

**MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE ADVISORY  
COMMITTEE, July 24, 2008**

The meeting was called to order at 6:30 p.m. by Christian Meyer in the Hearing Room of the Board of Commissioners, Third Floor, Boulder County Courthouse, Boulder, Colorado.

**POSAC Members in Attendance**

Present: Lisa Dilling, Eric Hozempa, Paul Jurasin, Mary McQuiston, Christian Meyer, Janice Moore, and Jason Vogel.

Excused: David Batts, Sue Cass

**Staff in Attendance**

Summer Adamietz, David Bell, Jan Burns, Sasha Charney, Jim Daus, Renata Frye, Al Hardy, Dave Hoerath, Vivienne Jannatpour, Rich Koopmann, Conrad Lattes, Bridgette McCarthy, Tina Nielsen, Larissa Read, Barry Shook, Ron Stewart, Mel Stonebraker, Janis Whisman.

**June 26, 2008 Meeting Minutes**

Lisa Dilling moved to accept the June 26, 2008 minutes. Eric Hozempa seconded the motion. *Motion carried unanimously. Jason Vogel abstained because he was not at the June 26 meeting.*

**Public Participation for Items not on the Agenda**

None

**Argo Remediation Alternatives**

\* Action Requested- Recommendation to BOCC

Staff Presenter: Sasha Charney  
with Al Duncan from Smith Environmental & Engineering  
*See Staff Memo for Detail on Presentation.*

**Questions**

Christian Meyer: Where would the topsoil come from? Is it on-site or would you need to bring it in? Sasha Charney: We'll need to bring that in. Christian Meyer: For each Alternative 1 and 2, when would it take place and what would be the duration? Sasha Charney: Depending on our time in Land Use, we would be looking at working in September and October of this year. The project would take about 30 days. Christian Meyer: What happens if it turns out you have too much fill to put in the stope? Al Duncan: Our estimates are within 10%, so there should not be too much leftover. Christian Meyer: What is the County's exposure on other properties where a Phase I assessment might have been in error? Ron Stewart: I don't think we have a lot of those out there. With every property we purchase, we do a Phase I. We feel that most of those companies doing those Phase I's are giving us a quality product. Conrad Lattes: I think we learned a lot by going through this acquisition and the Evening Star Mine, which is just up the

hill from this. We know much better what to look for and how hard to look. We now consult with CDPHE and Public Health whenever there is any question. The County has made the judgment that it is in its interest to buy these types of properties either to trade with the Forest Service or to limit development in places the County believes it is inappropriate. It is possible that there are others out there that were purchased before the EPA approached us about some of these issues. In this case, we were able to get a fairly sizable amount of money from the Phase I provider who admitted liability. Ron Stewart: Aside from the Evening Star and the Argo, of those sites in the County that the Health Department is aware of that have contamination, we are not aware of any others that are County-owned properties. Lisa Dilling: Regarding the second option, the capping, just putting the topsoil on there, that doesn't really prevent water from coming through and leaching out? Al Duncan: It impedes oxidation of the waste rock. The real problem is when the waste rock oxidizes and it weathers off. That becomes sulfuric acid runoff. Lisa Dilling: So the capping does prevent oxidation, but I think I read in the document that it doesn't guarantee that it won't leach out in the future. Al Duncan: Under that scenario, you would need to provide routine maintenance under the cap. Paul Jurasin: Regarding Option 1, there are nine piles needing to be cleaned up. Does Option 1 include all 9, or just the two largest piles? Sasha Charney: All the piles. Jason Vogel: What was the cost of the Phase I, and what were the damages paid to us? Conrad Lattes: We paid about \$1,500 for each Phase I, and we received \$300,000 as a settlement. Lisa Dilling: What are you needing for a recommendation? Are you asking for a vote that both alternatives are acceptable and one is preferred? Sasha Charney: In this case the commissioners are both the decider and the property owner, so we thought it appropriate to give them both options. Our recommendation is Alternative 1 and we hope that will also be the recommendation from Land Use. We would like a recommendation from POSAC for Alternative 1.

