

MEMORANDUM

TO: Open Space Board of Trustees

FROM: Mike Patton, Director, Open Space and Mountain Parks

DATE: September 5, 2013

SUBJECT: E-bikes

The City Council requested that staff initiate an accelerated process to consider a pilot project that would allow electric-assisted bicycles on city property where they are currently prohibited. I have attached a memo describing the project. The Sept. 11 meeting is an opportunity for you to consider the proposal and get any clarification you think appropriate. At the Oct. 9 meeting you will have an opportunity to hold a public hearing and make a formal recommendation to City Council regarding the potential use of electric bikes on Open Space and Mountain Parks (OSMP) property.

Background

At present, the OSMP Department Visitor Master Plan (VMP) and Long Range Management Plan (LRMP) include the prohibition of anything motorized on OSMP property. City ordinances enable enforcement of these regulations. In addition, the City Charter provides only for passive recreation and to this point any motorized conveyance has been considered not to be passive recreation.

There is an interest to include segments of OSMP paved-surface trails in the pilot program, perhaps those in core portions of the city where these paths are connected to the city's Greenways system. The attached map shows in red those hard surfaced trails which are "owned" by OSMP but which are maintained by the Transportation Department. This relationship came about when, over the years, Transportation proposed that they harden the trails to provide a better bicycling surface. Bicycling was considered an Open Space purpose so agreement was made to harden the surface and to have Transportation maintain the trails. These trails or paths are typically on the periphery of the OSMP land and connect with other Transportation-managed trails. One example would be the OSMP trail segment along Broadway in front of NOA/NIST. This is actually a section of the sidewalk/bike path that runs from Dartmouth to Baseline and was conveyed to OSMP at the time NOA/NIST "protected area" was acquired by the city. Another example would be segments of the Boulder Creek Path beginning at 47th Street and continuing out to KOA Lake. OSMP hard surface trails total 6.1 miles in various segments.

Staff from multiple departments (OSMP, Public Works, City Attorney, Parks and Recreation and Police) have been working together on implementation of this potential one-year program. Modifications can be made to temporarily modify ordinances addressing the VMP and LRMP; however, the Charter/passive recreation question raises a more difficult hurdle.

This page is intentionally left blank.

**CITY OF BOULDER
INFORMATION ITEM
MEMORANDUM**

To: Downtown Management Commission (September 9, 2013)
Open Space Board of Trustees (September 11, 2013)
University Hill Commercial Area Management Commission (Sept. 18, 2013)
Parks and Recreation Advisory Board (Sept. 23, 2013)

From: Tracy Winfree, Director of Public Works for Transportation
Michael Gardner-Sweeney, Transportation Planning and Operations Coordinator
Kathleen Bracke, GO Boulder Program Manager
Molly Winter, Executive Director of Downtown, University Hill and Parking Services
Dean Paschell, Communication & Public Process Manager, Open Space and Mountain Parks
Jeff Haley, Parks Planner, Parks and Recreation Department
Marni Ratzel, Senior Transportation Planner

Date: September 4, 2013

Subject: Electric-assisted Bicycle potential pilot project on multi-use paths

EXECUTIVE SUMMARY

Currently, within the city of Boulder, electric-assist bicycles or “e-bikes” are allowed to operate on the road and use bike lanes but prohibited from multi-use paths and sidewalks. As directed by council, the City of Boulder is considering a potential demonstration pilot project to test e-bike use on multi-use paths maintained to a transportation standard. The pilot would evaluate behavior of e-bike users to determine whether these vehicles can co-exist with current uses on these multi-use paths. The pilot would not include use on facilities that are pedestrian only or intended to preserve the natural environment. Specifically, e-bike use would continue to be prohibited on sidewalks or Open Space and Mountain Park (OSMP) trails.

The Transportation Division is proceeding with a public process that is scheduled to provide a proposal for City Council consideration in October 2013. The Transportation Advisory Board (TAB) will consider a staff recommendation at their meeting on September 23rd and then forward their recommendation to City Council. A first and second reading of proposed ordinance(s) regarding the e-bike demonstration pilot project is scheduled for the October 1 and October 22 Council meetings, respectively.

This memorandum provides affected City boards with information on the options under consideration for the potential e-bikes demonstration pilot project and public process forums for the community to provide input. At Board meetings scheduled in September, the Board staff liaison will ask for feedback on the potential options. Board input from September meetings will be incorporated into the staff memorandums to City Council.

BACKGROUND

The City of Boulder is in the process of updating the Transportation Master Plan (TMP). The 2013 TMP update builds on a strong foundation of success through policy refinement, using a collaborative approach and addressing the current and future transportation needs of the community while integrating with the city's broader sustainability planning initiatives.

As part of the TMP update, the Transportation Division is introducing new strategies to increase bicycle and pedestrian mode share. Throughout the summer and fall, the TMP update's "Complete Streets Bike and Pedestrian Living Laboratory" will provide test facilities and pilot programs to better understand the community's transportation choices and identify potential opportunities, barriers, and ultimately strategies to encourage more people to walk and bike. E-bikes are one bicycle innovation under review by the City of Boulder as part of the living laboratory. For more information regarding the Transportation Master Plan update and the living laboratory, visit www.bouldertmp.net and select "Complete Streets" or "Living Laboratory".

An e-bike is essentially a bicycle that can be propelled by both human power and electric-assist power. It is designed for people interested in completing trips by bike but concerned about their physical ability to ride longer distances or climb steeper hills. The electric range, speed, and cost of an e-bike are moderate. **Attachment A** provides photos of some e-bikes and an FAQ about e-bikes.

Integrating a comprehensive program of the 5 E's

The City of Boulder's approach to support bicycling and walking is to achieve a comprehensive program that includes Engineering, Encouragement, Education, Enforcement and Evaluation initiatives. As part of the TMP update, staff is refining strategies to address concerns raised by community members for congestion and conflicts on the bicycling system today.

Independent of a pilot project to test e-bike use on paths, staff will be taking action to encourage cyclists to ride at appropriate speeds on the path system. This action will include the installation of 15 mph speed limit signs at some path locations and will be supported by an outreach campaign to raise public awareness on user rights and responsibilities as well as the rules of the path, including 15 mile per hour speed limit and walk right/pass left. Field observations to record unsafe behavior including speeding and other safety concerns along the path system will be conducted. Formal police enforcement activities also may be scheduled as resources allow and based on the findings of the field observations.

If approved by Council, the proposed e-bikes pilot project for the off-street multi-use paths (non-OSMP) will be an opportunity to enhance this comprehensive approach, including additional efforts for education and enforcement. Results will be evaluated as part of the living laboratory analysis. This evaluation would include field observations to track user behavior and guide formal police enforcement activities. Based on results and as resources allow, targeted enforcement efforts may be conducted to record time spent and observations of safety concerns by various users including e-bikes, regular bikes, pedestrians and others as well as issuance of summonses / warning.

Current Regulations

Colorado State Law defines an e-bike as a two or three wheeled vehicle with pedals and equipped with an electric motor not exceeding 750 watts of power with a top motor-powered speed of 20 mph. In Colorado, e-bikes may be operated on the road and within bicycle lanes. E-bikes are prohibited from using their motors on bike and pedestrian paths, unless allowed by local ordinance.

The city of Boulder definition currently differs from State Law by defining an e-bike by further limiting the motor capacity of an e-bike to no more than 400 watts of continuous input power. E-bikes are allowed to use bike lanes. As a motor vehicle, e-bikes are currently prohibited from using multi-use paths and sidewalks and OSMP trails.

A map of multi-use paths that are on OSMP fee property is shown in **Attachment B**. These are hard surface facilities maintained to a transportation standard and integrated into the urban fabric of the greenway system. How to handle these facilities during the pilot program will need to be addressed.

Policy changes under consideration

As directed by City Council, staff is developing a proposal to allow e-bike use on multi-use paths (non-OSMP). The City definition of an e-bike also is under review. Below are options being considered for defining and regulating e-bikes in the City of Boulder. Staff will identify a recommended option to the Transportation Advisory Board at its meeting on September 23, 2013.

Options for defining an e-bike

Option 1: No change to the existing e-bike Definition (BRC 7-1-1 Definitions):

"Electric assisted bicycle" means a bicycle with a battery powered electric motor with a capacity of no more than four hundred watts continuous input power rating which assists the person pedaling and which is not capable of propelling the bicycle and rider at more than twenty miles per hour on level pavement.

Option 2: Amend e-bike definition to conform with Colorado State Law* CRS 42-1-102(28.5):

"Electrical assisted bicycle" means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding seven hundred fifty watts of power, and a top motor-powered speed of twenty miles per hour.

**Denver and Fort Collins also uses this definition.*

Options for regulating an e-bike

Option 1: Clarify the existing law regulating e-bikes. E-bikes may operate on the roadway and within designated on-street bike lanes but are prohibited from using the motor on multi-use paths, trails and sidewalks.

Option 2: Adopt an ordinance to test e-bike use on multi-use paths for a demonstration period of one year. This ordinance would sunset 12 months after it commences. E-bike use on the following would continue to be prohibited:

- OSMP trails, including those that currently allow bikes
- Sidewalks, except those designated as multi-use paths

This option would allow the city to evaluate the impacts of allowing e-bike riders to operate the motor while bicycling on multi-use paths. The pilot project would include comprehensive program that encompasses the five E's of engineering, encouragement, education, enforcement and evaluation. Signs to inform path users of the pilot project and the current 15 mph speed limit would be installed at select locations along the pathway system to educate users. The Boulder Police Department would schedule and track targeted enforcement efforts at select locations along the path system during the pilot project. Automatic in-pavement loop detectors will track bike volume. Manual counts would be conducted to collect volume data by user type (pedestrian, bike, e-bike, other). Additionally, an online survey and intercept surveys of multi-use path users would be conducted to gather input on the pilot program and use of e-bikes on multi-use paths.

Option 3: Adopt ordinance to test e-bike use on multi-use paths, except for a segment of the Boulder Creek Path, for a demonstration period of one year. This ordinance would sunset 12 months after it commences. E-bike use on the following would continue to be prohibited:

- OSMP trails, including those that currently allow bikes
- Sidewalks, except those designated as multi-use paths
- The Boulder Creek Path between Eben G. Fine Park and Scott Carpenter Park

Public input on the potential pilot program to test e-bike use on multi-use paths has expressed a concern for impacts to the pedestrian experience and safety. This option would restrict the use of the motor on an e-bike along the Boulder Creek Path from the western city limit (west of Eben G. Fine Park) to 30th Street (Scott Carpenter Park). As the spine of the greenway system, this segment of the Boulder Creek Path is a well publicized tourist destination and serves as a linear park along the Boulder Creek riparian corridor. In addition to the comprehensive program outlined in Option 2, additional strategies would likely be required to regulate the use of e-bikes as non-motorized vehicles along the prohibited segment of the Boulder Creek path.

Public Process

Considering a trial period to test the use of e-bikes on off-street multi-use pathways has raised Council interest due to community support expressed through a petition and testimony provided to the Council. About 10 or 15 community members attended the City Council meeting on Tuesday, May 21 to speak in support of changing city policy to allow e-bikes on paths. In response, the Transportation division has spearheaded an internal review of e-bike regulations. An interdepartmental team comprised of Parks & Recreation, Open Space and Mountain Parks, the City Attorney's office, Boulder Police Department and Transportation as well as Downtown University Hill Management & Parking Services is involved in the review.

On Wednesday, Aug. 7, Transportation Division staff convened a public meeting to present details about the potential e-bikes pilot project and provide an opportunity for community input. More than 30 community members attended and expressed differing opinions about advancing a pilot project. This meeting was the initial forum to introduce the idea. Throughout August and

September, staff will continue to seek public comment to inform a recommendation for the potential pilot project and changes to the definition of an e-bike.

As detailed in **Attachment C**, the public process includes several forums for community input, including public meetings, an online survey, Web and social media, and intercept surveys of multi-use path users. Staff also is working to schedule opportunities in August and September for community members to learn more about and test ride e-bikes, including the city-sponsored Boulder Green Streets event on Sunday, Sept. 22. Community members also are encouraged to attend the Transportation Advisory Board public hearing scheduled for September 23, 2013 as well as the Council meetings where the e-bike policy changes will be considered. These are scheduled for October 1 for a first reading of ordinance language and October 22 for a second reading of ordinance language and a public hearing.

Some of the concerns expressed to date include congestion on the paths along with the ability to adequately define technology for appropriate power/speed capability. Those in opposition expressed that electric assisted bicycles would adversely impact pedestrian safety and the quality of life on Boulder's multi-use trails as well as increase conflicts and congestion along the system. Some suggested that the multi-use path system needs to separate bicyclists from walkers. Increased awareness through an education and outreach campaign followed up with targeted enforcement all was expressed as vital components to consider.

Staff also is researching experience in other communities that have allowed or, in some cases, not allowed e-bikes from using similar off-street, multi-use paths similar to Boulder's off-street pathway/greenways network.

NEXT STEPS

On Monday Sept. 23, 2013, the Transportation Advisory Board will convene a public hearing and consider a recommendation regarding the City Council meeting in October on the E-bikes Pilot Demonstration Project.

In preparation for this meeting, the Transportation Division is drafting a staff memorandum to the TAB that will include a DRAFT City Council memorandum for the October 1 meeting. This DRAFT memorandum will present a staff recommendation on potential amendments to e-bike regulations and draft ordinance(s) for their consideration. The TAB packet for the September meeting will be posted by 5 p.m. on Friday Sept. 13. Materials may be viewed at:

<https://bouldercolorado.gov/boards-commissions/transportation-advisory-board-current-agenda>

On Tuesday, Oct, 1 2013, the City Council will take action on an introduction, first reading and consideration of a motion on proposed amendments to ordinance(s) regulating e-bikes in the city of Boulder based on the staff recommendation and TAB recommendation from the meeting on Sept. 23.

On Tuesday, Oct. 22, 2013, the City Council will convene a public hearing on a second reading and consideration of a motion on proposed amendments to ordinance(s) regulating e-bikes in the city of Boulder based on the staff recommendation and TAB recommendation from the meeting on Sept. 23.

Agenda packets for Council Meetings are posted by 3:30 p.m. on the Friday prior to each council meeting. Materials may be viewed at:

<https://bouldercolorado.gov/city-council/city-council-meetings>

For more information, please contact Senior Transportation Planner Marni Ratzel at ratzelm@bouldercolorado.gov or 303-441-4138.

Attachment B: About E-bikes – photos and FAQs

Attachment B: Greenway/Transportation system path on OSMP free property

Attachment C: E-bike public process forums

About e-bikes

An electric-assisted bicycle is most often powered by a lithium battery and controlled by a console that tracks speed and offers different power options. These power options include a human power only and several ranges of power assist options (Pedelec). Some models also offer a throttle option that does not require the rider to pedal in order to propel the bicycle. The distance a rider can travel on an e-bike before charging the battery is estimated to be 15 to 60 miles, depending on the size of the motor and battery as well as the power option selected by the rider when traveling. An e-bike generally weighs between 35 and 55 lbs. The cost of an e-bike generally ranges from \$1,500 to several thousand dollars.

A regular bicycle can be transformed into an e-bike by installing a conversion kit comprised of an electric motor and battery. BionX, a Canadian company reputed to be a leading manufacturer of e-bike conversion systems, sells kits that range in price from \$1,100 to \$2,100.

Questions & Answers

Source: <http://www.hybrid-cycles.com/faqs.php>

How fast can electric bikes go?

On motor power alone, our electric bikes can travel up to 20 mph, depending on the weight of the rider and the difficulty of the terrain. Downhill and/or with the rider pedaling, higher speeds may be achieved.

How far can an electric bike go on a single charge?

Different models have different ranges. Hybrid Cycles offers several models that can travel up to 25 miles on a single charge in pedal-assist mode, while others can travel up to 40 miles on a single charge in pedal-assist mode. These ranges assume a 150-pound rider traveling on flat ground and may vary based on rider and terrain.

How do the different modes work?

Hybrid electric bicycles use batteries to power a quiet, efficient electric motor. In pedal-assist mode (electric-motor-assist mode), the bike senses the torque applied while pedaling, and the motor kicks in as needed to help the rider, making it easier to pedal up hills or on long rides. In throttle mode (electric motor power mode), the motor does all the work and the rider need not pedal at all. In manual mode (traditional mode), the rider shuts off the motor completely and pedals the bike just like a conventional bicycle.

