



**Parks, Recreation and Cultural Services Advisory Board
Meeting Minutes
Thursday, November 12, 2020**

Members Present: Ron Ilgen, Carol Beckman, Dr. Daniel Bowan, Abby Simpson, Larry Bogue, David Siegel, Jason Rupinski, Sarah Bryarly, Greg Thornton

Alternates Present: Andrea Perry, Lisa Weiland

Staff Present: Karen Palus, Kurt Schroeder, Kim King, Britt Haley, Anna White, Dennis Will, Scott Abbott, Kelly Rajab

Called to Order: Board Chair Ron Ilgen brought the meeting to order at 7:30 a.m.

Citizen Discussion

Susan Davies, Executive Director for the Trails and Open Space Coalition (TOSC), said TOSC was happy to see ballot measures 2A, 2B, and 2C pass. TOSC is putting together a list of winter hikes, hoping to encourage people to get outside as well take the opportunity to enjoy some lesser used trails. TOSC is also beginning to discuss the TOPS tax expansion as a ballot measure in April 2021, and said the main point of discussion so far is finding a balance in acquiring new property while taking care of what we already have. The Trust for Public Land (TPL) will help with polling and the ballot measure itself, and Susan mentioned that all of TPL's ballot measures on November ballots passed.

Jennifer Peterson, Executive Director for the Rocky Mountain Field Institute (RMFI), gave a quick season-end update. She said that RMFI completed 520 individual workdays, with 206 of those workdays being done on City property. She said she hopes to be back in front of the Board next year for a formal presentation on RMFI's accomplishments and work. Finally, she said RMFI will be having a season-end celebration, and will be recognizing Parks Advisory Board member Carol Beckman for her outstanding volunteerism.

Cory Sutela, Executive Director for Medicine Wheel Trail Advocates, also gave the Board a season-end update for his organization. He thanked staff for attending the Hootenanny Celebration where Carol Beckman also received an award. Dan Allen, Trail Construction Specialist, received the award for Land Manager Partner of the Year.

Approval of Minutes – October 8, 2020

Motion – To approve the October 8, 2020 minutes.

1st – Carol Beckman, 2nd – David Siegel, Approved, Unanimously with Abby Simpson abstaining.

Action Item

Corral Bluffs Expansion (Presented by Britt Haley, Design and Development Manager)

Britt Haley, Design and Development Manager, presented the Board with a potential forty acre expansion in Corral Bluffs. This presentation included a map of where the parcel is amongst Open Space Candidate Areas; a closer look of the parcel in regards to the area around it; details of the acquisition; a picture of the structure on the parcel; and finally, an aerial view of the parcel.

[Link to PowerPoint presentation](#)

Board member Carol Beckman mentioned that we have the obligation of the \$3,000,000 for Phase II of the Pikeview buffer properties and wanted to confirm that there will be enough funding for that with this acquisition. Britt responded that once this acquisition is completed, there is still \$2,000,000 in the account, and in the coming year, we would have to generate the additional \$887,000 to complete the Phase II payment, and then the 5% transaction fee. If this happens faster in the year, it saves money on the transaction fee. Britt said we have until December 31, 2021 to come up with these funds and Britt feels confident that TOPS will be able to generate this money. Carol's next question was in regards to plans for public access to Corral Bluffs and the connection properties, along with an overall master plan. Britt answered that once the connection properties were acquired, we could begin to think of Corral Bluffs and Jimmy Camp Creek as one area. Now that we have acquired them, baseline studies of the properties can. While some of these studies have already begun, Britt thinks it would be best to have them completed ahead of the master planning process. These efforts include habitat studies, archaeological studies, and paleontological studies. Bill Koerner, a member of the Corral Bluffs Alliance, encouraged Britt in previous TOPS Working Committee meetings to continue studying the drainage and hydrology of Jimmy Camp Creek in its native form. When the studies are completed ahead of time, it provides better information in advance and will also save money on the master planning process. Given the budget circumstances around the COVID-19 pandemic and the uncertainty about what funding will be available, we did not put any dollars for a master plan into the 2021 budget. Once the studies are done, we could put in a budget request and what we want to achieve from a master plan, and then we can undertake the effort. Once you have a master plan, you still have to think about how to open an area to the public and how to staff the area with what it needs. Britt said this is a three to five year process. Britt said she would like to aim to have public access sometime in 2023 or 2024.

Board Vice Chair David Siegel also commented that he would like to see the public access move forward as well. He said during the site visit, there was mention of an inspection on the septic system of the structure on the study, and asked if that inspection had been done yet. Britt responded that the inspection report was received from the septic inspector. There are minor repairs needed but passed inspection and is in good working condition.

Board member Dr. Daniel Bowan reiterated both Carol and David's comments about public access, as well as a desire to see an actual time frame for a master plan. He added it is helpful to the Board and citizens to see what processes are being put in place, and stated he was disappointed to see this was not part of the 2021 budget. He asked if the baseline studies were happening now, to which Britt responded that they were, and the studies have their own completion dates. Some work could not begin due to being unable to predict the 2021 budget. There is a 3% administrative percentage that Britt has been able to use for these studies, and the Bio Blitz's conducted along with ranger data have been used as data. Britt also reiterated the importance of a drainage study before moving into other studies. Daniel said he supports the purchase of this property, but made a request to see a comprehensive review of the studies taking place, a time frame, and the budget in regards to Corral Bluffs in the next few months.

Board Vice Chair David Siegel said the Parks Advisory Board should not direct staff so much, but be supporting staff through discussions with City Council and the Mayor.

