



**Parks, Recreation and Cultural Services Advisory Board
Meeting Minutes
Thursday, August 5, 2021**

Members Present: David Siegel, Carol Beckman, Dr. Daniel Bowan, Larry Bogue, Sarah Bryarly, Greg Thornton, Abby Simpson, Andrea Perry, Steve Harris

Alternates Present: Chris Aaby, Julia Sands de Melendez

Alternates Absent: Stephen Lenzo

Staff Present: Karen Palus, Kurt Schroeder, Kim King, Britt Haley, Anna White, Melody Horbach, Connie Schmeisser, Steve Bodette, Lisa O'Boyle

Called to Order: Board Chair David Siegel brought the meeting to order at 7:31 a.m.

New Board Member Introductions

Karen Palus, Parks, Recreation and Cultural Services Director, introduced two new Board members: Andrea Perry, who moved on to the Board after being an alternate, and Steve Harris. She also introduced alternates Chris Aaby and Julia Sands de Melendez. Steve Lenzo, another alternate, was unable to make the meeting. Karen then asked each new member to give a little information on their background, and to name their favorite park in Colorado Springs.

Citizen Discussion

Jessie and Elli Collette distributed to the Board information about their Planet Walk art and science installation that they would like to implement on the Santa Fe Trail. They are about to apply for Enterprise Zone Status and would like written approval either from the Board or staff. Anna White, Staff Assistant, stated she would follow-up with staff about next steps.

Cory Sutela, Executive Director for Medicine Wheel Trail Advocates, said he had a nice walkthrough examination of multiple trails in Red Rock Canyon Open Space with Ranger Wes Hermann. His organization is still working on fundraising for the Cresta Open Space pump track and are about two-thirds of the way through to funding the project.

Approval of Minutes – July 8, 2021 meeting minutes with proposed changes.

Motion – To approve the July 8, 2021 minutes with proposed changes.

1st – Greg Thornton, 2nd – Larry Bogue, Approved, Unanimously.

Ceremonial Items

Garden of the Gods Race 10-Miler

Ron Ilgen, President of the Pikes Peak Marathon, thanked staff for all their support of the Garden of the Gods 10 Mile, 10K, and Trail Run. Ron introduced Michael Phan and Kathy Huble from his team, who explained that \$5 of each entry fee, with a cap of 200 entries, went back towards the Garden of the Gods and Rockledge Ranch. This helped the organization raise \$1,000 for the Garden of the Gods and Rockledge Ranch, which Pikes Peak Marathon will also be matching for a \$2,000 donation. Pikes Peak Marathon also worked with the Visitor's Center to organize VIP parking options which was very successful, raising \$2,215 which will be donated from the Garden of the Gods Foundation to the Department as well. They hope to continue having this as an option to help show appreciation and give back to the Department. Karen Palus, Parks, Recreation and Cultural Services, thanked them for their support and congratulated them on a fabulous event.

Action Items

TOPS Ballot Language Update (Presented by Karen Palus, Parks, Recreation, and Cultural Services Director, and Britt Haley, Design and Development Manager/TOPS Program Manager)

Karen Palus and Britt Haley presented the Board with the Trails, Open Space and Parks Program (TOPS) Ballot Question. This presentation included 24 Years of TOPS; ballot question elements; the proposed ballot question; the 1997 TOPS Ordinance Purposes Repeated in the Proposed Ballot Question; Public Meetings-Stakeholder Input; the Presidents Park Sustainability Commission; potential trail projects and pictures; potential Open Space projects and pictures; potential park projects and pictures; and finally, next steps.

[Link to PowerPoint presentation here](#)

Board member Andrea Perry commented that her only hesitation with the proposed language is that it is not written for the average voter. Karen Palus agreed with her input.

Board member Greg Thornton asked if the 5% for administration and the 25% for maintenance of all parks, trails, and open spaces comes off the top, and the remaining amount (70%) would be allocated with the remaining listed amounts. Karen confirmed this was correct.