#### Public Comment

None

#### Motion

Jason Vogel moved to accept staff recommendation for Alternative 1 as presented, and Lisa Dilling seconded the motion. ***Motion carried unanimously.***

#### Discussion on Motion

Jason Vogel: We were paid \$300,000 in damages and this Alternative 1 only costs \$319,000. It seems to make financial sense. Secondly, I think it's a good thing to present POSAC with more than one option for this issue. I would encourage POS to consider offering different options with future items. Lisa Dilling: It sounds like this is a health hazard and needs to be done.

**Heil Valley Ranch  
Northern Trailhead Project**

*\* Action Requested- Recommendation to BOCC*

Staff Presenter: Summer Adamietz  
*See Staff Memo for Detail on Presentation.*

Questions

Lisa Dilling: On the closure on the Eastern portion of the Olson property, does that mean you could still go on-trail, but not off-trail? Summer Adamietz: Correct. What we are recommending for the Picture Rock trail is off-trail use for hikers and equestrians, but on the east part of Olson use would be restricted to on-trail until vegetation is established. Mary McQuiston: If we went back to when the Picture Rock Trail item first came up, there was a budget for the trail, which included a bridge from Hwy 36/66. What was the budget at that time? Summer Adamietz: I don't think we ever got that far. The estimates for the bridge were over \$1 million. It was discussed at the time, but there were many impediments. Eric Hozempa: Is there a recommendation for which side of the road would be chosen on the Olson property? Summer Adamietz: There is an opportunity on both sides. We would like some flexibility so that if we encounter serious problems on the east side, we could locate it on the west side. Jason Vogel: Do the Town of Lyons Trustees support one of these options, other than simply taking the Hwy 36/66 option off the table? Summer Adamietz: The Town of Lyons definitely supports the High School option. Jason Vogel: Were they presented with the same alternatives you have presented here tonight? Summer Adamietz: Yes. Jason Vogel: What will it mean for the Town of Lyons if we place a trailhead that is not on town property in the vicinity of Bohn Park? Could that have legal ramifications [with regard to the 10 acres given to the Town or the Town's option to purchase an additional 10 acres]? Summer Adamietz: It could, but I don't see the department pursuing anything like that. Lisa Dilling: We would still have a connection for hikers and cyclists between Hall and Heil. So the issues of increased traffic and conflict with pedestrians and bikes would still exist, but would be exacerbated by the location of a trailhead because there will be more cars? Summer Adamietz: Correct. Janice Moore: Bohn's low score primarily comes from the fact that it doesn't meet the trailhead goals. Otherwise, it scores neutral or high. One of the goals it doesn't meet is parking, but it's not going to be maxed out on parking all the time. Some of it is going to be overlap because some of the people who visit Bohn Park will also use the trailhead. Summer Adamietz: Bohn Park hosts many activities and events, so during those times, there would be no other parking areas available. Janice Moore: So is parking the main goal that it doesn't meet or are there others? Summer Adamietz: There is no room for expansion and we would need to construct an equestrian trailhead elsewhere. Janice Moore: Can all of that be done for less than \$300,000? Summer Adamietz: Another major influence on not recommending Bohn is that the Town of Lyons does not explicitly support this option. Mary McQuiston: Has there been any discussion with the Town about them kicking in more money for any of this? Summer Adamietz: No. Mary McQuiston: But the Town was given 10 acres as part of this deal, correct? Summer Adamietz: Yes. Christian Meyer: Bohn Park is used as a parking area for festival activity in Lyons. Would the Town request closure of the lot for county use so they could use it in that fashion? Summer Adamietz: Yes, there could be overflow onto trailhead parking. Christian Meyer: Antelope Drive is a secondary trailhead for Hall Ranch. What kind of usage is at that trailhead? I know it's much smaller than 30 cars. Summer

Adamietz: I don't know the visitor use counts. I do know that, on peak days, it is full and flows onto the neighborhoods.

