regulatory issues and land management.

Public Comment

Karen Hollweg, FOBOS, supports the acquisition of the Martinson property. This property has been identified for purchase in the acquisition plan and the city has identified this (agricultural acquisitions) as a priority. Voters passed a tax extension for completing the approved acquisition plan.

Ray Bridge, PLAN Boulder County, supports this acquisition. Voters were told OSMP had enough money to follow this plan and therefore should do it.

Return to the Board

Tom said this presentation showed that the purchase price is consistent with the vision of completing this plan. Kevin thanked staff for this presentation; it has set the bar for future acquisitions.

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 St. from the Martinson family for \$3,000,000 for Open Space and Mountain Parks purposes. Kevin Bracy Knight seconded. This motion passed unanimously; Shelley Dunbar was absent for this vote.

AGENDA ITEM 7 – Review the City Manager’s 2015 proposed budget for the OSMP Department and recommend approval of the Operating and Capital Improvement Program Budgets and a portion of the Lottery Fund Capital Improvement Program Budget. *

Mike Orosel, Financial Services Manager, gave a presentation to the Board.

Frances asked if staff is still expecting a refund from FEMA. Mike said yes, but the numbers are not included as it is difficult to do a fund financial without knowing the exact numbers. Kevin asked if there is a possibility to increase the funding for trail maintenance. Mike said over last few years OSMP has increased seasonal trails staff as well as two fixed-term trail crew leaders. Kevin said there still seems to be a backlog of work, and if possible they should look at how to increase staff. Dave Kuntz said another capacity that would be important to expand is the Integrated Pest Management (IPM) and Forest Ecological Management Plan (FEMP) seasonal crews. He said looking at positions that have project managers would be beneficial. There are a lot of plans that still need to be looked at/accomplished. Kevin said he would recommend increasing the budget to allow for an additional trail crew and funds to make the current fixed-term positions standard.

Public Comment

None.

Return to the Board

No further comment.

Motion

Kevin Bracy Knight moved the Open Space Board of Trustees approve, and recommend that City Council approve the appropriation of \$29,601,652 in 2015 from the Open Space Fund and the General Fund and \$355,300 from the City’s Lottery Fund CIP to cover the 2015 Open Space and Mountain Parks Department operating and CIP expenditures and transfers. Additionally, the OSBT would recommend adding one additional standard fixed term trail specialist, the trail crew, and associated expenses. Tom Isaacson seconded. This motion passed unanimously; Shelley Dunbar was absent for this vote.

ADJOURNMENT – The meeting adjourned at 10:39 p.m.

These minutes were prepared by Leah Case.