



**TOPS Working Committee Meeting
Meeting Minutes
Wednesday, October 2, 2019**

Members Present: Joe Lavorini, Lily Weissgold, Blaze Panariso, Nancy Hobbs, Bob Falcone, Lee Milner, Ingrid Richter, Bob Shafer, Paula Krantz

Parks Board Liaisons Present: Greg Thornton

Parks Board Liaisons Absent: Carol Beckman, Jason Rupinski

Youth Ambassadors Present: William White, Jack Keenan

Youth Ambassadors Absent: Emma Hybl

Staff Present: Britt Haley, Kurt Schroeder, Kim King, Christi Mehew, Kelly Rajab

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TOPS Working Committee Vice Chair Joe Lavorini brought the meeting to order at 7:33 a.m.

Agenda Preview Committee Vice Chair Joe Lavorini announced the agenda for the meeting. He stated the item of “Election of Chair and Vice Chair” has been moved and will begin before action items.

Announcements

Britt Haley announced that the prior Chair was out of the country and it’s time to select a new chair and she offered to run the process.

Election of Chair and Vice Chair

Britt Haley, Design & Development Manager/TOPS Program Manager, read a section from the Trails, Open Space and Parks Policies and Procedures Manual that “In October of each year, the Committee shall elect from among its members a Chair and Vice-Chair”. She stated if this was okay with the Committee she would like to start with the election process and then follow with the approval of minutes. Joe Lavorini stated okay.

Britt Haley asked for nominations for Chair of the TOPS Working Committee. Lily Weissgold nominated Joe Lavorini and Bob Falcone 2nd the motion. Britt Haley asked if there were any other nominations. No other nominations were provided.

Motion: Britt Haley called for a vote of those in favor of Joe Lavorini as Chair. Approved 9 – 0, Unanimous

Britt Haley asked for nominations for Vice Chair of the TOPS Working Committee. Joe Lavorini nominated Lily Weissgold and Paula Krantz 2nd the motion. Britt Haley asked if there were any other nominations. No other nominations were provided.

Motion: Britt Haley called for a vote of those in favor of Lily Weissgold for Vice Chair. Approved 9 – 0, Unanimous

Approval of Minutes – September 4, 2019

Motion: To approve the minutes of the September 4, 2019 TOPS Working Committee meeting per correction from Nancy Hobbs to change the name from Britt Haley to Emily Duncan under “Citizen Discussion” in regards to the Rustic Hills neighborhood meeting.

1st – Bob Falcone, 2nd – Nancy Hobbs, Approved, Unanimous

Citizen Discussion

Susan Davies, Trails and Open Space Coalition (TOSC) Executive Director, stated the TABOR retention initiative would be on the November ballot. This initiative includes \$7,000,000 for 10 parks projects. TOSC is talking to several groups that will benefit from this initiative and information is on their website.

Action Items

Jimmy Camp Creek – Prairie Preserve Acquisition (Presented by Britt Haley, Design & Development Manager/TOPS Program Manager)

[Link to PowerPoint presentation on Jimmy Camp Creek and Kettle Creek Greenway](#)

One of the identified priorities of the TOPS Working Committee has been to focus on candidate open space parcels that would link the Corral Bluffs Open Space to the Jimmy Camp Creek Regional Park. Colorado Springs Utilities (CSU) has begun the process to dispose of properties it acquired in the early 2000s for a reservoir project but which are no longer needed by CSU for that purpose. This proposal involves an intra city transfer for appraised value of eleven (11) of those properties to make this vital connection and secure habitat and open space conservation CSU began to evaluate the possible disposal of the Jimmy Camp Creek properties.

The total appraised value of the eleven parcels is \$3,188,000 as shown below.