Board Chair Ron Ilgen asked if there are issues with trespassing and vandalism. Britt answered that the most common trespass has come from dirt bikers, persons trying to camp on the property, and some people looking for fossils after the paleontological studies came out about Corral Bluffs. Britt said the ranger team does a great job of monitoring the property. A lot of staff work is required to remove structures on some of the connection properties as well. Ron's next question was if the Denver Museum of Nature and Science gave any direction on what they would like to see as public access. Britt responded that we are not at the point where we have asked them about this, but they are working together on best practices for both research and public access. We are doing our best to support their work. The Museum is very respectful of property rights. Finally, Ron asked if any Native American artifacts had been found in the area. Britt responded yes, and that our archaeologist, Anna Cordova, has found many artifacts in Corral Bluffs.

Susan Davies, Executive Director for TOSC, said her organization supported this acquisition. She did echo the comments regarding public access. She noted that master plan processes do take a lot of time, and with so many projects in the queue, it is important to be patient.

Cory Sutela, Executive Director for Medicine Wheel Trail Advocates, said he thought this acquisition was very reasonable, but also agreed that public access is extremely important.

Motion: To recommend approval of acquisition of approximately forty (40) acres of property identified by tax schedule number 44000 00 505 with approval to expend up to \$478,000 for the property acquisition and transaction costs from the TOPS Open Space Category revenues.

1st – Sarah Bryarly, 2nd – Jason Rupinski, Approved, Unanimously

Parkland Dedication Draft Ordinance (Presented by Karen Palus, Parks, Recreation and Cultural Services Director, and Chris Lieber, Principal at NES Landscape Architects)

Chris Lieber, Principal at NES Landscape Architects, presented the Board with the Parkland Dedication Draft Ordinance. This presentation included the engagement process over the last twenty-six months; the Citywide Parks Level of Service; combined neighborhood park and community park service levels; the purpose of the ordinance; guiding principles established by the task force; policy recommendations; the recommendation of creating a separate park policy; a recommendation to update census data; a recommendation to update parkland dedication standards; benchmark communities that were researched for comparison; benchmark community summaries; the dedication requirement of Front Range communities; a recommendation to update the fee policy; a recommendation for park fees; applicable platting fees; a recommendation for alternative compliance; a recommendation to adopt neighborhood service areas; standards for dedication; a summary of proposed ordinance provisions; a variety of scenarios applying to different household sizes and neighborhoods; and finally, next steps for the ordinance.

[Link to PowerPoint presentation](#)

Board member Carol Beckman said that one of the goals of the Parkland Dedication Ordinance (PLDO) was to maintain a level of service, but if we are decreasing the acreage required to what we need, how is the use of alternative compliance factored in. Chris responded that he believed that the option of alternative compliance be used judiciously and for unique opportunities. In the past, when fees have been collected, those fees have been used to develop or make park improvements. To maintain this level of service, when fees are collected in lieu, then the fees be used to acquire neighborhood parkland. She asked if we took advantage of the alternate compliance, we decrease our level of service. Chris said there will be opportunities to use this, but it should be a small percentage of the overall limitations of the ordinance. Carol then used the example of a downtown apartment being built, so there would seemingly always be fees in lieu. Chris agreed that this is true most of the time, but the Parks Department could collect these fees and decide how to spend those dollars. The benefit of this is that you can aggregate fees and use the money to acquire a neighborhood or community parkland. However these fees can only be used in the area collected, those dollars could be used in a different way. Carol noted that infill projects outside downtown would likely have too small of a park land requirement to provide enough for a park, for example only 2 acres, so infill projects would also provide fees in lieu rather than land. Chris answered that most infill projects do not create enough demand to support a neighborhood park. Carol said overall we are setting the level of service to 5.5, but continue to decrease the level of service as time goes by. Addressing affordability, Carol said developers have to provide the land for and build the roads, provide easements for and install all the utilities, and provide the land for and construct all the storm water structures. The fee in lieu for the value of what is required for parkland is only 0.5% of a median house, and Carol wondered how this affects affordability. Chris answered that the aggregate of all of these fees together, parks being one, impacts affordability. In many ways, the land dedication process over the years has outstripped the Department's ability to build and maintain parks, so the affordability piece also affects the Department. The goals set by the

task force had a larger service-level perspective. Carol responded that this ordinance is not meant to maintain parks. Chris said that as land comes in, the ability to take care of that land, are bigger picture questions that are not part of this ordinance, but are related. Carol said decreasing the amount of land because Park's can't afford it, is trying to address budget issues with the ordinance. In regards to equity and fairness, we have been requiring 7.5 acres per 1,000 residents for fifty years, and Carol didn't understand how it was unfair to continue this. Chris responded that this conversation can be related to the level of service, but assessing equity and service provision helped to establish the neighborhood service areas. When fees are collected, from a fairness perspective, those fees should be implemented into services or into a park. Decreasing the requirement seemed unfair to those who had been paying these fees for years, in Carol's opinion. Chris said that the antithesis of this could be asked as well, why it would be fair for new development to overcompensate. Carol commented that this seems to decrease flexibility for the Department, because we can accept land but our level of service decreases. She asked how this would increase flexibility. Chris said the current ordinance does not codify the flexibility the way the new ordinance does, which lays out a formal process. Current City Code does address private parks, and the new ordinance does not address private parks. Britt Haley provided some examples of times we wanted to acquire land but the current ordinance would not allow. Britt said the best flexibility is that we allow for construction of the park and operations and maintenance of parks, and the proposal permits staff to do this. These new agreements will provide and outline for flexibility as well as consequences. Carol commented that the lack of ability to exercise the option and always accepting parkland, decreases flexibility. Britt answered that we have to understand and prefer the land we accept. While it makes sense to say the money extracted in a place should be spent in that area, there are still nine separate pots of money, how long will it take to acquire the funding we need. Chris responded that while it will take longer for money to aggregate, but the demand for a neighborhood park should be a result of new development in that area. Then that neighborhood's funding will fill up more quickly. Carol then asked about the Parks Advisory Board in the roll of alternate compliance, and thought Parks Board should have a roll in this new ordinance. While Carol trusts current staff and administration, she thinks the Board should be involved in the process because it would be easier for a developer to pressure one or two Parks staff than nine volunteers on the Board, and the Board can provide political cover for staff decisions. Chris said, from a high-level perspective, the Board's responsibility to look at Master Plans would remain the same, so they would still have input. These decisions are typically made administratively, though. Karen Palus said there was a lengthy dialogue around alternative compliance and the agreements and process around alternative compliance are legal for when we choose to take those opportunities. Finally, Carol said regarding the inclusion of requiring perpetual public access in easements and deed restrictions, she had been told that the proposal does not disallow that, and wondered why the requirement of perpetual public access should not be included with the other items already required. Britt responded that it is not accurate to say this is not already included in restrictions, but she would envision that this would stay the same but there could be a binding agreement on both parties that holds to this.

