

JEFFERSON COUNTY OPEN SPACE ADVISORY COMMITTEE

Open Space Administrative Office
700 Jefferson County Parkway, Suite 100, Golden, CO

August 1, 2013

SECOND AMENDMENT

Agenda

5:30 p.m. – Study Session

Dinner: pizza, salad, cookies and the most decadent brownie cubes you've ever tasted!

- **Study Session 2014 Budget, Presented by Don Klima**

The 2014 Budget Presentation provided an overview of the Five-Year Financial Strategy 2014-2018. It consisted of Open Space sales tax projections and revenue growth, Bond Debt Service Obligations, Land Acquisitions and Five-Year Capital and Operating Budget considerations, including those specific to the proposed 2014 Budget.

- **Jeffco Open Space Master Plan, Presented by Amy Ito**

Staff was seeking the Committee's input and was responding to questions regarding the initial draft of the Open Space Master Plan. Amy's presentation was significantly altered from the presos which were done earlier in the year. The draft, while still extremely sketchy, has much more substance than it had in the past. There were comments from the gallery – unusual, as typically OSAC and Staff do not entertain questions from observers during a study session.

7:00 p.m. – Regular Session

1. Call Meeting to Order

At 7PM

2. Roll Call and Determination of Quorum

OSAC Members present:

*Wayne Forman, Chairman, Term expires 3/31/2015, Represents: At Large
Jan Wilkins, Co-Vice Chair, Term expires 3/31/2014, Represents: At Large
Ken Morfit, Co-Vice Chair, Term expires 3/31/2015, Represents: City
John Litz, Secretary, Term expires 3/31/2015, Represents: City
Kevin Burke, Sec. Pro Tem, Term expires 3/31/2014, Represents: County
Mike Dungan, Term expires 3/31/2016, Represents: City
Rebecca Watson, Term expires 3/31/2016, Represents: At Large
Felicity Hannay, Term expires 3/31/2016, Represents: County
Bob West, Term expires 3/31/2015, Represents: Recreation Dist.
Tookie Nemchak, Term expires 3/31/2014, Represents: Alternate
Janet Shangraw, Term expires 3/31/2015, Represents: Alternate*

OSAC Members missing:

John Wolforth, Term expires 3/31/2015, Represents: County

Staff present:

*Director of Parks and Open Space – Tom Hoby
Administration & Education Services - Don Klima, Manager
Park Operations - Stanton La Breche, Manager
Park Planning and Construction - Amy Ito, Manager
Communications - Thea Rock, Manager
Meeting Recorder – Karen Baker
Legal Counsel – Steve Snyder
Joy Lucisano*

3. Approval of Minutes

Approved with no modifications.

4. Additions to Agenda & Determination of Sequence

General public comments were set to follow the action items, as the anticipated conversation would be a lengthy one.

6. Action Items

- a) **2014 Open Space Budget Recommendation, Presented by Don Klima**

Open Space Advisory Committee recommendation for the 2014 Budget. New Resolutions

Don read into the record a summary of the budget discussion held during the Study Session. No vote was required; budget met the approval of all OSAC members present.

b) Prospect Recreation and Park District Request for Park Deeds

Maple Grove Park OSD13-04

Tanglewood Park OSD13-05

Prospect's District Office OSD13-06

Fairmount Park OSD13-07

Resolution #13-13, Presented by Joy Lucisano

Prospect Recreation and Park District has requested that the County deed them four park properties that are currently owned by the County and leased to the District. The four properties are:

- Maple Grove Park - 1.6 acres, located at 14600 West 32nd Avenue. *The Park has picnic pavilions, a gazebo, athletic fields – baseball & lacrosse, playgrounds, a volleyball court, a basketball court, a seasonal restroom, a horseshoe pit, two parking lots, and the Arbor House.*
- Tanglewood Park - 8.61 acres, located at 13725 and 13900 Denver West Circle. *The Park has a picnic pavilion, playgrounds, two tennis courts, athletic fields – baseball, soccer, lacrosse.*
- District Office - 2.99 acres, located at 4198 Xenon Street. *The office property contains the Administrative Office, a maintenance shop, a fuel shed, and an above-ground storage tank.*
- Fairmount Park - 19.2 acres, located at 5222 Quaker Street. *The Park has athletic fields, picnic pavilions, a playground, a horseshoe pit, an equestrian area, handicapped-accessible restroom, and a parking lot.*

Staff recommends granting deeds to these four parks to the Prospect Park & Rec District.

