



**TOPS Working Committee Meeting
Meeting Minutes
Wednesday, December 5, 2018**

Members Present: Jason Alwine, Lee Milner, Blaze Panariso, Jim Klever, Joe Lavorini, Nancy Hobbs, Jeff Mohrmann

Alternate Present: Paula Krantz

Members Absent: Bob Falcone, Lily Weissgold

Parks Board Liaisons Present: Carol Beckman, Mina Liebert, Jason Rupinski

Parks Board Liaisons Absent: N/A

Staff Present: Britt Haley, Kurt Schroeder, Kim King, Anna White, Christi Mehew, David Deitemeyer

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Jason Alwine brought the meeting to order at 7:35 a.m.

Agenda Preview Committee Chair Jason Alwine announced the agenda for the meeting.

Announcements

Britt Haley, TOPS Program Manager

- Britt Haley announced that the day prior to the meeting, City Council had trained and recognized volunteers who sit on advisory boards. Multiple advisory boards had asked Council to allow the option for Alternate members of advisory boards to be able to attend executive sessions and have the ability to vote if there were circumstances that a quorum was not present. These changes were implemented and now an alternate may be part of an executive session so long as they sign a Non-Disclosure Agreement (NDA). That morning, Brit modified an existing NDA that alternate Paula Krantz signed.
- Also coming out of the prior day's Council session is that there will be Youth Liaisons participating like board members on many boards and commissions throughout the season. The TOPS Working Committee will be receiving three high school students as Youth Liaisons to attend meetings as they can within their school schedules.
- The other announcement was an update by request of a TOPS Working Committee member on the status of a trail project in consideration with the Burlington Northern Santa Fe Railroad [BNSF] to allow Park staff options on the South Shooks Run crossing. Britt displayed a picture of where the trail at South Shooks Run ends, and explained the difficulty of finishing that trail to connect the Legacy Loop. She had tried a memo option with BSNF for the lowest cost option of finishing the trail, which would be to get them to agree that we could build underneath the bridge. The railroad is uncomfortable with

those options for a variety of reasons, mostly due to liability but also the structural integrity of the bridge. Britt then read the response from BNSF to a letter Brit had drafted with the City Attorney's Office stating that the City would accept full liability and construction and maintenance costs on the bridge. The theory was based on our highway underpasses, where BNSF has railroad track as well. The offer was not accepted by BSNF, and responded that a "shoo-fly" is the preferred design option. The railroad also responded that a potential underpass could be considered in the future under the condition it would be built by boring, but would have to have an impact study about how the City would minimize any impact to the railroad settling and provide plans for mitigating any settling that could occur. Britt stated she had been hesitant to spend any money on the geotechnical studies required for boring until she had received a final answer. She also stated she would continue to explore the original underpass option with the railroad as time continued, adding that "we are patient." She did continue that she is changing gears and willing to spend the money that was already allocated within our FHU Contract to understand the geotechnical aspects of boring. She played a time-lapse video of a bore done for a 70 foot tunnel in Fort Collins on the Fossil Creek underpass. Britt also explained some of the aspects of this build in comparison to what our build could potentially look like. She detailed some of the additional challenges that would be faced by staff in boring. One challenge was the property to the north of the bridge which is currently owned by the Lane Foundation, formerly known as the Doxie Property that we are seeking appropriate easements for. This property is being purchased by Concrete Couch, who is taking on the task of removing a current homeless camp. If the Royer Street crossing were to be closed, Britt stated that she had a feeling most people crossing would be unmotivated to follow detours. Britt argued a safer option would be the bridge underpass, especially if the City were to assume the liability. On the South side of the property, the Las Vegas Street and another property owned by the Lane Foundation, provides challenges. The Lane Foundation is selling this property to a third party who has offered a 50 foot trail easement, which will not work for this build due to multiple surrounding factors. The Doxie property has a lot of buried landfill and concrete buried. The geotech study would be started on that side of the property, which we could do right away through a right of entry we have. However, doing a geotechnical study on an embankment requires a permit through BNSF which can take 4 to 6 months to obtain for doing a bore. The bore used for this project would be a hand bore, instead of machinery. The geotechnical firm selected by the Parks Department would also have to enter into this permit with the railroad. This will give us the basic information to analyze the efforts we need to evaluate the bore and substantiate with the railroad how we could protect the railroad from settlement, a timeline, etc. In referring back to the Fossil Creek Bore, Britt detailed that there had been more room between the top of the bore and the railroad than we would have in finishing this trail connection. Our soil conditions are also less stable than the ones in the video as well. The railroad track settling in Fossil Creek was more substantial than initially estimated, which is a concern for the railroad company, which is why BNSF shares similar concerns with our bore. We would need an engineering approach that could allow the bore to come through while supporting the railroad. The cost of this project is estimated to be \$3,200,000, however with the timeline this project could take, costs could change. Britt

then opened up the floor for discussion and questions.

