Approved as Amended 8/14/13

OPEN SPACE BOARD OF TRUSTEES

Minutes

Meeting Date July 10, 2013

BOARD MEMBERS PRESENT

Allyn Feinberg Tom Isaacson Shelley Dunbar Frances Hartogh Molly Davis

STAFF MEMBERS PRESENT

Mike Patton Jim Reeder Dean Paschall Eric Stone Mike Orosel
Jim Schmidt Doug Newcomb Heather Swanson Don D'Amico Steve Armstead
Mark Gershman Leah Case Michele Gonzales Deonne VanderWoude

GUESTS

Clay Douglas, Senior Assistant City Attorney
Nancy Hibbert, Right-of-way Agent for Xcel Energy

CALL TO ORDER

The meeting was called to order at 6:03 p.m**.**

AGENDA ITEM 1 – Approval of the Minutes

Tom Isaacson said on page 2, the second to last paragraph should have the word "with" instead of "on" in regards to trail conditions. He said on page 3, in the last line of the second paragraph, "the Board" should be added after "questions being answered." Allyn Feinberg said on page 3, the fourth line from the bottom in the second paragraph should have the word "council" instead of "it."

Tom Isaacson moved to approve the minutes from June 12, 2013 as amended. Shelley Dunbar seconded. The motion passed unanimously; Frances Hartogh, who was absent last meeting, abstained.

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

None.

AGENDA ITEM 3 – Director's Updates

Dean Paschall, Communication and Public Process Manager, gave a follow up update on accessible restrooms near Chautauqua. He said staff is working with the Colorado Chautauqua Association (CCA) to come up with the best location(s). Dean highlighted a few of the ways the public will be notified about this project: a Survey Monkey will be sent out to all e-mail list-serves; staff in conjunction with the CCA is holding an open house on July 29; postcards will be sent out to all people within a two block radius. He said improvements will start on Sep. 3 and the project will cause significant disruption to the area.

Allyn asked if restroom use would be limited to patrons, or if they would be open to the public. Dean said as there are other restrooms available for public use, it is still being decided. He noted that if the restroom is inside of the auditorium it will be for patrons only and would be managed solely by the CCA. Allyn asked how long the construction is anticipated to last. Dean said three weeks. He said staff will send a heads up to the Board when the public notice gets sent out. Shelley Dunbar asked if the restroom would be restricted if it was built outside of the auditorium. Dean said if they are outside they would be open to public, but they might not be open year round.

AGENDA ITEM 4 – Matters from the Board

Molly Davis said Eben G. Fine Park is getting a lot of heavy use which is causing large amounts of waste. She said the trash does not get cleared out quickly enough on the weekends, and it is attracting animals. She also noted seeing several open fires as well as people camping. Mike commented that closing one area to camping/loitering seems like it simply displaces people to other areas. Mike said he will touch base with the appropriate staff in other departments as this park is not managed by Open Space and Mountain Parks (OSMP), but a fire and/or camping does affect Open Space. Frances Hartogh said if food waste from the park is attracting bears. then it is an Open Space issue.

Shelley thanked Jim Reeder for putting a closure sign on the fence between the National Institute of Standards and Technology (NIST) and the National Center for Atmospheric Research (NCAR) properties. She said her one recommendation would be to put a sign lower down so that those curious about the closure could see it without having to climb up to the fence.

Frances asked how staff handles dog heat-related issues. Eric Stone said this is something that staff deals with in the warmer months. He said there are permanent signs up at the Ranger Cottage reminding people to take precautions when walking with their dogs. Shelley asked if the Voice and Sight (V&S) e-mail list could be used to send people tips on preventing these issues. Dean said that is a list that staff tries to use very limitedly. Staff proposed putting information on the OSMP website.

AGENDA ITEM 5 – Review of the 2014 OSMP Budget and recommend approval of the 2014 OSMP Department Capital Improvement Program (CIP) Budget and a portion of the Lottery Fund CIP Budget.
Mike Orosel, Financial Services Manager, gave a presentation on the 2014 budget. The memorandum is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\July.

Tom Isaacson asked if the cost for the ERTL property and potential obligations would come out of the acquisition dollars. Mike Orosel said no, staff does not take cash flow for Boulder Municipal Property Authority (BMPA) payments out of acquisitions. Tom asked if the V&S cost (listed in the budget outline) was the net cost. Mike Orosel said no, the cost is what is anticipated, and any generated revenue would be in addition. Tom asked whether the dollars for the North Trail Study Area (TSA) are large enough to complete the project. Jim Reeder said staff feels like this amount is adequate, but until the plan is done staff will not know the cost. Mike Patton said the money shown is for preliminary work only which will be completed next year; the project itself will start in 2015 or 2016 and will be appropriated more money.