Conversation:

Bob West: What brought this action to a head at this time? Why the switch from leasing to the P&R district, to a deed with a reverter clause?

Tom Hoby: There's been a policy change, the P&R districts are now political entities, and, like cities, can now own land. So JCOS can deed the land to the P&R districts, as they've been doing for the cities.

Tookie Nemchak: are there costs to the County associated with leasing these properties to the P&R districts?

Tom: no.

Jan Wilkins: the resolution calls for the transaction costs to be borne by JCOS? Why?

Wayne Forman: change the resolution to read "transaction costs to be borne by the district".

Motion made to accept Staff recommendation with change to transaction costs clause;

Motion seconded;

Resolution adopted by unanimous vote.

c) Grant of Temporary Construction Easement to City and County of Denver

Matthews-Winters Park - City and County of Denver OS13-08,

Resolution #13-14, Presented by Joy Lucisano

The City and County of Denver has requested that the County grant Denver a temporary construction easement on approximately 1,450 square feet of Matthews-Winters Park Open Space property, located two miles south of I-70 on the west side of County Highway 93 and north of Red Rocks Road #2. This temporary construction easement is for construction access during replacement of a bridge.

Staff recommends granting the temporary construction easement to the City & County of Denver.

Conversation:

Tookie: Why is this needed?

Joy: during the bridge rebuild process, they will be disturbing about 1400 square feet of adjacent JCOS property. They will grade and revegetate the disturbed area.

Ken Morfit: do they need a permanent utility easement?

Steve Snyder: no

Bob: what kind of deposit will they be putting down?

Amy: will check on the bonded amount and advise.

Motion made to accept Staff recommendation;

Motion seconded;

Resolution adopted by unanimous vote.

d) Ken-Caryl Ranch Metropolitan District Renewal of Land Leases

Ken-Caryl Ranch Metropolitan District - Parcel A Lease OS13-10

Ken-Caryl Ranch Metropolitan District - Bethel College Lease OS13-11,

Resolution #13-15, Presented by Joy Lucisano

Ken-Caryl Ranch Metropolitan District has requested that the County renew their leases on County owned property. Parcel A is 119.19 acres of vacant land, located west of C-470 and south of West Bowles, extending north and south on both sides of the Hogback. Bethel College is 57.2 acres of vacant land, located west of C-470 across from the Meadows Golf course and north of Ken Caryl Drive.

Staff recommends granting Ken-Caryl Ranch Metro District leases under the new term of 50 years for the Parcel A and Bethel College properties.

Conversation:

Felicity Hannay: does the Metro District manage these properties along with the [Ken-Caryl Ranch Metro District] Master Association?

Joy: they work with JCOS to coordinate management.

Janet Shangraw: there are OS lands to the north of Parcel A [Hogback Preservation Area], and also to the south of the Master Association lands. How would the public get access to the OS lands to the north if the Metro District has the lease on Parcel A? [Ken-Caryl doesn't allow non-residents to access their open space areas, unless otherwise posted or accompanied by a resident.]

Felicity: there is a fence & gate that blocks both public & wildlife access on the south entrance to Parcel A.

Tom: the Metro District is working on a trails study for the area; OS is partnering with them to develop the plans. The leases now have a 1-year termination clause.

Steve: we're now working with the Metro District to ensure that there is language allowing public access to the public lands [referring to Open Space property?] in the Ken-Caryl Ranch area. The long-term plan is to create public access from the Open Space areas in the Deer Creek watershed through to the Open Space areas in the Bear Creek watershed.

John Litz: "The Black Bear trail goes from Deer Creek Park to The Lockheed Martin Easement (adjacent to Hildebrand Ranch Park) on an easement through a subdivision."

Wayne: why the 50-year lease? Currently a 25-year lease, isn't it?

Tom: the Metro District wanted to ensure that their investment was safeguarded.

Steve: recently we've been issuing 50-year leases.

Motion made to accept Staff recommendation;

Motion seconded;

Resolution adopted by unanimous vote.