### Public Comment

- Ken Kozar, 382 Quartz Way, Lyons, CO. He stated that decision-making is a science and he believes this study, dated July 11, is poorly done and incomplete. POS should take more time to evaluate the data more objectively.
- Nancy Lax Kozar, 382 Quartz Way, Lyons, CO. The Red Gulch site is opposed by dozens of town and rural residents. The High School site is a better site because it already has the infrastructure in place. In addition, the high school site already has a left turn onto it from Hwy 36. There would also be fewer safety hazards than with the Red Gulch site.
- Maureen McCreery, 11 Red Gulch Rd., Lyons, CO. She is not opposed to the trail, but she is opposed to the parking. She supports the high school site. The road to the high school is a wider road with sidewalks, so it would be a safer option. The most public support has been for the high school site.
- Chuck Cullum, 408 SCR 69, Lyons, CO. He believes the Red Gulch site will create too many hazards for residents. He also has concerns about floods in that area. He does support the trail.
- Wanda Griest, 125 CR 69, Lyons, CO. She agrees that there are safety concerns for the Red Gulch site. There are drainage issues in that area. Overflow parking on CR 69 would be a problem. She supports the high school site.
- Ron Gosnell (statement read by Ken Kozar), Old South St. Vrain Rd., Lyons, CO. The Red Gulch Road site disagrees with the choice favored by the town, which is the high school site. He cited traffic and safety concerns.
- Larry Quinn, 83 CR 69, Lyons, CO. He believes the choice is biased and POS doesn't listen to public input. The Town Board, Lyons H.S. staff, and local residents prefer the high school site.
- Iris Bunker, 60 Jasper Dr., Lyons, CO. She provided a list of signatures of persons who oppose the Red Gulch trailhead. Flooding is an issue in the area. She believes residents would be closed off because there is only one way out and in.
- Peter Baumgartner, P.O. Box 1822, Lyons, CO. The Town has its own plans for Bohn Park and it shouldn't be used for County Park use. Cyclists will park in town to access various trailheads, so traffic issues may be overstated. We do benefit from trailheads located west of Lyons.

- Elaine Redmond, 1015 Old St. Vrain Rd, Lyons, CO. The trail users already have their trail and the location of parking shouldn't matter to them so much. The location of the parking does matter to the residents. She believes the argument that this trailhead will increase property value is debatable. One neighbor has had prospective buyers back away because of proximity to the trail. Cost should not be the only factor in this decision; it should be the best choice verses the cheapest.
- Nancy Rome, 364 Jasper Dr., Lyons, CO. Her biggest concern is the increase in traffic. 220 cars in the Red Gulch area would have a huge impact. The "Y" where Red Gulch and Old St. Vrain meet is very narrow, it has wetlands on one side and houses on the other. A nearby cliff creates a blind curve. There is not enough room for a horse trailer if cars are coming from the other direction.
- Linnea Carlson, 427 Red Gulch Rd., Lyons, CO. She supports the high school site, but wonders if some of the projected costs could be mitigated.
- Robert Rome, 364 Jasper Dr., Lyons, CO. He believes one of the tenets of Open Space is to create the least negative impact for the people who use it, the people who live around it, and for the environment that surrounds it. Having the parking site on Red Gulch would have a huge negative impact.
- Stephen Schumacher, 102 Noland Ct., Lyons, CO. His neighborhood is across the street from the high school. There is a plan for 144 new houses in the area east of the high school. On 2<sup>nd</sup> Ave., traffic and parking is already a problem at times. Increased traffic, including horse trailers, would further clog the street. Someone coming to the trailhead would need to make a left turn on Hwy 36 in front of on-coming traffic, without a traffic light. Sometimes it's a 10-minute wait to turn.
- Mike Barrow, 802 Sherman, Longmont, CO. He is the President of the Boulder Mountain Bike Alliance. Mountain bikers don't care where the parking area is; we will park in town. We want to see the trail finished as soon as possible. We don't want to see the trailhead discussion slow the opening of this trail. By supporting the high school site, the Town of Lyons is recommending someone else's property. Contractually, it should be located on town property. Otherwise, they should sweeten the pot to help mitigate the issues involving the school site.
- Rudy Putzel, 114 Jade Way, Lyons, CO. He supports more study in the area of environmental traffic safety impacts and cost. He thinks the County has given in to pressure to rush the completion of the trail from the mountain bike community. He opposes a temporary trailhead because eventually it will become the permanent trailhead because of the possible argument that "it's already there". He supports keeping the trailhead closed for a year for re-vegetation.
- Gary Gorman, 217 Old St. Vrain Rd., Lyons, CO. He is very concerned about what's in store for Old South Rd. if the trail connection is there. There are already more accidents at the intersection of Red Gulch than are reported, drivers sometimes don't stop when

they hit something. The ball fields need to be improved anyway, so it would be a benefit to have it here.

