



# OPEN LANDS ADVISORY BOARD (OLAB)

## Meeting Minutes

Thursday, February 27, 2014

5:00 - 8:00 p.m.

Loveland Council Chambers, 500 E. Third St., Loveland

*The mission of the Larimer County Open Lands Program is to preserve and protect significant open space, natural areas, wildlife habitat, and develop parks and trails for present and future generations. These open lands provide opportunities for leisure, human renewal and protection of our natural and cultural resources.*

### Members Present

Peter Kast - At-large  
Carl Sorrentino - At-large  
Suzan Fritchel - At-large  
Mary Banken - At-large  
Nancy Wallace - Planning Commission  
Trudy Haines - At-large  
Gerry Horak - City of Fort Collins  
John Phipps - Town of Estes Park

### Staff Present

Kerri Rollins, Open Lands Program Manager  
Zac Wiebe, Fund Development & Special Projects  
Meegan Flenniken, Resource Program Manager  
Sandy Werkmeister, Department Specialist  
Charlie Johnson, Senior Land Agent  
Travis Rollins, Open Space Operations Manager  
Chris Fleming, Natural Resources Mgr, Visitor Services  
Lori Smith, Accountant

### Members Absent

Paul Alaback - Town of Berthoud  
Ladonna Lee - At-large  
Hugh McKean - City of Loveland  
Steve Vessey - At-Large

### Guests

John Giordanengo, Wildlands Restoration Volunteers -  
Colorado Northern Regional Director  
Mark DeGregorio, Parks Advisory Board member

### REGULAR MEETING

- Approval of the meeting minutes for January 23, 2014 - Motion by Carl Sorrentino and a second by John Phipps to approve the minutes as written. Motion carried unanimously.
- No changes to the agenda.

### INFORMATION

- The board received the Larimer County 2013 Community Report. Kerri Rollins commented that there is also a county video along the same lines and our own Rob Novak served as the narrator for all of it.
- Kerri cancelled the March 27, 2013 OLAB meeting. Responding to a question on the procedure of canceling a publicly announced meeting, she said we have a certain time frame in which to cancel the meeting. There was also a question on how the decision to cancel a meeting is made, for which the response was various reasons, such as agenda and schedules.
- Kerri gave the board a heads up that there may be an executive session in April for a final review and that we are going back to the library for our meetings. We will be in the Gertrude Scott meeting room on the first floor.
- Charlie Johnson reminded the Board about approving the right of way to CDOT on Long View Farm for improvement of the intersection at 392 and 287. This fee simple transaction requires an amendment to the covenant, which Legacy Land Trust is working on. The amendment will legally lease out what we conveyed to CDOT. In this process, discovered that the legal on the covenant is the wrong property. They will correct the error during this amendment. Kerri added that we are still looking at dissolving the covenant in lieu of a third party CE on the property. We are talking with Legacy, Fort Collins, Loveland and GOCO about this.
- Charlie showed the Board (on a map) where the company will lay their cables on the Rivers Bluff property for seismic research. They will do the seismic vibrations from the perimeters. Anyone on the trail is unlikely to notice the cables, which will be there only for a day or two. The seismic testing is to identify any oil or gas resources. We

are cooperating because if they had a lease-hold position from different landowners, they could force us into taking action anyway. We felt it better to cooperate now to be a part of any needed mitigation from the beginning.

- Meegan directed the Boards attention to the second annual State of the Resource report for 2013 they received in their packet. Jeffrey Boring did the majority of the writing. It is a way to share some of the stories from the department that are interesting, but do not typically make the news. The report is available online at <http://larimer.org/naturalresources/plans.htm>
- The Poudre River Restoration Project at Lions Open Space, completed in the fall of 2012, suffered moderate damage (about 20% loss) during the September 2013 flood. The restoration is under a 5-year agreement so the company will be going back in the month of March to make repairs. We will close the trailhead for staging and reroute the trail for about three weeks.
- Meegan announced that we are getting ready to start an update to the [Devil's Backbone Open Space Management Plan](#). The last update was 2004. They will be considering additional trails on the hidden valley section and separating uses on the existing trails to address the capacity issues Travis brought to the board earlier this year. They will give a kick-off to the process in April.
- Kerri announced Estes Valley Land Trust renewed their accreditation for certification for tax credits. There were just 16 land trusts in the country to have done this. Kudos to Mary Banken!