Property	Appraised Value
APN 53-000-00-315	\$ 175,600
APN 53-000-00-127	\$ 299,000
APN 53-000-00-200	\$ 167,000
APN 53-000-00-141	\$ 581,000
APN 53-000-00-514	\$ 124,500

APN 53-000-00-124	\$ 388,000	In accordance with the requirements of the Procedure Manual for the Acquisition and Disposition of Real Property Interests, CSU through the City's real estate services division invited city departments to purchase the properties and the Parks Department expressed interest. Four (4) of the ten (10) owners with a right-of-first-refusal (ROFR) have elected to exercise their rights to repurchase their properties. The remaining eleven (11)
APN 53-000-00-349	\$ 394,000	
APN 53-000-00-170	\$ 403,000	
APN 53-000-00-515	\$ 396,500	
APN 53-000-00-133	\$ 115,000	
APN 54-000-00-045	\$ 144,500	
Total TOPS Acquisition	\$ 3,188,000	

properties are available for purchase by the TOPS program.

The eleven (11) properties (referred to as "Jimmy Camp Creek Prairie Preserve") offers an outstanding natural area that connects two large existing properties, which would achieve landscape-scale conservation in eastern Colorado Springs. The 295-acre prairie preserve will help link the 876 acres of Corral Bluffs to the 693 acres of Jimmy Camp Creek Regional Park, resulting in the conservation of 1,864 acres of critical prairie habitat, distinctive bluff landforms, a transitional ponderosa pine ecosystem and the associated diverse wildlife habitat.

Acquisition of the 295 acres will require funding of \$3,188,000 plus real estate transaction costs of up to \$2,500 from the TOPS Open Space Category. An additional sum of \$400,000 is being sought for demolition of the unneeded structures on up to five (5) of the eleven (11) properties. However, staff will not expend any of these funds, if approved, until acquisition has been completed, the tenants have vacated the properties and the structures have been fully evaluated. Staff recommends that the \$400,000 for this work be conditioned on the receipt of revenues in excess of projected 2020 revenues. In addition, Parks staff have submitted a request to Great Outdoors Colorado for funding of \$800,000 to support this acquisition. A decision on this grant application will be made by mid-December of this year.

CSU has extended the leases of some of the tenants until June 30, 2020 to enable them to transition to their new locations. This means that Parks will begin to receive revenue through assignment of the lease agreements upon closing. This will provide approximately six months of lease payments under the current lease terms with CSU. If Parks elects to continue the leases, the leases would be evaluated and offered at market value.

TOPS Working Committee member Lee Milner inquired about the gaps that exist between the properties and if any easements or agreements are in place. Britt Haley said there are not any at this time; however, this acquisition gets them significantly closer to their goal of connectivity. Nor'wood Development Group owns the property between the gaps and wants to work with the department in making these connections.

Britt Haley stated the TOPS fund balance as of August 2019 is \$11,457,975, which does not

include revenue we received over the year. Revenue is up 4.36% for the year over what was anticipated.

TOPS Working Committee member Nancy Hobbs asked if there is information about how much has been spent in the different regions of Colorado Springs over the life of the tax. Britt Haley replied that it has been broken down by quadrants; however, it has not been updated and she would like this information. Britt Haley asked Kelly Rajab to help her remember and provide this information to the Committee.

TOPS Working Committee member Lee Milner asked what the fund balance would be after the Cheyenne Mountain State Park (CMSP) acquisition has closed. Britt Haley replied that the CMSP acquisition consists of two properties. One property had an appraised value of \$292,000 with a demolition price of \$100,000. The other property has an appraised value of \$892,000 and the property owner does not want to close until after January 1, 2020 for tax purposes. You would be left with a fund balance of \$11,650,975 after prior approval which goes on to City Council next week, because there would be only one expenditure for 2019. There is enough to do the Jimmy Camp Creek project even after the 2019 expenditure and even after the first expenditure in 2020.

Britt Haley said some structures are appropriate for park purposes and others are not usable. She is asking for additional money for \$400,000 for testing, demolition and disposal. Tenants are occupying some of these buildings so this process would not start until mid-next year. She would like approval to do this work; however, she does not want it to come out of the fund balance. She would like the amount taken out of any additional revenue received in 2020 above the amount that is anticipated. She has contacted the procurement department and the average cost for demolition is \$70,000 - \$100,000 per contract depending upon what is found in the building. The analysis would not start until mid-2020.

