

Approved as Amended 11/12/14
OPEN SPACE BOARD OF TRUSTEES
Minutes
Meeting Date October 23, 2014

BOARD MEMBERS PRESENT

Tom Isaacson Shelley Dunbar Frances Hartogh Molly Davis Kevin Bracy Knight

STAFF MEMBERS PRESENT

Mike Patton Jim Reeder Dave Kuntz Todd Doherty Mark Gershman
Kacey French Alyssa Frideres Leah Case Phil Yates

GUESTS

Clay Douglas, Deputy City Attorney

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

AGENDA ITEM 1 – Approval of the Minutes

Tom Isaacson said on page three, in the first paragraph under Return to the Board, “priority” should be “priority.”

Molly Davis moved to approve the minutes from Sept. 10, 2014 as amended. Kevin Bracy Knight seconded. This motion passed unanimously.

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

None.

AGENDA ITEM 3 – Director’s Updates

North Trail Study Area (TSA)

Kacey French, Environmental Planner, gave the Board an update on the North TSA. Frances Hartogh expressed concern that the data collected this year will not reflect normal circumstances due to the amount of moisture. Kacey said staff feels they have adequate data to proceed. Shelley Dunbar asked if the public process will happen the same time as the data collection. Kacey responded that the writing of the inventory reports and design of the public process would occur concurrently. Mike added that the Board will need to meet several times to have a work plan in place by the end of the year. He added that City Council will need to be kept informed on how Open Space proceeds with this process.

Grants

Don D’Amico, Ecological Systems Supervisor, presented the 2014 Restoration Grant information. Open Space and Mountain Parks (OSMP) was granted \$535,474 towards restoration projects.

Tom Isaacson congratulated and thanked Don on the impressive amount of money awarded, considering the large amount of flood candidates that must have vied for it.

Additional Updates

Mike noted that all of the Board budget recommendations were approved by the City Council.

AGENDA ITEM 4 – Matters from the Board

Tom asked about the survey being conducted on Sunshine Canyon. Mike responded that several property owners questioned Open Space ownership where the new trail work is being done. He said staff decided to go ahead and have the survey done.

Tom asked Don for an update on the South Boulder Creek berm project. Don said so far they have only done the preliminary work.

Tom asked staff to give an update at the next meeting on Skunk Canyon because the Preble's meadow jumping mouse restrictions will be lifted at the end of November. Kevin said he spent time with Brad Skowronski regarding trail options on Skunk Canyon. He asked Brad to present his recommendations at a future meeting.

Shelley Dunbar asked for an update on trailhead poop bag dispensers and dog poop signs. Mike responded that there is \$50,000 in the 2015 budget, and residual funds if needed for that project. He said staff has put signs out in the system, and plans to put out more.

Kevin asked for an update on the Voice and Sight education class attendance. Mark Gershman responded that 16,000 slots have been offered and only 2,300 have attended; classes will be offered into 2015.

Kevin inquired about the trail status near the Highway (Hwy) 93 and Hwy 36 construction. Jim Reeder stated that after the approaches, seeding and artwork are finished on the tunnel, the contractor should open the Community Ditch Trail mid-November. Mark reported that the Hwy 36 project will begin on Nov. 17, closing the South Boulder Creek access.

Molly relayed a concern from the lessee at Boulder Valley Ranch that poop bags being left on the trails and in the irrigation ditches are killing the calves that have eaten them. The lessee also had concerns regarding the need for crusher fines in the barns to eliminate the horses standing in mud. Jim Reeder will talk to him about possible solutions. Frances added that she had received complaints from the equestrians regarding the cattle grates and gate issues. Kevin suggested that the gates be locked open when there are no cattle grazing, and use signage when the gates need to be closed. Mike commented that perhaps staff could establish that request as future protocol.

Mike encouraged the Board members who have not yet attended a Voice and Sight class to consider going. Mike also mentioned that there are a few overarching issues, such as off-trail and night time use that will go before council in 2015.

Tom said he would like to have a conversation about the Joder property at the next meeting.

AGENDA ITEM 5 – Request a letter of support for a grant application to Great Outdoors Colorado (GOCO) which will partially fund a study to provide water resource management strategies for the benefit of the environment within the OSMP system.*

Todd Doherty, Water Resources Administrator, gave a presentation to the Board requesting a letter of support for GOCO's Stewardship and Long-Term Sustainability (category of the Conservation Excellence program) grant.