- LaVern Johnson, 306 Evans, Lyons, CO. POSAC should recognize the impact the trailhead would be to Red Gulch and Old South residents. The school option is close to the town. It would provide 90 spaces for cars and horse trailers daily. It is practically out-of-site and wouldn't forever impact farmland along Red Gulch and Lyons Park Estates. The school site would be more easily patrolled by law enforcement.
- Brenda Davis, 101 Bohn Ct., Lyons, CO. She feels that the people that live near the school are not present at this meeting because they think the trailhead will be at Red Gulch. But her neighbors don't want it in their neighborhood either. A 30% increase in traffic on Red Gulch isn't such a big increase there, because they have hardly any cars there now. She doesn't think the school board will approve this option. The children near the school are at risk, both because of both increased traffic and strangers.
- Sam Miller, 31820 S. St. Vrain Dr., Lyons, CO. He has a traffic report from Drexel, Barrell & Co. that sites safety liability issues due to lack of striping on Old St. Vrain Road and the lack of any substantial shoulder on either Old South St. Vrain Road or Red Gulch Road. According to this report, overgrown vegetation is also a safety issue.
- Bonnie Richards, 31820 S. St. Vrain Dr., Lyons, CO. The residents of Red Gulch area, some who have lived there for many years, have a wisdom about what goes on there, and this knowledge isn't necessarily revealed in the studies. It's important to listen to the issues that they are raising. She supports the school site because there is a consensus from the town. The school site appears to have fewer problems associated with it and may be easier ways to address the problems that do exist.
- Peter Bakwin, 3054 10<sup>th</sup> St., Boulder, CO. He had comments regarding the management of Heil Ranch and the management of BCPOS in general. Of the 90,000 acres of open space the County holds, 79% is completely off-limits to all visitor access. Even in the major open space parks, visitor access is highly limited. Heil Ranch is roughly 5,600 acres, 69% of that is prohibited.
- Stephen Brown, 320 McConnell Dr., Lyons, CO. All of the new construction traffic will empty onto East McConnell Dr. The natural egress will be for them to remain on E. McConnell Dr. to get to Hwy 36. He estimates that most traffic will not go in front of the high school because it will be quicker and easier to take the eastern circuit.
- Ed Shoub, 832 3<sup>rd</sup> Ave., Lyons, CO. He was a member of the Bohn Park Steering Committee, the original group that drew up the list of potential sites in Lyons for the possible location for the trailhead. Red Gulch was never considered in their discussions. The charge to the Committee and to the Town Board was to make a good faith effort to locate a site on town property in the vicinity of Bohn Park. We were told by the County that the school site would satisfy the legal requirements for it being on town property.

The people of Lyons never chose the school site over the Red Gulch site because Red Gulch was never a choice.

- Doug Mers, 105 Bohn Ct., Lyons, CO. He believes the study was well done, considering the budget. He supports the Red Gulch option, mainly due to cost. The traffic risks on St. Vrain are less than they would be on 2<sup>nd</sup> Ave. Overflow issues already exist in the neighborhood near the school and those issues would be increased by having the trailhead site at the school.
- Troy Waycott, 63 Red Gulch Rd., Lyons, CO. There are five houses from Hwy 36 to the proposed Red Gulch site and 11 children in that short section. It will be very expensive to improve the road to make it safe. It is too narrow with several blind corners. The high school site already has sidewalks and a police presence.
- Rich Welock, 120 Falcon Lane, Lyons, CO. A temporary site should be established to further study the ramifications. The Red Gulch residents are probably the smallest group of resisters. Many more protesters will appear if the school site is recommended.

### Questions

Eric Hozempa: If there is a 30-space lot, does staff expect that people will still park illegally, or will 30 spaces be adequate? Summer Adamietz: We believe 30 spaces will be adequate. There could be overflow parking at the edge of the restricted areas. The area will be patrolled.

Christian Meyer: Did you include the cost for mitigating the drainage problem on the trail or trailhead? Summer Adamietz: I don't know about the trail, but for the trailhead, the costs associated for mitigating the drainage are not included in the cost estimate. We don't know what those obstacles will be.

Mary McQuiston: It was mentioned in a public comment that if the school site was chosen, the new ball park would be constructed on 2 acres and then something about a clear title on the remaining 8 acres. Is this on the table at all? Ron Stewart: I haven't heard that and I don't think we would support giving away another 8 acres for nothing. What we might recommend for the other alternative is that, in the event the school district agrees to the moving of the site, we would give the school district the 2 acres. Then either, by 2014, Lyons can buy the additional 8 acres or the County will keep it.