Shelley asked if sales taxes have been assessed to include online purchases, and if the budget office is using these numbers in their projections. Mike said not currently. Shelley asked if the number shown for research grants is just a place holder. Mike said staff does not have specifics to back up this number, but the number shown is the limit of what will be spent. Shelley asked if all purchases now include buying water and mineral rights. Mike said these are included in the budget, even if it does not end up being attached to purchase. Frances asked if the city is in recovery. Mike said yes, but numbers are above last year. Frances asked when water rights are purchased whether the use changes. Doug Newcomb, Property Agent, said the use rarely changes. Molly asked why the position of Conservation Coordinator was listed in the budget document. Mike said OSMP pays a portion of this positions salary; they deal with a lot of animals on Open Space land. Shelley asked about the Affordable Health Care Act and if OSMP funds insurance for staff. Mike said each department pays 26 percent of salary associated with each person. He said the overall personnel cost includes this.

Public Comment
None.

Return to the Board

No further discussion.

Motion

Shelley Dunbar moved the Open Space Board of Trustees approve and recommend that the Planning Board approve an appropriation of $7,010,000 in 2014 from the Open Space Fund CIP as outlined in this memorandum and related attachments; and recommend that $343,000 be appropriated from the city's Lottery Fund CIP in 2014 as outlined in this memorandum and related attachments. Frances Hartogh seconded. This motion passed unanimously.

AGENDA ITEM 6 – Consideration of a motion to approve the purchase of the ERTL property consisting of 685 acres of land, the oil and gas mineral estate and water rights located at 8323 Valmont Road, Boulder, CO from ERTL, Inc. for $7,500,000 for Open Space and Mountain Parks purposes.*

Jim Schmidt, Property Agent, and Heather Swanson, Wildlife Ecologist, gave a presentation regarding the ERTL property. The ERTL, Inc. (Energy Resource Technology Land) property is a large holding in eastern Boulder County on which the city acquired conservation easements/developments rights in 1982 and 1984. These agreements essentially stripped the land of its former development potential and sought to preserve and protect the natural resources found on the property, but did not prohibit the drilling of new oil and gas wells. This presentation is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\July.

Tom asked if the ERTL's will continue to own the wells. Jim said they will own the bore holes, but once the wells stop producing they have to be capped pursuant to state regulations. Allyn asked if they can frack those wells to get them to produce longer. Jim said they only own the 40 acres, so they would not be able to do a horizontal drill (makes fracking very difficult). Shelley asked if Noble Energy will be able to access the property for maintenance. Jim said yes. Tom asked if the fuel is removed by trucks or a pipeline. Jim said the gas will be removed by a pipeline, and the oil is removed by a truck. Tom asked what the royalty interest is referring to. Jim said the price includes the potential royalties the ERTL's may obtain if they were to lease out any mineral rights. Tom asked how water was valued on the property. Jim said a water evaluation engineering firm analyzed different ditch shares and figured out how much of each share everyone would be getting. Allyn asked if seniority of appropriation is included in the analysis. Jim said yes, not every ditch is valued the same. Tom asked who hired the appraiser. Jim said in this case staff and the ERTL's jointly appointed an appraiser; each party paid 50 percent. Tom asked if the decrease in the property price was due to water sold off, or if there was a reduction in value. Jim said there was an undeveloped building lot that was appraised at 1.5 million; as OSMP did not need to spend this much on three acres they took this section out of the purchase. Shelley asked if the trail will be affected by this purchase. Jim said trail will be unaffected. Tom asked if the long range vision is to leave the gravel ponds as is. Don said yes; it has artificial features, but significant habitat values.