Public Comment

None

Return to the Board

Molly asked if there was a provision in the grant that would give a monetary value to the water portfolio. Todd responded that it does not.

Motion

Shelley Dunbar moved the Open Space Board of Trustees provide a letter of support for a grant application to Great Outdoors Colorado to help fund a study to provide water resource management strategies for the benefit of the environment within the OSMP system. Frances Hartogh seconded. This motion passed unanimously.

AGENDA ITEM 7 – Consideration of a proposal to dispose of 11 small, noncontiguous, paved parcels of Open Space land to the City of Boulder Transportation Department for the Purpose of Electric Bicycle Use as a Means of Alternate Transportation Pursuant to Article XII, Section 177, of the Boulder City Charter. *

Mike Patton, Director, Open Space and Mountain Parks, gave a presentation on a possible transfer of city land. Because there is ambiguity under the Charter about whether Section 177 applies to transfers between departments, staff recommends that OSBT treat this transfer as a disposal. This will insulate the city from any claim that the disposal procedures had not been followed to effectuate the change.

Frances asked if the Transportation Department would manage the proposed pieces of land for transportation purposes. Mike said yes, this is why the disposal would occur. Molly said the disposal is good because it allows time for the public to provide input; not going through this process, which is allowed for by Section 177 of the Charter, would be unfair.

Public Comment

Raymond Bridge, PLAN-Boulder County, strongly supports the disposal of these properties. He urged the Board to emphasize that a disposal can only happen when following the provisions of the Open Space Charter.

Allyn Feinberg, Boulder, said this has come up previously and has the potential to come up again in the future. The Charter was amended to include these key provisions to protect Open Space. The disposal process is necessary for the protection of Open Space. She asked the Board to send a clear message to council that a disposal has to conform to the Charter and there is no such thing as a transfer among departments.

Gwen Dooley, Boulder, said she was the OSBT chairperson when the amendments to this Charter were made. This has been strictly followed, and for the City Attorney's Office to go against this is a big disservice to the community. She said the word transfer should be eliminated and this situation should only be referred to as "disposal."

Edie Stevens, Friends of Boulder Open Space (FOBOS), said they support the staff proposal. She said they disagree with the city attorney's assertion that the transfer to another city department would not be a disposal. Following this opinion would set a dangerous precedent weakening the integrity of Open Space. Land was purchased with sales and use taxes dedicated for Open Space. She urges the Board to follow provisions of 177 regarding this transfer.

Return to the Board

Tom pointed out that when the Board last spoke about the South Boulder Creek berm disposal, it was made clear that even though it was a disposal to another city department, it should follow the Charter

provisions of 177. He said he is unsure why this process should be any different. Frances agreed that this should be treated as a disposal. Mike said Open Space land is defined by the Charter and the disposal gets rid of any ambiguity; they should not have Open Space land managed by another department.

Kevin said these are a series of disconnected paved paths and it makes sense to get rid of them. Molly said it adds up to a lot of Open Space that is proposed, and they are not necessarily small parcels. She said she appreciates that Open Space wants to alleviate maintenance responsibilities of them, but is not convinced that this many parcels being disposed of at the same time is a good idea. Frances added that her initial intention was to vote in agreement, but she sided with Molly after hearing her argument against the proposal.

Motion

Frances Hartogh moved the Open Space Board of Trustees to make the following statement to City Council: the Board maintains that conveying or otherwise transferring management responsibilities for any parcel of Open Space land, including those containing paved multi-use paths, to any other department of the city constitutes a disposal of Open Space land, which is subject to all applicable city Charter provisions including without limitations Section 177. Molly Davis seconded. This motion passed unanimously.

Shelley Dunbar moved the Open Space Board of Trustees approve the disposal of Open Space land consisting of the parcels identified in Attachment A, consisting of 11 small non-contiguous, paved parcels, which primarily serve a non-Open Space purpose, to the City of Boulder Public Works Department. This disposal is at no cost. The compensation to the Open Space and Mountain Parks Department will consist of the cost savings of having no management or maintenance of those parcels. Kevin Bracy Knight seconded. This motion passed three to two; Molly Davis and Frances Hartogh dissented.

ADJOURNMENT – The meeting adjourned at 9:00 p.m.

These minutes were prepared by Alyssa Frideres.