



**TOPS Working Committee Meeting
Virtual Meeting
Meeting Minutes
Wednesday, May 6, 2020**

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

Members Absent: Paula Krantz

Alternates Absent: Scott Lewandowski

Parks Board Liaisons Present: Carol Beckman, Greg Thornton, Jason Rupinski

Staff Present: Britt Haley, Kurt Schroeder, Karen Palus, Kim King, Anna White, David Deitemeyer, Gillian Rossi, Scott Abbott

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TOPS Working Committee Chair Lily Weissgold brought the meeting to order at 7:31 a.m.

Agenda Preview

Committee Chair Lily Weissgold announced the agenda for the meeting.

Announcements

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

- She thanked Parks, Recreation, and Cultural Services staff for their diligence to keep parks and trails open.
- At this time, all of our indoor recreation facilities, community centers, and playgrounds remain closed.
- Visitor’s centers remain closed but we are looking at strategies to open.
- City Auditorium is closed, and will remain closed for the rest of the year as it is being used as an isolation center.
- All events for May and June had been cancelled.
- All spring youth sports and therapeutic recreation programs are cancelled.
- Gold courses are open with certain social distancing restrictions.
- Cemeteries are open with modifications to services.
- Pikes Peak – America’s Mountain is open with restrictions, and the shuttle service is being evaluated for summer.

Britt Haley, TOPS Program Manager, made the following announcements:

- Britt mentioned that the Committee Chair had asked to see some preliminary sales tax information at this point, which Britt included in the agenda packet and where the TOPS

budget and sales tax remain. Britt said she expected effects from Covid-19 to have an impact in coming months.

Approval of Minutes – March 4, 2020

Motion: To approve the minutes of the March 4, 2020 TOPS Working Committee meeting minutes.

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

Citizen Discussion

There was no citizen discussion at this time.

Action Items

Mountain Shadows Open Space Acquisitions (Presented by Britt Haley, TOPS Program Manager)

Britt Haley, TOPS Program Manager, gave a presentation to the committee covering the acquisition of 193.47 acres at the Black Canyon Quarry and 148.02 acres of the Pikeview Quarry Frontage Property. This presentation included an overview from the 2014 Park System Master Plan; a vicinity map of the two areas; a more detailed view of both the Black Canyon Quarry Properties and the Pikeview Frontage Properties; multiple pictures from various places from both sites; a look at the updated 2020 TOPS revenue, expenditures, appropriates, and fund balances; a summary of the TOPS estimated fund balance; and a proposed timeline for approvals.

[Link to Powerpoint Presentation](#)

Committee member Lee Milner asked if access through the Black Canyon was the best way to get to Waldo Canyon. Britt replied that she would not go as far to say it was the best way to access the area, but that the new acquisition would open up the potential for trails that would otherwise not exist.

Committee member Nancy Hobbs just wanted to confirm the access into Waldo Canyon from Black Canyon. Britt responded that conceptually this would be the best access, but there would still be a trail planning process.

Committee member Lee Milner asked Britt for a price per acre of the property. Britt broke it down from the appraised value by the number of acres, making the value \$45,000 per acre. Lee asked what other property is comparable. Britt said comparable sales of property used in the appraisal were taken into consideration to find this value.

Board member Nancy Hobbs asked if the per acre cost of Blodgett Open Space was relevant to this. Britt responded that it is not as similar due to conservation easements on the Blodgett

parcels.

Committee member Lee Milner asked what the highest closed per acre price we have paid as a TOPS Working Committee for a closed sale. Britt replied that it was the Kettle Creek property that the TOPS Working Committee had approved, at \$39,000 per acre. Britt added for the record that \$45,000 is the highest per acre amount TOPS would have paid per acre. Lee then asked if, in the adjustments, the appraiser took off value because of the location adjacent to the quarry. Britt said that was taken into consideration and the appraiser was able to access development plans that essentially proposed the development of 200 home sites, with the soil the home sites being built on being transported to the quarry for reclamation. With the regard to the appraisal at this time, the Real Estate Services division does not release appraisals until after the transaction closes. Lee said he felt that without seeing an appraisal or adjustments, he did not feel like he had done the due diligence he would have liked to make a recommendation. Britt answered that we had been in discussions of this project since April 2019 and had many TOPS Working Committee Executive sessions to update on the process.

Committee member Nancy Hobbs asked if the Covid-19 pandemic had caused any appraisals to be reevaluated. Britt responded that there had not been any changes. She added that under appraisal standards, the appraiser is able to use comparable values from sales up to three years back.