The throttle / electric motor power mode requires the least exertion and provides the most speed on flat terrain, while the pedal-assist / electric-motor-assist mode provides the furthest range on a single charge.

How do you charge the battery?

Simply plug the charger into any standard wall outlet and insert the battery into the charger.

How long does it take to charge the battery completely?

Charge times vary depending on the charge depletion, the manufacturer, model, and battery type. The initial charge should take between 6-12 hours. A fully depleted SLA battery takes between 6-8 hours to charge, while NiMH & Li Ion batteries take between 4-6 hours. Electric bikes cost very little to charge.

What is the battery life?

With normal usage and proper maintenance, the battery should last 800 charge cycles.

How often should I charge the battery?

For longest life, charge the battery after each ride (or daily, if you ride more than once a day). If your bike is out of use for a long period of time, you should charge the battery at least once every three weeks.

Does the battery recharge while riding?

On most bikes, no. The [Easy Motion Neo bikes](#) employs a regenerative braking system, which recharges the battery while you are coasting or braking. While this does extend the power-assist range somewhat, you will still need to plug in the battery for a full charge.

Do I always need to pedal?

No. Throttle mode requires no pedaling at all. Pedal-assist mode requires pedaling, but provides more power for climbing.

What sort of maintenance does an electric bike require?

Care for your hybrid bicycle as you would any other high-end bicycle. Keep it clean and dry, keep your battery charged, and take it into a bike shop periodically for tune-ups.

Are electric bicycles considered bikes, or are they motor vehicles?

Electric bikes are considered bikes (not motor vehicles), under federal law, unless your state or local entity has passed a law otherwise. Normal bicycle laws apply. Be sure to check your state and local laws for any recent changes.

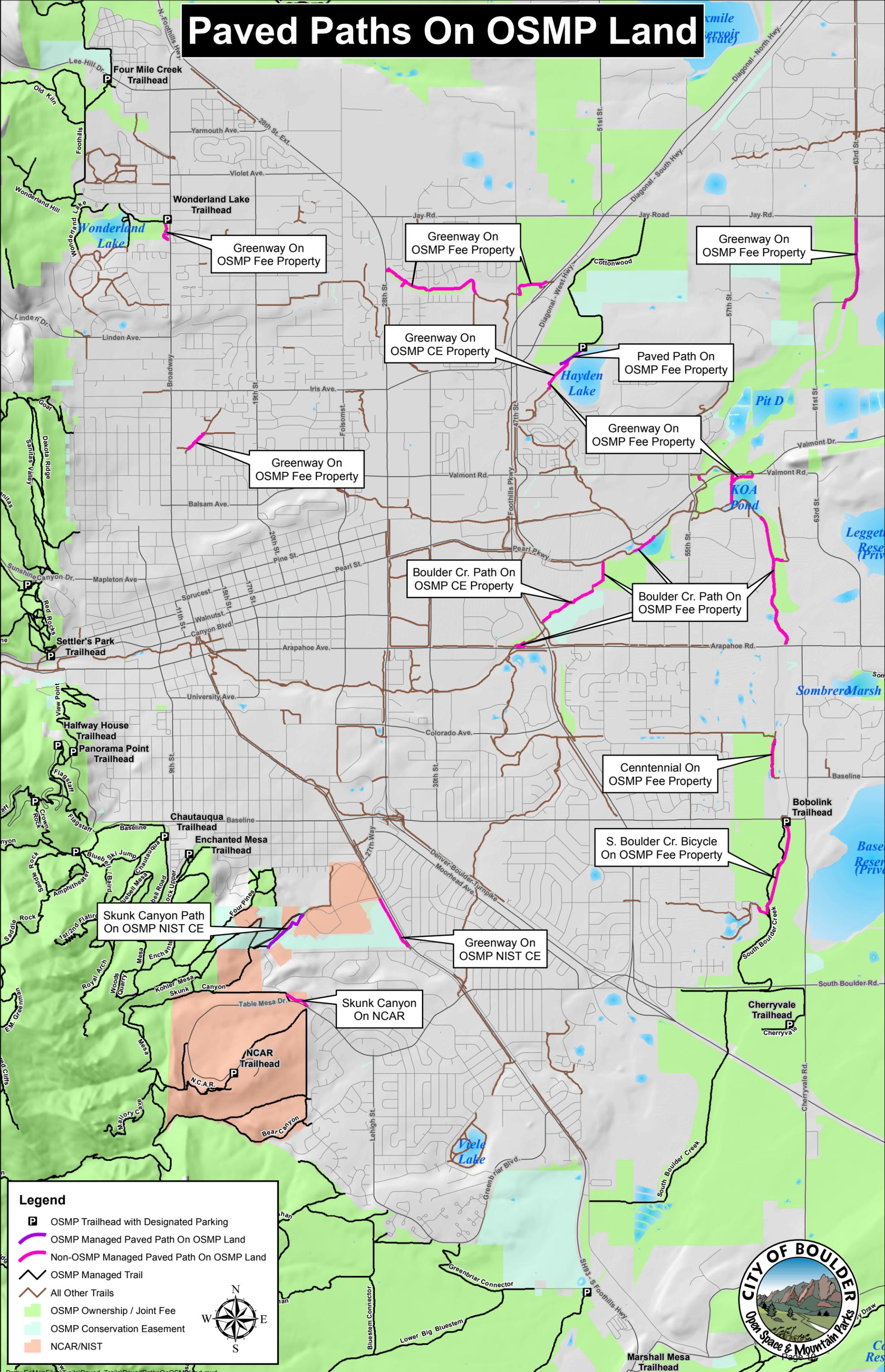
Do electric bikes require a license or registration?

The rules vary from state to state. Check with your local DMV for information about electric bikes for your state. Rider age minimums and helmet laws also apply to electric bikes in some states.

Some models of electric-assisted bicycles

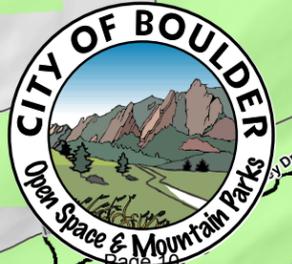
	<p>Emotion Diamond</p> <ul style="list-style-type: none"> • 36V / 8Ah battery • 250 Watt mid-drive motor • Range up to 62 miles per charge • 8 Speed • Pedelec • Motor assist up to 20 mph • 46 lbs • Retail: \$2950 <p><i>Source: petesbikes.com</i></p>
	<p>Pedego 2013 City Commuter Classic</p> <ul style="list-style-type: none"> • 36/10, 36/15 or 48Watt/10Ah • 400/500 Watt rear Hub Motor • Range up to 28 miles per charge • 7 speed • Pedelec/Throttle • Motor assist up to 20 mph • 40 lbs • Retail: \$2395+ <p><i>Source: smallplanetvehicles.com</i></p>
	<p>Yukon Navigator</p> <ul style="list-style-type: none"> • 24V 10Ah battery • 250 Watt rear Hub Motor • Range up to 28 miles per charge • Single Speed • Pedelec • Motor assist up to 15 mph • 77 lbs • Retail: \$500+ <p><i>Source: bing.com & Amazon.com</i></p>
	<p>Currie IZIP E3C</p> <ul style="list-style-type: none"> • 36V 11.4Ah lithium icon battery • 500 Watt rear Hub Motor • Range up to 30+ miles per charge • 27 Speed • Pedelec/Throttle • Motor assist up to 20 mph • 50 lbs • Retail: \$2499+ <p><i>Source: bing.com & REI.com</i></p>

Paved Paths On OSMP Land



Legend

- OSMP Trailhead with Designated Parking
- OSMP Managed Paved Path On OSMP Land
- Non-OSMP Managed Paved Path On OSMP Land
- OSMP Managed Trail
- All Other Trails
- OSMP Ownership / Joint Fee
- OSMP Conservation Easement
- NCAR/NIST



E-bike Project Public Process

The public process includes several forums for community input.

[E-bike Policy Review Project web page](#) – provides information on this effort and will be updated with information on upcoming public meetings. www.boulderTMP.net, E-bike Policy Review

[Electric-Assist Bike Survey](#) – this survey asks questions about your opinion on the potential demonstration project and seeks input on suggestions for how to address concerns you or others may have with testing e-bike use on multi-use paths. www.boulderTMP.net, E-bike Survey

[Inspire Boulder \(MindMixer\)](#) is an idea collaboration website that allows community members to share and discuss ideas about city projects, issues and programs. Click on the **View Topics** link under **Transportation** to interact with others and provide input on the Living Laboratory demonstration projects, including the potential changes to regulations regarding e-bikes.

[E-bike test ride events](#) - Staff has scheduled two opportunities in September for community members to learn more about and test ride e-bikes. Details of these events are:

- On Wednesday, Sept. 4, from 4 to 5 p.m. at the County Clerk and Recorder building located at 1750 33rd Street. A public meeting will follow from 5 to 7 p.m.
- On Sunday, Sept. 22, from 10 a.m. to 4 p.m. at the city-sponsored *Boulder Green Streets* event. Visit the *Connected Mobility Zone* at 13th Street and Alpine.

[Public Meetings](#) – Public input is being sought at two public meetings.

- On Wed. August 7, a public meeting was held from 4 to 6 p.m. at the Boulder Public Library, Boulder Creek room located at 1001 Arapahoe Avenue. At this meeting Transportation staff presented the potential e-bike pilot project concept and gather public input.
- On Wednesday, Sept. 4 a public meeting will be held from 5 to 7 p.m. at the County Clerk and Recorder Building located at 1750 33rd Street. This purpose of this meeting present an update on the options being considered for the E-bike policy and provide community members an opportunity to provide input on these options.

[Intercept surveys](#) – Staff is conducting a survey of users traveling along multi-use paths. Users will be stopped and asked to answer a questions about their familiarity with e-bikes and opinion of the potential pilot project to test e-bike use on multi-use paths.

Community members also are encouraged to attend the Transportation Advisory Board (TAB) public hearing in September as well as the Council meetings where the e-bike policy changes will be considered, in October. Details of these meetings are included below.

- On Monday, Sept. 22, at 6 p.m., the TAB will convene a meeting in the Council Chambers located at 1777 Broadway. The E-bike item is on the TAB agenda and

includes a public hearing and TAB consideration of a recommendation regarding the City Council meeting in October on the E-bikes Pilot Demonstration Project.

You have the opportunity to speak to the Board to express your opinions about city issues. To help accommodate everyone, please arrive a few minutes before the meeting time of 6 p.m. to sign up in-person to speak. Each speaker will be given three minutes to speak. Please limit your time to city issues. Be clear, concise, and constructive. For additional guidance, please review the [Speaking at Council Meetings](#) rules.

- On Tuesday, Oct. 1 at 6 p.m., and on Tuesday Oct. 22, at 6 p.m. the **City Council** will convene a meeting in the Council Chambers located at 1777 Broadway. The E-bike item is on the Council agenda for a first reading of the proposed amendments to ordinance(s) at the Oct. 1 meeting and for a second reading which includes a public hearing at the Oct. 22 meeting. Council will consider a recommendation from the TAB regarding the E-bikes Pilot Demonstration Project.

You have the opportunity to speak to the Council to express your opinions about city issues. To help accommodate everyone, please review the [Speaking at Council Meetings](#) rules for guidance on how to sign up to speak and additional information.

[Sign Up for the TMP Community Feedback Panel](#) - This is an initiative of the TMP and an opportunity to be queried on TMP-related issues, receive updates including meeting announcements, and volunteer for various events associated with the TMP update. By design, most of the inquiries submitted to the TMP Community Feedback Panel will be online. But, Panel members also will be recruited for focus groups and other in-person groups, especially where we need to reach a specific demographic group, like in-commuters and interested but concerned cyclists. Panel members complete a profile with information about themselves and their travel patterns so that outreach and queries to the Panel can reach specific target audiences. Inquiries will be planned throughout the year as the TMP work continues and evolves. Over 400 people have signed up for the Panel as of July.

Transportation Master Plan (TMP) Update Process

The City of Boulder is in the process of updating the Transportation Master Plan (TMP). The 2012-13 TMP update builds on a strong foundation of success through policy refinement, using a collaborative approach and addresses the current and future transportation needs of the community while integrating the city's broader community and sustainability planning efforts.

E-bikes are one bicycle innovation under review by the City of Boulder as part of the TMP update's "living laboratory." The city is looking for public feedback to better understand transportation choices and identify strategies that encourage more people in our community to walk and bike.

For more information on the TMP Update and Living Laboratory project, please visit the project web page at www.BoulderTMP.net. You also may contact Marni Ratzel, Senior Transportation Planner with GO Boulder and the project manager for the TMP Bike Innovations, including e-bike policy review at ratzelm@bouldercolorado.gov or 303-441-4138 to ask questions, provide input of discuss details of the e-bike policy review.

**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES**

MEETING DATE: September 11, 2013

AGENDA TITLE: Review the city manager's 2014 proposed budget for the Open Space and Mountain Parks Department and recommend approval of the Operating and Capital Improvement Program Budgets and a portion of the Lottery Fund Capital Improvement Program Budget.

PRESENTERS:

Michael D. Patton, Director, Open Space and Mountain Parks
Michael Orosel, Financial Services Manager

PURPOSE:

This is a request for the Open Space Board of Trustees (OSBT) to:

Approve, and recommend that City Council approve, the appropriation for 2014 of \$27,473,496 from the Open Space Fund and the General Fund to cover the 2014 Open Space and Mountain Parks (OSMP) Department expenditures and transfers as outlined in this memorandum and related attachments; and,

Approve, and recommend that City Council approve, the allocation of \$343,000 of the City's Lottery Fund for OSMP expenditure for capital projects in 2014.

2014 BUDGET OVERVIEW
(Prepared 8/6/2013)

<u>SOURCES OF FUNDS</u>	<u>Proposed 2014 Budget</u>	<u>%</u>
Net Sales Tax Income:	\$26,295,672	91.61%
Investment Income:	\$325,000	1.13%
Lease & Misc. Income:	<u>\$485,909</u>	1.69%
Subtotal - OS Fund Sources of Funds:	<u>\$27,106,581</u>	94.43%
General Fund Appropriation for OSMP:	\$1,103,480	3.84%
General Fund Appropriation for RE Svcs:	\$154,184	0.54%
Lottery Fund CIP Appropriation for OSMP:	<u>\$343,000</u>	1.19%
Subtotal - Non-OS Fund Sources of Funds:	<u>\$1,600,664</u>	5.57%
Total Sources of OSMP Funds:	<u>\$28,707,245</u>	100.00%
<u>USES OF FUNDS</u>		
Personnel Expenditures:	\$9,161,960	32.94%
Non-Personnel Expenditures:	<u>\$3,471,054</u>	12.48%
Subtotal - Management Budget:	<u>\$12,633,014</u>	45.42%
Cost Allocation Transfer to General Fund:	<u>\$1,108,400</u>	3.98%
Subtotal Operating Expenditures:	<u>\$13,741,414</u>	49.40%
Open Space Fund CIP:	\$7,010,000	25.20%
Lottery Fund CIP:	\$343,000	1.23%
Debt Service Payments:	<u>\$6,722,082</u>	24.17%
Subtotal CIP & Debt Pmt Expenditures:	<u>\$14,075,082</u>	50.60%
Total OSMP Uses of Funds (1)	<u><u>\$27,816,496</u></u>	100.00%
(1) Includes Transfer to the Fire Dept Budget of :	\$84,338	
Includes GF Funding for RE Services of:	\$154,184	

EXECUTIVE SUMMARY:

The purpose of this agenda item is for the OSBT to meet its Charter requirement to “review the city manager's proposed budget as it relates to open space matters and submit its recommendations concerning said budget to the Council.”

The proposed 2014 Budget reflects OSBT goals of maintaining both stewardship of present Open Space lands and preserving additional acres, within the financial sustainability of the Open Space Fund. The attached Open Space Fund Financial for 2012-2019 reflects this philosophy of long-term sustainability of the system and the funding that supports it. The attached Fund Financial models recommended expenditures for 2014 and thereafter which have not yet been approved by the City Council.