Board member Dr. Daniel Bowan thanked Carol for asking such thorough questions, as it was helpful to the him and the rest of Board. He asked if any changes had been made to the ordinance since the PLDO workshop the previous week. Chris answered that fundamentals remained the same. Daniel responded that this was disappointing, as feedback and suggestions were given that were not addressed. Daniel said one issue he has that there is a downward spiral of the level of service, and by collecting fees in lieu of land, we have decreased our level of service. While he thought the fundamental flaws were mostly addressed, this ordinance is still flawed in accepting fees instead of land. Chris said there needs to be a balance of addressing issues but also flexibility. When looking at budgets, we can address fees that have been collected. Chris said this ordinance is a road map to use those fees to buy parkland so we can uphold the level of service. Daniel argued that this remained a weakness. If we want to address the level of service decreasing each time we take fees, the correct measure would be to clearly state that fees collected in lieu of land should then only go to the acquisition of land, and should not be allow to go towards capital improvements. He reiterated that an agreement or given in PLDO development process was not to use PLDO funds to improve current parks, but to acquire land and build new parks. Lastly, Daniel said that the standard dedication of land going from 7.5 acres to 5.5 acres is also a standard we should not drop. The National Park and Recreation Association's (NRPA) standard is 9.9 acres per 1,000 residents, and we are moving further from that standard. Daniel said as he serves on the Board, he is reminded that General Palmer wanted to advocate for the parks and citizens, and said he would like to see the 17.5 acres as the level of service throughout the entire City. He would like to see the Department revise the current Master Plan to align to the 7.5-acre level of service. He said decreasing by 27% the dedication standard devalues our parks and is a negative move.

Board member Sarah Bryarly reminded the Board how big the issue of PLDO is, and said in the past while working with the Department and serving on the Board, PLDO was used in ways it should not have been used. She thought that Chris, Karen, and their respective work teams had pulled the ordinance back in order to make the ordinance full again and use the ordinance for what it is intended for. Sarah said the larger problem is how we fund our parks from a construction and maintenance aspect, and while no one is disputing this, this process brings to light how big that gap is and this ordinance is not intended to fill that gap as it has in the past. She added the ability to use alternative compliance benefits the City tremendously, and could provide examples of how it helps, particular with acquiring trail corridors to already established parks within the two-mile radius. Continuing to do the administrative review helps streamline the process. We cannot bog down the Board with review of every single PLDO issue. When staff meet with developers, the meetings can go on for months to refine the needs of the Department and how a developer can fulfill those needs. Sarah could not recall a time that a developer has not been working with the Department, and the final PLDO products typically always benefit the public. Sarah said we should look holistically at the parks throughout the entire City, not just neighborhood and pocket parks, and we are above the standard. The standards may change around neighborhood parks, but we will always remain serving the community at a high level. Karen Palus emphasized what Sarah said, and said the 9.5 standard from NRPA is from organizations reporting all parkland per 1,000. By the same standards,

Colorado Springs exceeds that at almost 37 acres per 1,000. Board member Dr. Bowan responded that the clarification was good, but our demographic cannot just serve the hikers and bikers, but we need to serve the demographic of people who enjoy neighborhood parks and their amenities.

Board Vice Chair David Siegel said, candidly, he had been very skeptical of the approach and changes to PLDO. However, he is comfortable with this new ordinance. He said this was a tough issue, as it is capturing PLDO in a vacuum, and PLDO only works when we fund the Department at a reasonable level. Looking at this without a comprehensive parks funding mechanism, simply treats a symptom of a much larger issue. One way David's thinking changed as this process went on, was realizing that level of service does not equate to quality of service, and by decreasing the acreage of service, we can provide higher quality service in other ways. Additional acres cost more to maintain. As we look at infill and becoming a more welcoming City for young professionals, the big expansive field of bluegrass is not necessarily the direction we need to move to. He is disappointed that the level of service is decreasing. David is concerned that amassing fees in lieu and waiting to purchase land will likely continue to decrease the level of service standard because the purchasing power of fees paid in 2020 will decrease as the City holds those funds to purchase future Parkland." We should always accept land when we can. David said this was a fair compromise for PLDO, as we had used it for things it should not have been used for, and we are paying for it now. The development community agreed throughout the process that there needs to be a comprehensive look at development fees and long-term park funding.