TOPS Working Committee member Lee Milner inquired about the last sentence in the motion that states "In addition, up to \$400,000 is approved for testing, demolition and disposal of unneeded structures from the TOPS Open Space Category provided that 2020 TOPS Sales Tax revenues are collected in excess of the projected 2020 revenues". He does not understand why the acquisition is subject to the \$400,000 condition. Britt Haley stated she wants to preserve the fund balance as much as possible because there are some big projects for consideration. When we are in the early stages of 2020 and working on the 2021 budget, we can go back into the budget for the real numbers. She likes the flexibility to move forward with the demolition when the trailers are not occupied and have excess revenue. She was more concerned about dipping into the fund balance when we want more clarity and certainty of what we have in the fund balance. She is flexible and stated a motion could be revised to say "and approval to spend up to \$400,000".

TOPS Working Committee member Bob Shafer asked if the above language would allow for flexibility down the road. Britt Haley replied yes, and she will be cautious and make sure that we have money for priorities.

TOPS Working Committee member Nancy Hobbs asked who do the occupants of the buildings pay per month for their leases if the department purchases the property. Britt Haley said CSU will sell the property to the Parks Department and any revenue from the leases will come to the Parks Department. The City is the responsible entity and they are leasing the buildings at \$300 per month. The revenue will go into the TOPS Category; however, it is a small amount.

TOPS Working Committee member Nancy Hobbs asked how long will it be until there are trail connections and when will it be open to public. Britt Haley said she has mentioned to Parks Board members the need to budget for the master plan process for the entire area of Corral Bluffs. The master plan process will include public feedback where citizens want trails and the department will need to work with stakeholders and El Paso County as well. The budget for a master plan process will cost approximately \$350,000. Then the master plan process will begin, trail alignments will be finalized, and implementation will occur. Immediate access to these properties will not be provided as they are unique, sensitive areas, and the wildlife habitat and ecosystem needs to be addressed. This is a long process and it will take time to do it well. These acquisitions will help make connections possible.

TOPS Working Committee member Nancy Hobbs asked if there is a timeline for the master plan and can the timeline be included for planning purposes. Britt Haley replied the master plan process would begin in no less than five years. Britt Haley said she would prefer not to have it in the motion today because she is working with Parks Board members and does not have a specific timeline to propose. She anticipates more scientific information about this property within the next six months. In addition, the master plan needs to coincide with the budget. She stated lets commit to the fact we want to master plan the property, have access to it and work through all the priorities for this year.

TOPS Working Committee member Paula Krantz asked if Nor'wood Development Group drags this out or changes their mind on assisting in trail connections do we have other options for connectivity. Britt Haley stated she does not see this happening as they have agreed to work with the department. She showed the areas on the map of possible connections.

TOPS Working Committee member Lee Milner stated you are suggesting moving ahead with master planning and connections for Jimmy Camp Creek and Corral Bluffs even though Nor'wood Development Group has not committed. Britt Haley said she's been saying ever since she took this job two years ago, that once we were able to acquire the connecting area there would be time to do this and have discussions with the neighboring property owners. Lee Milner stated he does not want this purchase perceived as the TOPS Working Committee is bailing out CSU and that we are paying the current appraised price. In addition, he has concerns of buying too many houses that will be demolished; however, after much thought it is a project that he supports.

Bill Koerner, Corral Bluffs Alliance (COBA) representative, encouraged the Committee to approve the acquisitions. He distributed a map of Corral Bluffs in 2011. The acquisition will preserve the ecosystem and paleontological resources, and protect the creek and watershed of Jimmy Camp Creek on the east side of town.

TOPS Working Committee member Nancy Hobbs said the COBA letter states a “ranger to help with land”. What would be the cost to include a ranger in this area and can one of the homes be used to house the ranger. Britt Haley said she has talked to the Ranger Supervisor about reassignment of rangers because she has considered the homes for this purpose. She showed the properties on a map that have usable homes.

TOPS Working Committee member Blaze Panariso stated he would like Britt Haley to continue to work on the first-right-of-refusal on the four properties that are not included. Britt Haley replied okay and that if any closings fall through; CSU knows we are next in line.

TOPS Working Committee member Ingrid Richter stated she was involved with this property in the early 2000’s for the Jimmy Camp Drainage project and then again in 2011 to 2014 for acquisitions. She said this is a huge win for the City to repurpose and preserve this property. She has known Nor’wood Development Group as good stewards in the past.