Shelley asked if the railroad is currently used. Staff said no. Shelley asked for a lease termination explanation. Jim said OSMP owns the land, but leases it back to ERTL. Shelley asked how much was paid originally. Jim said $1,488,000. Shelley asked if people in the Heatherwood neighborhood have access to this property. Jim said the ERTL's have granted permission for them to be on the property so, staff's concern is those neighbors may claim rights to continued use of the property. Shelley asked about the seasonal bald eagle closure and how they will be affected from people accessing the road. Heather said cars on the road do not seem to affect raptors as much as people outside of a car; she said most access roads are in line of sight, but once a person needs to get out of car, they are no longer in the raptors view. Frances asked if production, in regards to drilling, is defined. Jim said there are probably rules to define whether a well is still in production, but he does not know the specifics. Molly asked where the nests for bald eagles are. Heather said there is one nesting pair on the Weiser Property. Molly asked if the rookery still exists on the Culvers land; Heather said yes. Molly asked if the observation tower is still there; Heather said she is unaware of one. Molly asked about the Conservation Easement (CE) language now

and what might have changed. Jim said CE are more sophisticated now than in the past. Molly asked if Open Space ever has to honor social trails. Jim said the first round of the CE is limiting who can be in the area and under what circumstance. Molly asked what the plan is for the 29 acres that are dried out. Jim said this will most likely be devoted to dry land grasses. Molly asked if staff knows about seniority for the water. Jim said ERTL has some of oldest water rights within Boulder Valley. Molly said this is one of the most unique places to buy in Boulder, and hopes that there is lot done with cultural resources.

Public Comment
None.

Return to the Board
No further Discussion.

Motion
Tom Isaacson moved the Open Space Board of Trustees approve a motion recommending that the Boulder City Council approve the purchase of 685 acres of land, the oil and gas mineral estate and water rights located at 8323 Valmont Road, Boulder, CO from ERTL, Inc. for $7,500,000 for Open Space and Mountain Parks purposes. Molly Davis seconded. This motion passed unanimously.

AGENDA ITEM 7 - Consideration of a motion to approve disposal of Open Space and Mountain Parks land described as two permanent easements on 6,405 square feet (.15 acres) and four temporary construction easements on 18,500 square feet (.42 acres) to Public Service Company of Colorado (PSCo) for a natural gas pipeline and valve set on the Jewel Mountain Open Space land at the immediate northwest corner of State Highways 72 and 93. This is a disposal of Open Space land under City Charter Section 177.*
Jim Schmidt, Property Agent, gave a presentation regarding Jewel Mountain Open Space. The granting of two new easements to PSCo for a valve set and a buried gas pipeline covering 6,405 square feet and the associated temporary construction easements necessary for the project, will enable PSCo to abandon in place its existing gas pipeline that traverses the Jewel Mountain Open Space property. The existing gas line is in need of being replaced. However, if the new line were to be buried within the existing easement, construction activity would cause serious surface disturbances on the Open Space parcel, which is characterized by its extremely rare xeric tall grass prairie. It would also cause impacts to the Coal Creek drainage lying immediately west of the Jewel Mountain property on land that is owned by Jefferson County Open Space. This presentation is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\July.

Allyn asked if there has been discussion about hiding the valve set, for aesthetics. Jim said there could be some fencing put up. Shelley said landscaping could also be used. Jim said staff will look into this. Nancy Hibbert, Right-of-way Agent for Xcel Energy, offered some ideas for screening the valve set.

Public Comment
None.

Return to the Board
No further discussion.

Motion
Tom Isaacson moved the Open Space Board of Trustees approve and recommend that council approve the disposal of Open Space land described as two permanent easements on 6,405 square feet (.15 acres) and four temporary construction easements on 18,500 square feet (.42 acres) to PSCo for a natural gas pipeline and valve set on the Jewel Mountain Open Space land, conditioned

upon PSCo quit claiming its existing gas line easement back to the City of Boulder. Shelley Dunbar seconded. This motion passed unanimously.

AGENDA ITEM 8 - Consideration of a motion approving the disposal to the State of Colorado, the Colorado Department of Transportation (CDOT), of OSMP land and temporary easements, including a land exchange, to accommodate the U.S. 36 Managed Lanes Project Phase 2. The proposed disposal is generally described as 8.753 acres of land adjacent to U.S. Highway 36 between Table Mesa Drive and Louisville and 0.173 acres of temporary construction easement also adjacent to U.S. Highway 36 in the same area and one 4.9-acre temporary construction easement on the Opal OSMP property at 5770 Baseline Road. Approximately one acre of the 8.753 acres of land proposed for disposal would be exchanged for an equal amount of land owned by the State of Colorado adjacent to the east side of U.S. Highway 36 near South Boulder Creek, instead of receiving monetary compensation for that one acre. The total compensation to the city for the proposed disposals and land exchange is $256,377 plus title to approximately one acre of new OSMP land. This is a disposal of Open Space land under City Charter Section 177.*
Doug Newcomb, Property Agent, gave a presentation regarding a land exchange. To accommodate CDOT U.S. 36 Managed Lanes Project Phase 2, between Table Mesa Drive and Louisville, CDOT has requested land for right-of-way (ROW) purposes and temporary easements for construction purposes from the city. This presentation is saved in S:OSMP\admin\OSBT\Minutes\ Minutes 2013\July.