Board member Greg Thornton agreed with David's points about long-term funding. Greg is disappointed about the decrease in acreage, and agreed with Daniel, that the Department should strive for a high level of service. He stated that most development is out East, and that there should be more parkland out there instead of having to drive twenty miles west to enjoy open space. He felt that his responsibility as a Board member would be to make parkland the main priority of the Board.

Board member Jason Rupinski thanked everyone who was a part of this process, and thanked the Board member for their thoughtful conversation. He thought it would be misguided to accept this plan. There are unintended consequences and flaws that have been brought up over the course of several months, which have not been addressed. He said he believes our City can do better than this ordinance.

Board Chair Ron Ilgen stated PLDO is not the tool to use for maintenance, but then asked what tool we can use to address the lack of funding for construction and operations. PLDO is used for a small percentage of acquisitions and acreage, and the ordinance is being held hostage to help solve the previously stated problem. PLDO discussion have brought out the intense feelings about our parks and support for parks in all aspects, not just acquisition. The lack of funding for the Department for maintenance and development of parks remains the biggest issue. Ron encouraged the Board that if a motion to approve is accepted, that it is worded specifically to urge City Council to address the issue of lack of funding and to potentially put together a

Council of people to address the issues of park funding. He finished by saying PLDO will work for the minimal parks it affects, but we have to address funding.

Board member Abby Simpson said while she is still learning the PLDO process, her main concern is the citywide level of service, but keeping money in certain areas of the City. She would want to make sure the money goes towards the areas of town that need these resources, and said it is difficult to look at the level of service Citywide and where money is distributed. Karen Palus responded that, in terms of geographical areas, neighborhood park fees remain in the area of the development. Other portions of these fees go into a community park account. Chris Lieber said the conversation around PLDO had been very informative, but reminded the Board that the ordinance is focused on new residents and new development.

Tim Seibert, Vice President for Nor'Wood Development, served on the PLDO Task Force and appreciated the care that the Board expressed for the parks system and City as a whole, as this related to both. PLDO is on one hand a component of development, and a part of the bigger community. The development industry has taken this very seriously, and has similar concerns. They want to ensure that quality of life as a City is maintained and improved over time with development. One concern of development is where the cost of housing goes and the price of land, so nuances of discussing how acreage is utilized and what is required, affects overall affordability. There is a common goal of how to build a great City, and no one is a winner or loser. He said this ordinance is a good compromise, and addresses the complexity of City building.

Susan Davies, Executive Director for TOSC, stated that her organization does not love the optics of the ordinance, mainly the change in the level of service. She said there is also worry that there will overall be less money, but the platting fee is helpful. One concern is the parts of the City that are underserved, and is happy this ordinance is keeping this in mind. She reminded the Board about the backlog of the parks projects. Her Board's statement read as follows: "TOSC supports the proposed changes to the PLDO. It provides more fairness and flexibility, and TOSC understands that the ordinance was never intended to address the construction or maintenance of new parks. Nevertheless, the overall sustainability of our City parks, trails, and open space and the backlog of unbuilt neighborhood and community parks needs to be addressed. We would ask the Parks Advisory Board and City Council to look at what is being done in benchmark communities, like Aurora, and consider a park development fee for the construction of future local and neighborhood parks and trails in Colorado Springs. And if a task force is created to study these concepts, TOSC would be eager to participate." Susan did not think it would be the best idea to not recommend approval of this ordinance, but they could strengthen their position by adding caveats to the motion. She asked Tim Seibert if the development community would potentially support a park development fee in the future. Tim responded that many members of the development community have been in discussions to understand the needs for park development and sustainable park funding in the long-term. In some ways, this happens in recent developments as metropolitan districts fill the maintenance voids. That being said, the development community could look at how this becomes more equitable. Land is one piece, but capital is the other and this only addresses one component.

Tim said he would be happy to do some research on other communities, and is more than willing to engage in continuing conversation.

Gary Feffer, citizen, stayed on the PLDO Task Force after his term on the Parks Advisory Board ended last July. He said the process was very thoughtful, and there were no winners or losers in PLDO. He said he would recommend the Board pick their fights on issues like this. He added PLDO cannot be kicked down the road any longer, and the Task Force came up with an equitable ordinance on all parts. He said the number one thing he heard from this, was that the development community understands the need for sustainable funding mechanisms for the Department. Gary also heard their willingness to help lead the campaign toward finding this mechanism. He said this was great step toward the larger discussion of Parks funding.

Cory Sutela, Executive Director for Medicine Wheel Trail Advocates, thanked everyone for their involvement on this process and thoughtful comments. His observation is that the reduction of 7.5 to 5.5 acres for level of service definitely does not have great optics, but he understands the purpose. He also said alternative compliance funds not being used for acquisition is troubling as well. We have a choice right now, having a desirable place to live, to continue investing in parkland.