- Committee Member Nancy Hobbs asked what would happen to the old hole if a new bore was created. She asked if it would be closed. Britt replied that it is a railroad right-of-way on BNSF's property, which is a private property, so she did not know what they would do. They had not expressed interest in closing the creek area.
- Committee member Joe Lavorini wanted to confirm if Britt was still planning to pursue the underpass option, to which she replied yes to and that she would stay persistent. His next question was if the difference between the current underpass and the new location (the bore) was the proximity to the creek. Britt responded that the new location would be 100-150 feet west of the creek. Capital Projects Manager Steve Bodette clarified that this would be near the alley on East Las Vegas. Joe asked if the reason the underpass was not an option was because of its proximity to the creek. Britt stated that the underpass was not an option due to BNSF's concerns from a structural standpoint and it being private property.
- Committee member Lee Milner thanked Britt for her continued persistence on this effort with the railroad. Lee presented some background information, including that the Royer Street closure will be potentially be done in May 2020. The original crossing would be closed and a new one opened. He also stated that a drainage study done showed that the hundred year flood is 6,000-8,000 cubic feet per second. The current bore would have to carry people, and when we have such a flood, there is a lot of liability. The advantage of the new jack and bore gives the advantage of a better trail connection, rather than the Royer Street crossing. Lee stated that in previous years, former Design and Development Manager Chris Lieber had hoped the area called "Camper's Village" would be used as a detention pond for the runoff from the creek. Britt replied that there had been storm water evaluations, but that was not likely going to happen within the department's power. Britt said we needed to analyze our geotechnical study results, which will inform a timeline. She then went on to clarify that even if everything went successful in the study, finding the budget to fund this project would not come from TOPS money. Help would be needed by other funding in the transportation fields, but that there were other departments in the City that could be worked with to benefit each other and coordinate to save on costs.
- Committee member Joe Lavorini asked if the 50 foot conservation easement would be a challenge because of construction stipulations or an overall future issue. Britt stated this would be a trail corridor easement to build the trail from the south portion of where the bore would come out across the Camper's Village property. 50 feet is a standard trail easement in an "easy" area, but this area is not considered to be "easy." She is appreciative of the easement, though it will be difficult to construct for optimal trail alignment due to creek, underground utilities, and mature trees. She suspected as these new owners realized the property is difficult to build on further trails can occur. She is expecting a positive relationship.

Approval of Minutes – November 7, 2018

Motion: To approve the minutes of the November 7, 2018 TOPS Working Committee meeting.
1st – Blaze Panariso, 2nd – Nancy Hobbs, Approved, Unanimous

Citizen Discussion

Bill Koerner, Corral Bluffs Alliance

- Bill stated that Colorado Springs Utilities had begun to consider selling properties they own originally intended to be the reservoir before the planned reservoir was moved. CSU owns a number of these parcels in the Corral Bluffs area of interest. Bill suggested that now was an opportune time for the TOPS Working Committee to express interest in these properties. In 2011, he helped develop an application with the Trails and Open Space Coalition to acquire these properties. According to an article in the Colorado Springs Independent, the Parks would have the first choice in acquiring these properties, though Bill did not know if this would hold through. He wanted to see some indication from the Committee that they would be interested in acquiring at least some of the properties. He detailed one 40 acre property in particular. He invited the Committee to join in some guided hikes near these properties. Britt responded that she had been in discussions with CSU in consideration to some of these properties.

Susan Davies, Trails and Open Space Coalition (TOSC) Executive Director

- Susan gave a positive review of the "Full Moon Hike" that the Garden of the Gods Foundation and Friends of Garden of the Gods hosted on Black Friday. She mentioned that over half of the 3,000 participants were not Colorado Springs locals, but that many people felt an "appetite" for similar experiences. She said most of the participants stated that they enjoyed being the park and night and encouraged the Committee to continue to connect more people with the resources surrounding them. She also invited everyone to attend "Bikes and Brews" at the Old Towne Bike Shop that evening, which would be going from 6 to 8 p.m.