Mike Scott, citizen, asked what entitlements the GOCO grant would bring. Britt Haley responded if the grant is awarded it requires a conservation easement be placed on the properties. She showed on a map the three planned building envelopes and stated Palmer Land Trust has agreed to be the conservation easement holder.

TOPS Working Committee member Bob Falcone expressed concerns about the possible public perception of bailing out CSU. He stated even if CSU was not selling to us and offered these properties to the public; they would pay the same price. Britt Haley said the City process requires an appraisal and it is possible in negotiations they could get more; however, no one will buy all the properties at one time. This area has not seen an increase in development so we are getting a good value.

TOPS Working Committee member Blaze Panariso stated we are paying the appraised value and we have recent appraisals. No more discussion is needed.

Susan Davies, Trails and Open Space Coalition (TOSC) Executive Director, stated that TOSC supports this acquisition. This is a great resolution and it will serve a part of our region that deserves these amenities and preservation.

TOPS Working Committee member Nancy Hobbs asked why is the price of land more since some of this land will be demolished. TOPS Working Committee member Blaze Panariso said because this is the appraised value at this time and its worth this amount based on the historical market value.

Motion: To recommend acquisition of 295 acres currently owned by Colorado Springs Utilities for a total cost of \$3,190,500 which represents the appraised value of \$3,188,000 and the estimated real estate transaction costs of \$2,500. In addition, up to \$400,000 is approved for testing, demolition and disposal of unneeded structures from the TOPS Open Space Category provided that 2020 TOPS Sales Tax revenues are collected in excess of the projected 2020

revenues.

TOPS Working Committee member Lily Weissgold made the above motion and then rescinded the motion. Lee Milner made the same motion as Lily Weissgold. He stated he wanted to add Gary Bostom's (former Parks Advisory Board member and CSU Water Services Chief) name to the project. He will be remembered and he was the first to bring the news to the department about the CSU properties.

1st – Lee Milner, 2nd – Bob Shafer, Approved 8 to 0, Nancy Hobbs abstained

Kettle Creek Greenway Acquisition (Presented by Britt Haley, Design & Development Manager/TOPS Program Manager)

Increasing development in northeast Colorado Springs prompted the city to actively pursue open space candidate areas in that quadrant of the city, recognizing the importance of securing land for conservation before opportunities no longer exist. The family that owns the Kettle Creek property was receptive to the city's interest and has committed to selling approximately 154 acres to the TOPS program in support of open space and greenway conservation. Additionally, the family has generously offered to make a donation of \$500,000 to the TOPS program in support of stewardship activities on Kettle Creek or as a resource for future land acquisition.

The Kettle Creek property offers outstanding views of Pikes Peak and features a rugged riparian habitat. The 2014 Park System Master Plan identifies it as a candidate open space property and due to the beautiful Kettle Creek traversing the property; it is also identified by that plan as a candidate greenway. Kettle Creek offers important conservation opportunities and natural resource values.

From a recreation and transportation perspective, this property will provide an opportunity for the continuance of the city's Skyline Trail and connection to the planned La Foret Regional Trail, identified in the El Paso County Master Plan. Starting at the northern end of City maintained trails, the La Foret Trail is planned to continue east along Black Squirrel Creek and eventually connecting to Black Forest Regional Park.

The Kettle Creek property appraised for a value of \$5,796,000. The family members who own this property have agreed that the TOPS program may purchase the property in two phases over two years. One requirement of the legal documents controlling a sale of the property is that an updated appraisal must be completed at least sixty (60) days prior to closing of any sale. Thus, the appraised value of \$5,796,000 will be adjusted up or down based on two appraisal updates. Recognizing that both the sellers and the TOPS program bear some market risk in the adjustment requirement, staff recommends that the approval include a 5% value which calculates to \$289,800 to address a value increase if supported by the appraisal update. This recommendation is on the lower end of regional real estate sales analyses showing between 4% and 9% growth in real estate values. Additionally, to support the cost of this acquisition, City staff have submitted a funding request to Great Outdoors Colorado for \$1,000,000 from its

open space funding category. GOCO is currently reviewing the funding request and decisions will be made for this round of applications by mid-December of 2019. The landowners have agreed to make a generous personal donation of \$500,000 to the TOPS program in support of stewardship activities on Kettle Creek or as a resource for future land acquisition.