### **PRESENTATION--Big Thompson River Coalition**

- John Giordanengo, Colorado Northern Regional Director, Wildlands Restoration Volunteers (WRV)—also heading up the Big Thompson River Restoration Coalition. WRV was asked to help build a coalition due to their experience with the High Park Fire Coalition. John describes a coalition as a pact among individuals or groups, each of which is operating in their own self-interest, suggesting that your self-interest cannot be served unless you are collaborating to serve the self-interest of others. Very similar to how a river functions. Nothing can be done to a river in isolation.
- He showed some photos of the flood damage and issues up the Big Thompson Canyon. The Highway 34 corridor has narrowed the flood plain, increasing the column water coming down, creating more force on the main riverbed and banks, meaning more scour. All the scouring spills out onto the plains, resulting in great aggregation to the extent of 12 feet; filling ponds, covering vehicles completely and plugging outflow points. Right now, the floodplain is unknown.

#### *Goals of the Big Thompson River Coalition:*

1. Stabilization of banks and channels to protect at-risk property and infrastructure.
2. Restore river function, riparian/wetland habitat, and aquatic habitat (trout and bugs), while maintaining existing recreational access.
3. Reduce threats to water quality.
4. Incorporation of designs that reduce the risk to life and property during future flood events.

#### *Why a coalition? - 150 landowners and 75 agencies, with more joining every day.*

- Coordinating agency efforts,
- Working together,
- Leveraging resources,
- Overcome jurisdictional limitations,
- By having a non-profit organization, it allows for a level playing field for everyone,
- Public/Private Partnerships.

#### *Why master plan?*

- Poorly-designed infrastructure
- Miles of stale habitat between highway & river.
- To design something that makes the most sense from a river & floodplain management, justified by good river science and risk based analysis.

*Q&A / DISCUSSION - Big Thompson River Coalition*

- Other financial partners include Loveland, Fort Collins, Northern Water, Northern Front Range Water Quality, as well as some foundations. CDOT contributes in-kind with hundreds of thousands of dollars of data, from aerial imagery to hydrological data.
- By mandate, CDOT had a task to complete right after the flood and they did a great job. They are also looking at a 2015 plan design, and they want to time it with the master plan for the canyon.
- Army Corp of Engineers is involved due to permitting. One of the goals is to streamline all the different permits per entity.
- Kerri said Natural Resources is hoping to move forward with a Recreation and Conservation study of the Big Thompson Canyon, and a lot of the data gathered by the Coalition could be incorporated into our planning efforts. John is still fund-raising for his master planning efforts and NR staff is recommending a donation to the effort of \$10,000.
- Gerry Horak asked about a budget and the objectives of the project. John said he was happy to provide the same RFP he provided to Kerri and Meegan, which includes both of those items. They had a very competitive process for the RFP with a selection committee of nine. They feel they chose the best consultant for the job, worth soliciting the extra funds to hire.
- Trudy asked about different government agencies buying up all properties in the canyon and eliminating the personal property loss. John responded that while most government agencies are interested, no one wants to appear as taking land away from people. It could happen over time as the National Flood Insurance Program is trying to change the laws to discourage redevelopment in floodplains.
- Are we going to see more erratic weather behavior for the long term? Maybe. Will this mean more frequent flooding? Maybe. Let's get ready.

**PRESENTATION - Hermit Park pavilion**

- Chris Fleming relayed that the need to update and improve the Hermit Park pavilion was identified in the 2007 [Hermit Park Master Plan](#). Chris pointed out the major areas needing work (roof and concrete) and presented the latest design from the architect. Improvements include replacing the roof with metal, wrapping the poles in stone, replacing the concrete, upgrading the counter/sink area, removing some old structures no longer in use and adding a fire pit and grills that run from propane, which would extend usage through fire bans and later into the season. The structure housing the electrical infrastructure, formerly known as the concession building, will be removed as part of this project.

