

Approved as Amended 1/13/16
OPEN SPACE BOARD OF TRUSTEES
Minutes
Meeting Date December 9, 2015

BOARD MEMBERS PRESENT

Shelley Dunbar Frances Hartogh Molly Davis Kevin Bracy Knight Tom Isaacson

STAFF MEMBERS PRESENT

Tracy Winfree Steve Armstead Mark Gershman Deryn Wagner Kacey French
Joe Reale Brian Anacker Kelly Wasserbach Cecil Fenio Leah Case
Alycia Alexander

GUESTS

Tom Carr, City Attorney

CALL TO ORDER

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

AGENDA ITEM 1 – Approval of the Minutes

Tom Isaacson moved the Open Space Board of Trustees to approve the minutes from Nov. 16, 2015. Kevin Bracy Knight seconded. This motion passed unanimously.

AGENDA ITEM 2 – Public Participation for Items not Identified for Public Hearing

None.

AGENDA ITEM 3 – Matters from Staff

Kacey French, Open Space Planner, gave an update on the Agriculture Resources Management Plan.

Frances Hartogh asked how this will tie into the Master Plan. Tracy Winfree said results could be folded into the Master Plan but there is still more to discuss.

Deryn Wagner, Environmental Planner, gave an update on the Rocky Mountain Greenway (RMG) Trail Project.

Kevin Bracy Knight asked what will happen when connector trails are proposed to be built in the more rugged mountainous areas, such as Rocky Mountain National Park. Deryn said the RMG group hopes to create an application for smart phones showing users various connections and alignments. Kevin asked who has the final say on an alignment. Deryn said staff has a good relationship with RMG and believes they will continue to be amenable to making the North Trail Study Area (TSA) work.

Tom Isaacson asked if this program will be a source of money for building underpasses. Deryn said because it has regional and state-wide significance, it could help with funding, but it does not by nature come attached with money. Tom asked if there is possibility to re-open the discussion on using the Feeder Canal as a trail. Deryn said she believes it will be referenced in the feasibility study, but only to shed light on the work that has already been done. Tom asked how much priority is being given to trails that are open year round. Deryn said that has not been decided yet. Shelley Dunbar asked who is paying for this project. Deryn said that this is not yet defined. Shelley asked what the goal is for a completion date. Deryn said it is still unclear since there are many agencies involved; staff will have a better idea on the timeline after the public relations campaign.

Frances Hartogh asked if RMG will be able to request changes to trails that might change the characteristic of the North TSA. Deryn said no; they are deferring to Open Space and Mountain Parks (OSMP), and understand the intentions of the North TSA. Frances asked if all trails will need to be Americans with Disabilities Act (ADA) accessible as federal money is involved. Deryn said it is not confirmed that federal money will be involved. Frances asked if RMG has defined the term, “mix of uses.” Deryn said no. She said that using existing trails are a priority, and regulations will generally default to the specific agency.

Steve Armstead, Environmental Planner, gave an update on the North Trail Study Area.

Kevin asked what kind of public feedback the North TSA planning team is looking for. Steve said the worksheet that will be provided at the upcoming workshop will also be posted on the website. The worksheet focuses on specific questions about the refined scenarios and will be available until Jan. 3 2016.

Frances asked if the underpass was brought up during the conversation regarding the feasibility of a pedestrian light on Highway 36. Steve said it was not, though Colorado Department of Transportation (CDOT) knows that it is something staff is considering. Frances asked if staff would let the Board know how many permits have been requested for access to Joder. She asked if there will be a place for the public to still provide general comments. Steve said yes, but feedback on the specific questions is more helpful at this point. Molly said she thinks the Spotlight Webpage is a terrific idea. Shelley asked what the estimated cost is for the proposed underpass. Steve said it was discussed to be in the neighborhood of \$2 million.

The Board discussed the upcoming schedule for the North TSA study sessions, as well as how to make these meetings as efficient as possible.

Tracy Winfree, Open Space and Mountain Parks Director, gave an update on various staff projects.

Frances asked if the Hartnagle house and the Viele house are occupied. Tracy said they are not, but staff will be evaluating those possibilities.

AGENDA ITEM 4 – Matters from the Board

The Board discussed and finalized their feedback in response to the City Council questions.

AGENDA ITEM 5 – Consideration of a motion recommending to the City Council a proposed ordinance clarifying the roles of the Open Space Board of Trustees and City Council in determining what constitutes an Open Space Purpose under Charter section 176 and requiring that any transfer of open space land to another department comply with the disposal requirements of Charter section 177.

Tom Carr, City Attorney, gave a presentation to the Open Space Board of Trustees (OSBT) clarifying an ordinance regarding any transfer of Open Space land.

Frances asked if the definition of conveyance includes an interest in real property. Tom Carr said yes but noted that when going from one department to another, it is not conveying an interest in real property; it is conveying supervision over real property. Frances asked if interest in real property includes use. Tom said no, not in the legal interest.

Public Comment

Raymond Bridge, on behalf of the Boulder County Audubon Society, asked the Board to carefully consider the proposed ordinance. He said these changes are unnecessary since the Charter is already quite clear. Changing the title of Chapter 8 will imply that the chapter covers more than it actually does. The

roles of OSBT and City Council are already laid out in the Charter. In regard to transfer of Open Space property to another department, the Charter is clear that it be treated as a disposal; this proposed ordinance would not clarify the existing Charter requirements, it would muddy them.

Pat Billig, on behalf of PLAN-Boulder, said the proposed ordinance is not needed and the Charter is clear on both of the issues. No matter where the land goes, it is a disposal. The role of the Board in relation to council is clear; it is only with disposals where the OSBT can disagree with council and prevail. The proposed language could lead to confusion in the future, and it is better to stay with the core document.

Ruth Wright, Boulder, said she hopes the Board will not use the proposed language regarding the transfer of Open Space. She suggested keeping the language straight forward, and offered specific motion language to the Board.

Dick Harris, Boulder, said his understands that it is intentional that council has the final say. He thinks this proposal is counter to the Charter requirements. He said this needs a serious community debate and if any changes are necessary it needs to be done by a Charter amendment. He encouraged the Board to either reject the proposal or hold it for further review by an independent council.

Return to the Board

Tom Isaacson asked if there is a scenario where something will go through council first without having gone to the OSBT, or if there is anything that prevents the Board from getting council input. Tom Carr said no, the amendment to the purpose of Open Space makes the process more clear. Tom Isaacson said there is value for future boards if the ordinance states that they must go through the disposal process. Molly said the one thing she would change is adding the words "Open Space and Mountain Parks" to Chapter 3. She said she agrees that the Charter is very clear, and no further changes are necessary. Kevin said he is in support of the proposed language; having clarity is key.

Shelley clarified that the Board is looking at the transfer of Open Space as well as who can say what the Charter purposes are. She said she would support removing the word "supervise." Tom Carr said he would agree, but he would not recommend taking out the word "lands." He suggested adding that this is an interpretation of the Charter and not intended to change the Charter language. Kevin suggested including language to clarify which sections we must comply with in 177. The Board discussed having Tom Carr work on the language of the proposed ordinance and for him to come back to the Board at an upcoming meeting.

ADJOURNMENT – The meeting adjourned at 8:29 p.m.

These minutes were prepared by Alycia Alexander.