Judith Rice-Jones, citizen, submitted comments in writing ahead of the meeting. Those comments read as follows: "The Trust for Public Land's most recent report on parklands shows we continue to slip in number of acres (with our now 200 sq mile city). Colorado Springs first appeared on the TPL Parkscore list in 2014 in 23rd place (it was a shorter list then). In 2016, TPL enlarged the list to the current largest 100 cities. CS was 44th. Since then we have dropped every year and in 2020 we ranked 53rd. Denver and Aurora (the other two Colorado cities to rank in the largest 100) were 22nd and 24th respectively. From the Palmer era well past WW I, we were known as "*City of Parks*." Ironic that as we prepare for our 150th anniversary in a city founded by an admirer of parks and creator and donor of so many, that we choose to lessen, by as much as 25%, the requirement for parkland. Beyond local issues, nationally there is a concern about getting children to green spaces for fresh air and movement and away from technology. The Trust for Public Land has made the recommendation of public green space within a ten-minute walk for all young people. Ironic also that NES bases the proposed revision on reduction in size of families while at the same time, the houses being built for these smaller families are growing in size (and footprint). *Last Child in the Woods: Saving Our Children from Nature-Deficit Disorder* by Richard Louv, 2008, has generated a large following with more supportive research on the importance of these spaces in an increasingly screen-addicted world which in our country has led to a steady increase in obesity, especially among our youngest citizens. Not directly related to the PLDO, but connected, is our substantial tree deficit. Thanks to the ongoing generosity of Lyda Hill, a survey of our urban canopy put the number of trees at 17% of potential tree canopy which helps explain the rise in the heat island effect which has the SE portion of our city an average of 8 degrees warmer than the rest of the city (see CC students presentation to City Council) due to the tree deficit and a large number of major and minor

arterials. In the past, there were numerous funds for trees, especially street trees. One of these required developers to pay for a certificate (around \$75, I believe) which the new homeowner could match or augment to purchase a street tree. Sadly, not everyone wants a street tree the fund built over the years as developers would NOT agree that the funds could be used at adjacent parks or green corridors. Developers complained that money they had advanced (with restrictions) was sitting, unused, in an account. Had the money been released to adjacent neighborhood or regional parks, trails, which developers would NOT support.... our tree deficit would doubtless be less than it is today. As a longtime resident, former Parks Board member and chair, tree advocate, TPL member, I am greatly disappointed in the proposed changes to the Parkland Dedication Ordinance, especially coming in a year when we are preparing for our 150th anniversary celebrating our generous city founder, parks donor and nationally known tree advocate. Palmer and J. Sterling Morton, founder of Arbor Day, created the first International Society of Arboriculture. In comparison with other Front Range cities, our PLDO was not excessive. Other than correcting the census data, I see no justification for lessening the requirement when research increasingly shows the importance of parks to health, climate, real estate values, community identity and more. Thanks for your consideration of my concerns."

Board member Dr. Daniel Bowan said his comments were his personal views, and thanked everyone for the great conversation around PLDO. He reiterated that this is their time for action now, and not what could happen down the road. A 27% reduction in parkland dedication is not a good choice.

Board member Carol Beckman entertained the idea of two separate motions – one regarding PLDO and one regarding forming a committee to focus on sustainable funding for parks to be overseen by City Council.

Motion: Move to recommend the draft parkland dedication ordinance and criteria manual updates to City Council, with the exception of the reduction in required acreage, and to recommend keeping the required acreage at 7.5 acres per 1,000 residents.

1st – Carol Beckman, 2nd – Greg Thornton

Board member Sarah Bryarly said she was concerned with the change to the proposed ordinance to keep the required acreage at 7.5 instead of the proposed change of 5.5. She said this issue had been discussed, and not updating it unravels both the ordinance and the two years of work by the Task Force to come up with this new draft. Board Vice Chair David Siegel agreed with this. He said while he supports the 7.5 acres in principle, the level of service will continue to erode. Chris Lieber said this could bring challenges. One challenge is that case law was discussed early on about the level of service and service provided, and the 5.5 is a much stronger place to be. The other challenge is that the different level of service changes land dedication and a significant jump in fees applied to each new building and new resident. Fees in lieu have to be equivalent to the level of service, and this would raise them in a ripple effect. Karen Palus added that we have had twenty years of maintaining this level of service at 5.5. In

2014, the community process and conversation proved that the level of service to community and neighborhood parks was still in the 5.5 range. Legally, Karen is unsure if we can continue to over extract following the rational nexus, which we have to follow per legal counsel.

Board member Greg Thornton said Chris has mentioned there being more land, but the service level had not decreased. He was asking for clarification that if we move from 7.5 acres to 5.5, we decrease the level of service but still have more land. Chris responded that the TOPS Program has resolved the big change that has happened in a way the service level has increased overall. Some of the conversation during the task force pertained to the level of service meaning just providing the land, or a complete park, and at what point the citizens get the value of that land. Without the rational nexus, we could set the standard at whatever we want, but without the resources to deliver a park, the land does not matter as much.

Board member Carol Beckman asked Board Vice Chair David Siegel, because he had indicated that the proposed ordinance has issues, but 7.5 acres versus 5.5 acres would not improve it, what he thought would improve the proposed ordinance. David responded that he does not know a true fix, but the secondary motion of a study about a sustainable parks funding mechanism is a great step to finding a solution. He said he could accept the small loss of the PLDO ordinance update to continue to fight toward the issue of sustainable funding. He did not want to end this process over addressing the acreage level of service, which to him was not the deep systemic issue. Carol answered that she understood the reasoning for changes, but she could not see the compromise where the Department would win with this ordinance. David agreed her questions were fair, but stated one win would be the schedule of appraising land value, which will help capture fees closer to what they are, and the additional platting fees. She understood the change in the numbers has a rippled effect, but she did not want to be locked into the 27% decrease in land for the next number of years before this is revised again. Britt Haley responded that the wins for Parks do not seem as good as we had hoped for at first glance, but she noted a few very important pieces for staff. First, the piece that Vice Chair Siegel mentioned about the appraisal process. Britt has received fees in lieu from real estate values from 2007, which does not work now. She is competing against the market with these appraisals. Another aspect of the new ordinance is the legal exposure. There is a Constitutional requirement; both from the State constitution and the United States Constitution that states you cannot take people's private property for public use without just compensation. This connects to us because if we take these properties for park sites, we can match it to the rational nexus of putting a park on the ground that is equal to the level of service. Our level of service on the ground is closer to 5.5, even though we have had the extraction of private property for public use at the value of 7.5. There are many patient people who have not sued the Department, but this is an exposure that has to be fixed. Britt would argue that we could take some incremental wins and continue working on PLDO, but she is fearful about keeping intrinsic problems with the ordinance in place so there are wins for the Department. She added that the platting piece was a huge step forward for the Department, as we usually buy unplatted land.