5. General Public Comments

(10. Open Space Advisory Committee Comments)

a. Discussion of: Letters from PLAN Jeffco

- Margot spoke to the letter of 7/21 that was sent from PLAN Jeffco to Tom Hoby
 - *Maintaining Open Space "brand", maintaining Open Space values.*
 - *Cited conversations with the County Commissioners (three separate conversations), each Commissioner supports the conventional Open Space branding and values.*
 - *1986 Resolution, Ad-hoc Committee*
 - *Developed three priorities:*
 - *Acquisition of and access to Open Space lands*
 - *Operation & maintenance of Open Space lands*
 - *Development of Open Space lands*
 - *What type of lands to acquire, and in what order*
 - *What type of capital development is appropriate on Open Space lands*
 - *Proposition #1*
 - *PJ suggests forming a sub-committee:*
 - *To evaluate the 1986 Resolution*
 - *Recommend re-evaluating the cap dev list*
 - *Recommend leaving the 3 priorities listed in the Resolution in place*
 - *Proposition #2*
 - *Refers to the letter of 7/22 to the County Attorney*
 - *Kudos to Tom for his careful oversight of the OS v. non-OS budget*
 - *PJ recommends a standing sub-committee to work with Tom & staff*
 - *Develop a reasonable, effective, non-onerous way of tracking OS v. non-OS expenditures*
 - *Develop a process of reporting same to OSAC*
 - *Develop a process for deciding if a project or activity is reimbursable*

- *Develop methods to fund valuable activities that do not fit the established pattern or that do not meet the test (the 3 priorities)*
- Discussion
 - *Rebecca Watson: "NAY" on Prop #2 (very aggressive, seemingly offended by the suggestion), called it micromanagement. Got defensive on Party for Parks issue, she doesn't want to be "pulled into making these kinds of decisions".*
 - *Margot: does an event like Party for Parks meet the test (3 priorities)?*
 - *Selling more cars & increasing tax revenues will "benefit Open Space", but that doesn't meet the test.*
 - *Waiting on the County Attorney's decision on the letter of 7/22*
 - *Recommended a discussion about OSAC's role in oversight relating to expenditures.*
 - *Wayne: need to take some time to think about these sub-committees; his immediate thoughts:*
 - *Disagrees with the idea that Party for Parks doesn't meet the test*
 - *Event expenditures, how should they be handled?*
 - *Ongoing expenditures, does that need to be more transparent?*
 - *1986 Resolution, does it need to be evaluated? Acquisitions seem to be pretty obvious.*
 - *Kevin Burke: would like to have a copy of the letter of 7/22; his thoughts:*
 - *Does not like the current "re-branding" of OS, very uncomfortable with that move. Asked Tom to reconsider what he's doing, wants a study session on this trend.*
 - *The continuity of the OS program is at a critical juncture; the old-timers are beginning to leave, and with them will go the historical memories. We cannot confuse the message of open space.*
 - *"I don't like this way we're presenting Open Space."*
 - *Wants a public meeting with advance notification, wants public debate.*
 - *Jan: wants a special meeting, wants discussion; her thoughts:*
 - *Philosophical issue: "is this the direction the County should be going? Are we moving into a parks mentality, or should we remain unique?"*
 - *Practical issue: "are we being true to the founding resolution of 40 years ago?"*
 - *Rebecca: the BoCC approved the re-organization into "Parks", **but they did not initiate the move, and it wasn't initiated by OSAC, either** (my emphasis).*
 - *Kevin: because the re-organization was initiated by Tom, the situation needs to be revisited, wants a thoughtful, extensive discussion. Doesn't like the message that is being sent when Open Space is mashed into Parks.*
 - *Bob: What's a park? Define park.*
 - *Tookie: we can't let this just happen to us; we need to have a discussion & clarification.*
 - *Ken: asked for clarification. He was assured that the phones are still being answered "Open Space", and that the trucks will still be labeled "Open Space".*
 - *Wayne: this is a structural issue, a branding issue, and we need to be affirmative.*
 - *Felicity: agreed with Wayne, requested a special meeting.*
 - *Rebecca: (in a more conciliatory tone) what kind of structure, content, and presentations would we need for this meeting, so that we can do our best work?*
 - *Tookie: would it work for Tom & Staff to meet with OSAC members and brief them?*
 - *Wayne: we should start with Steve, to draw up an outline.*
 - *Rebecca: let's have a meeting with an informed discussion, with timing that works for all.*
 - *Kevin: the PLAN Jeffco letter of 7/21 plus attachments lays out a good part of the purpose of this meeting. Tom already gave his reasons for consolidation at the OSAC retreat.*
 - *Tom: (speaking carefully, in very measured tones) agreed to having this discussion.*
 - *Margot: made a comment on Amy's presentation of the OS Master Plan, believes that it's losing the "flavor" of Open Space.*
 - *Mission statement has been changed. Why?*
 - *Pointed out Jan's comment about the lack of an "acquisitions" term in the Master Plan.*
 - *Mike Dungan: suggest Tom respond to PJ's letter, and not rush the thinking process.*
 - *Jan: should have an open, honest, thoughtful meeting in front of those who want to listen.*
 - *Debate about timing for such a meeting...*
 - *Cara Snyder (observer, Crown Hill supporter), pointed out that the issues being discussed are very important, so can we delay the timing on the release of the Master Plan?*
 - *Amy Ito: there is no reason why the Master Plan release can't be delayed.*
 - *Final decision on next 2 meetings*
 - *September, moved from 5th to the 19th October, regular start time (5:30PM)*