Board member Dr. Daniel Bowan stated that on June 2nd, the Board met and passed their own recommendation about TOPS to Council, but he hadn't seen that referenced in the Council meetings and wondered why he hadn't seen it across the meetings. Karen Palus said Council had been provided the proposals from both the TOPS Working Committee and the Parks Advisory Board, which then led to the recommended proposal from City Council and the Mayor. In total, there were eight different proposals after the President's Parks Sustainability Commission (PPSC). Britt Haley added that at the June 10th City Council and Mayor Retreat, all the options were discussed. Further discussion caused the proposal to move where it is now. City Council had liked Daniel's recommendation to take 30% "off the top" of the budget. Daniel

did want to correct his position on this recommendation, stating that he did want to take maintenance out of the other categories broken down in the remaining 70%, since maintenance was already taken off the top. Daniel said that Conor Hall from The Trust for Public Land (TPL) had reiterated in various PPSC meetings to keep language short, succinct, and simple and Daniel felt this language did not meet that criteria. Going from a thirty-word limit to over three hundred words seemed like a mistake, and he would have liked to see the language written differently. He also said using actual numbers would provide better information to citizens. Using the 21% and 28% real numbers when referring to the categories would provide actual information about the breakdown. He felt it might be politically motivated to say the Department would keep 30% for trails than the actual number of 21%. Finally, Daniel asked if there will be an annual reporting requirement for the maintenance of effort also connected to this ballot, or how that component will be held accountable. Britt answered that there is a requirement for a biannual audit of the TOPS ordinance already.

Board Vice Chair Carol Beckman said it would have been nice to see a list of organizations with their representative to the PPSC rather than just a list of representative names. Karen Palus said she had this information and could send it to the Board. Carol stated the city budget game says half of the general fund must go to Police and Fire because of the public safety tax, which seems like an enforcement of maintenance of effort, and wondered how that worked. Britt said she couldn't answer practically why the budget formulation occurs that way, but a significant portion is required for police and fire. Britt said it would not be accurate to describe this as a requirement but could be explored offline after this discussion. Carol said the ballot language matches the ordinance for the parks and trails, but not for open space, and wondered why that differed. Karen Palus responded that all three portions had the same language, but because of concerns of people thinking we would be developing open space, we wanted to explain we would be improving open space, not necessarily developing. Lisa O'Boyle, Attorney, said the change was in an attempt to save some words and be as succinct as possible, as the ballot language itself is very wordy. Carol's next question was how the city ordinance would actually change. Britt said the City Attorney's Office will be working on the codifying ordinance once the ballot would be adopted. Carol said the presentation alluded to additional funding recommendations. Karen said there was about fifteen or sixteen ideas, including LART, PPRTA, and potentially the Gallagher amendment. Carol noted that the TOPS working committee expressed a need for a definition of maintenance, and TOPS committee chair Bob Falcone gave an example of replacing a roof as home maintenance.

Board member Sarah Bryarly said it made sense to add maintenance specifically into each of the categories as it provides. Alluding to the four bullet points in the ballot language, she asked if in another document, we can keep some of the longer language in the original ballot question, or if that goes away and the four bullet points are all that remain. Britt Haley responded that the ballot question captures the types of powers that the TOPS program has but is not the complete list in the ordinance. To the extent that this ballot question might have

additional features, and if adopted, the City Attorney's Office will have to capture the intent in the codifying ordinance.

Board member Larry Bogue said there had been presentations about polling feedback in the past from TPL and asked if they received much feedback on this ordinance. Karen answered that TPL had not polled this question but weighed in on the bullet points in the ordinance to make sure the language is inclusive. We are working with another group to help test this language moving forward, but the language would not be modified. The polling would help steer the campaign.

Board member Steve Harris asked if we know the amount of sales tax spent by visitors compared to residents of the city. Britt Haley said she would try to find this information. Steve's also asked if any of this money could be spent outside of city limits, specifically including watersheds. Karen Palus responded that nothing currently restricts us from doing this, though we are trying to annex certain properties outside of the city into city limits. Britt added that part of the original intent with TOPS was to work regionally with other entities. Steve's next question was if the intent of TOPS is that money generated annually is to be spent annually, or if leftover dollars are kept in a fund. Britt responded that one of the best parts of the budgeting of TOPS funds, is that if we fail to expend them, they roll forward and remain in TOPS. We can amass a war chest for open space purchases, which gives staff the ability to act on acquisitions. Finally, Steve asked about the legality of bonding against the TOPS funds. Britt said the original codifying ordinance identified this as something that could be done but couldn't advise on the current legal status. Board Chair David Siegel added we can borrow against the life of the tax as necessary as well.