Board member Greg Thornton said this discussion reminded him of a Maya Angelou quote, along the lines of "if someone shows you their true colors, believe them." He said if supporters are saying the optics look bad, we should believe them.

Board Chair Ron Ilgen asked for an explanation of rough proportionality, which is in the write-up for the motion. Ron asked if he would be correct in assuming the change to a 7.5 level of service would affect land value, and essentially affordable housing. Britt commented that there is a long line of US Supreme Court cases that look at an unconstitutional taking of parkland development fees. Ultimately, they decided you do not need mathematical certainty when it comes to a new resident to exact acres, but you need rough proportionality. As long as the City can provide the right justification, like the Parks System Master Plan, then most likely you have met the rough proportionality and rational nexus for the number of acres per number of residents. Rough proportionality is essentially deciding if what is being asked for is reasonable or too much. Chris Lieber elaborated on the affordable housing ramification. It is easy to say that the park fee is a small piece of the affordability issue, but collectively, all of the fees need to be looked at and scrutinized when it comes to affordable housing. In reality, when looking at income levels, and then what that value allows for a mortgage, these become hard thresholds. Small incremental changes make big differences, and the Task Force spent a good deal of time discussing this.

Board member Dr. Daniel Bowan noted he could form a better opinion if he had legal counsel, and said if this is what was driving the reduction of acres, then he would like to hear from a lawyer. Britt responded that we have been advised in the past by the City Attorney's Office that this needed to be addressed. City Attorney Lisa O'Boyle or someone from the City Attorney Office could speak to the Board, but City Attorney Wynetta Massey was also on the Task Force and helped develop the ordinance and provisions. From a legal standpoint, this has been worked on. Daniel asked if the community wanted to increase the level of service, would that be possible to strive for a higher number, legally. Britt said she has thought this through, and suspects what would need to be done is to have a program and policy where we focus on additional parkland acres for the neighborhood and community parks that serve our community, and developing out these parks and being able to operate and maintain these parks. Therefore, we could bring the level of service up, and make a justification to the courts that we maintain a certain level of service. The TOPS Program is one way to do this, however, it is not written in this way currently. The discussion of a commission to study parks funding is another way to prove a higher level of service. She agreed this is a good topic for further discussion, as level of service is not set in concrete. Karen Palus shared that the level of service could be adjusted in a Park System Master Plan with each evaluation period, and essentially the Master Plan recommendation was to take the level of service and align it to the new ordinance. When the numbers are readjusted with master plan processes, then they are recommended to align with the ordinance.

Peter Wysocki, Planning and Community Development Manager, elaborated on rough proportionality and rational nexus. Peter use the example of an adopted City standard of a developer building a two-lane road to address impacts by the development, we can't ask them

to build a four-lane road to explain rough proportionality. The level of improvement or exaction from the City has to be proportionate to the impacts warranted by the development. In the case of parks, PLDO is for new development to mitigate its impacts on the park system, not to rectify shortfalls of funding of other parks. With planning, there is a foundational policy document, and planners rely on comprehensive plans, which set the tone for ordinances. The Parks Department relies on their Master Plan, to create ordinances. To expect a higher level of standard to be provided by new development, we have to address those documents first. We can debate the adequacy of the level of service, but it is what we adopt in these documents to be more legally defensible. He added that this ordinance addresses many critical points that can be implemented.

Motion Restated: Move to recommend the draft parkland dedication ordinance and criteria manual updates to City Council, with the exception of the reduction in required acreage, and to recommend keeping the required acreage at 7.5 acres per 1,000 residents.

1st – Carol Beckman, 2nd – Greg Thornton, Passed, 5 to 4.

Board member Carol Beckman resumed the conversation surrounding a potential motion to urge City Council to take up issues of parks development fees and long-term, sustainable parks funding, potentially in the form of a Task Force or committee. Board Chair Ron Ilgen encouraged this motion to provide substance of what they would want this Committee to do. Susan Davies, Executive Director for TOSC, commented that it is helpful to create a timeline for City Council, for example, a study to report back within a period of twelve to eighteen months to include appropriate parties. Susan offered for her organization to spearhead this effort. Ron asked staff if this would be best as an option or potentially a letter of support. Karen Palus responded that a recommendation is fine, since it is not an actionable master plan and this is appropriate to propose. Britt verified it is appropriate.

Board member Dr. Daniel Bowan expressed disappointment that the parks infrastructure analysis presentation had been pushed back, as he felt that document would be critical in presenting to City Council about the need for sustainable funding. Karen Palus responded she was disappointed as well, but that Kurt Schroeder is working diligently with the consultant so we can have a dialogue around this conversation.

Motion: Move to strongly urge City Council, regardless of their decision on the PLDO updates, to take up the issues of a park development fee and sustainable parks funding, and form a committee to include parks staff, TOSC, City Council members, development community representatives, and other appropriate representatives, to consider the above issues and report back to City Council in twelve (12) months.