Shelley asked if temporary easements are typically open ended as far as the time frame. Doug said staff will control the termination date, but do not have that currently.

Public Comment
None.

Return to the Board
No further discussion.

Motion
Tom Isaacson moved the Open Space Board of Trustees approve and recommend that City Council approve the disposal to the State of Colorado, CDOT, of Open Space and Mountain Parks real estate described as 16 parcels of land totaling approximately 8.753 acres and 11 temporary easements totaling approximately 0.173 acres for construction purposes and one approximately 4.9-acre temporary easement for a staging area on the Opal property located generally at 5770 Baseline Road, in the locations described by the legal descriptions in Attachment D in exchange for $256,377 plus title to approximately one acre of new Open Space and Mountain Parks land. Shelley Dunbar seconded. This motion passed unanimously.

AGENDA ITEM 9 - Consideration of a motion to recommend to City Council the elements of the monitoring component of the Voice and Sight Tag Program*
Mark Gershman, Environmental Planning Supervisor, and Steve Armstead, Environmental Planner, gave a presentation regarding the Voice and Sight Tag Program monitoring. This presentation is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\July.

Shelley asked if the $170,000 shown for monitoring was the total cost. Mark said yes, for three years. Frances asked if this program was described as “too restrictive” when it first began. Mark said he is unsure, but he believes there were some who voiced that concern. Frances asked if interest groups were included in the development process. Steve Armstead said yes. Frances asked if there are specifics attached to keeping dogs within sight. Steve Armstead said it is situational; the constraints were set up for monitoring. but not necessarily used for enforcement. Frances said what she sees is people who have their

dog off leash, are more likely to be in violation of excrement removal. Mark said staff wanted to address the community concerns and to keep the focus on V&S; this means not linking program to excrement removal. Frances said protection of wildlife should have been included in monitoring. Shelley said this was observed last time and compliance was very high. Frances said the impact on wildlife before and after the implementation of Spring Brook Loop should be recorded.

Public Comment

Lori Fuller, Boulder, on behalf of Friends Interested in Dogs on Open Space (FIDOS), said their input was dismissed regarding this study. She said OSMP refuses to recognize the flaws in this study, which leads them to believe their concerns were not heard. She said the purpose of the V&S monitoring study was to generalize behavior of the V&S user group. The sample that OSMP used can be skewed different ways depending on how one looks at the numbers. OSMP did not use a sample from a random selection which indicates it is time to get a neutral third party involved; the only way to achieve credibility is for it to be peer reviewed. FIDOS was involved in the original study, but they did not discuss what conflict is in depth. She said play chasing should not be a part of conflictive behavior. She said it is time to focus on the health of wildlife and species in the area, and the correlation to why dog restrictions are necessary. She said they would like to see the bibliography Mark Gershman is working on and would like to include FIDOS studies in it. She said impacts from dogs before and after a trail is implemented should be looked at.

Return to the Board

Tom asked if staff measured the compliance of how many dogs were on-leash, on leash-only trails. Mark said this is something that could be measured, and if the Board has interest staff will look into it. Tom said a V&S education program would help to increase this compliance. Allyn agreed; she said there is not a lot of recognition of limitations on some trails. Tom asked staff what their reaction to the conversation council had regarding the V&S definition. Mark said staff has weighed different options for this, but council did not provide their specific objections. He said the monitors are objective and reliable when deciding if the dog responded to their guardians command. He said staff is not going to approach a guardian while they are out hiking to gain more information about verbal intent, as this could make for a negative experience. He noted that staff could not bring anything different to the Board as they did not have anything better. Mike said Mayor Appelbaum's primary concern is one talking to their dog could be perceived as giving a command. Mike said the language was changed to say the dog responds to the guardians command verses the dog returns to the guardian; as long as the dog shows some indication they responded, they would be in compliance. He said he trusts the monitor's judgment.