Jason Vogel: Because the Red Gulch site was proposed as the primary recommendation by staff, it is possible that is the reason so many of those residents are here tonight. What comments have you received in past public meetings?

How many people have been for and against each option? Summer Adamietz: Only about 1/3 of those who commented during the last comment period gave a preference. I don't have those numbers with me, but I believe 25 people supported the High School location.

Eric Hozempa: If one of the goals is to connect Hall and Heil, is it safe to assume that with the high school option that people would still use St. Vrain to get to Hall?

Summer Adamietz: Yes. Jason Vogel: If the trailhead is sited at the school, is there a possibility for a no-parking access at Red Gulch Rd., separate from the actual trailhead access?

Summer Adamietz: Yes, there would be signage to not allow parking. That is a separate issue for you to vote on tonight.

## Discussion

Christian Meyer: I'd like to open with a couple comments. First, two memos were presented tonight that staff should make available. The first memo is a line-item breakdown of the costs, the second was a memo from the County Traffic Engineer responding to the traffic study.

Secondly, people have commented on a rush to get things done. Part of that is because POSAC has pushed staff to actively pursue getting the connection between Hall and Heil into place.

Lisa Dilling: It seemed like the trailhead would be a benefit to the town of Lyons, but after tonight I'm not so sure that's the case. It sounds like it might be a huge burden for the residents.

Christian Meyer: When we tried to pursue the connector, the only option that seemed viable was Old South St. Vrain. But the opposition made that option get deferred. Now it's a de facto access. Are we ever going to get to a decision in a polarizing issue like this? I'm also concerned about what the school board's reaction will be. I know how things can become a very long process with them and the school site will not be a viable solution.

Eric Hozempa: I think that no matter where you put this trailhead, there will be increased traffic on Red Gulch Road.

Janice Moore: I'm impressed with the public turnout, and I understand some of their fears. Staff has done a great job, but what I'm hearing is that nobody wants this thing.

## Motion

Jason Vogel moved to recommend Option 6 (Red Gulch Road) with the contingency that the commissioners strongly consider the high school option, if the school board allows that option.

***Motion failed with no second.***

## Discussion on Motion

Janice Moore: Is it was possible to take more time in deciding, to find another solution? Ron Stewart: I don't think time will find a better solution. The Bohn Park site has huge opposition. We could look more at hybrid options, but I don't think it will get us anywhere, and we will end up just ticking off residents in several areas. By waiting longer, there will be a de facto trailhead and people will park anywhere once the trail opens.

Mary McQuiston: I'm not willing to vote on this until we hear from the school district. When is their next meeting? Summer Adamietz: In August, the 13<sup>th</sup> and the 27<sup>th</sup>.

Christian Meyer: That sounds like a good idea, but the school district won't make a decision at the meeting. How long are you willing to wait? Mary McQuiston: We need to know if this is a true option or not.

Summer Adamietz: We are trying to get to a work session with the district to explain the project and then the item will go to the next regular School Board meeting so they can make a decision, but the decision could be deferred. Christian Meyer: Would you pursue that regardless of what the recommendation is tonight? Summer Adamietz: Yes, we have committed to that. We wouldn't take this to BOCC until we have a decision from the school district.

Christian Meyer: My opinion is that the costs associated with the school option would be a wash, because the County would end up spending so much on road improvements with the Red Gulch option.

Ron Stewart: One alternative is, because you've had your public hearing tonight, you could table it until the next meeting in August.

Lisa Dilling: I think the road for the school site is a much safer option because it's wider, there is better visibility, and it's straighter.