Board Vice Chair David Siegel suggested that this would be a working group similar to the Protect Our Parks (POPS) working group, rather than a formal committee. Board member Carol Beckman agreed that as long as it has the same understanding, it could be a task force. David said he would be comfortable with the phrase "committee." Britt Haley said City Council will get the gist, and staff can help educate on any questions.

Board member Sarah Bryarly asked if it was possible to remove the phrase "development fees" and leave the overall discussion to be overall funding, and the committee can discuss what that means. Sarah feared the term "development fee" has negative connotations behind it and may turn people away from having formative conversations if the price of housing goes up. Board member Carol Beckman responded that Susan Davies had stated hearing support for a potential park development fee from the development stakeholders. Karen Palus said from conversations during the task force with members of the development community, they were not interested in the parks development fee, but they are interested in sustainable funding and are willing to be supportive of that effort in other ways. Susan Davies responded that she had heard diverse opinions on the idea of a development fee, and while it makes sense to some, it may not fit in this motion. Susan encouraged that the task force would look at other tools for sustainable funding.

Motion Restated: Move to strongly recommend to City Council, regardless of their decision on the PLDO updates, to immediately address the issues of sustainable parks funding and form a committee, task force, or whatever group City Council finds appropriate, to evaluate various options for sustainable park funding and report to City Council within twelve (12) months.

1st – Carol Beckman, 2nd – David Siegel, Approved, Unanimously

Board member Sarah Bryarly asked Karen Palus if twelve months seems feasible to report to City Council. Karen responded that it depends on what is the goal being accomplished. If we want to move forward with something in April, we would need that information ready to roll in the next few months. Depending on the proposal, and what else needs to happen, it could change the timeline. Karen said she thinks twelve months would work, though. Sarah noted that she did not want to pin anything on the Department that could not be managed, but Karen said it would depend on the recommendation in January for the April ballot. Sarah then asked if it would be helpful to have someone from the City Attorney Office to look at the first motion regarding the PLDO updates and the legal ramifications. Karen said that she would recommend an executive session, and Board Chair Ron Ilgen said he would be open to this and would consider it for the December meeting. Board member Dr. Daniel Bowan asked if the proposed motion would still move forward to the planning commission. Karen Palus responded that original recommendation from stakeholders will move to the planning commission, as well as the separate recommendation from the Parks Advisory Board.

Presentation Items

Urban Forest Management Plan (Presented by Dennis Will, City Forester)

Dennis Will, City Forester, presented the Board with the Urban Forest Management Plan. This presentation included City Forestry's mission statement; City Code establishing City Forestry obligations; the purpose of the management plan; benchmarking; urban forest management plan goals; a glance at what we already have; strategies and scenarios to achieve the plan; steps

to achieve this; key issues; key findings; recommendations; and finally, a photo of the Forestry crew.

[Link to PowerPoint presentation](#)

Cemetery Enterprise Update (Presented by Kim King, Recreation and Administration Manager)

Kim King, Recreation and Administration Manager, presented the Board with the Cemetery Enterprise Update. This presentation included logistics about Evergreen and Fairview cemeteries; service levels; revenues versus expenditures; endowments; cemetery updates; and finally, plans for 2021.

[Link to PowerPoint presentation](#)

Staff Reports

Karen Palus, Parks, Recreation, and Cultural Services Director, gave the following Covid-19 update:

- The county is moving to Safer at Home Level 3.
- We are monitoring events and programs, and adjusting for appropriate numbers.
- We are making reductions on programming at community centers depending on schools.
- Currently we are keeping playgrounds open and not closing any parks or trails.
- Board Vice Chair David Siegel asked Kim King about the occupancy at the City Auditorium, which is an isolation shelter. Kim answered that the numbers were between ten and fifteen occupants on a given day, and occupants are a mix between positive tests and those still waiting for test results. There can be an occupancy of seventy-five.
- Board Chair Ron Ilgen asked the impact to staff. Karen said we are dialing back on the number of folks who can be in an office at one time, and monitoring employees.

Kelly Rajab, Analyst II, gave the following Budget 2021 update:

- Kelly presented the Board with the 2021 budget overview. This presentation included where to find the budget online and sections of interest; a breakdown of divisions; all funds position history; a graph to show 2021 total funding; information about additional General Fund support; 2021 division funding; 2021 Capital Improvement Program (CIP) funding; and finally, 2021 Department priorities and significant changes.
- Board Chair Ron Ilgen asked for clarification on the ballfield fund. Kelly answered that player's fees are collected, and for all years up to and including 2019, were used to pay the certificate of participation for Skyview Sports Complex. Funds going forward will be used for maintenance on ballfield complexes.

- At the budget markup session, City Council requested \$200,000 be added to the Forestry budget to plant and care for new trees planted in celebration of the upcoming Sesquicentennial, as well as the tree inventory study.
- Susan Davies, Executive Director for TOSC, asked where the \$200,000 for City Council was from. Kelly responded that it was an additional amount of money from the General Fund. Susan then recalled that back in the day, when parks support from the general fund was five to seven percent normally, parks were doing well. Susan asked if Kelly knew what our general fund support was, and if it was close to that five to seven percent. Kelly said she was not sure exactly what that five to seven percent encompassed. Board member Dr. Daniel Bowan had the same question, about Park's percentage of funding from the General Fund. Kelly said she could get this information. Carol read previous Parks' percentages of the general fund, ranging from 8.4% in 2008 to 4.3% in 2021.
- Carol noted that in 2017, the City changed accounting for utilities, notably water, and the amount for water seems to add about one percentage point to the amount from the general fund.
- Board Chair Ron Ilgen asked where the \$13,800,000 needed to complete the Summit House project on Pikes Peak – America's Mountain will come from. Kelly answered that this funding will come from a variety of places, including private donations and highway toll fees. Karen Palus added that some money will come from the fund balance, as well as granting sources.