- *October 3^d, study session, early start time (4PM)*

7. Director's Report

- National Recreation & Park Association (NRPA Conference), Oct 8-10, Houston TX. *(no takers)*
- Joint meeting with the Planning Commission, meet & greet, Oct 30th *(Wayne, Mike, Janet, Tookie will participate)*
- Apex Park & Rec District – Christ Community Covenant Church, Easement, OS13-12:
 - *The County leases property to Apex P&R District at the southwest corner of Simms Street & 82nd Avenue. In connection with the development of property immediately south of the Center, 8075 Simms Street, LLC has requested that the County grant a 10-foot wide permanent easement on approximately 4800 square feet and a 15-foot wide temporary construction easement over the northeast portion of the Center property.*
 - *The easements are for the construction and operation of an 8-inch sanitary sewer line that is proposed to become a part of the Arvada sanitary sewer system.*
- Coal Creek Canyon – Gilpin Ranch LLC, OS12-16
 - *OSAC authorized a go-forth resolution #12-15 on 10/04/2012. This property was sold to Laramie Ridge LLC on 7/25/2013 for a little less than twice the staff assessment of the market value for this property.*
 - *This property adjoins the Booth Ranch Open Space. This was a tough loss.*
- September Meeting
 - *Date has been moved from the 5th to the 19th, study session to start at 5:30PM*
 - *Topic: PJ's letter(s) and the Master Plan*
- October Meeting
 - *Study session to start at 4PM rather than 5:30PM*
 - *discussion will include Baehrden business & use plan, Jeffco Open Space Trails Co-op, and the Real Estate Update.*
- New Website Content Management
 - *Thea took us on a guided tour of the new website.*
 - *Easiest way to find content is to use the search engine function*
- Park Director's Meeting *(Bob, John, Ken, Jan, Wayne will participate)*
 - *Hosted by the City of Lakewood, venue will be Fox Hollow Golf Course, 8/22.*
 - *Discussions to include the New Parks Master Plan & local grants program*

8. Legal Counsel Report

Steve Snyder reported the outcome of a lawsuit filed against the County at Pine Valley Ranch by the landowner of the property adjacent to the northwest corner of Open Space. When the land was purchased in 1986, the boundary in this area was assumed to be just to the north of the narrow gauge trail, which, at one time, hosted a narrow gauge railroad. The deed referred to distances from a previously-existing ice house. The adjacent landowner claimed that, since the ice house is no longer there, he owns the land between the narrow gauge trail and the ice house location. Steve and his team worked long and hard to uncover maps and witnesses, folks who had lived in the area "back in the day", and apparently made a convincing argument in court. The judge rendered the decision that Open Space owns most of the land in question, plus they acquired an easement on the trail itself, so that the park will operate in future pretty much as it does now.

9. Executive Session

Black Bear Trail Negotiations

Section 24-6-402(4)(a) concerning the purchase, acquisition, lease, transfer, or sale of Property

Section 24-6-402(4)(e) concerning Negotiations

Observers are not permitted in Executive Session...Margot & I left the meeting; it is now well after 9PM.

10. Open Space Advisory Committee Comments

Election of Officers

Was not present...John, Paul, can you comment?

John Litz: "Election of officers to be done at a later date."

11. Adjournment

Was not present...John, Paul, what time did the meeting adjourn?

Adjournment, ~ 10:15PM