Parks Board liaison Jason Rupinski asked if parcels from phase I and II would be rolled into a single master plan with the donation parcel. Britt answered that, if approved, parcels from phase I and II would be added into a Master Plan process that the Blodgett Open Space property next door that currently has ~~in~~ an interim master plan. Britt wanted to remind the Committee and citizens that the donation property in question has many uncertain aspects and would not necessarily be part of the planning process, as so much remains to be seen with reclamation. If it were reclaimed in a physical state that is safe for the public, then the donation would come through. However, there is a long-term need for reclamation process.

Committee member Lee Milner asked for a status update on the Kettle Creek. Britt replied that the Department is awaiting the results from the channel improvements study that has been taking place on the property.

Committee Chair Lily Weissgold wanted to address that this is one deal, and we are unable to split the properties into two separate deals. The administrative fee looped in was also something non-negotiable.

Committee member Lee Milner stated he did not like the idea of this deal being “take it or leave it.” He argued that this deal would cost us quite a bit of money over time.

Committee member Lee Milner made a motion for a division of the questions. Essentially this would separate the two properties and create discussion and approval of them separately.

Motion: Separate the property into two parcels to be discussed separately.

1st – Lee Milner, No second, Motion fails

Committee Chair Lily Weissgold said that the TOPS Working Committee follows City Council Rule 21, for parliamentary procedure. The motion to divide the question cannot stand.

Committee member Nancy Hobbs asked Britt to clarify why are talking about approval for both parcels at once rather than separately. Britt responded that both were being discussed for approval at the same time. One reason was that the real estate contracts we have with the company selling, that the properties are contingent on each other. We wanted the parcels to be connected. Contracts are executed between the seller and the Conservation fund as well as the seller and the City.

Cory Sutela, of Medicine Wheel Trail Advocates, expressed support for the acquisition and its potential to align with the 2014 Park System Master Plan.

Susan Davies, Executive Director at the Trails and Open Space Coalition, expressed support and added that this was a great opportunity for new trails. She compared it to the acquisition of Red Rock Canyon Open Space and said this was the right decision for the City.

Jennifer Peterson, Director at Rocky Mountain Field Institute, expressed support and excitement for new access to trails that will align with the Reimagine Waldo Canyon Project.

Warren Dean, citizen, felt that there were too many issues of reclamation to occur down the road with these properties. He said he liked the idea of the acquisition but not the details. He also felt misquoted by Britt previously, which she said she would connect with him outside of the meeting to correct his statements. He was joined by Steve Mulliken, who presented issues with the acquisitions being considered. He felt the current reclamation plan for the Pikeview Quarry was not a suitable for the area, and that the bond for reclamation would not be sufficient. He suggested the \$15,000,000 bond be held in escrow until the reclamation was complete. Committee member Ingrid Richter asked for more specificity on what money would be held in escrow. Steve responded that the current bond is \$15,000,000 but that the actual cost of reclamation is closer to \$22,000,000, and since the purchase price of the parcels is less than the bond price, that the funds be closed into escrow. Ingrid asked for clarification that these contracts are contingent on the State of Colorado, Department of Natural Resources, Division of Reclamation, Mining, and Safety (DRMS) approval of the amendment. Britt answered that if the amendment is not approved, and then there would be no deal. She added that the DRMS Staff are recommending approval. Due to the objection filed by Mr. Dean, the matter would go before the Mined Land Reclamation Board, but a hearing has not been able to be scheduled due to Covid-19.

Committee member Nancy Hobbs asked who would be responsible for reclamation costs. Britt answered that the property owner of the Pikeview Quarry is responsible for the reclamation cost. The State regulates this by determining the cost of reclamation, and then a bond is set to

cover the cost in the case that the State has to call the bond and contract for the reclamation. In this case, mid-last year, the Division of Reclamation, Mining & Safety (DRMS) and the Board they report to agreed to set a \$15,000,000 bond as this amendment was being proposed.

Committee member Lee Milner asked if in the reclamation of the quarry, dirt would be taken off the land we would be purchasing in the adjacent parcels. Britt answered that we would have a portion of the property be a borrow area for part of the reclamation. Britt said that David Dietemeyer, Senior Landscape Architect has worked with StanTech Engineering to determine how we could make a better bike park using the elements of the potential donation property. An area in the future could be contributing the footprint for the bike park property. This potential is not under consideration right now. On the 89.7 acre parcel, there is an area that could be used as a borrow area in the future pending the amendment.

Dave Adair, President of Medicine Wheel Trail Advocates, echoed Cory Sutela's statements. He said that an empty 1/4 acre lot on the north end of the Mountain Shadows community retails for \$160,000, so \$45,000 per acre seems like quite a good deal.

Bill Koerner, citizen, thanked Britt for her hard work to moving a concept closer to reality. He is concerned about the cost of reclamation, but happy there is a remedy as this falls on the State and not the City. He asked how long reclamation could potentially take. He was also slightly concerned about access to the Black Canyon from Highway 24, but said he figured that conversations with the Colorado Department of Transportation could probably remedy this. Britt replied that the reclamation of Pikeview Quarry is being eyed carefully. She felt that the reclamation process in best cases takes three to five years, but if not done correctly, could take longer.