Board Chair David Siegel asked if the codifying ordinance would come back through the Board or would go straight to City Council. Lisa O'Boyle said she would expect this to go back through the Board. Next, he asked staff to detail why the increase is important and how it would help the Department. Kurt Schroeder, Park Maintenance and Operations Manager, stated that the passing of this ballot language would give the Department the opportunity to be proactive instead of reactive. This would give us the ability to get ahead of the curve instead of only playing catch-up. Kim King, Recreation and Administration Manager, said that there are a number of facilities and programming that reside in park sites, and there could be opportunities to maintain better. She added flexibility and broadening the ordinance to include all parks changes so much, which then will lead to enhanced programming. Britt Haley said she would never have guessed we would be at the point where we could discuss such an increase. She would like to bring some of the facilities we have promised to citizens online, that we could never manage to do without this increase. Finally, Karen Palus said this ballot measure was a testament to City leadership and City Council working together to find a compromise because they truly care for our parks. With our ability to leverage funds, this is how we continue to make the community a great place and continue Palmer's legacy.

Cory Sutela, Executive Director for Medicine Wheel Trail Advocates, stated that there is a need for a modification of the language to include that 50% of open space will go to acquisition and

not maintenance. He would like to see a guarantee that open space acquisition remains a priority, and that it needs to be stated in the language.

Bruce Hamilton, citizen, expressed his love for open space and parks, and that there needs to be a guarantee of open space acquisition so that citizens know some money can only be spent on acquiring new property.

Bill Koerner, citizen, stated that there needs to be language in the ballot measure that specifically defines the amount of money to be spent on acquisitions, and that is a missing component in the current language.

Susan Davies, Executive Director for TOSC, said her organization unanimously supported this ballot measure. She expressed specific gratitude that the Maintenance of Effort piece was included. Finally, Susan demonstrated her “Pennies for Parks” as an example of how much the average household would spend on this increase per month, which amounted to about \$1.17.

Mike Scott, citizen, said that he believes the original initiative was created to acquire open space. He encouraged staff to maintain that focus of TOPS.

Linda Hodges, citizen, said she would like to see a minimum designated for open space acquisition. She agrees with the increase, but she is concerned that developers already received a break from the Parkland Dedication Ordinance revisions earlier in the year and this would be another break for them. She said this would increase the burden on the citizens, which sends the wrong message. Instead, she urged the Board to vote to postpone this ballot measure and have the LART tax put on a ballot first.

Board Chair David Siegel thanked all of the citizens who spoke, and commented that in the end, there is so much advocacy for the TOPS Program, and the recognition that the Department needs support regardless. David then opened the floor for a motion.

Motion: A recommendation to City Council in favor of the proposed ballot language as prepared by the Office of the City Attorney, with the removal of the word “maintenance” in line 26 of the language, and substitute “development” for “improvement,” which will now read “thirty percent (30%) for acquisition and development of all open space lands, regardless of how acquired.”

1st – Dr. Daniel Bowan, 2nd – Steve Harris

Board member Abby Simpson read a statement from the RISE Coalition in support of the TOPS ballot initiative, stating that TOPS was a huge catalyst for the Panorama Park project.

Board member Larry Bogue agreed with many of the citizens who spoke concerning the language around the Open Space piece of the ballot language, but wondered if the language had to be changed in the ballot measure, or if it could wait to be changed in the codifying ordinance. Karen Palus said the language needed to be specific to the percentages. We can still

accomplish the “vision” of open space acquisition in other ways, not specific to the ballot language. David asked if Karen felt comfortable sharing any of these ideas. Britt Haley answered that it really is a policy question, and one way to do this would be to modify the TOPS Working Committee policies and procedures, since the Committee develops the budget, and the desire could be implemented.

Board member Sarah Bryarly agreed with what is going forward but did not like the removal of the word “maintaining” as the motion proposed. She reminded the Board that “maintaining” means much more than just picking up trash. There are sections of trails that were added to the City before and after TOPS, and you can only work on certain sections with certain dollars. Keeping the flexibility of the language would allow for us to complete trails all in one conscious effort, rather than piece by piece. Her concern was the removal of that word would still hold the trails to only be completed certain ways.