### Motion 2

Lisa Dilling moved to recommend both options with a preference for Option 5 (Lyon's High School), and Paul Jurasin seconded the motion. ***Motion failed 3- 4.***

### Discussion on Motion 2

Paul Jurasin: We should consider the nature of the neighborhoods we're looking at. It appears that there would be a bigger impact on Red Gulch Road vs. the high school site. Mary

McQuiston: I agree. We are not comparing apples to apples and these are very different neighborhoods. If the trailhead is put on Red Gulch Road, I think it will encourage people from

the town to drive there. Jason Vogel: No matter what, a trail will form from Bohn Park to Picture Rock trail. I don't think there is an obvious answer here. Waiting is not appropriate for

us. I will vote against this motion because there are too many uncertainties with the school option and as soon as the trail opens, we will see bad behavior regarding parking. Eric

Hozempa: I have concerns about the traffic by the high school once the 144 new homes are built. I will vote against this motion. Janice Moore: I believe this is a good motion. The

commissioners will have more information when it they vote on it. Mary McQuiston: I will vote against this motion. I don't think placing the trailhead on Red Gulch is acceptable and we don't

have all the information yet.

### Motion 3

Jason Vogel moved to recommend Option 6 (Red Gulch Road) and Eric Hozempa seconded the motion. ***Motion failed 3 - 4***

### Motion 4

Christian Meyer moved to recommend to BOCC that Options 5 (Lyon's High School) and 6 (Red Gulch Road) be considered for the trailhead with no preference and Paul Jurasin seconded the motion. ***Motion carried 5-2.***

### Discussion on Motion 4

Christian Meyer: I want a trailhead that is close to where the trail actually comes in. The farther away the trailhead is, the more parking issues that will arise because people will park closer and

closer as they go. Mary McQuiston: I think it is foolish to settle for the best of the worst and I think that's what we are dealing with. I won't vote for this motion either. Jason Vogel: I will

support this motion because this body, including myself, is incapable of selecting a single option.

Lisa Dilling: Are there any other options outside of these six? Summer Adamietz: We've looked at these six as all being viable. We've also looked at ways to piece together different

alternatives. What we have presented to the public since April are the best options. Janice

Moore: Is there an option for a trailhead outside of Lyons? Summer Adamietz: The Town has requested a trailhead in Lyons every year since 1996.

Motion for Staff Recommendation to Restrict Parking on Red Gulch Road

Eric Hozempa moved to accept staff recommendation for parking restrictions on Red Gulch Road, regardless of the location for the trailhead, and Lisa Dilling seconded. ***Motion carried unanimously.***

Discussion on Motion

Christian Meyer: I will vote for it, however, it probably needs to go farther out in both directions.

Motion for Staff Recommendation to Create a Temporary Trailhead on the Olson Property

Jason Vogel moved to accept staff recommendation to create a temporary trailhead on the Olson property, and Eric Hozempa seconded. ***Motion failed 4-3.***

Discussion on Motion

Jason Vogel: If you don't create a place for people to park once a trail exists, they will park anyway. The County will be in a situation of ticketing citizens who are enjoying a trail they helped pay for. Lisa Dilling: I don't support this motion for the same reasons I don't think Olson is the preferred property, and we won't have the mitigation in place by that time.

Motion for Staff Recommendation to Adopt Modifications to Closure Area Boundaries in Heil

Lisa Dilling moved to accept staff recommendation on the closures, and Janice Moore seconded. Motion carried unanimously.

Questions

Christian Meyer: Is recommendation for a half-mile or a quarter-mile? Summer Adamietz: One half mile, which is the most recent CDOW recommendation from February 2008.

Discussion on Motion

Lisa Dilling: I agree with the reasoning that was laid out. I believe that the eastern half would be evaluated so it wouldn't necessarily be a permanent closure. Jason Vogel: I think there are very valid reasons for closing areas, including protecting wildlife. I also think it is unfortunate to have 69% of Heil Ranch completely off-limits to visitors. I've never known of an area in Heil to re-open after a closure. I think this is an issue that needs to be addressed in the long-term.

**Property Transaction: Vermillion Park Farm – Lot 1**

TDR Conservation Easement Acquisition

Staff Presenter: Janis Whisman

*See Staff Memo for Detail on Presentation*

*\*Action Requested –  
Recommendation to BOCC*

Questions

None

Public Comment

None

Motion

Lisa Dilling moved to accept staff recommendation for acquisition of the conservation easement, and Janice Moore seconded the motion. ***Motion carried unanimously.***

Discussion on Motion

Lisa Dilling: I think this is a great deal economically because we can recoup from the sale of a TDR. It is adjacent to so much open space, it fills in a nice block there.