Shanti Toll, Friends of Red Rock Canyon

- Shanti began with an apology about some of the dialogue in the last meeting. He informed the Board he had spoken with Scott about the proposal on redrockcanyonopenspace.org, and that he was hoping to reschedule a hike in Red Rock Canyon Open Space with Scott in the future.

Action Items

Rampart Range Road Property Acquisitions (Presented by Britt Haley, TOPS Program Manager)

Two properties that are bounded by the Garden of the Gods Regional Park have become available for acquisition by the Parks, Recreation and Cultural Services Department ("Parks Department"). A 2.54 acre parcel was proposed and accepted as a donation to the City and a 3.34 acre parcel is proposed for a sale. At its November 13, 2018 regular session, City Council approved a donation of property from the Webster family to the Parks Department consisting of 2.54 acres on Rampart Range Road. This property is nearly completely surrounded by the

Garden of the Gods Regional Park. It is adjacent to a parcel that the City purchased in 2015. Additionally, a property owner in that same area approached the Parks Department with another parcel consisting of 3.34 acres on Rampart Range Road with their interest in a sale. City staff in the Real Estate Services Division completed a value finding of \$14,550.00 for the 3.34 acre parcel using the 2015 comparable sale, other comparable sales and a 2018 appraisal conducted for the TOPS Program on a neighboring property.

The City is under contract to acquire the 3.34 acre parcel, contingent on Parks, Recreation and Cultural Services Advisory Board approval, for \$14,550.00 from TOPS Open Space Category revenue to purchase the property. The TOPS Open Space Category would also fund the City's portion of the transaction costs associated with the acquisition such as recording fees, title insurance and similar costs.

Committee Discussion:

Committee member Lee Milner asked the number of other parcels for sale. Britt demonstrated on the map being projected the number of properties, stating that there were quite a few. Lee mentioned he had done a calculation of how many days of open space budget (\$9,100,000) purchasing these parcels would be, and it was equivalent to one day of open space revenue.

Committee member Nancy Hobbs asked if purchasing some of the properties would make the other nearby properties more valuable due to now having protected open space around them. Britt said she would argue that it solidifies our value as a comparable.

Committee member Blaze Panariso stated you couldn't increase the value of a property by adding the availability of utilities. He then added that there wasn't a lot of gain to owning an open space which you bought to build on, but could not. Britt agreed, which makes the Parks Department the only viable buyer for these properties.

Citizen Comment:

Citizen Bill Koerner commented that there had always been a goal to protect the Garden of the Gods mountain backdrop. He said this was a good opportunity, especially by setting our properties as comparables.

Citizen Susan Davies asked if it would make more sense to buy these properties in the parks category as opposed to with open space money. Britt responded that she believed these properties had more open space qualities. Susan's next question was if there was any trail potential, to which Senior Landscape Architect David Deitemeyer responded no. Susan's final comment was that this would be a helpful contribution to the Waldo Canyon Trail Connector planning process.

Motion: Move to recommend approval of an acquisition of approximately 3.34 acres of property identified by tax schedule number 73333-00-003 and approval to expend \$14,550.00

plus the associated transaction costs from TOPS Open Space Category revenues.

1st – Lee Milner, 2nd – Nancy Hobbs, Approval, Unanimous

Citizen Discussion

Closed Executive Session

In accord with the City Charter Art. III, §3-60(d) and the Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a and e), the TOPS Working Committee, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators regarding a land acquisition matter. The Chair shall poll the TOPS Working Committee members, and, upon consent of two-thirds of the members present, may hold a closed executive session. If consent to the closed executive session is not given, the item may be discussed in open session or withdrawn from consideration.

Motion: To enter into a closed executive session.

1st – Nancy Hobbs, 2nd – Jim Klever, Approved, Unanimous

Motion: To end the closed executive session.

1st – Nancy Hobbs, 2nd – Blaze Panariso, Approved, Unanimous

Adjournment

Motion: To adjourn the TOPS Working Committee meeting at 9:54 a.m.

1st – Nancy Hobbs, 2nd – Blaze Panariso, Approved, Unanimous