The proposed 2014 Capital Improvement Plan (CIP) budget for the OSMP Department increases funding of the Real Estate Acquisition CIP to \$5,400,000, and maintains the Mineral Rights CIP at \$100,000 and the Water Rights CIP at \$200,000. The Visitor Infrastructure CIP for 2014 is \$1,310,000 and continues the aggressive implementation of the West Trail Study Area (WTSA) Plan. These uses of funds will be sustainable under the current Budget Office revenue projections. The Lottery Fund CIP funding for capital projects within the mountain backdrop is \$343,000 for 2014.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Environmental: Open Space and Mountain Parks is a significant community-based program that preserves open space land contributing to the environmental sustainability goal of the City Council.
- Economic: The Open Space and Mountain Parks program contributes to Council’s economic sustainability goal because it provides the physical context for the diverse and vibrant economic system that supports services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- Social: The Open Space land system is accessible to all members of the community and therefore helps support Council’s community sustainability goal because all residents “who live in Boulder can feel a part of and thrive in” this aspect of their community.

OTHER IMPACTS:

- Fiscal: Sufficient funds are available in the Open Space Fund to cover the proposed 2014 Operating and Capital Improvement Program budgets as summarized in this memorandum and in the attached Open Space Fund Financial 2012–2019. (See Attachment A.)
- Staff Time: The budget is the financial representation of the departmental work plan. Preparation and management of the budget are part of the normal work plan.

ANALYSIS:

Services and Operating Expenditures

Background

The department has based its 2014 Budget on revenue projections from the Budget Office for 2013 and future years through 2019. The 2014 Budget for OSMP has been prepared recognizing that both the Board and Council desire an expedited implementation of the WTSA Plan. Increases are proposed in standard staff (fixed term), seasonal funding and non-personnel expense.

Most recently, the Budget Office projected 2014 sales tax revenue to increase 3.50 percent over 2013 projected sales tax revenue. From 2014 to 2019, it is projected that sales tax revenue will increase, on average, 3.31 percent per year. The total combined revenue from sales and use tax collected by the city makes up approximately 91.6 percent of the department's revenue. The Open Space Fund sales tax base of 0.88 of a cent per dollar is made up of three components: 0.33 of a cent per dollar that will sunset at the end of 2018, 0.15 of a cent per dollar that will sunset at the end of 2019, and 0.40 of a cent per dollar that has no sunset. If the November 2013 tax item is passed by Boulder's electorate, the 0.33 cent sales tax will be replaced with a 0.22 cent tax from January 2019 through December 2034. Commencing January 2035, the 0.22 cent tax will be replaced with a non-sunsetting tax of 0.10 cents providing the department with 0.50 cent sales tax with no sunset. Through June 2013, sales tax revenue for the year-to-date is 5.10 percent above last year's revenue for the first six months of the year.

2014 Request

A request for \$163,000 is recommended as first-year funding of the enhanced Voice and Sight Dog Tag Program. The Voice and Sight Dog Tag Program was originally provided as a pilot program in the Visitor Master Plan that was approved by Council. Subsequently, OSMP was instructed to recommend an enhanced Voice and Sight Tag Program which OSMP has presented to Council. The entire enhanced program was not approved by Council; however it is anticipated that a revised program will be approved in 2013 and these funds represent the maximum required for continuing the program in 2014.

A total of \$75,000 has been recommended for South Boulder Creek and Boulder Creek east restoration. These funds will provide resources for Ecological Systems' staff to restore land along South Boulder Creek from Baseline Road to South Mesa Trailhead by removing nonnative trees. In addition, land along east Boulder Creek will be restored by removing nonnative trees and pond restoration on the Culver, Hartnagle and Ertl properties.

A two-year, fixed-term 0.50 full time equivalent (FTE) Cultural Resources Administrative Assistant position is recommended to update and maintain the Cultural Resource Management database, including site condition assessments and GPS locations; develop accession and collection system; develop archaeology best management practices; and assist with interdepartmental review of work plans where there may be an intersection with cultural resources.

Funds totaling \$37,000 are recommended to provide for repairs to cultural resources assets. These funds will permit repairs to the Weiser House, Stockton and McGilvery cabins, Viele barn and Hedgecock Milk House. Recommended funds to repair the Weiser House total \$12,000 and is self funding as the Weiser House is a rental and the rent will provide the funds for the repairs. Repairs for the structures include replacing shingles, mortar repair, carpentry and roof repair.

A two-year, fixed-term 1.00 FTE Water Resources Technician position is recommended. OSMP's Water Resource Administrator Position was recently filled. It will take some time for the newly-hired Water Resource Administrator to learn OSMP's water infrastructure as well as fully grasp the technicalities of OSMP's water portfolio. The requested Water Resources Technician would most likely be filled by someone with knowledge of OSMP's water infrastructure and portfolio. In addition, the expansion of Gross Reservoir and associated memoranda of understanding will add reporting duties and require infrastructure installations by OSMP; these additional duties are not identified in the existing job description.

Two Maintenance III/Trails Specialist positions are recommended as four-year, fixed-term positions. Over the past few years, OSMP's seasonal trails staffing has increased significantly to address City Council-directed rapid completion of the West TSA. However, over that same period, the standard staff overseeing these activities has not increased while, as indicated above, seasonal trails staffing has increased. This has caused capacity issues in that the standard staff plan projects, oversee project quality and progress, supervise seasonal staff, assist with the hiring of the trail crews and provide greater outreach. OSMP needs standard positions to effectively plan and implement maintenance efforts to prevent significant repair costs in the future. In conjunction with this request, it is recommended that funding for two seasonal trail crew leads be eliminated. Therefore the net increase to fund the two new fixed-term standard positions will be only \$43,341.

It is recommended one chipper and a trailer for the Forest Ecosystem Management Plan (FEMP) crews are replaced at a cost of \$80,000.

An increase in seasonal funding for the sign group is recommended. The West TSA Plan implementation includes many regulation changes that are still in the implementation phase. The number of signs required to inform visitors is quite high with each regulatory change.

Funding for small resource research grants are recommended to help guide management actions related to Visitor Master Plan, Trail Study Areas, Grassland Ecosystem Management Plan and the Forest Ecosystem Management Plan.

An additional 0.25 FTE of Natural Resource Specialist is recommended as a four-year, fixed-term standard position to increase the existing 0.75 Natural Resource Specialist FTE to a 1.00 FTE within the Integrated Pest Management group.

Funding is recommended to outfit six ranger trucks with mobile data centers, increase funding for annual cost for modems and maintenance and operation costs. This funding will add mobile data centers (computers) to the six ranger vehicles that do not have them. Included are the cost of the computers and associated hardware, mounts, timers, power supply, antenna and installation. Funding is also included for the annual cost of modems and maintenance and operation for the ranger radio frequency. This equipment will increase the safety and productivity of rangers as well as assist with the implementation of new voice and sight regulations. The enhanced computer equipment has become the standard for all emergency response vehicles in the city and provides up to the minute information on location, nature of calls and officer status to the dispatch center and other officers. It allows for more rapid dispatching of rangers and can provide critical information during emergencies. In addition, the computers allow rangers to complete reports and access the ranger database without necessitating returning to the office. This results in less travel time and increases ranger presence in the field. The units will also be able to access information related to previous summons and contacts which will aid in the implementation of the Tag Program.

An increase in contribution to the Computer Replacement Funds (CRF) is recommended for the additional computers and server costs. Additions to the CRF are necessary due to the computers in ranger vehicles and for the Resource Information Systems' (RIS) group new hire. In addition, funding is necessary for servers housed offsite in order to provide for data recovery in the event of a flood or fire or other similar event.

Funds for seasonal staffing within the RIS group are recommended to be increased to provide for a six-month seasonal employee to complete fence data collection started in 2013 and to continue the mapping of conservation easements and fee properties not managed by OSMP. In addition, one month of a seasonal staffing is included to update the library holdings.

A place holder totaling \$100,000 is included to fund possible seasonal health care cost. Under the new "Affordable Health Care Act" regulations that take effect in 2014, it is estimated that OSMP will employ seven to 15 seasonal employees who meet the minimum requirements for employer-matched health benefits. It is estimated that OSMP's share of this cost is \$100,000.

Changes in Staffing Levels

For 2014, the city manager is recommending a total of 95.35 standard FTEs. Staff will continue to utilize available funding for seasonal and temporary workers in order to address other service needs across the department.

General Fund Transfer for Mountain Parks

For 2014, the General Fund transfer for Mountain Parks is modeled at \$1,103,384, an increase of \$31,210 from the \$1,072,174 approved for 2013. As a point of reference, the transfer was \$1,241,722 in 2001, and was reduced to a low of \$921,381 in 2010.

Review of the Open Space Board Contingency Reserve Policy

Approximately 91.6 percent of the Open Space Fund revenue is generated by sales tax and the program is limited in its ability to raise additional revenue from other tax levies or fees. Because of this situation, the OSBT has recommended for cashflow planning purposes that a substantial contingency reserve be maintained. Each year the OSBT, during the budget process, reviews the reserve amount taking into consideration national, regional and local economic conditions, debt service needs, proposed purchases, the program's projected management costs and projected sales tax revenue growth rates.

Total debt service in 2014 is anticipated to be \$7,315,737, including the ERTL acquisition payments which will commence in 2014. Debt service generally will trend downwards in future years unless additional debt is issued.

Staff recommends reserves totaling \$6,435,000 for 2014. This includes \$3,500,000 contingency and open space revenue bond reserves; \$45,000 for the 27th pay period in a future year; \$490,000 to fulfill TABOR requirements for accrued benefits; and \$400,000 for potential property and casualty liability. Additionally, the department will continue funding a reserve for the South Boulder Creek Instream Flow project and commence funding two new reserves for vehicle acquisition and facility maintenance.

Cost Allocation

Cost allocation for OSMP in 2014 is \$1,108,400. This is an increase from the \$1,066,954 in 2013. The cost allocation model is intended to reflect the department's utilization of services from other city departments that are not paid for directly.

The Transforming Boulder Business Initiative (TBBI) Project is intended to result in new Enterprise Resource Planning (ERP) systems, including finance and budgeting. One of the anticipated outcomes will be a system-based method of developing cost allocation.

Capital Improvement Program

The 2014 Capital Improvement Program (CIP) for the Open Space Fund was approved at the OSBT meeting of July 10, 2013. In review, the recommended CIP for land acquisition is \$5,400,000 for land acquisition, \$200,000 for water rights acquisition, \$100,000 for mineral rights acquisition and \$1,310,000 for visitor infrastructure (see Attachment B). Additionally, the department's CIP includes continuation of its share of the Lottery Fund in the amount of \$343,000 in 2014 (see Attachment C).

Lottery Fund Allocation

Due to decreased revenue accruing to the Conservation Trust Fund, OSMP's allocation of lottery funds was decreased from \$425,000 in 2012 to \$343,000 in 2013. It is expected to remain at this level through 2014. Lottery Fund revenues are evaluated and projected each year and appropriations are adjusted based on an analysis of revenues and maintaining sufficient reserves in order to offset any short-term funding shortfall. These funds will be utilized to supplement the Visitor Infrastructure CIP to implement the W TSA Plan.

Relationship to Operating Budget

The Open Space and Mountain Parks Visitor Master Plan was adopted in April 2005 and outlines a significant capital expenditure plan in order to address identified needs within the six-year CIP schedule. This, together with the Open Space Long-Range Management Policies adopted in 1995, sets the management direction for the OSMP Department. These policy level plans, along with area and resource management plans, provide the framework to prioritize and budget specific resource management actions. In an effort to better support implementation of these plans, the department developed a Strategic Operating Plan including eight Legacy Programs and eight Organizational Dynamics Issues as well as a Project Management Model. Additionally, in 2008 the department initiated a related reorganization plan and, in 2013, an updated Real Estate Acquisition Plan was approved by both the OSBT and Council.

PUBLIC FEEDBACK:

This item is being heard at this public meeting advertised in the *Daily Camera* on Sept. 8, 2013. On July 25, 2013 the City Planning Board reviewed and approved the 2014-2019 CIP as recommended by staff. On Aug. 13, 2013 the City Council held its CIP study session. With regards to the 2014 operating budget, City Council study sessions are scheduled on Sept. 10 and Sept. 24, 2013. First and second readings of the 2014 Budget and ordinances will be held on Oct. 1 and Oct. 15 respectively.

STAFF RECOMMENDATION

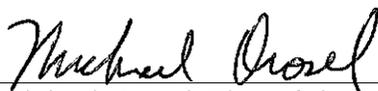
The staff recommends and requests that the Open Space Board of Trustees pass the following motion:

Approve, and recommend that City Council approve the appropriation of \$27,473,496 in 2014 from the Open Space Fund and the General Fund and \$343,000 from the City’s Lottery Fund CIP to cover the 2014 Open Space and Mountain Parks Department operating and CIP expenditures and transfers.

Submitted by:



Michael D. Patton, Director



Michael Orosel, Financial Management Services Manager

ATTACHMENTS:

- A. 2012-2019 Open Space Fund Financial**
- B. Summaries of Open Space Fund 2014-2019 Capital Improvements Program**
- C. Summary of Lottery Fund 2014-2019 Capital Improvements Program**

**ATTACHMENT A
CITY OF BOULDER
2012-2019 PROPOSED BUDGET
OPEN SPACE and MOUNTAIN PARKS FUND**

OPEN SPACE AND MOUNTAIN PARKS

	2012 Actual	2013 Revised	2014 Projected	2015 Projected	2016 Projected	2017 Projected	2018 Projected	2019 Projected
Beginning Fund Balance	\$ 13,219,306	\$ 18,917,725	\$ 13,214,241	\$ 14,104,894	\$ 17,917,866	\$ 20,533,953	\$ 26,397,632	\$ 32,939,401
Sources of Funds								
Net Sales Tax Revenue	\$ 24,843,163	\$ 25,406,420	\$ 26,295,672	\$ 27,176,894	\$ 28,088,010	\$ 29,000,132	\$ 29,928,588	\$ 19,303,939
Investment Income	324,723	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Lease and Miscellaneous Revenue	733,655	485,909	485,909	485,909	485,909	325,000	325,000	325,000
Sale of Property	893,731	-	-	-	-	-	-	-
Funds from CDOT for Granite acquisition	-	1,300,000	-	-	-	-	-	-
General Fund Transfer	1,025,753	1,072,174	1,103,384	1,137,095	1,171,553	1,208,122	1,245,832	1,284,720
Grants	222,983	25,500	-	-	-	-	-	-
Total Sources of Funds	\$ 28,044,008	\$ 28,615,003	\$ 28,209,965	\$ 29,124,898	\$ 30,070,472	\$ 30,858,254	\$ 31,824,420	\$ 21,238,659
Uses of Funds								
General Operating Expenditures	\$ 10,061,560	\$ 11,750,079	\$ 11,723,191	\$ 12,490,150	\$ 12,546,271	\$ 12,922,659	\$ 13,310,339	\$ 13,709,649
Increase to 2013 base	-	-	755,639	-	-	-	-	-
Operating Supplemental and Carryover	-	260,087	-	-	-	-	-	-
Vehicle Acquisition	-	-	-	-	300,000	-	-	-
Cost Allocation	1,070,853	1,066,954	1,108,400	1,163,820	1,222,011	1,283,112	1,347,267	1,414,630
Capital-Real Estate Acquisition CIP	1,599,195	3,400,000	5,400,000	5,400,000	5,400,000	5,400,000	5,400,000	5,400,000
Capital-Real Estate Acquisition Carryover	-	5,571,422	-	-	-	-	-	-
Capital-Water Rights Acquisition CIP	21,761	200,000	200,000	200,000	200,000	200,000	200,000	200,000
Capital-Water Acquisition Carryover	-	187,817	-	-	-	-	-	-
Capital-South Boulder Creek Instream Flow	-	100,000	100,000	150,000	2,000,000	-	-	-
Capital-So Bldr Crk Instream Flow Carryover	-	50,000	-	-	-	-	-	-
Capital-North TSA	-	50,000	50,000	50,000	100,000	200,000	100,000	50,000
Capital-Reroute Flagstaff Trail	-	-	120,000	-	-	-	-	-
Capital-Reroute Green Mtn. West Ridge	-	-	60,000	-	-	-	-	-
Capital-Reroute Saddle Rock Trail	-	-	65,000	-	-	-	-	-
Capital- Reroute Ute and Range View Trails	-	-	65,000	-	-	-	-	-
Capital-West TSA	169,486	450,000	500,000	550,000	550,000	450,000	600,000	50,000
Capital-East TSA	-	-	-	-	-	50,000	50,000	200,000
Capital-Mineral Rights Acquisition	-	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Capital-Mineral Acquisition Carryover	-	261,184	-	-	-	-	-	-
Capital-Visitor Infrastructure CIP	826,114	400,000	350,000	300,000	250,000	200,000	200,000	500,000
Capital-VI CIP Carryover	-	803,712	-	-	-	-	-	-
Capital-Highway 93 Underpass Carryover	-	1,000,000	-	-	-	-	-	-
Debt Service - BMPA	1,734,407	1,597,457	1,500,969	1,110,243	996,341	395,842	169,282	69,366
Debt Service - Bonds & Notes	6,862,213	7,069,775	5,221,113	3,797,712	3,789,762	3,792,962	3,805,763	2,025,231
Total Uses of Funds	\$ 22,345,589	\$ 34,318,487	\$ 27,319,312	\$ 25,311,926	\$ 27,454,386	\$ 24,994,575	\$ 25,282,651	\$ 23,718,876
Ending Fund Balance Before Reserves	\$ 18,917,725	\$ 13,214,241	\$ 14,104,894	\$ 17,917,866	\$ 20,533,953	\$ 26,397,632	\$ 32,939,401	\$ 30,459,184
Reserves								
OSBT Contingency Reserve	\$ 5,475,000	\$ 5,475,000	\$ 3,500,000	\$ 2,500,000	\$ 2,400,000	\$ 2,000,000	\$ 2,000,000	\$ 1,100,000
Pay Period 27 Reserve	287,270	-	45,000	95,000	145,000	195,000	-	-
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
South Boulder Creek Flow Reserve	1,150,000	1,450,000	1,750,000	2,000,000	-	-	-	-
Vehicle Acquisition Reserve	-	-	150,000	300,000	-	-	-	-
Facility Maintenance Reserve	-	-	100,000	200,000	300,000	400,000	500,000	600,000
Total Reserves	\$ 7,802,270	\$ 7,815,000	\$ 6,435,000	\$ 5,985,000	\$ 3,735,000	\$ 3,485,000	\$ 3,390,000	\$ 2,590,000
Ending Fund Balance After Reserves	\$ 11,115,455	\$ 5,399,241	\$ 7,669,894	\$ 11,932,866	\$ 16,798,953	\$ 22,912,632	\$ 29,549,401	\$ 27,869,184

This page is intentionally left blank.