*Q&A / DISCUSSION - Hermit Park Pavilion*

- Are skylights possible, to make it brighter underneath? Chris will investigate.
- The first design was \$244K. Scaling back the quality of the roof, stone and doing more of the demolition, the cost is down to \$167K, which includes the \$50K already earmarked for the project, leaving \$117K.
- Kerri explained that at the time of allocating \$50K, we thought a GOCO grant for the balance would be likely. Since then, competition for GOCO money has stiffened enough that we do not feel this project could compete well. She further explained that paying a construction managers fee is new to us. In the past, we have partnered with our Engineering Department, but this is not possible now, due to the workloads following the High Park Fire and the flood.
- Trudy Haines questioned the contingency fee. Isn't 9-10% a more typical rate? Kerri responded that GOCO allows 10%, but she has seen projects as high as 15-20%.
- The project is part safety and part marketability. We would like to see it booked out as much as Horsetooth South Bay (every weekend and some weekdays), but last season there were just 12 events. Other properties in Estes are booked out a year in advance, so with the upgrade we plan to compete in that market.
- Gerry asked for a document that discusses the pros/cons/benefits of this project, stating that this is typical with a budget request. Kerri responded that there is a [Hermit Park Master Plan](#) that all of the Hermit Park projects are generated from and agreed that we could have referenced it in the packet. Gerry added that with a budget request there is usually information in advance about what it is, how it fits into the [master] plan, what the benefits are, and why it is costing more than initially planned. Peter Kast agreed.
- Trudy said she thought it up to the board members to be informed about all master plans.

- Gerry added that the responsibility to have items ready for a vote is on the staff & Board chair. Board members should be able to come to a meeting with questions already prepared if they choose (if they received material in advance of the meeting.) Currently, items repeatedly come to the board without any written information or cost in advance, with the expectation to make a decision and vote on it, on the spot.
- Trudy suggested being able to think on your feet for items that are not that much money, to which Gerry responded that, was not the point. On other boards, a request to spend money (without any documentation to review in advance) would be sent back marked as “not enough information.” Trudy said that seems necessary only if over a certain amount. Gerry asked if there is some policy for the Board that sets such dollar limits. There is not, but Chris referenced the Hermit Park Master Plan as the overall guiding document. Gerry responded that it wasn’t mentioned in the agenda either.
- Board chair, Peter Kast, agreed with Gerry and said he thought some of the decision-making matrix has been a little too sloppy. He said providing items on a financial decision ahead of time, to make an informed decision are entirely appropriate. Trudy again said only if it over a certain amount. She agreed we need to tighten up the financial approval process, but not for small amounts. She trusts staff to flush through the pros & cons, etc. of items of an (undetermined dollar amount.) Kerri asked if it would appropriate to work something into the bylaws about board level financial approvals. Trudy thought yes. Discussion ensued about whether there should be a difference between capital investment items and property management items. Financial amount aside, Gerry’s point is to have items ahead of time unless *not* having the cost of a budget item before the meeting is a normal operation procedure of the board.
- As a point of comparison, John Phipps shared that when approving items in Estes Park they have a master plan, a budget for the master plan, a more detailed presentation, and then they go for it (vote.) He said having it show on the master plan budget is critical; otherwise, a different process kicks in. Responding to Gerry, he agreed about needing materials in advance. Sometimes Estes does even more than that, with a study session to review everything two weeks before the meeting.
- Chris explained where the pavilion link is on the Natural Resources website, and said we also go to wedding shows to promote the Hermit Park and South Bay pavilions. Hermit Park has not seen high reservation numbers, and we believe it is because it is quite outdated.
- The tables will not be replaced. They are \$4000-5000 each. We will continue to give them annual maintenance for a while.
- We would like to renovate the pavilion this spring and summer simultaneously with fixing the roads in Hermit Park. The pavilion area will be used as a staging area for roadwork. This could provide for a grand re-opening, including the renovated pavilion.