**Property Transaction: Proposed Purchase of 40 Shares of  
Left Hand Ditch Company**

Staff Presenter: Jan Burns for Mel Stonebraker

*See Staff Memo for Detail on Presentation*

*\*Action Requested –  
Recommendation to BOCC*

Questions

Lisa Dilling: What is the cost per share compared with other water purchases? Jan Burns: The County owns a lot of open space that is served by the Left Hand Ditch. We have reached an agreement here for \$3,800 per share. This is a little higher than we have paid, but after talking with Bob Crifasi at the City of Boulder, he thought it was about \$5,000 per share now. He is on the Left Hand board. We think it is still a good deal.

Public Comment

None

Motion

Eric Hozempa moved to accept staff recommendation for purchase, and Jason Vogel seconded the motion. ***Motion carried unanimously.***

Discussion on Motion

Jason Vogel: I had asked two months ago that POS consider purchasing new shares as opposed to doing water efficiency measures just because it's a capital asset. I like that we are buying

another capital asset with these funds [from the sale of the County's 80 shares of Independent Reservoir in April 2008].

**Property Transaction: Lynch Property Exchange**

Proposal to convey the fee interest in the Lynch Open Space to an adjoining property owner, in exchange for a conservation easement and water rights

Staff Presenter: Jan Burns

*See Staff Memo for Detail on Presentation*

*\*Action Requested –  
Recommendation to BOCC*

Questions

Lisa Dilling: So there would be no additional water coming into the system? Do you believe there is already enough water to improve the irrigation situation? Jan Burns: They are using the 15 shares that they own now on their property which is green now and they are getting a good crop. What we are proposing is, in addition to the two shares that we acquired with Lynch, to tie an additional 13 shares to this property, so there would be a total of 30 shares. We would be conveying to them a 50% interest in an additional 13 shares.

Public Comments

None

Motion

Eric Hozempa moved to accept staff recommendation for the Lynch property exchange, and Lisa Dilling seconded the motion. ***Motion carried unanimously.***

Discussion on Motion

Eric Hozempa: This is a really pretty piece of property. Lisa Dilling: This will improve overall the open space that we have and encourage agriculture and farming. Christian Meyer: I think it's important to have a general, larger discussion about exchanging fee interest for conservation easement. I'm not against it, but I want to make sure we frame it correctly.

**Property Transaction: ERTL Open Space & Van Thuyne Conservation Easement**

Boulder & White Rock Ditch Reservoir's Request for 30' pipeline & road easements

Staff Presenter: Jan Burns

*See Staff Memo for Detail on Presentation*

*\*Action Requested –  
Recommendation to BOCC*

Questions

Jason Vogel: It sounds like, in the past, there has been a water exchange, which has gotten water to properties north of the reservoir; so there hasn't been any need for pumping. Since that time there has been a lot of development in Weld County, which has decreased demand on water in the reservoir. Is that correct? Jan Burns: Yes. Jason Vogel: Why is it that we can't continue to provide water to the properties to the north through an exchange rather than through a pumping system? Jan Burns: Because the ditches we have been doing an exchange with in Weld County, because of the development, there is no more call for irrigation water. There is nothing to exchange. Jason Vogel: Where has that water gone? Jan Burns: It has possibly been turned in for development. Jason Vogel: Pumping water uphill takes energy; building a pipe takes energy. I want to make sure that there is a point to our putting all these resources into this project when we could just continue exchanging water between existing ditch systems that are gravity-fed. Jan Burn: This has been a real concern for the ditch company. We don't have the right people here tonight. Luke Stromquist, from our department, is on the ditch board. They have been looking for solutions for years now and this is what they have come up with. Jason Vogel: Solutions to what? Jan Burns: Because the exchange cannot continue and we are not going to be able to get water to properties to the north. Ron Stewart: They have been using a siphon with a pump for years to get water up to the top of Stanley Hill. For years they have had to use a pump to get it up there. Right now the siphon is old and not really functional and we are either going to put in a new siphon or do something like this. What happens in a ditch, when you go to water court and convert it from agricultural use to domestic use, you may not have to take the water out of the stream at the same location as you did when it was for agricultural. Eric Hozempa: So is it safe to say that the easement is replacing something that needs to be replaced? Ron Stewart: The yield in these ditches is going to be greater by having the ability to pump the water up there and to let the users up on top use it, in addition to the use of the siphon. Christian Meyer: What I think I'm hearing is that the people you traded with before no longer have any motivation to trade or no longer have any water to trade. So you have to get replacement water into the high elevation part of the system? Ron Stewart: Yes. Paul Jurasin: Are they going to put in a new pump somewhere? Jan Burns: The pump is going to be installed in the north end of Panama Reservoir. It will be an underground pipeline up to the end of the proposed easement on the ERTL property and then the water will go into open ditches.