2014-2019 Capital Improvements Program

Open Space Fund

19-Jun-13

	Est Total Cost	2014 Recommended	2015 Projected	2016 Projected	2017 Projected	2018 Projected	2019 Projected	6-year Total	Prev Alloc Funding	Unfunded Amount
Capital Enhancement										
OSMP North Trail Study Area (NTSA)		50,000	50,000	100,000	200,000	100,000	50,000	550,000	50,000	0
OSMP West Trail Study Area (WTSA)		500,000	550,000	550,000	450,000	600,000	50,000	2,700,000	950,000	0
Visitor Infrastructure - System Wide		350,000	300,000	250,000	200,000	200,000	500,000	1,800,000	400,000	0
OSMP East Trail Study Area (ETSA)		0	0	0	50,000	50,000	200,000	300,000	0	0
Project Type Total:		900,000	900,000	900,000	900,000	950,000	800,000	5,350,000	1,400,000	0
Capital Maintenance										
OSMP ReRoute Flagstaff Trail bt Crown Ro		120,000	0	0	0	0	0	120,000	0	0
OSMP ReRoute Green Mountain West Ridg		60,000	0	0	0	0	0	60,000	0	0
OSMP ReRoute Saddle Rock Trail		65,000	0	0	0	0	0	65,000	0	0
OSMP ReRoute Ute and Range View Trails		65,000	0	0	0	0	0	65,000	0	0
Project Type Total:		310,000	0	0	0	0	0	310,000	0	0
Land and Asset Acquisition										
Mineral Rights Acquisition		100,000	100,000	100,000	100,000	100,000	100,000	600,000	0	0
OSMP Real Estate Acquisition Program		5,400,000	5,400,000	5,400,000	5,400,000	5,400,000	5,400,000	32,400,000	0	0
Water Rights Acquisition		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	0	0
Project Type Total:		5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	34,200,000	0	0
New Capital Project										
South Boulder Creek Instream Flow	2,400,000	100,000	150,000	2,000,000	0	0	0	2,250,000	150,000	0
Project Type Total:	2,400,000	100,000	150,000	2,000,000	0	0	0	2,250,000	150,000	0

2014-2019 Capital Improvements Program

Open Space Fund

19-Jun-13

	Est Total Cost	2014 Recommended	2015 Projected	2016 Projected	2017 Projected	2018 Projected	2019 Projected	6-year Total	Prev Alloc Funding	Unfunded Amount
Funding Source Total:	2,400,000	7,010,000	6,750,000	8,600,000	6,600,000	6,650,000	6,500,000	42,110,000	1,550,000	0
Grand Total for all Funding Sourc	2,400,000	7,010,000	6,750,000	8,600,000	6,600,000	6,650,000	6,500,000	42,110,000	1,550,000	0

2014-2019 Capital Improvements Program

Lottery Fund

19-Jun-13

Est Total Cost	2014 Recommended	2015 Projected	2016 Projected	2017 Projected	2018 Projected	2019 Projected	6-year Total	Prev Alloc Funding	Unfunded Amount
Capital Enhancement									
OSMP - Historical Structures & Trails - Sta	343,000	355,300	355,300	355,300	355,300	355,300	2,119,500	343,000	0
Project Type Total:	343,000	355,300	355,300	355,300	355,300	355,300	2,119,500	343,000	0
Funding Source Total:	343,000	355,300	355,300	355,300	355,300	355,300	2,119,500	343,000	0



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: September 11, 2013

AGENDA TITLE: Consideration of a motion to amend the previous approval and council recommendation (July 10, 2013 OSBT meeting) for the acquisition from ERTL, Inc. by approving an additional purchase of 120 acres of oil and gas mineral estate from ERTL, Inc. for an additional \$75,000 for Open Space and Mountain Parks purposes. The overall purchase price for the acquisition of the ERTL, Inc. holdings is thusly increased to \$7,575,000.

PRESENTER/S

Michael D. Patton, Director, Open Space and Mountain Parks
Jim Schmidt, Property Agent

EXECUTIVE SUMMARY

Subsequent to the Open Space Board of Trustees' (OSBT) approval of the acquisition of 685 acres of land, oil and gas mineral interests and water rights from Energy Resource Technology Land (ERTL), Inc. on July 10, 2013, staff discovered that there is an additional 120 acres of mineral estate interests owned by the seller that was not accounted for in the original contract. These additional mineral estate acres are actually on the portion of the land which Open Space purchased from ERTL, Inc. in 1984, subject to a leaseback to the seller for a period of years that was defined as the life of Theo Ertl (the family matriarch) plus twenty years. The 2013 purchase contract requires that the leaseback be terminated simultaneously with the contract's closing. At the time of entering into this new contract, neither Open Space and Mountain Parks (OSMP) staff nor the seller's representatives were cognizant of these additional mineral estate acres. Upon discovering the oversight, the parties negotiated a purchase price of \$75,000 for these minerals and have amended the contract to include these 120 acres of mineral estate and changed the purchase price. Oil and gas well spacing is set at 40 acres in this area, so the 120 acres of additional mineral estate being acquired represents the potential for three well pads. The appraisal used to negotiate the overall purchase price for the ERTL property valued each new well pad at \$166,000, so the negotiated price reflects a good bargain for the city. The additional \$75,000 will be paid at the closing. The July 10, 2013 OSBT memo is attached (see Attachment A).

STAFF RECOMMENDATION

Staff recommends that the Open Space Board of Trustees approve a motion recommending that the Boulder City Council approve the purchase of 685 acres of land, associated water rights and oil and gas mineral estate interests located at 8323 Valmont Road, Boulder, CO from ERTL, Inc. for \$7,575,000 for Open Space and Mountain Parks purposes.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Environmental:** Open Space and Mountain Parks is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- **Economic:** Open Space and Mountain Parks contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- **Social:** Because Open Space and Mountain Parks lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- **Fiscal** – The purchase price for the ERTL property being acquired is increased by \$75,000 for the acquisition of the additional 120 acres of oil and gas mineral estate bringing the total purchase price to \$7,575,000 payable as follows: \$2,575,000 at closing (scheduled for Oct. 31, 2013), the balance of \$5,000,000 is payable over 10 years at 3.25 percent interest with yearly payments of \$593,655.37. There is sufficient monies in the Open Space Fund for this acquisition; a Cash Flow Projection is included in the July 10, 2013 OSBT memo, Attachment A.
- **Staff time** – This acquisition is part of the normal work plan for the OSMP real estate property agents.

PUBLIC COMMENT AND PROCESS

This item is being heard as part of this public meeting advertised in the *Daily Camera* on Sept. 8, 2013.

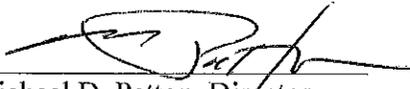
ANALYSIS

Through an oversight, both Open Space staff and the ERTL, Inc. representatives lost track of the fact that in the 1984 ERTL fee purchase by Open Space, the seller reserved to

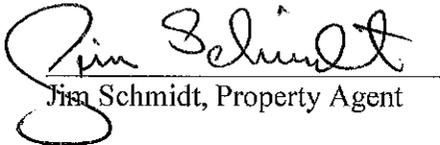
itself the oil and gas mineral estate on these 120 acres. As part of the Gerrity/Patina oil and gas lease and mineral estate purchase of 1997, Open Space acquired the leases for the three undrilled well sites on these same 120 acres. These leases are still valid today as they are "held" by the production associated with the operating oil and gas wells that are on the ERTL property. Thus, there is no imminent danger of these well sites being drilled today; however, at the time when production ceases in the currently producing wells (estimates range between another five to 20 years) the leases on the 120 acres would automatically terminate, leaving them ripe for ERTL, Inc. to again lease the acreage for oil and gas drilling. The acquisition of the underlying mineral estate on these 120 acres insures that OSMP owns and controls any future new oil and gas exploration on the property. There is an additional 160 acres of the Open Space that the city acquired in 1984 on which ERTL, Inc. never had ownership of the mineral estate (the mineral estate had been severed from the fee previous to the Ertl's acquiring ownership the land). This 160 acres holds the potential for new oil and gas drilling operations. The owner of these minerals rights would need to apply to the city for a permit to extract hydrocarbons from this land pursuant to the Open Space Oil and Gas Regulations.

Oil and gas well spacing is set at 40 acres in this area, so the 120 acres of additional mineral estate being acquired represents the potential for three well pads. The appraisal used to negotiate the overall purchase price for the ERTL property valued each new well pad at \$166,000 or \$4,150 per acre while the \$75,000 of additional compensation to ERTL, Inc. for the 120 acres of mineral estate equates to only \$625.00 per acre.

Submitted by:



Michael D. Patton, Director

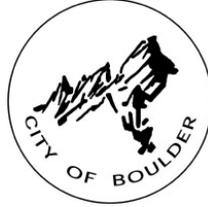


Jim Schmidt, Property Agent

ATTACHMENTS:

- A. July 10, 2013 OSBT memo**
- B. Location Map – ERTL Mineral Estate**

This page is intentionally left blank.



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: July 10, 2013

AGENDA TITLE: 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.

PRESENTER/S

Michael Patton, Director, Open Space and Mountain Parks
James Schmidt, Property Agent
Heather Swanson, Wildlife Ecologist

EXECUTIVE SUMMARY

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. The ERTL property borders four other Open Space lands and its acquisition would give the city fee ownership of the entire two and a half mile reach of Boulder Creek between 75th Street and 95th Street, forming a land assemblage of over 2,700 contiguous acres. Unfortunately, these old conservation easement/development rights agreements were drafted at what was the “dawn” of the conservation easement era and the language employed in these early documents leave much to be desired when viewed from a 2013 perspective; e.g. the agreements do not directly acknowledge the existence of the extensive water rights appurtenant to the property, much less specify if the water is forever tied to the land or if it could be sold off separate from the ground. Compounding matters, during the years immediately succeeding these agreements, a number of informal “side-agreements” (for lack of a better phrase) were entered into between the City Open Space Department and ERTL representatives which modified, interpreted and/or elaborated on how different issues concerning usage of the property would be handled. Some of these side agreements were reduced to written correspondence but many of these were simply verbal “understandings.” Beginning in 2009, Open Space and

Mountain Parks (OSMP) staff attempted to consolidate all of these old agreements – the conservation easements, the development rights agreement, together with the written and verbal “side agreements” into one new all-inclusive conservation easement agreement that would utilize a modern-era format and its attendant language so that restrictions on the property could be readily understandable by future staff and the fee owners. This attempt was unsuccessful; the owners subsequently listed the property for sale with a local realtor and sold off some of the extensive water rights on the land (entering into a dry-up covenant on some 29 acres of its irrigated fields along Valmont Road) – an action that caused the city a great deal of consternation. Realizing that the existing agreements and arrangements vis-à-vis the city and the fee owner were not sustainable into the future, staff had ERTL holdings (land, water rights and oil and gas mineral estate) appraised to assist both parties in negotiations for a possible acquisition by Open Space. The subsequent appraisal indicated that the land value, exclusive of the water rights, is \$1,113,000; the water rights are valued at \$4,693,500; and the oil and gas mineral estate (royalty interest only) at \$2,164,000, for a total valuation of \$7,970,500. The negotiated purchase price, based upon this appraisal information, is \$7,500,000.

The location, topography and geology of the ERTL property create a variety of different habitats that support an exceptionally diverse suite of wildlife and plant communities including rare and protected species. Many of these features are shared with the adjoining Windhover Ranch property immediately to the west. Restoration potential and ecological value is very high in this area.

Two of the rarest species OSMP manages breed on or near the ERTL property. A pair of bald eagles has nested just west of ERTL since 2002 and northern leopard frogs have bred on the property for at least the last several years. Bald eagles are very sensitive to disturbance during the nesting season and will rarely initiate nesting in an area where they experience disturbance. The extensive riparian and wetland complexes on ERTL provide ideal breeding, foraging and over-wintering habitat for northern leopard frogs, a species in decline in Colorado and throughout the western U.S. Crevices on the cliff face of the White Rocks harbor the black spleenwort fern which is one of the rarest ferns in North America, and wet meadows provide habitat for the federally-listed Ute ladies'-tresses orchid. In recognition of these and other significant resource values, staff is proposing the ERTL property be managed similar to the Windhover Ranch property.

If approved, the city will be acquiring:

- 1) Approximately 685 acres on which it currently holds either a conservation easement or a development rights agreement;
- 2) Extinguishing ERTL's leasehold interest on the city's 325 acres acquired back in 1982;
- 3) All water rights used to irrigated the land being acquired in this transaction; and
- 4) All the oil and gas mineral estate owned by ERTL except for the royalty interest in the five currently producing wells on the property (which ERTL will continue to own).

STAFF RECOMMENDATION

Staff recommends that 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.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Environmental: Open Space and Mountain Parks is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- Economic: Open Space and Mountain Parks contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- Social: Because Open Space and Mountain Parks lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- Fiscal: the purchase price for the ERTL property being acquired is \$7,500,000 payable as follows: \$2,500,000 at closing (scheduled for Oct. 31, 2013), the balance of \$5,000,000 is payable over 10 years at 3.25% interest with yearly payments of \$593,655.37. There are sufficient monies in the Open Space Fund for this acquisition; a Cash Flow Projection is included as Attachment C.
- Staff time – This acquisition is part of the normal work plan for the OSMP real estate property agents.

PUBLIC COMMENT AND PROCESS

This item is being heard as part of this public meeting advertised in the *Daily Camera* on July 7, 2013.

ANALYSIS

The ERTL property is a large holding in eastern Boulder County along Boulder Creek bordered roughly by Valmont Road on the south, the Boulder Valley Farm Open Space on the east, Heatherwood subdivision on the north and the Weiser (Windhover Ranch) Open Space property on the west. In the early 1980s, the OSMP Department acquired interests in this property to preserve its unique ecological habitats and the rare species of flora and fauna found thereon. A series of acquisitions resulted in Open Space acquiring a conservation easement on the northerly 195.5 acres (which included the White Rocks area) in 1982 along

with a fee purchase of 325 acres (which fee land was leased back to the Ertls for the life of Mrs. Ertl plus 20 years); another conservation easement was acquired in 1984 on the 230 acres in the lakes area; and also in 1984 a “Development Rights Agreement” was placed on the 221 acres lying south of the railroad right-of-way. The total purchase price for the three acquisitions came to \$1,488,000 (in today’s dollars that would equate to \$3,378,000).