**FINANCIAL REPORT:**

- Lori distributed copies of the updated cash flow sheet for acquisition and development and the long-term management budget plan [of properties]. Anything in yellow indicates the updates since last year, including actual sales tax numbers for 2012 and 2013. Lori went over each update line by line, answering and explaining all questions from the Board. Input from the public was about the ongoing increasing cost of managing Hermit Park, which Kerri will take to Gary Buffington.
- Further discussion about predictions, and how conservative they are, and how the predictions numbers are set (by the County Finance Dept.)
- There was a question about whether the sales tax on marijuana will come to the county. Yes, those sales apply.

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**EXECUTIVE SESSION:** (24-6-402(4)(a) C.R.S. Purchase, acquisition, lease, transfer or sale of any real or personal property interest.

- Motion by Nancy Wallace to go into Executive Session for the Annual Cash Flow for acquisition and development fund review, with Lori Smith. Second by Suzan Fritchel. Motion carried unanimously.

The Board left Executive Session at 7:10

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- Lori continued by distributing the Acquisition & Development Summary sheet, which is a summary of the four-page acquisition & development fund sheet, sans the confidential data. The shaded areas show what was in the

budget (discussed & approved.) The next column is the additional items staff want to request (\$117K for Hermit Park pavilion and possibly some amount for Big Thompson River Restoration Coalition for this meeting).

#### **ACTION ITEM(s):**

Peter Kast prefaced the action items by stating that he agrees with Gerry Horak that we should have documentation ahead of the meetings, not only because we owe it to the public, but also so members can review it and to have a track record of documentation to reference. He also likes the suggestion that we visit different levels of documentation based on the level of financial commitment. He asked what the rest of the board thinks.

- Nancy pointed out that Hermit Park was on the agenda, and asked what it would take to get enough information out on any particular agenda item to satisfy everyone on the board. Suzan Fritchel said hyperlinks to relevant documentation (such as a master plan) could encourage everyone to do a little research, without attaching multiple documents that some may not need. Speaking as someone who was not on the board when the properties were developed, this would provide her the steps necessary to get up to speed on a project. Trudy Haines added that she thought the Board also has the responsibility to email Kerri before the meeting if they want more information.
- Gerry stated that the agenda we receive is really a summary of the agenda. The agenda “items” are never followed with documentation (in order of agenda) that is easy to find or follow (numbered or labeled) and there is never any context to the documentation. Further discussion ensued.
- Peter summarized what he thinks could be helpful. Agenda items could include a document with a paragraph or two describing the project, which might include a hyperlink to the master plan and a budget and a summary of the request. He agrees that documentation is needed so anyone (public or new board members) can follow. Not everyone has the history that many of the board members have. The Board discussed various ideas on a new packet design. We will try something different by the next meeting and discuss it more then.

#### **ACTION ITEM--Hermit Park Open Space budget request**

- Mary Banken moved that we approve the \$117,000 to improve the pavilion at Hermit Park. Second by John Phipps. Discussion on the motion included comment that it needs to enhance the visitor experience and that it needs to be on the long-term plan. Moving the utilities is required by the conservation easement and Estes Valley Land Trust has already allowed postponing that until the pavilion renovation could occur. Suzan added that given the apparent disparity in the funds used for Hermit Park, we really should be aiming at getting more people there, for weddings and other events. Carl Sorrentino added that doing the project now, during flood repairs, makes good sense to him, and it is not millions of dollars, so he does not have an issue with voting yes. Trudy added that in its current condition, the pavilion is not appealing for weddings.
- Gerry also asked why this was not asked for in the 2014 budget. This was explained earlier in the meeting (in 2013, \$50K was allocated to the pavilion at Hermit Park, [...] GOCO grants have become more competitive and we did not think the pavilion renovation would compete well.) Gerry said *that* type of information is exactly what belongs in a document about the project and request.
- All in favor-7, All opposed-1, Motion passed.