Shelley said a flaw that was mentioned was regarding the sample set, as the only dogs counted were those who were given a command. She said dogs that are well behaved do not require a command to be given and therefore were not included in the results. Mark said the sample was of all dog parties. He said the only dogs that can be reported on are the ones who were actually called upon. Shelley said the best behaved dogs do not need commands; therefore omitting them from study. Mark said just because someone's dog is out of control does not mean the guardian is going to call it. Mike said Mayor Appelbaum's concern was out of 100 dogs only 10 were called, and of those a certain percentage was out of compliance; too small of a group to have accurate results. Shelley provided some ideas for solutions: compare number of dog visits per day compared to dog violations per day; make it clear in the V&S video that staff will be measuring behavior (be more transparent); have a third party do the monitoring due to perceived bias. Frances said OSMP employs highly trained professional scientists and if the data they come up with is being perceived as biased; staff should not need to bring in outside people. Tom said focus should be on percentage of dogs chasing wildlife. Allyn agreed; she said the reasons for recall would be a dog impacting others or wildlife. The goal of monitoring is to visualize and analyze trends; if staff is unable to get information then they will not be able to monitor. Tom said less importance should be placed on trends; simply look at the before program and then after to see if things improved. Molly

said this program feels like a vortex when trying to define human verses animal behavior. She said dogs have their own behavioral traits and it is difficult to put a human monitoring system on animal behavior. She said it is too hard to start getting into all these rules, and becomes more difficult when trying to re-define so much.

Motion

Allyn Feinberg moved the Open Space Board of Trustees recommend that the success of the Tag Program be assessed by the elements in the staff recommendation as amended:

- **Retaining the following elements of the monitoring conducted from 2006-2010:**
  - **Inclusion of questions regarding awareness of the Tag Program in the OSMP resident survey (2015).**
  - **Interviews with dog guardians to measure degree of compliance with the leash possession requirement. (The decision to repeat interviews implementation will depend upon the level of compliance measured in the baseline.)**
  - **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**
    - **Frances Hartogh moved to add: guardian commands non-compliant dog to comply and dog responds appropriately to guardian command. Molly Davis seconded. This motion does not pass. Allyn Feinberg, Tom Isaacson and Shelley Dunbar dissented.**
- **Omitting the following elements of the previous monitoring:**
  - **Observational monitoring of conflictive behaviors**
  - **Excrement removal (as part of Tag Program monitoring)**
- **Adding the following information:**
  - **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 (passed unanimously)**
  - **Tom Isaacson moved to add: dogs harassing wildlife or causing wildlife to flee. Allyn Feinberg seconded. This motion passed unanimously.**
  - **Tom Isaacson moved to add: unwanted physical contact with a person not initiated by visitor. Shelley Dunbar seconded. This motion passed unanimously.**
  - **Ranger observations**

Tom Isaacson seconded. This motion passed unanimously.

AGENDA ITEM 10 – Consideration of recommendations to the City Manager on matters related to the 2014 USA Pro Cycling Challenge Race.*

Mike Patton, gave a presentation on the USA Pro Cycling Challenge (USAPCC). The city manager has asked the OSBT to provide input on Open Space interests associated with a finish of the USAPCC bicycle race on Flagstaff Mountain. The city is anticipated to submit a proposal for Boulder to again serve as a host venue of a 2014 USAPCC. While the final race course will be determined by the race sponsor in coordination with host venues, it is anticipated that a 2014 proposal for a Boulder leg of the race will include essentially the same format and location as in 2012 - ascending Flagstaff Road and finishing at the summit of Flagstaff Mountain. Board input is sought regarding (a) environmental and visitor management/protection measures recommended by staff, (b) the prospect for the sale of water and beer by the race organizers, and (c) OSMP expenses associated with the race.

Frances asked if staff was fully reimbursed for the race in 2012 and all planning leading up to the race. Mike said yes. Allyn asked if the race organizers estimate of 30,000 people on the mountain was accurate. Mike said he is unsure; staff tried to get a count as well and it was very rough. Allyn said knowing this number would be beneficial for planning purposes. Molly asked about the Open Space value. Mike said it brings attention to the community and advertizes the beauty of the system. Tom said economic health of Boulder is what funds Open Space. Shelley said it should also be looked at, what an event like this brings to the community in terms of tourism not on the day. Molly said this puts too many people on the land at one time. Mike said the majority of spectators were on the road; access to Open Space was controlled.