These agreements reserved for ERTL the right to explore, drill and produce oil and gas on the property; there are thirteen more potential and yet undeveloped well sites on the property. These agreements were drafted at the dawn of the conservation easement era and the language employed in these primitive documents leave much to be desired when viewed from a 2013 perspective, e.g. the agreements do not acknowledge or enumerate the existence of water rights being appurtenant to the property. During the years immediately succeeding this series of acquisitions, a number of informal “side-agreements” (for lack of a better phrase) were entered into between the City Open Space Department and the ERTL representatives which modified, interpreted and/ or elaborated on how different issues that had arisen concerning usage of the property would be handled. Some of these side agreements were reduced to written correspondence – usually unilaterally by only one of the parties – but many of these were simply verbal “understandings.” As the years went by and the people who actually made and knew of all these “side agreements” were no longer present or involved in the day to day operations of their respective organizations, the context of the agreements began to take on an “oral history” flavor.

The Open Space Real Estate group approached the ERTL management team in 2010 to attempt to consolidate all of the old agreements – the conservation easements, the development rights agreement, and the written and verbal “side agreements” into one all-encompassing conservation easement using a modern-era format that would be readily understandable by future staff for both organizations. This consolidation attempt proved ultimately futile as the two sides could not reach agreement on the current status on a number of very substantive issues, each believing that the other was seeking to change the agreements to benefit their organization and to the detriment of the other side. The ERTL organization ultimately proposed that the city buy its interests out but for a price which the city found to be out of line with the property’s actual market value. When the city rejected the price demanded, the ERTL organization listed the property for sale with a local realtor and sold off some of its extensive water rights on the land (entering into a dry-up covenant on some 29 acres of its irrigated fields along Valmont Road). Open Space staff realized that the existing agreements and arrangements vis-à-vis the city and the ERTL organization (or a new purchaser) were not sustainable into the future and had ERTL holdings (land, water rights and oil and gas mineral estate) appraised to assist both parties in negotiations for acquisition by Open Space.

The appraisal of the property being acquired indicated that the land value, exclusive of the water rights, is \$1,113,000; the water rights are appraised at \$4,693,500; and the oil and gas mineral estate (royalty interest only) is \$2,164,000, for a total valuation of \$7,970,500. The negotiated purchase price, based upon this appraisal information, is \$7,500,000.

In this transaction the city will be acquiring: 1) approximately 685 acres on which it already holds either a conservation easement or a development rights agreement; 2) all water rights used to irrigated the land being acquired in this transaction; 3) all the oil and gas mineral estate owned by ERTL except for the royalty interest in the five currently producing wells on the property (which ERTL will continue to own); and extinguishing ERTL's leasehold interest on the city's 325 acres acquired back in 1982.

There is a farmstead on the property consisting of a two story home, a smaller auxiliary home, a mobile home, an equipment shed, corrals, loafing sheds and workshop which are occupied by the extended family of Drake and Brene Sullivan pursuant to a life estate which ERTL had given to the Sullivans (their predecessor in title). This life estate runs for the life of Brene Sullivan, who is in her mid-eighties.

Ecological Significance

The ERTL property contains an unusual outcropping of Fox Hills Sandstone, a unique geologic formation known locally as the White Rocks. It is a continuation of the formation found on the Windhover Ranch property to the west. In addition, one of the largest relatively undeveloped remnants of the Boulder Creek floodplain sets the stage for the extremely rich diversity of plant and animal life found there. This property is one of the last remaining private parcels in the Boulder Creek floodplain and its acquisition will create nearly seven miles of publicly owned and protected riparian habitat from 75th Street to the confluence of Boulder and Coal Creeks.

Rare Plants and Plant Communities

Sandstone cliffs: At the top of the White Rocks cliffs where soil has collected between rocks, habitat for the forktip three-awn grass (listed by the Colorado Natural Heritage Program as critically imperiled in Colorado) occurs along with an unusual mix of tallgrass prairie and sand prairie plant species. Crevices on the cliff face harbor the black spleenwort fern which is one of the rarest ferns in North America. Seeps in the White Rocks cliff face provide habitat for moisture-loving Great Plains species including great blue lobelia and American groundnut, as well as an uncommon liverwort (*Phaeoceros laevis*). Sandy soils at the base of the cliffs support some of the farthest western occurrences in Colorado of sand prairie species like sand sage, narrowleaf four o'clock, silky sophora, lemon scurfpea and the plains black nightshade. Native shrub stands and a large grove of western hackberry add to the plant diversity and provide important structure and food for birds and other wildlife species.

Floodplain wet meadows and agricultural vegetation: The Boulder Creek floodplain portion of the property is a mosaic of riparian forest, native wet meadow vegetation in old stream channels, artificial lakes and fields dominated by European pasture grasses. The plains cottonwood was historically the dominant canopy species along plains streams in the Boulder Valley and still occurs in remnant stands along Boulder Creek. Nonnative Russian olive and crack willow trees now occupy much of the floodplain. The Ute ladies'-tresses orchid, a federally protected wetland species, occurs on the ERTL property in an area that has not been gravel mined. Additional habitat for the rare orchid and other native wetland species could be restored on the ERTL property through prescriptive cattle grazing,

irrigation water management and nonnative tree removal. Gravel mining has created artificial aquatic habitat in two large lakes and approximately seven smaller ponds in the floodplain. While these are not natural features in the landscape, they provide open water habitat with aquatic vegetation and marsh-like wetland habitat along their shorelines.

Wetland communities dominated by native species support the prairie gentian, an uncommon species in Colorado with declining habitat across the Great Plains. The prairie gentian habitat is concentrated in wet meadows south of the railroad tracks. The Weiser and ERTL prairie gentian population represents the farthest western occurrence of this species in Colorado.

Wildlife Resources

Bald eagles have nested on the adjacent Weiser property since 2002. Because the currently-occupied eastern nest is very close to the ERTL/Windhover Ranch property line, a large portion of the area directly surrounding the nest lies on ERTL. The eagles have experienced nest failures twice during the last nine years, making it important to manage the property in a way most likely to support successful nesting.

The cliffs of the White Rocks support multiple uncommon species including four rare ants, one of which (*Aphaenogaster huachucana*) is considered globally imperiled; a species of solitary bee that burrows into the soft sandstone of the rocks and feeds on prickly pear pollen; tiny fairy shrimp and crawling water beetles both of which live in ephemeral pools in depressions on top of the cliffs; and six-lined racerunner lizards, found locally only on the White Rocks, that live in the saltbush at the base of the cliffs. The White Rocks cliffs on ERTL have also provided one of the county's only natural nesting sites for barn owls and have been the center of recent prairie falcon activity during the nesting season. The extensive wetland and aquatic habitat on ERTL provide ideal breeding, foraging and over-wintering habitat for northern leopard frogs, a species in decline in Colorado and throughout the western U.S. Boulder Creek provides habitat for uncommon species like the American dipper and wood duck and may support extremely rare species like the northern river otter. The artificial lakes and ponds on the property provide open water habitat for waterfowl and shorebirds and shoreline emergent marshes for wading birds such as little blue and great blue herons and great egrets.

The diversity of habitats on the property supports a wide variety of bird communities during summer and winter. According to the annual Boulder Christmas Bird Count, one of the highest species richness and total bird counts is consistently recorded on the survey route that includes ERTL. In the summer, American bitterns, Virginia rails, marsh wrens and yellow-headed blackbirds are some of the rare/ uncommon species that have been seen on the property. Because of this, the Colorado Office of the National Audubon Society is in the process of officially designating the lower Boulder Creek area, including ERTL as an "Important Bird Area."

The exact location and extent of prairie dogs on the property, although known to be limited is not certain. If acquired, prairie dog colonies will be mapped and assigned a management designation according to the criteria in the OSMP Grassland Ecosystem Management Plan.

Threats and Sensitivity of Resources

Previous intensive grazing on the property has likely had a negative impact on grassland- and shrub-nesting birds. Habitat for these species can be improved through initiating prescriptive grazing techniques and removing nonnative species. Improving habitat conditions, along with minimizing human disturbance, can increase bird community diversity and lead to higher nesting success. Organisms such as the boring bees, fairy shrimp and six-lined racerunner occupy small, restricted and fragile habitats that could be impacted by extensive use of the area. In addition, the presence of New Zealand mudsnails in Boulder Creek requires restricted access to the creek in an effort to avoid further spread of the snails to other waterways.

Bald eagles can be very sensitive to disturbance during nesting. The pair nesting at Weiser has been accustomed to an area with minimal human presence, making them more likely to respond negatively to even low levels of disturbance. Protection under the Federal Eagle Protection Act prohibits disturbance to birds that could result in nest abandonment or negative impact to their reproductive success. U.S. Fish and Wildlife Service recommendations to protect nesting eagles in open landscapes such as those on the ERTL property are based on Colorado Division of Wildlife buffers for protecting nesting raptors. These recommendations include no surface occupation within ¼ mile of nest sites at any time and no human presence within ½ mile of the nest seasonally during the nesting season (November - July).

White Rocks in the Grassland Ecosystem Management Plan

In recognition of the unique ecological importance of the White Rocks cliffs, staff included the White Rocks (on both the ERTL conservation easement and the Windhover Ranch property to the west) as one of eight conservation targets in the Grassland Ecosystem Management Plan approved by OSBT and City Council. Within the Grassland Plan framework, issues, threats, management considerations and strategies were identified for each conservation target.

Agricultural Values

There is a long history of agricultural activity on the ERTL property. The Sullivan family farmed and ranched the property for more than 60 years before the current agricultural tenants began farming the property. The Sullivans generally operated a traditional family farming and ranching operation. They grew various grain crops, hay and forage crops and had a small cow herd to utilize the grazing land. The Schwartz family has been leasing the irrigated agricultural land on the ERTL property for approximately 10 years and have recently taken over the grazing land as well. The Schwartz family also leases the OSMP Manchester and King Hodgson properties located in the same vicinity as the ERTL property. Their agricultural operation primarily focuses on grass and alfalfa hay production, although they have recently added cattle to their operation.

The soils underlying the irrigated land of the ERTL property are primarily sandy loam in texture with gentle slopes and are well suited for agricultural production. The irrigated lands

are considered to be of high quality when evaluating the soil texture and the water rights associated with the property. OSMP will be acquiring water rights from the Green, Jones and Donnelly, Cottonwood No. 2, and the Andrews-Farwell Ditches. The Jones and Donnelly Ditch has the longest average operational season of 174 days. The Andrews-Farwell Ditch has the shortest operational season of 52 days. OSMP will be acquiring 199 acres of irrigated land, much of which will be most suited to livestock grazing because of previous mining activities. There are about 65 acres of productive cropland suitable for a wide variety of agricultural activities, including the production of organic vegetables for local sale.

Restoration and Weed Management

Historic land management, including disturbance related to mining, site hydrology and presence of invasive species on adjacent lands, lead to known and likely populations of various invasive species on the ERTL property. Russian olive currently occupies over 60 acres of the property. Purple loosestrife, a Colorado List – A noxious weed, occupies 15 acres of the property, but was managed by the landowner in 2010 and 2011. Eurasian watermilfoil is common in Boulder Creek, the Green Ditch and likely some of the ponds that receive water from the Green Ditch. Other species likely present on the property include common teasel, perennial pepperweed, perennial sowthistle, whitetop, crack willow, Canada thistle, musk thistle, yellow toadflax (mandatory eradication), garlic mustard, diffuse knapweed, houndstongue, reed canarygrass, yellow iris and tamarisk. Additional mapping and monitoring of the property to obtain estimates of cover and occupied area for the above and other invasive species is required. Given past mining operations, it is likely that planting and seeding of native plants species is needed in areas following invasive species management.

Cultural Resources

While no professional cultural resource inventories have been conducted on this property, it is adjacent to the White Rocks/Weiser property where numerous Native American and historical archaeological sites are located. It is expected that similar resources would be located on the ERTL property.

Visitor Use

As with all OSMP property acquisitions not previously open to the public, the ERTL property will be closed until a property inventory and site management plan are developed. This plan will recommend how to provide appropriate visitor infrastructure and services while protecting the natural and cultural resources on the site. OSMP intends to complete this plan over the next 12 months, and the acquisition budget will fund the development of this plan. Given what staff knows about the property, actions to protect resources will be especially important. Staff recommends that the property be designated as a Habitat Conservation Area similar to adjoining Windhover Ranch. This designation recognizes the known resource values of the property and is consistent with the Habitat Conservation Area designation of the surrounding and nearby lands in the Boulder Creek floodplain. Given the seasonality of nesting bald eagles, the property has been, and will be recommended to be closed to the public and most staff from November 1 to July 31. However, with OSMP's purchase of this property a new opportunity for the public would exist in the seasonal

ATTACHMENT A

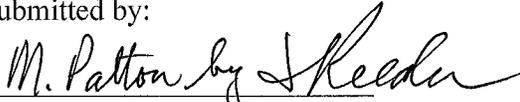
window of August to October, when staff would lead scheduled, guided hikes on subjects ranging from wildflowers to geology. These visits would be carefully arranged to protect vulnerable biological and cultural resources on the property. The East Boulder-White Rocks trail is located on the eastern edge of the property. There are no plans for further trail development.

Open Space Charter Purposes

This acquisition meets all of the following Charter purposes:

- Preservation of natural areas characterized by or including terrain, geologic formations, flora, and fauna that are unusual, spectacular, historically important, scientifically valuable, or unique.
- Preservation of agricultural uses and land suitable for agricultural production.
- Preservation of water resources in their natural or traditional state, scenic areas or vistas, wildlife habitats, and fragile ecosystems.
- Preservation of land for its aesthetic and passive recreational value and its contribution to the quality of life of the community.

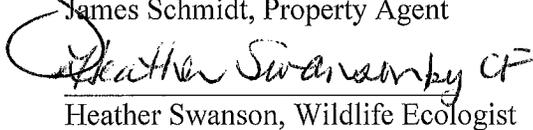
Submitted by:



Michael Patton, Director



James Schmidt, Property Agent



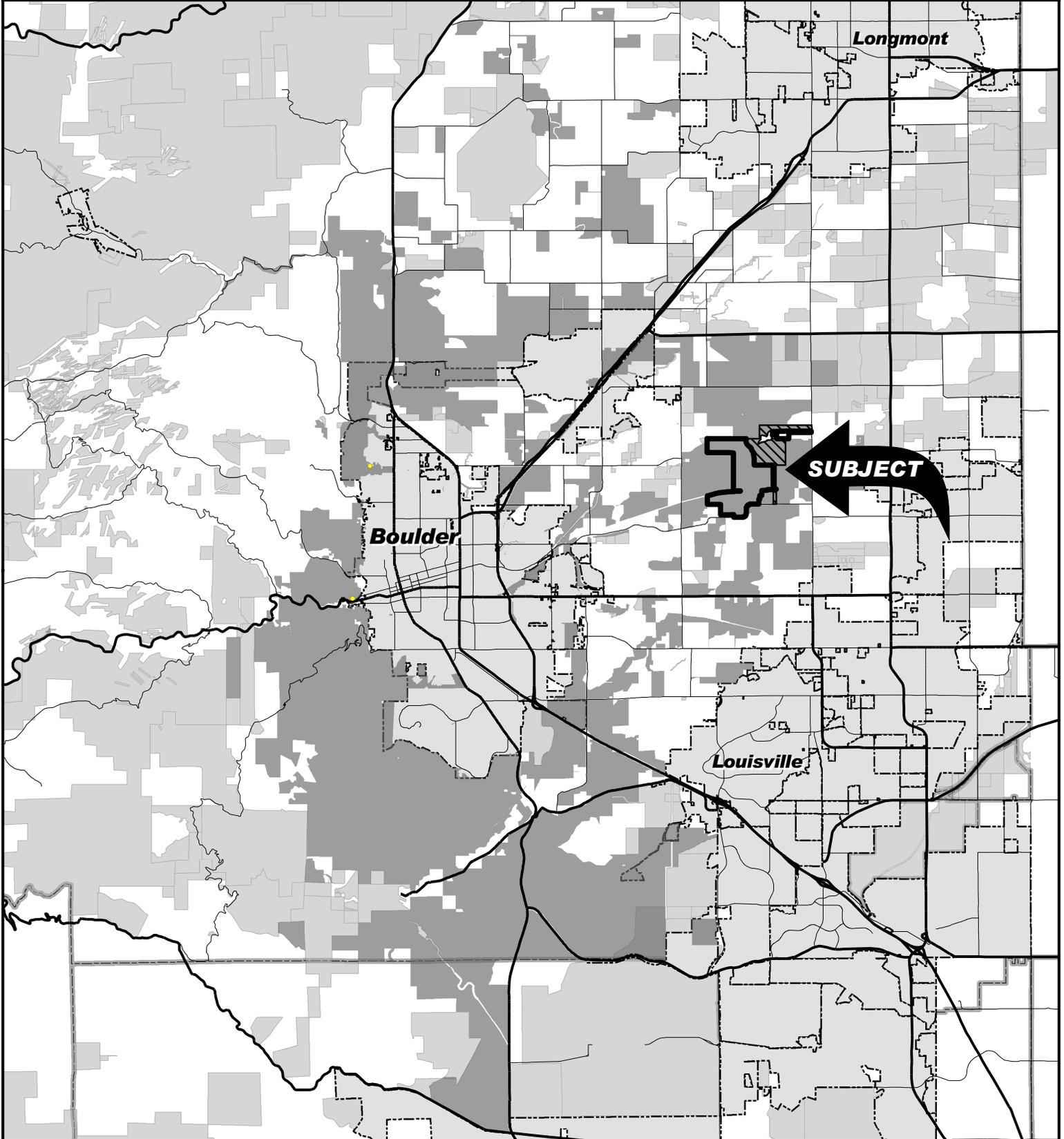
Heather Swanson, Wildlife Ecologist

ATTACHMENTS:

- A. Vicinity Map**
- B. Location Map**
- C. Cash Flow Projection**

ATTACHMENT A - City of Boulder Open Space & Mountain Parks

VICINITY MAP - ERTL Property



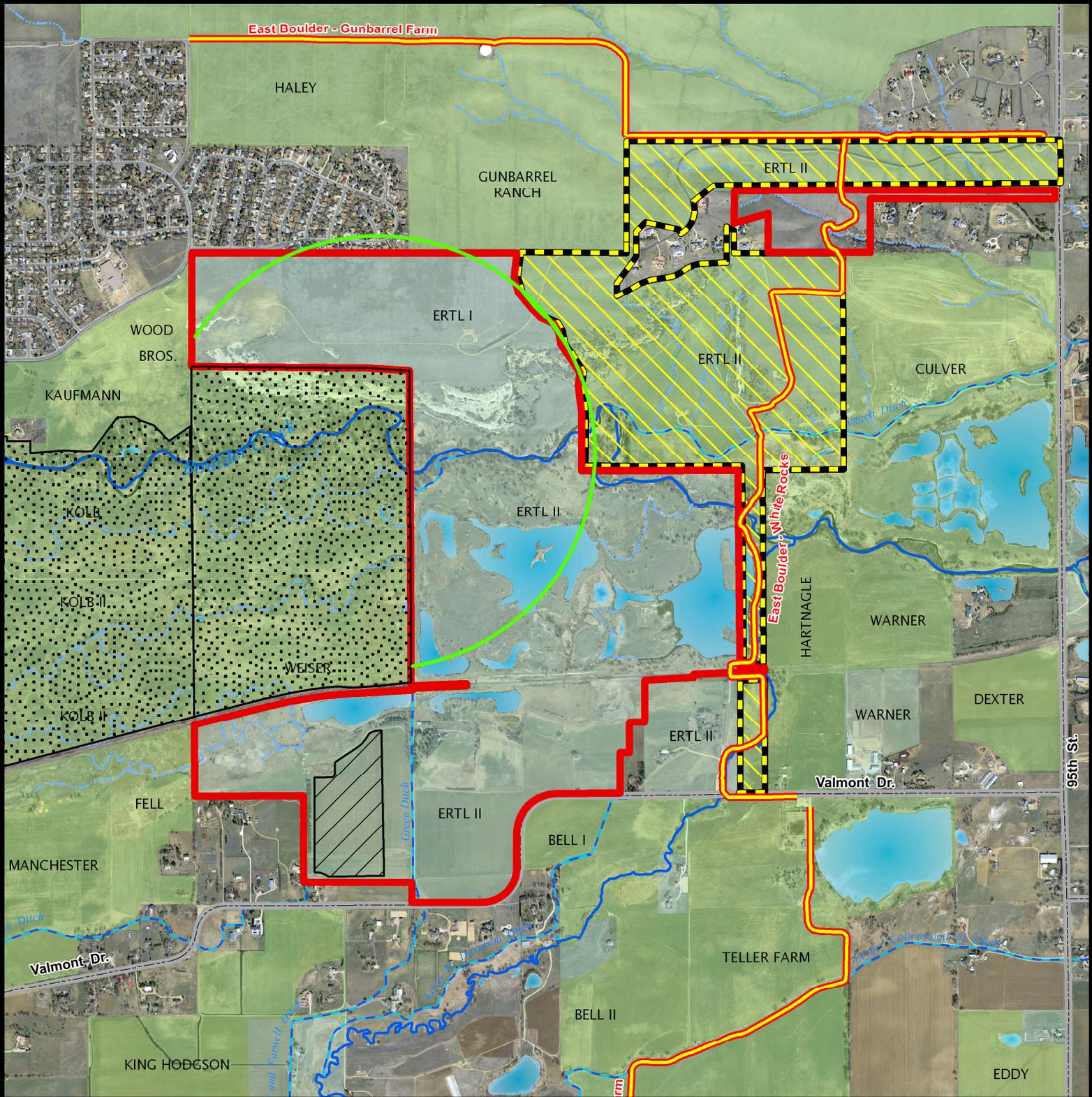
© 2010 City of Boulder, Colorado
 All rights reserved. The map information contained herein is intended for the sole use of the purchaser and may not be copied, duplicated or redistributed in any way, in whole or in part, without the expressed written consent of the City of Boulder.
 The information depicted is provided as a graphical representation only. While source documents were developed in compliance with National Map Accuracy Standards, the City of Boulder provides no guarantee, express or implied, as to the accuracy and/or completeness of the information contained herein.
 E:\Mapfiles\Property\vicinity-.mxd

-  Proposed Purchase
-  Leasehold Termination Area
-  City of Boulder OSMP



Approximate property boundaries from Boulder County Assessor's data.

ATTACHMENT B - City of Boulder Open Space & Mountain Parks LOCATION MAP - ERTL Property



-  ERTL Purposed Purchase
-  ERTL Leasehold Termination Area
-  ERTL Irrigation Dry-Up Area
-  Seasonal Bald Eagle Closure - Nov 1 - July 31
-  Bald Eagle Nest 1/2 Mile Buffer

-  OSMP Managed Multi-Use Trail
 -  OSMP Fee Property
 -  OSMP Conservation Easement
- 0 0.125 0.25 0.5 Miles

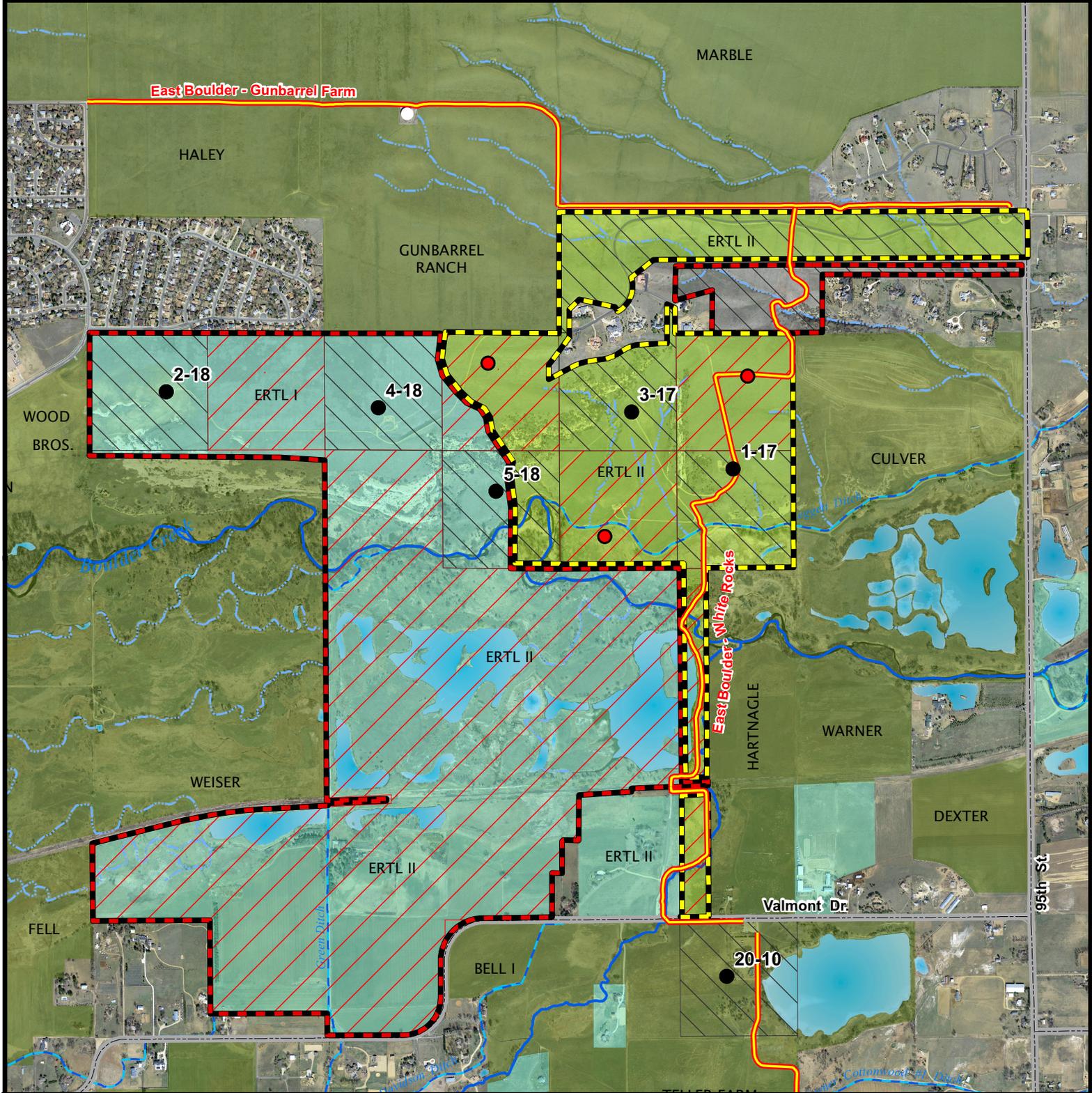


ATTACHMENT A

ATTACHMENT C

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
PROJECTED SALES TAX GROWTH							
1	2010-2017 Sales Tax forecast 06/06/2011	4.22%	3.42%	3.30%	3.30%	3.14%	
2	2011-2018 Sales Tax forecast 05/08/2012	3.90%	3.48%	3.28%	3.29%	3.20%	3.15%
3	2013-2019 Sales Tax forecast 04/05/2013	2.27%	3.50%	3.35%	3.35%	3.25%	3.20%
4	BEGINNING CASH BALANCE	\$18,917,725	\$13,034,089	\$13,244,713	\$15,971,741	\$17,565,600	\$22,061,257
							\$27,187,569
SOURCES OF FUNDS							
5	OS Sales Tax Revenue	\$25,406,420	\$26,295,672	\$27,176,894	\$28,088,010	\$29,000,132	\$29,928,588
6	OS Fund - Investments/Leases/Misc.	\$810,909	\$810,909	\$810,909	\$810,909	\$650,000	\$650,000
7	Proceeds from RE sale						\$650,000
8	Funds from CDOT for Granite acquisition	\$1,300,000					
9	General Fund Transfer for Mountain Parks:	\$1,072,174	\$1,103,480	\$1,114,515	\$1,125,660	\$1,136,917	\$1,148,286
10	General Fund Appropriation for Real Estate Services:	\$152,346	\$156,062	\$157,623	\$159,199	\$160,791	\$162,399
11	Lottery Fund Appropriation for CIP Purposes:	\$343,000	\$343,000	\$355,300	\$355,300	\$355,300	\$355,300
12	Unexpended Lottery Funds Carried Over from Previous Year	\$144,094					
13	Grants	\$25,500					
14	Total Annual Sources of Funds:	\$29,254,443	\$28,709,123	\$29,615,241	\$30,539,078	\$31,303,139	\$32,244,573
15	Total Sources of Funds Available:	\$48,172,168	\$41,743,212	\$42,859,953	\$46,510,819	\$48,868,739	\$54,305,829
							\$60,404,295
USES OF FUNDS							
16	Total Debt Service for Bonds & Notes:	\$8,667,232	\$6,722,082	\$4,907,955	\$4,786,103	\$4,188,804	\$3,975,045
17	BMPA Payment ERTL (2014-2023)		\$593,655	\$593,655	\$593,655	\$593,655	\$593,655
18	Capital Available for Land Acquisitions & Preservation	\$3,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
19	Unexpended Acquisition Funds Carried Over from Previous Year	\$5,571,422	\$0	\$0	\$0	\$0	\$0
20	Capital Available for Land Acquisitions & Preservation:	\$8,971,422	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
21	RE Acquisition 2013	\$6,825,000					
22	ERTL	\$2,500,000					
23	Dagle property and water acquisition by 8/14/2014	\$525,000					
24	Remaining Land Acquisition Capital Available:	(\$878,578)	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
25	Capital for Visitor Infrastructure:	\$850,000	\$1,210,000	\$900,000	\$900,000	\$900,000	\$950,000
26	Unexpended Visitor Infrastructure Funds Carried Over from Previous Year	\$803,712					\$800,000
27	Highway 93 Underpass	\$1,100,000					
28	Capital for Water Rights Acquisition:	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
29	Unexpended Water Rights Funds Carried Over from Previous Year	\$187,817					
30	South Boulder Creek Flow In Stream Flow:	\$100,000	\$100,000	\$150,000	\$2,000,000		
31	Capital for Mineral Rights Acquisition:	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
32	Unexpended Mineral Rights Funds Carried Over from Previous Year	\$261,184					
33	Lottery Capital for MP Restoration:	\$343,000	\$343,000	\$355,300	\$355,300	\$355,300	\$355,300
34	Unexpended Lottery Funds Carried Over from Previous Year	\$144,094					
35	Total CIP Expenditures:	\$13,061,229	\$7,353,000	\$7,105,300	\$8,955,300	\$6,955,300	\$7,005,300
36	Management Operating Expenditures - OSMP Program:	\$11,930,231	\$12,565,300	\$12,959,859	\$13,228,951	\$13,625,820	\$14,034,594
37	Operating Supplemental and Carryover	\$260,087					\$14,455,632
38	Management Operating Expenditures - RE Services:	\$152,346	\$156,062	\$157,623	\$159,199	\$160,791	\$162,399
39	Sub Total Management Operating Expenditures:	\$12,342,664	\$12,721,362	\$13,117,482	\$13,388,150	\$13,786,611	\$14,196,993
40	Administrative Budget Transfer - Cost Allocation:	\$1,066,954	\$1,108,400	\$1,163,820	\$1,222,011	\$1,283,112	\$1,347,267
41	Total Management Operating Expenditures:	\$13,409,618	\$13,829,762	\$14,281,302	\$14,610,161	\$15,069,723	\$15,544,260
42	Total Uses of Funds:	\$35,138,079	\$28,498,499	\$26,888,212	\$28,945,219	\$26,807,482	\$27,118,260
							\$25,577,837
43	ENDING CASH BALANCE:	\$13,034,089	\$13,244,713	\$15,971,741	\$17,565,600	\$22,061,257	\$27,187,569
44	Less Reserves:	\$5,475,000	\$3,500,000	\$2,500,000	\$2,400,000	\$2,000,000	\$2,000,000
45	Less Reserve for 27th Pay Period	\$0	\$45,000	\$95,000	\$145,000	\$195,000	\$0
46	Sick/Vacation/Bonus Reserve	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000
47	Property and Casualty Reserve	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
48	South Boulder Creek Flow Reserve	\$1,450,000	\$1,750,000	\$2,000,000	\$0	\$0	\$0
49	ERTL BMPA Post Sales Taxes Sunsetting Reserve				\$593,655	\$1,187,310	\$1,780,965
50	Vehicle Acquisition Reserve		\$150,000	\$300,000	\$300,000	\$300,000	\$300,000
51	Facility Maintenance Reserve		\$100,000	\$200,000	\$300,000	\$500,000	\$600,000
52	UNRESTRICTED CASH BALANCE AFTER RESERVES:	\$5,219,089	\$6,809,713	\$9,986,741	\$12,936,945	\$17,088,947	\$21,716,604
							\$29,561,837

ATTACHMENT B - City of Boulder Open Space & Mountain Parks LOCATION MAP - ERTL MINERAL ESTATE



© 2013 City of Boulder, Colorado
All rights reserved. The map information contained herein is intended for the sole use of the purchaser and may not be copied, duplicated or redistributed in any way, in whole or in part, without the expressed written consent of the City of Boulder.
The information depicted is provided as a graphical representation only. While source documents were developed in compliance with National Map Accuracy Standards, the City of Boulder provides no guarantee, express or implied, as to the accuracy and/or completeness of the information contained herein.