Committee member Lee Milner proposed a new motion.

Motion: To recommend acquisition of the 193.47 acres known as the Black Canyon Quarry parcels and acquisition of 148.02 acres in two phases from the Conservation Fund of the Pikeview Frontage property to include the purchase prices, real estate transaction costs and professional service fees, but to remove the administrative fee of \$427,500 for a total cost of \$8,991,515 with revenue from the TOPS Open Space Category.

1st – Lee Milner, No Second, Motion fails

Committee Vice-Chair Bob Falcone asked Britt if there was any scenario where reclamation costs would come back to the City. Britt replied that State Law has been set up so that this would not be the case. The DRMS monitors these sites as they move from mining to reclamation status. She added that the City would not accept this property into its ownership unless and until it has been signed off on for reclamation. Bob then asked if it should be determined that reclamation is done and adequate, if there is an issue further down the road, could we return to the state bond or current owners to fix any issues. Britt said she anticipated that City staff would be working directly with the DRMS if we move forward on the transactions

to prevent that from happening.

Mike Scott, citizen, asked Britt to identify the property owners to the south and west areas of the parcels. He also asked if she could allude to a potential master planning process for this area. Britt answered the neighboring property owner to the west (Williams Canyon) is the Cave of the Winds and the owner to the south is the Forest Service. Towards the east, the Cedar Heights neighborhood is the boundary property owner. She added that if the Black Canyon Quarry were to be purchased, there would be a number of steps to create a master plan. The first step would be for TOPS to create a budgetary process to conduct a master plan. Then she would anticipate more work with the Forest Service's Reimagine Waldo Canyon process. He asked if any of these parcels had been addressed for storm water needs. Britt responded that while there are not stormwater issues, she said that the road that takes you into parcel 4 would need some mitigation in order to make it an amenity to be used by the public. This would be tackled in the planning process in the future. He asked who the neighboring properties were to the Pikeview frontage properties. One is the Oak Valley Subdivision to the east, a private trust owns the property to the east, and the property to the south is the Flying W Ranch.

Motion: To recommend acquisition of the 193.47 acres known as the Black Canyon Quarry parcels and acquisition of 148.02 acres in two phases from the Conservation Fund of the Pikeview Frontage property to include the purchase prices, the administrative settlement, real estate transaction costs and professional services fees for a total cost of \$9,419,015 with revenue from the TOPS Open Space Category.

1st - Blaze Panariso, 2nd – Ingrid Richter, Approved, 7 – 1 with Paula Krantz abstaining.

Presentations

The Reserve at Corral Bluffs (Presented by Britt Haley, TOPS Program Manager)

Britt Haley, TOPS Program Manager, gave the Committee an update about a development application that will be called the Reserve at Corral Bluffs. This development is on the north rim of the Corral Bluffs Open Space in the Falcon area. She said there is a development review process that moves through El Paso County Planning. Britt was contacted because we are a neighboring property owner, and can make comments about the proposal. The proposed lots are five acres, and were not close enough to Corral Bluffs until this new proposal came into place. This would be filings three and four. Britt supplied comments in a letter to the planning committee that she shared with the TOPS Working Committee as well, about concerns with the proposed residential lots and what we would like to see in terms of mitigation of those concerns. Britt also made overview comments at the most recent El Paso County Parks Board meeting, in consideration to parkland dedication aspects. She said the Board was great at highlighting the open space and making sure the different entities work together to protect the habitat. Long term concerns include irrigation, septic systems, and stormwater needs during and after construction running off into Corral Bluffs. This would be very dangerous to the paleontological resources in Corral Bluffs. There will be more opportunities at higher levels to

assert the protections we would like to see at the Corral Bluffs property.

Leave No Trace Program Update (Presented by Gillian Rossi, Park Ranger Supervisor)

Gillian Rossi, Park Ranger Supervisor, updated the committee on the Leave No Trace Stewardship Initiatives being implemented throughout the parks and open spaces in the City. The presentation refreshed the committee on the motives of the initiative; training courses specific to different groups of staff to help promote good practices; examples of tailored stewardship language on park maps; a look at the Leave No Trace principles on the City website; and finally some information about Leave No Trace Youth Accreditation and Hot Spot Week.

[Link to PowerPoint presentation here](#)

Citizen Discussion

Susan Davies, Executive Director at the Trails and Open Space Coalition (TOSC), asked for an update on whether fountains, spray grounds, and playgrounds would be reopened. Karen Palus responded that the City was following the compliance of Governor Polis' Safer-at-Home Order ~~æ~~, and that these areas would not be opened until we were directed to do so.

Motion to adjourn

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