Board member Dr. Daniel Bowan then asked if 25% is still taken off the top for maintenance, if that money could be used for maintenance overall instead of it being in every category. Karen responded that was more for repairs, renovations, and contractual maintenance. Sarah added that trail building does not come out of the maintenance fund typically. Board Chair David Siegel asked for clarity on the motion, and if the word “maintenance” was being removed from all categories, or just the open space category. Daniel stated he just meant the Open Space category. He also reiterated that at the June 2nd workshop, the Board had passed a motion to Council unanimously stating that “no more than 30% of any category could go to maintenance.” Therefore, he stated his recommendation aligns with what had been recommended previously. Karen Palus responded that one of the ideas that stemmed from the consideration of their recommendation at the City Council and Mayor’s Retreat was that for Mayor and Council members to agree to the higher level of increase, was the addition of the word “maintenance” and it provided flexibility to the language.

Board Vice Chair Carol Beckman said she could empathize with both sides of the argument. She said the consensus of the TOPS Working Committee was to trust the process, and it is a safeguard. She also understood the concerns of the citizens. The main goal was to keep Open Space whole, and by removing the “maintenance” piece, it keeps the category whole. Carol asked if this was a good compromise for the citizens. Cory Sutela responded that this change would enable his organization to support the ballot. Though he would like to redraft the language; this would be an acceptable compromise. Carol did suggest a need for a definition of maintenance. Finally, Carol noted on concerns that developers got a break on PLDO, that developers pay sales or use tax on all their construction materials, so would pay more if TOPS increases.

Board member Abby Simpson asked if staff had a chance to speak to the point of removing the word “maintenance,” as we can acquire property, but we need to maintain it. Kurt Schroeder responded removing maintenance from the Open Space category would be detrimental. Flexibility is needed, and the aggregate need across the Department is big. While noxious weed

removal may not cost the same as a tennis court replacement or repair, it still creates an overall benefit. Kurt's preference would be to have the opportunity to do maintenance, whatever that may be.

Board Chair David Siegel stated that he does trust staff, City Council, and the process. However, he can see that trust isn't shared throughout the community. He felt that by building trust in the program, TOPS will be successful. He felt inclined to vote for the motion to build trust. Board member Sarah Bryarly asked if the issue about trust is based on things that have happened or existed in the past. She felt very strongly that staff would continue to uphold the values of TOPS, and hearing that if "maintenance" isn't removed from the language, the Department isn't trusted, was very unfortunate to her. She added that since the inception of the TOPS Program in 1997, the Department has done their best to acquire every piece of property available at the best price. Board member Dr. Daniel Bowan wanted to state he doesn't distrust the Department, but categories have changed in a way that has whittled down Open Space, and it's fair to earmark money for acquisition.

Motion Restated: A recommendation to City Council in favor of the proposed ballot language as prepared by the Office of the City Attorney, with the removal of the word "maintenance" in line 26 of the language, and substitute "development" for "improvement," which will now read "thirty percent (30%) for acquisition and development of all open space lands, regardless of how acquired."

1st – Dr. Daniel Bowan, 2nd – Steve Harris, Approved, 8 to 1.

The Board requested that the minutes reflect a consensus that the Board would support what City Council decides in the end, related to the final TOPS ballot language.

Staff Updates

Monument Valley Pond Design Update (Presented by Steve Bodette, Capital Project Coordinator)

Steve Bodette, Capital Project Coordinator, presented the Board with the Tabor Retention Project Update on the Monument Valley Park portion. This presentation included project progress; the pickleball courts; irrigation improvements; Monument Valley Park large pavilion improvements; historic Shadow Lake; the existing Shadow Lake; the Shadow Lake design concept; existing Duck Lake; and finally, design concepts for Duck Lake.

[Link to TABOR Retention Project Update PowerPoint presentation here](#)

Acacia Park Design Update (Presented by Connie Schmeisser, Landscape Architect II)

Connie Schmeisser, Landscape Architect II, presented the Board with the Acacia Park portion of the Tabor Retention Project Update. This presentation included the existing playground area; design inspiration from the Uncle Wilbur fountain; playground design concepts using playful,

whimsical, and complimentary features; the Tot Lot; playground features; the Berliner Shout Net Climber; and finally, planting options.

Budget Update

This item was removed from the agenda.

Board Business

Ethics Training (Presented by Lisa O'Boyle, Attorney)

Lisa O'Boyle, Attorney at the Office of the City Attorney, presented the Board with the City Code of Ethics training. This presentation included the origin of the City Code of Ethics; the purpose of the City Code of Ethics; how this affects Board members; why the City does this training; primary areas of concern; information on various types of gifts; conflicts of interest; what is a conflict of interest; the Independent Ethics Commission; advisory opinions; and finally, Lisa's contact information as well as the City Attorney's Office contact information.