#### **ACTION ITEM--Big Thompson River Coalition budget request**

- Motion by Mary Banken that we provide \$10,000 to the Big Thompson River Coalition for use in developing a master plan for the Big Thompson River. Second by Trudy Haines.
- Gerry said he supports the motion, but wanted some context of how we came to the amount we are giving them. Meegan responded that staff felt \$10,000 is about the value of what we will get back in ecologic and mapping data. Gerry also asked if the board has a policy for giving money to organizations that are doing something other than land acquisition or management/maintenance of it. Kerri responded that establishing partnerships is part of it and Nancy added that we have contributed to various things, such as the Fossil Creek Mgmt Plan, Mountain Backdrop, Big Thompson River Corridor study, Colorado Natural Heritage inventory, Berthoud Open Space study. They all fall into a budget line item of “planning.” Big Thompson River Coalition did not make a formal request of a specific amount.
- Motion carried unanimously.

**DISCUSSION ITEM:****Sales Tax Update***Feasibility Study*

- The board received the draft of the feasibility study put together by the Trust for Public Land. Staff has prepared some corrections and edits already, which the board received in a different document. Kerri asked the board to suggest edits by handwritten notes or track changes in Microsoft Word, by 5:00 p.m. on Monday, March 3. Zac Wiebe presented an overview of the 40-page study. He will request changing the wording from “Absentee” ballot to “Mail-in” ballot.
- Peter introduced the sales tax committee report, explaining that they are looking for feedback for developing the polling questions. He also informed the board that Linda Stanley and Mark DeGregorio (Parks Board) are also part of the sales tax committee. Kerri added that this is moving into Phase 2 of the overall project (Public Opinion Surveys) and the committee will ask the Commissioners for input on developing the polling questions too. Kerri presented what she intends to present to the Commissioners on March 10, and appreciates any feedback on the presentation by the end of day Monday, March 3.

*Sales Tax Committee Report*

- Mgmt cost average = \$110 per acre (based on 2013 figures).
- Trudy asked what it would take to maintain the ratio of “people per open space acre” that we have today into the future, since we have the population growth too. Determined not viable.
- The cities receive money without requirements of how they spend it. We are talking about asking to change our requirements to 25/50/25. Revenue = historic at 5% increase each year, but program is on a maturing curve. Beyond 2018, with the maturing curve, we need to live with about a 4% increase.
- Extension allows for limited acquisition in the future (400-500 acres.) To compare, spending 71% on acquisition has given us 1600 acres per year.
- Only one scenario will be on the ballot, not a menu of choices. Trudy questioned what would happen if we receive feedback from the polling that 25% for acquisition is not palatable. Response is that we will crunch new numbers for some adjustment, but it is a fine balance because we cannot hide the fact that we must manage the lands we already have, since people want trails and toilets on their open lands as much as they want more open land.
- Trudy asked about adding language that would force communities to spend their open space money. Generally, the response was that it would be difficult to enforce and would have negative backlash.
- Peter said the question on the table is what do we want to find out from the polling? *Extension vs. Increase, Perpetuity vs. Sunset or Amount preferences?*
  - Trudy questions whether a survey is needed for an extension.
  - Suzan would be interested in finding out whether the people would support an increase.
  - Mary would be interested in finding out whether people really understand the real dollar impact of the scenarios.
  - TPL is likely to test the limit of the pollee with their questions, but we can choose to have them focus more on one of them.
  - Nancy mentioned the bonding issue, saying if you put bonding in it, then you could pull out most of the money in the next few years. So if we were going to go for an extension, it would be at the point in time in the future when the bonded money runs out. If you don’t do bonding, you could go back for an extension or a side increase sooner than if you bonded. If you bond, you are pulling all of your money to the present, leaving you short further out into the future.
  - The cost of the polling is based on the number of questions and calls.
  - Likes the idea of polling for all three, because it can create some good baselines.
  - Perhaps a question about managing the lands we have today.
  - Do they know about the splits, so do we need them? Trudy felt we still must dictate what percent is spent on acquisitions, so a board cannot come into existence that never buys land.
  - Regarding questions about perpetuity, while it seems very possible right now, it may be a bad idea attached to a referendum.
  - More likely to pass perpetuity in a presidential year?
  - Simple survey is good, so people do not lose sight of the subject.