Public Comment

None

Motion

Lisa Dilling moved to accept staff recommendation approve the sale of the permanent easements, and Paul Jurasin seconded the motion. ***Motion carried unanimously.***

Discussion on Motion

Jason Vogel: I think it's equally important to look at the environmental consequences of our open space transactions, as it is to look at the financial consequences. Lisa Dilling: My observation is that there are trade-offs and I think the County is doing a good job in trying to conserve resources. Jason Vogel: Let me be specific. I would like to see a box showing the environmental consequences of what decision is being made, so hopefully we would see a net benefit.

**Property Transaction: Brady**

Acquisition of two mining claims near Ward  
Staff Presenter: Jim Daus  
*See Staff Memo for Detail on Presentation*

*\*Action Requested –  
Recommendation to BOCC*

Questions

None

Public Comment

None

Motion

Jason Vogel moved to accept staff recommendation for purchase of the Helen B Lode, and Eric Hozempa seconded the motion. ***Motion carried unanimously.***

Motion

Jason Vogel moved to accept staff recommendation for purchase of the Relief Lode, and Lisa Dilling seconded the motion. ***Motion carried unanimously.***

**Property Transaction: Cherry Creek Tree Farm**

Acquisition of 80 acres located at  
Hwy 287 & Isabelle Road  
Staff Presenter: Jim Daus  
*See Staff Memo for Detail on Presentation*

*\*Action Requested –  
Recommendation to BOCC*

Questions

Eric Hozempa: Regarding the oil and gas well on the site, what happens after 2010? Jim Daus: I don't know the answer specifically, but I believe that it would revert to the owner of the minerals, which would be the County. Eric Hozempa: Is there a possibility of there being another drilling site on the property? Jim Daus: The prior owner has the right to the royalties

until 2010, after which time the County would have the royalties. That prior owner doesn't own or operate the well. Janice Moore: So it sounds like you anticipate some of this money can be recouped through sale of a TDR and sale of a conservation easement. Is it fairly reasonable to expect to get to get this money back? Jim Daus: I can't speak about the TDR's; right now there are no receiving sites in the Lafayette area, but there could be in the future. I think it is feasible that we could sell this property subject to a conservation easement. But even at \$2.5 million, we think the property is worth it. Janice Moore: I drive by this area a lot and I also think it's worth it. But if we could get some money back, it would even be more worth it. Lisa Dilling: Once these IGA's expire, who would get to annex it? Jim Daus: It would probably be Erie or Lafayette. Lisa Dilling: Would they be able to annex it if there is open space between? Jim Daus: I don't know. Ron Stewart: State law says you can annex a property 3 miles from your city with just a flagpole.

#### Public Comment

Dick Schillawski, 1160 N. 119th St., Lafayette, CO. He agrees that this property makes sense to purchase and to possibly sell later subject to a conservation easement. The memo doesn't indicate how many TDR's are associated with it. He likes when acquisition proposals mention agricultural viability, as many of them do this month.

#### Motion

Jason Vogel moved to accept staff recommendation for purchase, and Eric Hozempa seconded the motion. *Motion carried unanimously.*

#### Discussion on Motion

Christian Meyer: I live near this area and drive by it twice a day. One of the main reasons I got on POSAC eight years ago was because of urban buffers. This property is contiguous and promotes agricultural use. It is very expensive, but anything this size would be very expensive. I think this is a great purchase.

#### Director's Update

We would like to remind POSAC about the COSA conference. We will pay for your registration and your room. The deadline to get registration materials to Renata Frye is Tuesday, July 30.

The POSAC retreat is scheduled for Saturday, September 20. We have received input from POSAC regarding topics and we will get more specific information out to you when we have it.

Christian Meyer wanted to publicly thank Summer Adamietz and staff for the work they have done on Heil. Christian Meyer also thanked staff for the grasslands tour.

#### Adjournment

The meeting adjourned at 11:13 p.m.