-  ERTL New Purchase
-  ERTL Leasehold Termination Area
-  Minerals Being Acquired
-  Minerals Not Being Acquired
-  1984 Fee Purchase Area
-  Producing Oil Well
-  Additional 120 Acres of Mineral Rights
-  OSMP Managed Multi-Use Trail
-  OSMP Fee Property
-  OSMP Conservation Easement





**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES**

MEETING DATE: September 11, 2013

AGENDA TITLE: Process for designating and modifying Open Space and Mountain Parks Management Areas.

PRESENTERS:

Michael Patton, Director, Open Space and Mountain Parks
Eric Stone, Resource Systems Division Manager
Mark Gershman, Environmental Planning Supervisor
Steve Armstead, Environmental Planner

EXECUTIVE SUMMARY

This memo describes the Open Space and Mountain Parks (OSMP) staff-recommended process for establishing and changing management area designations.

STAFF RECOMMENDATION

Staff recommends that the Open Space Board of Trustees review and comment on the practices/process described in this memo for designating and modifying the designation of management areas.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Environmental: Open Space and Mountain Parks is a significant community-supported program that is a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- Economic: Open Space and Mountain Parks contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life

it represents attract visitors and help businesses to recruit and retain quality employees.

- Social: Because Open Space and Mountain Parks lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents who live in Boulder can feel a part of and thrive in this aspect of their community.

OTHER IMPACTS

- Fiscal: There are no expected costs associated with adoption of these procedures.
- Staff time: Initially it would take a small additional amount of staff time to gather input from the community regarding management area designations.

PUBLIC FEEDBACK

This item is being heard as part of this public meeting advertised in the *Daily Camera* on Sept. 8, 2013.

BACKGROUND

At the Aug. 14, 2013 Open Space Board of Trustees' (OSBT) meeting, the Board approved a Habitat Conservation Area (HCA) designation for the ERTL property. Some OSBT members expressed a desire to discuss and receive public comment on the process used by OSMP to develop recommendations for management area designations.

The *criteria* for designation and use of management areas is defined in the Visitor Master Plan (VMP) and summarized on pages 47 through 55 and described in greater detail in Appendix 4.1 (pages A.17-A.19). The VMP is available on the OSMP Website at <https://bouldercolorado.gov/osmp/visitor-master-plan>.

The *process* for establishing management area designations is not included in the VMP. However, since establishing or changing an HCA designation is done by ordinance, those actions require City Council approval. Because of the importance of an HCA designation for the community, and the need for City Council action; staff brings HCA recommendations to the OSBT for its review. Other management area designations do not require council action. OSMP conducts resource assessments that inform proposed area management designations and support on-the-ground management of newly acquired properties. Some of these practices precede acquisition while others occur after acquisition.

Prior to a property purchase, OSMP staff inspects the property to observe its overall condition. An assessment of natural resources, buildings and infrastructure is completed to better understand the general conditions of the natural and physical resources of the property. The assessment also is intended to identify public safety issues and evidence of contamination from past land uses. The general assessment is necessary to ensure property conditions are appropriate for acquisition.

After a property is acquired, the department prepares more in-depth resource assessments and develops preliminary management direction. As endorsed in the VMP, new

properties are either closed or may have some restricted public access to allow for existing public access while OSMP completes resource assessments. During this time, the department also takes actions to secure the property, addresses potential hazards and if appropriate, develops infrastructure to provide for any proposed visitor access. Preliminary management direction is presented to the OSBT for review and comment.

Trail Study Area (TSA) plans provide the long-term direction for developing and managing visitor access on the property while resource plans direct specific resource management actions. Determining management area designations for new properties has occurred in several ways depending on the level of knowledge about the property at the time of acquisition, unique circumstances related to the property, direction and consistency with TSA and resource management plans and the management area designations of neighboring properties. In some cases, sufficient information is available at the time of acquisition for staff to make a management area recommendation. In other cases, staff finds it necessary to complete additional post-acquisition assessments and gather more information from community members before making a management area recommendation to the OSBT and City Council.

An example of this second approach took place in 2008 when staff completed plans for 24 properties not included in the VMP or that were acquired shortly after its adoption. The process included individual property assessments and proposed management area designations. These recommendations were presented for a community review and comment, and then considered by the OSBT. The HCA designations recommended by the OSBT were then considered and adopted by City Council. Some of the properties included in this process were along Bison Drive and were added to the Western Mountain Parks HCA. Although no longer “new,” the project information is available on the OSMP Website: <https://bouldercolorado.gov/osmp/new-property-planning>.

The department has also recommended area management designations at the time acquisitions are brought forward to the OSBT and City Council. This has occurred for properties recommended as HCAs when there are known and significant sensitive natural resources consistent with the criteria for determining HCAs and when the neighboring properties are in an HCA. The acquisition of the Schnell and ERTL properties are examples of properties where staff recommended at the time of acquisition that the properties be designated as HCAs.

Recently, staff has relied upon the public hearing at OSBT meetings as the opportunity for community members to provide comment on staff’s recommendations, or make recommendations of their own regarding the appropriate management area designation. Staff has the tools to gather public input prior to the OBST meeting. The recommendations below include such a step.

ANALYSIS/RECOMMENDATION

Management Area Designation Scenarios and Options

This section of the memo describes scenarios for both establishing and changing management area designations.

Establishing Management Area Designations

Scenario 1: Management designation of new acquisitions to the OSMP land system where immediate designation is appropriate and desirable. *The memos and motions for the acquisition of a property and consideration of the management area designation will be separate actions with the acquisition preceding the recommendation for management area designation.*

Key Factors

- Natural resources are known and consistent with the criteria in the VMP for a particular management area designation.
- Direction in Trail Study Area or Resource Management (Grassland, Forest) plans.
- Neighboring OSMP properties have similar natural resources, historical land uses or management opportunities and maintaining an area management designation consistent with neighboring properties fosters integrated and continuous area management.
- The level of community interest in the management area designation

Process

1. Staff review of property assessment information during the acquisition period and including available natural resource and public access information.
2. Staff consideration and integration of available resource and visitation information and direction from OSBT- and City Council-approved plans.
3. Staff notifies the community and stakeholders of area management recommendation during the acquisition process.
4. OSBT public hearing and recommendation to City Council.
5. City Council public hearing and consideration (required for HCAs, optional for other management area designations).

Scenario 2: Management designation of new acquisitions to the OSMP land system where a designation is not immediately needed and/or a recommendation cannot be developed without additional assessments and planning.

Key Factors

- Natural resources are not well known or consistent with the criteria in the VMP for a particular management area designation.
- Implications for consistency with approved plans is not straightforward (e.g., tradeoffs must be considered, new and unanticipated situations)
- Neighboring OSMP properties have varied natural resources, historical land uses, management opportunities and management area designations and further property information is needed for recommending a management area designation.
- The level of community interest in the management area designation.

Process

1. Staff reviews the property assessment information during the acquisition period and gathers the known natural resource and public access information.
2. Staff considers the level of known information about the property and if key factors are consistent with recommending area designation after the acquisition process and additional property assessments.
3. Staff completes new property assessments and planning and recommends management area designations.
4. Staff notifies the community and stakeholders of the new property plan and management area recommendation and assesses the level of community interest to determine if additional community engagement is needed.
5. OSBT public hearing and recommendation to City Council.
6. City Council public hearing and consideration (required for HCAs, optional for other management area designations).

Changing Management Area Designations

Scenario 3: Change in management designation for an existing OSMP property.

Key Factors

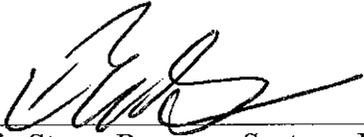
- Typically small scale adjustments to allow desirable and feasible changes identified in a TSA plan or required for the rational management of OSMP.

Management Area Designation Steps

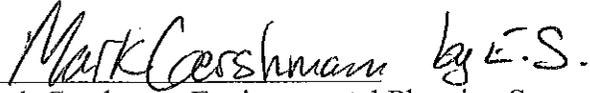
1. Because of the typically extensive public process associated with the development of a TSA plan, staff recommends that the changes in the management area designation be included in the plan which would be recommended for OSBT approval at a public hearing and recommendation to City Council.
2. City Council public hearing and consideration of the TSA plan.
3. Changes to HCA boundaries (which also affect other management area boundaries) will be described in a separate agenda item, either concurrent with the approval of a TSA plan, or at subsequent public hearings before the OSBT and City Council.
4. Changes outside of the TSA process will follow the following steps:
 - a. Staff notifies the community and stakeholders of the management area recommendation and assesses the level of community interest to determine if additional community engagement is needed.
 - b. OSBT public hearing.
 - c. City Council public hearing and consideration (required for HCAs, optional for other management area designations).

Submitted by:

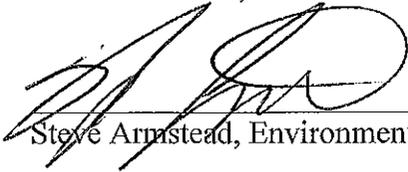

Michael Patton, Director



Eric Stone, Resource Systems Division Manager



Mark Gershman, Environmental Planning Supervisor



Steve Armstead, Environmental Planner



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: September 11, 2013

AGENDA TITLE: Consideration of a motion to approve an easement allowing use of the planned Community Ditch Multi-Use Trail. This is a disposal of Open Space land under City Charter Section 177.

PRESENTER/S:

Michael D. Patton, Director, Open Space and Mountain Parks
James L. Reeder, Land and Visitor Services Division Manager
James S. Schmidt, Property Agent

EXECUTIVE SUMMARY

Currently, Farmers Reservoir and Irrigation Company (FRICO) has an existing easement to use a maintenance road along and parallel to the Community Ditch canal. This maintenance road is also the Community Ditch Trail both east and west of State Highway (SH) 93. As the maintenance road is presently configured, maintenance equipment can be driven from one side of SH 93 to the other almost straight across the highway with limited exposure to highway traffic. The proposed trail design that incorporates an underpass for trail users would require equipment to travel along the highway for a distance of almost 300 feet and thus be exposed to highway traffic for considerably longer. FRICO is requesting an easement to use the proposed new trail and underpass to move rubber-tired maintenance equipment from one side of the highway to the other.

This easement will allow, along with a license FRICO will get from Colorado Department of Transportation (CDOT), FRICO maintenance staff to move its rubber-tired maintenance equipment from one side of the highway to the other by going under SH 93 avoiding the highway surface entirely.

STAFF RECOMMENDATION

Staff requests that the Open Space Board of Trustees pass a motion to approve, and recommend that City Council pass a motion approving, the disposal of Open Space land described as an easement allowing use of a section approximately 100 feet in length of the planned Community Ditch Multi-Use Trail on Open Space and Mountain Parks' West Rudd property and a section approximately 30 feet in length on Open Space and Mountain Parks' East Rudd property in the area between CDOT's right-of-way and existing FRICO easements on the proposed multi-use trail at the new underpass at State Highway 93.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – This easement will facilitate the construction of the Community Ditch Trail underpass and widening of SH 93 for bicycle use. Both are likely to entice more people to visit and do business in Boulder.
- Environmental – This easement will not result in any additional environmental impacts associated with this project.
- Social – The use of the trail to move ditch cleaning equipment from one side of the highway to the other may cause short, infrequent closures of the trail. However, it will be a much safer method to get FRICO maintenance equipment from one side of the highway to the other.

OTHER IMPACTS

- Fiscal – This easement will have no fiscal impact on the city.
- Staff time – The only staff time involved is the time needed to create the easement document.

PUBLIC COMMENT AND PROCESS

This item is being heard as part of this public meeting advertised in the *Daily Camera* on Sept. 8, 2013. A Notice of Disposal of Open Space lands was published in the *Daily Camera* on Sept. 1, 2013 pursuant to Section 177 of the City Charter.

BACKGROUND

Currently, FRICO has an existing easement to use a maintenance road along and parallel to Community Ditch canal. FRICO also has additional easements granted by previous owners of the East and West Rudd properties in the immediate area of the intersection of the Community Ditch canal and SH 93. The maintenance road is also the Community Ditch Trail both east and west of SH 93. As the maintenance road is presently configured, maintenance equipment can be driven from one side of SH 93 to the other almost straight across the highway with limited exposure to highway traffic.

The proposed trail alignment that incorporates an underpass for trail users would require that the ingress/egress points for maintenance equipment on both sides of the highway be moved. This would not create any problems for highway-legal vehicles. However, maintenance equipment that is not licensed for highway use would need to travel a significantly longer distance on the highway if they use the new ingress/egress points. Equipment such as backhoes would have to travel along the highway for a distance of almost 300 feet and thus

be exposed to highway traffic for considerably longer. FRICO is requesting an easement to use the proposed new trail and underpass to move rubber-tired maintenance equipment from one side of the highway to the other.

CDOT is willing to give a license to FRICO to allow them to use the new underpass and the trail that is on their right of way (ROW) for this purpose. Please recall that CDOT will own the new underpass and thus be responsible for capital maintenance of the structure.

FRICO will not be allowed to use the trail and underpass for pickups or other highway-legal maintenance vehicles.

This easement (Attachment A) will consist of two sections of the new trail alignment: a section approximately 100 feet long on the west side of the highway and a section approximately 30 feet long on the east. All other sections of the trail are either on CDOT ROW or FRICO-owned easements. Along with the license FRICO will get from CDOT, this easement will allow FRICO maintenance personnel to take their equipment on the trail and through the underpass thus avoiding the highway surface entirely with this type of maintenance equipment.

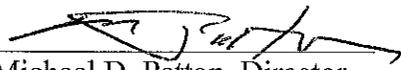
CDOT and its contractor have begun initial work to widen the highway including lengthening the box culvert that FRICO currently uses for Community Ditch canal to create bicycle lanes and hopes to start work on the underpass in the near future.

This agreement with FRICO is in return for FRICO granting CDOT approval to work in the Community Ditch canal during periods of no or very low water levels in the canal. CDOT has no alternative but to work in the canal in order to widen the highway for bicycle lanes.

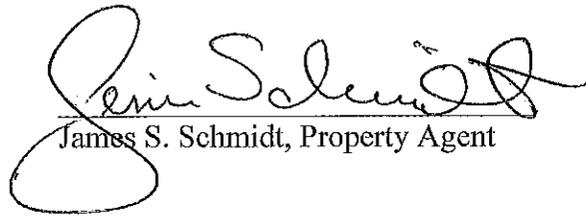
ANALYSIS

Staff believes that it is in the city's interest for the city to grant this easement to FRICO in order to create as safe an intersection as possible. It would be ironic for the construction of the underpass, the purpose of which is to make the crossing of SH 93 at this location much safer for trail users, to cause an accident involving ditch maintenance equipment. FRICO will be required to repair any damage to the trail and/or trail surface caused by any such equipment movement. While the city generally charges for easements, staff feels that use by FRICO will be so infrequent that it would be difficult to accurately estimate the minimal value of this easement. Therefore, staff is suggesting that the city not charge FRICO for this easement.