[Link to PowerPoint Presentation here](#)

TOPS Working Committee Reappointments (Presented by Britt Haley, Design and Development Manager/TOPS Program Manager)

Britt Haley, Design and Development Manager/TOPS Program Manager, informed the Board that two TOPS Working Committee members, Chair Bob Falcone and member Blaze Panariso, needed to be reappointed to a second term.

[Link to memo here](#)

Motion: Move to approve the reappointment of Bob Falcone and Blaze Panariso for a second term on the TOPS Working Committee as presented.

1st – Sarah Bryarly, 2nd – Greg Thornton, Approved, Unanimously.

TOPS Working Committee Appointments (Presented by Britt Haley, Design and Development Manager/TOPS Program Manager)

Britt Haley, Design and Development Manager/TOPS Program Manager informed the Board that TOPS Working Committee member Michael Merrifield had resigned. In accordance with the TOPS Policies and Procedures, the alternate who has been on the Committee the longest is offered the position to either accept or decline. TOPS Working Committee alternate Wendy Thomas has accepted the position and needs appointment to the Committee.

Board member Carol Beckman asked if demographics for the Parks board candidates were available, then asked about the geographic distribution of current Parks board and TOPS working committee members. Karen Palus answered that we did not have demographic

information for the candidates, but will be updating roster information on current members shortly. Board Chair David Siegel said he would like to have a conversation in a later meeting about making sure there is fair representation across the Board for different areas in the City.

Motion: Move to approve the new appointment of TOPS Alternate Wendy Thomas to the TOPS Working Committee as presented.

1st – Stephen Harris, 2nd – Andrea Perry, Approved, Unanimously.

November Meeting Date

Due to the original November 2021 Parks, Recreation and Cultural Services Advisory Board meeting falling on November 11 while the City is closed, the Board agreed to move the meeting to the following Thursday, November 18. Board Chair David Siegel asked members to get in touch with staff if there is a conflict.

Stephen Harris – Stephen expressed his gratitude and excitement to have joined the Board and looks forward to future meetings.

Sarah Bryarly – Sarah informed the Board and staff that the Incline Friends are working on a strategic plan.

Carol Beckman – Carol gave a brief review of the TOPS Working Committee meeting, which included an overview of the Incline Reservation System. She had seen an article stating this reservation system would be permanent. Kurt Schroeder answered that Manitou had many concerns about parking, and staff felt it was appropriate to continue the system. Carol noted that at previous Parks board meetings, Karen had said that there would be a public process before any long-term changes. Carol also noted that the Incline master and management plan estimated then current usage at 350,000 to 500,000 annually, projected future use at 350,000 to 500,000, and actual use from the Incline counter was 361,000 in 2018 and 358,000 in 2019, which were both full years, on the low side of projections, so it is nothing that was not expected, and Kurt agreed. Dr. Daniel Bowan asked if the Cog Railway had expanded their use. Karen Palus responded that the program had expanded, but they are in the process of certifying the new trains. Next, Carol asked about several annexations on the City Council agenda for July 27. Karen Palus answered that all of those properties listed were finally being annexed into the City so we get credit for the parkland that the City owns. Carol asked where North Cheyenne Cañon stands in this process. Britt Haley responded that there will be two phases for park properties outside of city limits to be annexed in, based on how quickly they can have annexation plats. The group included on the agenda are the ones happening in Phase I. Finally, Carol asked if anyone wanted to comment on the article in the paper about the PEO Chapter House. Britt said she did not feel comfortable making statements about that at this time.

Dr. Daniel Bowan – Daniel asked about the status of the Black Canyon Quarry. Britt Haley responded that we took possession of the Quarry in September 2020, then she transferred the permit for reclamation from the Company who owned it to the City, which took a while. An

inspection was conducted by the Division of Reclamation, Mining, and Safety. However, Britt has been busy with TOPS and hasn't had a chance to begin the reclamation plan. For the Pikeview Buffer properties, the plans for reclamation are moving forward.

David Siegel – David said that LART has received 2022 applications for review, which is a two-meeting process. He added that the Public Art Commission is now seeking a Public Art Coordinator per the Public Art Master Plan.

Adjournment

Motion: Move to adjourn the Parks, Recreation and Cultural Services Advisory Board meeting at 11:50 a.m.

1st – Greg Thornton, 2nd – Carol Beckman, Approved, Unanimously.