Scott Abbott, Regional Parks Supervisor, gave the following E-Bike Policy Process update:

- Scott said the e-bike discussion with stakeholders went well. Scott shouted out Medicine Wheel Trail Advocates for helping guide this conversation with data from a survey they had done earlier in the year.
- Common themes have been put into a survey that is now out to the public with over a thousand responses thus far. Scott says there is a general split, and the survey will run until November 20. After this, they will dig into the data and hopefully create a report for the Board.
- David asked for clarification on some of the themes. Scott explained the intentions behind the survey, and the survey has a scaling of "strongly agree" to "strongly disagree" through a variety of categories.
- Susan Davies, Executive Director for TOSC, read her Board's resolution: "TOSC is requesting a separate classification for e-bikes, a phased-in approach, citizen review of pilot programs and impacts, education, and improved signage. TOSC also urges regional collaboration between Parks Departments to achieve standardized rules surrounding e-bikes and their uses."
- Cory Sutela, Executive Director for Medicine Wheel Trail Advocates, thanked Scott and staff for their help with this conversation. He said the position of Medicine Wheel is to continue to regulate e-bikes as a separate class and not lump them in with regular biking. Medicine Wheel also believes this should be a phased approach, and provide a

mechanism for monitoring e-bikes on single-track trails so we can adapt as things change.

- Jennifer Peterson, Executive Director for RMFI, mentioned a previous e-bike survey that had been done by a private company in Garden of the Gods, and asked if we had, any data collected from that. Scott said he would speak to John Stark, Manager of the Garden of the Gods. Scott said there was not a lot of observed change as far as impacts to trails were concerned.
- Board member Carol Beckman asked Scott what Colorado Parks and Wildlife has experienced with electric bikes in state parks. Scott said he had not spoken with them recently, but in previous conversations, no real problems had been reported.
- Board member Dr. Daniel Bowan said he liked our current e-bike policy, and thought the City had already done a good job with the current policy.

Karen Palus, Parks, Recreation and Cultural Services Director, gave the following accreditation update:

- Karen thanked the Board for all of their support in our accreditation process. We were officially informed of our accreditation and will have a celebration item for the Board coming soon.
- Both Board Chair Ron Ilgen and Board member Dr. Daniel Bowan extend congratulations to the Board, and stated the City was thankful to Karen for her effort of moving this forward.

Karen Palus, Parks, Recreation, and Cultural Services Director, gave the following election update:

- 2A passing potentially gives some more funds to Forestry. We are still in the hole about a million dollars from the General Fund, and this will carry into 2021. There will be another budget markup following this meeting.

Board Business

TOPS Working Committee Alternate Member Appointment (Presented by Britt Haley, Design and Development Manager)

Due to one of the current TOPS Working Committee Alternate member's resignation, a vacancy must be filled. Britt has chosen Jeff Davis from her previous applicant pool to fill this vacancy. Britt commented that he lives in a part of the City with no TOPS Working Committee representation, and believes that will add value to the Committee. Board Chair Ron Ilgen commented on Jeff's commitment to the outdoors. Board Vice Chair David Siegel reiterated his stance from previous meetings that the TOPS committee in particular needs to better reflect the racial diversity of our community and encouraged Britt to strive for better representation.

Motion: To approve the appointment of Jeffrey Davis to the TOPS Working Committee as an Alternate Member as presented.

1st – Carol Beckman, 2nd – Sarah Bryarly, Passes, 6 to 1.

Kim King, Recreation and Administration Manager, asked for a volunteer from the Parks Advisory Board to be a Board Presentative for the Request for Proposal (RFP) process for the Westside Community Center. Both Board Vice Chair David Siegel and Board member Carol Beckman volunteered.

Carol Beckman – Carol asked Britt Haley about the Shooks Run and the railroad bridges, and the preferred option was selected. She asked Britt what this connection would look like. Britt responded that they are getting ready to go public with better drawings that show this conceptually, but she would try to send these drawings to Carol. The hope was to go from where Shooks Run ends now and go under the railroad, and connect over to Camper's Village, and this is the alignment that is being shown. Carol then asked about Roy Chaney, Manitou Springs Deputy City Administrator, addressing Manitou Springs City Council saying that next spring and summer, afternoon access to the Incline would be reduced or eliminated. Kurt Schroeder answered this is not being discussed in the weekly meetings with Manitou officials. Kurt believed this was misinterpreted and is not something being discussed as of now. Carol responded that this was said during a presentation on Manitou's Transportation Plan. Kurt asked if this was said definitively, which Carol responded yes. Kurt said he would follow up on this. Finally, Carol informed the Board about Dennis Will's presentation about Forest Management in Open Spaces at the TOPS Working Committee meeting.

David Siegel – David said there would be a LART meeting this afternoon. Ballot initiative 2A was very helpful. The LART Committee will be reviewing applications for new members. David also said an artist approached the Public Art Commission and is interested in donating a bronze sculpture for placement in Bancroft Park. David said this will probably require a minor masterplan amendment

Sarah Bryarly - Sarah said the Incline Friends are selling Christmas ornaments, and shared the same concerns as Carol. She said Emily Duncan, Trail Development Coordinator, would be following up.

Adjournment

Motion: Move to adjourn the Parks, Recreation and Cultural Services Advisory Board meeting at 1:49 p.m.

1st – David Siegel, 2nd – Greg Thornton, Approved, Unanimously