Submitted by:


Michael D. Patton, Director

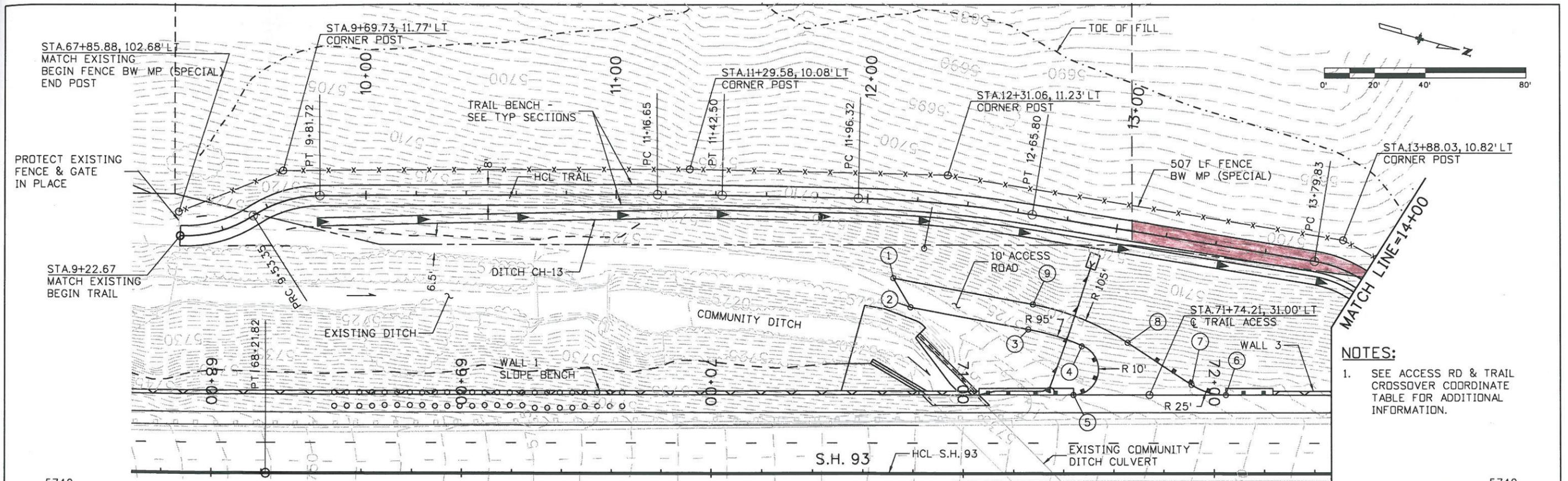

James L. Reeder, Land and Visitor Services Division Manager



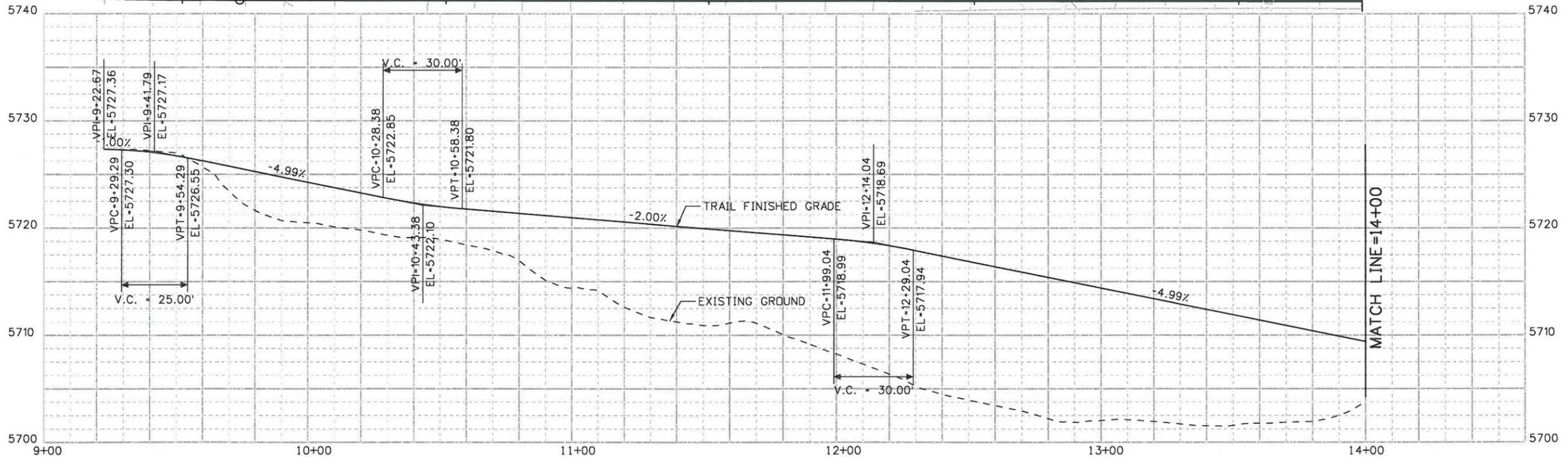
James S. Schmidt, Property Agent

ATTACHMENTS:

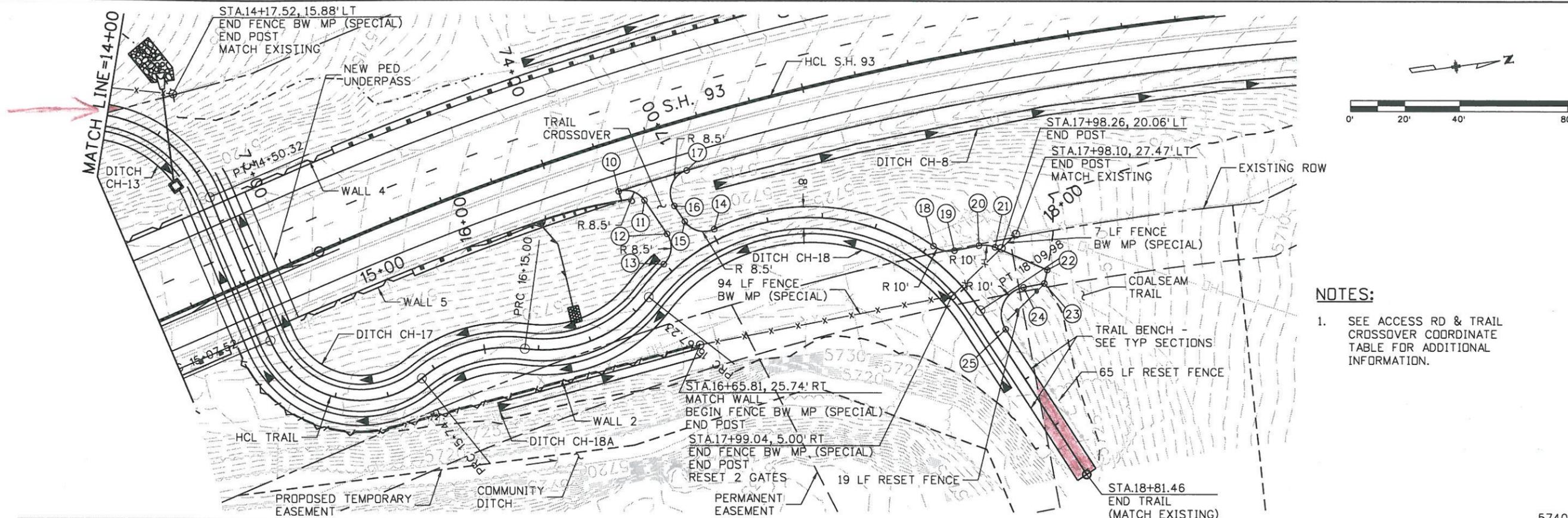
- A. Two Maps of Easement Area



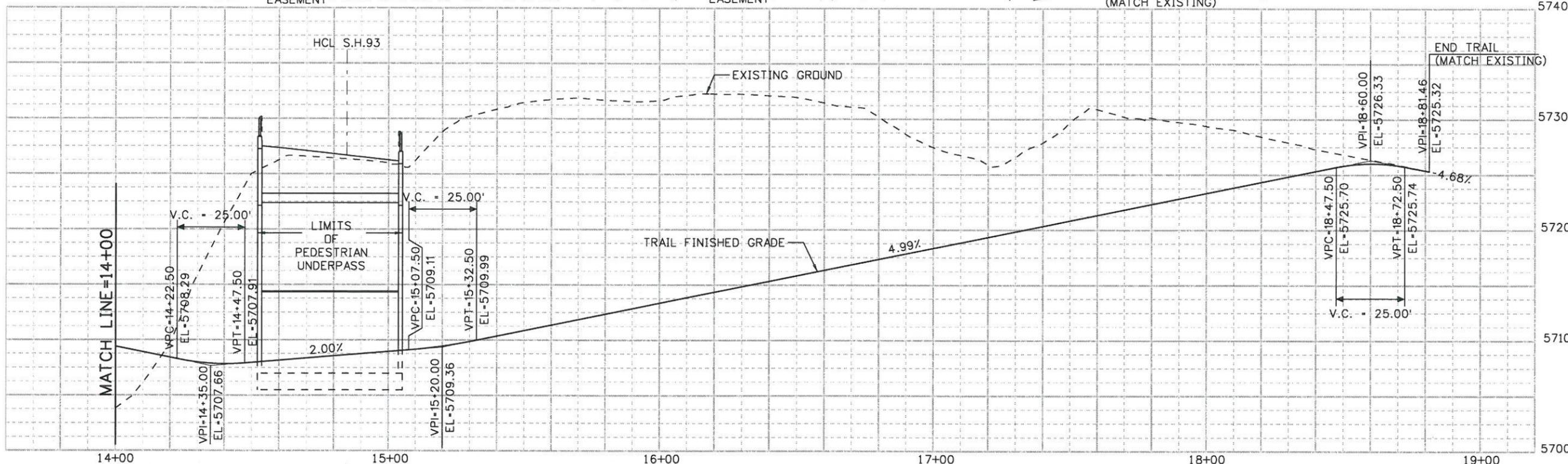
- NOTES:**
1. SEE ACCESS RD & TRAIL CROSSOVER COORDINATE TABLE FOR ADDITIONAL INFORMATION.



Print Date: 4/8/2013	Sheet Revisions			 Boulder County Colorado 2525 13th Street Suite 204 Boulder, CO 80304	 DOT DEPARTMENT OF TRANSPORTATION RDM	As Constructed		STATE HIGHWAY 93		Project No./Code
File Name: 127353_SH93_Trail_PP01.dgn	Date:	Comments:	Init.:			No Revisions:	TRAIL PLAN AND PROFILE		FSA 0931-031	
Horiz. Scale: 1"=40'	Vert. Scale: As Noted				Revised:	Designer: R GK	Structure Numbers	18465		
	MICHAEL BAKER JR., INC. 165 S. UNION BLVD., STE. 200 LAKEWOOD, CO 80228 720.514.1100				Void:	Detailer: EAV	Sheet Subsets: ROADWAY	Subsets: 19 of 21	Sheet Number 46 of 333	



- NOTES:**
- SEE ACCESS RD & TRAIL CROSSOVER COORDINATE TABLE FOR ADDITIONAL INFORMATION.



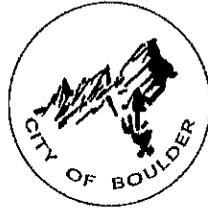
Print Date: 4/8/2013
 File Name: 127353_SH93_Trail_PP02.dgn
 Horiz. Scale: 1"=40' Vert. Scale: As Noted

Sheet Revisions		
Date:	Comments	Init.

Boulder County
 2525 13th Street Suite 204
 Boulder, CO 80304

DOT
 DEPARTMENT OF TRANSPORTATION
 RDM

As Constructed	STATE HIGHWAY 93		Project No./Code
No Revisions:	TRAIL PLAN AND PROFILE		FSA 0931-031
Revised:	Designer: RGK	Structure Numbers	18465
Void:	Detailer: EAV	Subset Sheets: 20 of 21	Sheet Number 47 of 333
	Sheet Subset: ROADWAY		



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: September 11, 2013

AGENDA TITLE: Consideration and recommendation to the city manager and City Council on the prospect for holding a stage of the USA Pro-Cycle Challenge that could impact Open Space and Mountain Parks managed property.

PRESENTER/S

Michael D. Patton, Director, Open Space and Mountain Parks

EXECUTIVE SUMMARY

The City of Boulder is being considered for a stage of the USA Pro-Cycle Challenge (USA PCC) bicycle race to be held during August of 2014. The proposed stage would be similar to that held in 2012 and would end with travel up Flagstaff Road, turn into Realization Point with the finish line in the parking area NW of Sunrise Amphitheater. It is anticipated that staging in and around the finish line would be similar to that of 2012 with VIP seating and food tents located around the area.

Estimates for 2012 spectators along Flagstaff Road from Gregory Canyon to the finish line vary widely from 30,000 to 40,000 reported by race organizers to fewer than 15,000.

Staff established monitoring protocols to measured environmental impacts attributable to the 2012 race and concluded there were no long-term impacts.

STAFF RECOMMENDATION

Staff requests the Open Space Board of Trustees consider providing a recommendation to the City Council and city manager on the prospect for authorizing a stage of the USA Pro-Cycle Challenge Race similar to that held for 2012.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – It is anticipated that the overall economic impacts of the race on the community will be positive. Exact revenues will depend on how many spectators actually come to Boulder. The 2012 race had a small but positive economic impact in terms of increased revenue and was considered very positive in promoting return visits to Boulder.
- Environmental – If the precautions are similar to those developed for 2012 and spectators cooperate, the overall environmental impacts on the city's Open Space along the route are expected to be minor. For the majority of the route along Open Space, spectators and race support will be on asphalt and hardened surfaces. During late August near summer's end, vegetation senescence (dormancy) occurs and should allow for rapid recovery next spring if spectators remain on hardened surfaces. Trash and recycling containers will be placed at locations where spectators are expected to gather. Evidence from last year's race suggests that littering was minimal.
- Social - Because Open Space and Mountain Parks (OSMP) lands, facilities and programs are equally accessible to all members of the community, it helps support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community. Viewing the Pro-Cycle Challenge Race will be accessible to all who wish to participate.

OTHER IMPACTS

- Fiscal – OSMP received \$12,000 in additional sales tax revenue and was reimbursed \$102,000 by the General Fund to offset cost associated with the race. If spectator numbers are similar to those of 2012, it is possible that costs for OSMP could be reduced based on experiences gained from last year.
- Staff time – The race is not associated with the OSMP work plan. OSMP will track all staff time associated with the race.

PUBLIC COMMENT AND PROCESS

This item is being heard at this public meeting, advertised in the *Daily Camera* on Sept. 8, 2013.

ANALYSIS

The City of Boulder was selected to hold a stage of the 2012 USA Pro-Cycle Challenge Race. The finish for the stage was set at the Flagstaff Summit which has been managed by OSMP. OSMP regulations prohibit competitive events. The city attorney was asked to consider the question and while the decision was much more complex and extensive, essentially it was determined that the Summit Road was not Open Space and that a competitive event could be held.

Given the compressed time frame for the race, the Open Space Board of Trustees (OSBT) was not able to consider the race in the same fashion it would other significant events effecting OSMP-managed lands.

The race was held on August 25, 2012 and was considered the most successful to date based primarily on the Boulder stage that featured an arduous climb up Flagstaff Road and finish at the Flagstaff Summit. Race organizers estimated that as many as 30,000 to 40,000 spectators lined Flagstaff Road as the racers passed by while other "counts" reported significantly fewer.

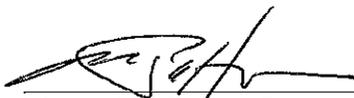
Open Space and Mountain Parks had never been associated with such an event and began planning for the race in January of 2012. Staff made two presentations to City Council based on OSBT recommendations for providing spectator safety and enjoyment as well as resource protection. On the day of the race more than 130 OSMP staff and volunteers provided services to spectators and protected OSMP land. Bottled water was secured and made available to spectators as they began the climb up Flagstaff Road at Gregory Canyon. Fencing was installed to divert spectators from especially dangerous or environmentally sensitive areas. Nearly 100 portable restrooms were made available and over 86 waste and recycle containers were located along Flagstaff Road.

The Open Space department received reimbursement of \$102,000 from the General Fund as well as \$12,000 in additional sales tax revenue to offset expenses associate with the race.

Staff learned a great deal about what is required to manage the Flagstaff finish of the race and believes that the planning and management costs could be reduced for 2014 presuming a similar-sized crowd.

Staff reviewed environmental impacts on OSMP lands along Flagstaff Road and on trails used by spectators. Only minimal vegetation trampling was noted and impacts were considered minimal since much of the vegetation was beginning senescence. Staff recommended that no restoration activities were required as a result of the race. Wildlife disturbances were more difficult to quantify, however, a mother bear and two cubs were seen fleeing the meadow SW of Panorama Point as a large group of spectators filled the area. A link to the Resource Condition Assessment Summary Report from the 2012 race is included below.

Submitted by:



Michael D. Patton, Director

ATTACHMENTS:

[Link to Pro-Cycle Monitoring Summary](https://www-static.bouldercolorado.gov/docs/2012-pro-cycle-monitoring-summary-1-201304101150.pdf)

<https://www-static.bouldercolorado.gov/docs/2012-pro-cycle-monitoring-summary-1-201304101150.pdf>