Public Comment

Edie Stevens, Boulder, on behalf of Friends of Boulder Open Space (FOBOS), said she urges OSMP to close the trails leading to the route of the race. She believes these closures are necessary for the preservation of native plants and integrity of established trails. She said she urges the OSBT to oppose use of any Open Space tax revenue or budget transfers for race costs. She said all costs of this race should be reimbursed as was done last year. FOBOS believes that using Open Space funds to fund this race would be inconstant with the Open Space charter. She said until 2012, Boulder historically prohibited competitive events on Open Space. She said while there might be arguments to use the road for the race, the additional and extraordinary protection of Open Space necessitated by the race, which is clearly competitive, cannot be considered a legitimate expense.

Return to the Board

Management/ Protection

Shelley said opening Chapman Drive as an access point could help with congestion. Frances said Gregory Canyon Trail was closed last year and people still used it; she said everyone should stay solely on the road. Tom said he would keep things the same as last year and open up Chapman Drive, if the county is in agreement. Allyn said things worked well last year. She said staff could have more volunteers at the top of the Gregory Canyon Trail.

Water and Beer

The Board agreed the sale of water is okay. The Board agreed that beer sales should be limited, if allowed at all.

OSMP Expenses

Frances said Open Space needs to be reimbursed as this is not an intended use of Open Space. Shelley said if the city decides that this race needs to happen, it is OSMP's responsibility to protect Open Space, and should not be reimbursed. Tom said if this is not an Open Space purpose, then this race should not be held at all. He said if the race is going to happen, then Open Space should not be reimbursed. Molly said OSMP should be reimbursed; this is not an Open Space project. Allyn said spending Open Space money, from Open Space funds is not an Open Space purpose in the charter. She said City Council can determine that it is important for the community, but they cannot make decisions that violate the charter; whether this should be held on Open Space is the question. She said the race should be held elsewhere, and she does not support paying those costs.

Further Discussion

Allyn said this discussion happened really late in the process last year which made it hard to change details. She said it still needs to be decided whether Summit Drive is owned by Open Space. If it is on Open Space, then it goes against the charter; the OSBT is responsible to the Open Space program to determine this. Tom said it would be worth taking up as agenda item in August to decide if that is worth pursuing.

Motion
Allyn Feinberg moved the Open Space Board of Trustees make a recommendation to the city manager and City Council regarding:
(a) Management to remain effectively the same as last year with inclusion of Chapman Drive and other modifications as may be appropriate. This motion passed three to two. Frances Hartogh and Molly Davis dissented.
(b) Allow sale of water. To allow sale of beer with a one beer restriction. This motion passed three to two. Allyn Feinberg and Molly Davis dissented.
(c) Request reimbursement of OSMP expenses associated with the race. Passed three to two. Shelley Dunbar and Tom Isaacson dissented.

AGENDA ITEM 11 - Recommendation to enter into a nonexclusive license pursuant to Boulder City Charter Section 171(a) and Section 175(h) between OSMP and PSCo to place power poles on the East Rudd property for the purpose of facilitating the construction of the planned Community Ditch Trail Underpass at State Highway (SH) 93.*
Jim Reeder, Land and Visitor Services Division Manager, gave a presentation on the Community Ditch Trail Underpass at SH 93. Currently the PSCo has an electric power line and supporting poles that cross the area where the planned Community Ditch Trail underpass at SH 93 will be constructed. There are three poles that need to be relocated onto OSMP property known as East Rudd. The poles could not be relocated within CDOT ROW due to the grade differences and tight layout that will exist between the ditch, trail and retaining walls. PSCo is willing to effect the relocation, but will require an easement to legally place them on OSMP lands and to maintain them and the line in the future. The map displayed is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\July.

Allyn asked if this is a disposal. Jim said the easement will be, but the non-exclusive license is not. Tom asked if the City Attorney's Office (CAO) is comfortable with this being a non-exclusive item. Clay Douglas, Senior Assistant City Attorney, said yes.

Public Comment
None.

Return to the Board
No further discussion.

Motion
Tom Isaacson moved the OSBT recommend that the department grant a nonexclusive license to Public Service Company of Colorado to allow it to place a portion of a power line including installation of up to five poles across the East Rudd property for the purpose of facilitating the construction of the planned Community Ditch Trail underpass at State Highway 93. Shelley Dunbar seconded. This motion passed unanimously.

ADJOURNMENT – The meeting adjourned at 11:59 p.m.

These minutes were prepared by Leah Case.