TOPS Working Committee member Lee Milner asked why we are splitting the transaction into two parts with one closing in 2019 and the other in 2020. Britt Haley replied we have the money; however, she has another item next month to bring to the committee and it could be a large dollar amount.

TOPS Working Committee member Nancy Hobbs asked if there will be a master plan process for this property and where would the trail connections exist. Britt Haley said yes, there will be a master plan process and showed the possible connections on the map. She stated we want sustainable trails that are in line with the laws due to the prebble jumping mouse habitat. The La Foret Trail and Skyline Trail could provide connections and this is a huge opportunity for this area of the City.

TOPS Working Committee member Nancy Hobbs asked if water rights exist on the property. Britt Haley replied there are no developed water rights on the property.

TOPS Working Committee Chair Joe Lavorini asked if the mouse habitat affects the appraised value of the property. Britt Haley replied yes, and it brings the value down.

TOPS Working Committee member Lee Milner asked how this cost compares to what we paid for Ute Valley Open Space. Britt Haley replied the most expensive was \$88,000 per acre, which was for the Rock Island Trail and Ute Valley was \$35,000 per acre. Britt Haley said this could be the last opportunity to acquire property in this area.

TOPS Working Committee member Ingrid Richter asked about the type of donation. Britt Haley stated it is a cash donation to TOPS and would be a part of the fund balance. There are reasons to do this and to make sure it does not interfere with the standards for the GOCO application.

TOPS Working Committee Vice Chair Lily Weissgold asked if the donation will be split, \$250,000 this year and \$250,000 next year. Britt Haley said we have not figured out the timing of the donation.

TOPS Working Committee member Nancy Hobbs read from the write-up “the landowners have agreed to make a generous personal donation of \$500,000 to the TOPS program in support of stewardship activities on Kettle Creek or as a resource for future land acquisition”. She asked would they like any recognition for the donation to TOPS. Britt Haley said she would like to recognize them and they want to make sure that equestrian use be allowed on the property.

TOPS Working Committee member Bob Falcone asked if in the event the US Fish and Wildlife Department does not let us use the existing trails made by livestock, is there still enough usable space around the area for recreational opportunities. Britt Haley said there is usable space and

we have negotiated access from the north to this usable space. She showed this on the map.

Susan Davies, Trails and Open Space Coalition (TOSC) Executive Director, said this is a fantastic acquisition and she is happy to see it happening in the northeast part of the community. These acquisitions will help make connections to trails.

Mike Scott, citizen, asked if the stormwater department has done any work on the creek in this area. Britt Haley stated we work with the water resources department and they do not have projects envisioned or intergovernmental agreements (IGA) requirements in this area.

Bill Koerner, COBA representative, shared the trails master plan with the Committee. Britt Haley said she would like to match the trails that Colorado Parks and Wildlife have developed in the area with the hope to use those trails; however, finding the most sustainable place for trails is important and it could be a bit different. Bill Koerner said he supports this acquisition and the northeast needs more recreational opportunities.

TOPS Working Committee member Lee Milner stated this provides a good connection to the Santa Fe Trail and the Pike Peak Greenway.

Motion: A motion to recommend acquisition of the approximately 154 acre Kettle Creek Greenway property with revenues from the TOPS Open Space Category for a purchase price of \$5,796,000, subject to appraisal updates prior to each close to include up to a 5% increase in value and for the associated real estate transaction costs which are estimated to not exceed \$5,000.

1st – Nancy Hobbs, 2nd – Blaze Panariso, Approved 7 to 0, Bob Falcone and Ingrid Richter abstained.

Staff Update

City Council Budget Sessions (Presented by Kelly Rajab, Parks Financial Analyst)

[Link to PowerPoint presentation](#)

Committee Pictures (Taken by David Deitemeyer)

Citizen Discussion

No citizens spoke at this time.

Adjournment

Motion: To adjourn the TOPS Working Committee meeting at 9:07 a.m.

1st – Blaze Panariso, 2nd – Ingrid Richter, Approved 7 to 0, Paula Krantz and Lily Weissgold were absent.