



**MINUTES – Approved**

**Parks and Recreation Advisory Board  
Meeting Minutes  
April 14, 2016**

**Members Present:** Jackie Hilaire, Gary Feffer, Charles Castle, Mina Liebert, Ron Ilgen, Scot Hume, Alex Johnson, Jason Rupinski, Hank Scarangella

**Members Absent:** N/A

**Alternates Present:** N/A

**Alternates Absent:** Bob Lally

**Staff Present:** Karen Palus, Chris Lieber, Kurt Schroeder, Kim King, Christi Mehew, Matt Mayberry, Sarah Bryarly, David Deitemeyer, Renee Congdon, Ronn Carlentine, Britt Haley, Tilah Larson, Jody Derington, Carly Kobasiar.

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**Called to Order** Jackie Hilaire brought the meeting to order at 7:32 a.m.

- Recognition of attendance of City Council Members Tom Strand, Bill Murray and Helen Collins along with the City of Colorado Springs Chief of Staff, Jeff Greene.

**Citizen Discussion**

Jim Coonradt - (Cottonwood Disc Golf Club) The Spring league is commencing and they welcome all players to play for a donation. Pikes Peak Disc Golf Club will be holding a match this weekend. Tonight the Disc Golf public meeting for the Cottonwood Creek Park course will be held.

Linda Carter – (Garden of the Gods Visitor and Nature Center) Invites the public to the 19<sup>th</sup> Annual Earth Day Celebration at the Center this Saturday, April 16th from 9:00 a.m. – 3:00 p.m. at Garden of the Gods Park. Parking will be available at Rockledge Ranch.

Nancy Steffy - (Pikes Peak Pickleball Association) - Presented a check of \$3,000 to the Parks, Recreation and Cultural Services Department toward the Monument Valley Park Pickleball Courts.

Karen Fleming – (Meadows Community Center) Announced that the BBUGS Gardening Program for children has started for the season.

Tempe Krieger – (Pikes Peak Flying Disc Club) The Aviary has been fully installed including 6 tee boxes and five tournaments have been scheduled. The Rampart course will be fully installed as of January 3<sup>rd</sup>. Both courses have been fully funded by donations.

Jennifer Peterson – (Rocky Mountain Field Institute) Local non-profit environmental stewardship organization that helps maintain Garden of the Gods, Pikes Peak, Barr Trail, North Cheyenne Canon, Red Rock Canon and many more parks. Please consider helping take care of your parks and volunteer.

Lara Rowell – (Citizen) – People are illegally parking around Cheyenne Canon and Seven Falls and she suggested there be signage that states “No Seven Falls Parking”. A master plan needs to be developed for Cheyenne Canon. Jackie Hilaire suggested she give her handout to Christi Mehew to email to Board members. Kurt Schroeder spoke in regards to the shuttle and the signage the Parks Department installed when Seven Falls reopened. He stated there may need to be some additional delineation done in regards to who can park in what areas. Karen Palus stated there was an agreement between North Cheyenne Canon and Seven Falls to provide parking; however that agreement is no longer in effect.

#### **Approval of Minutes**- March 10, 2015

Motion: 1<sup>st</sup> - Charles Castle, 2<sup>nd</sup> - Ron Ilgen, Approved - Unanimous

#### **Ceremonial Items**

**National Volunteer Recognition Week (Presented by Tilah Larson and Jody Derington - See [Power Point presentation under April Minutes](#))**

- 5,200 volunteers have donated 158,000 hours of service that equals four million dollars in service value to our Department.
- Awards were presented to Bob Falcone (Past President of Friends of Cheyenne Canon), Friends of Monument Valley Park, Pikes Peak Flying Disc Club, and Doug Jones (Volunteer at Deerfield Hills Community Center).
- Karen Palus (Director of Parks, Recreation and Cultural Services) spoke in regards to Judith Rice-Jones being an incredible historian and recognized her donation of a historic map of the Colorado Springs Park System. The Parks, Recreation and Cultural Services Department framed the map and it will be mounted in the Palmer Room. Judith Rice-Jones was not present at the meeting.

#### **Action Items**

**1. Prospect Lake Guidelines (Presented by Carly Kobasiar - See [Power Point presentation under April minutes](#))**

- The presentation included the year round boating hours for both motorized and non-motorized boats, the changes in schedule and usage on the lake, changes in permits sold, the change in hour's pros and cons for each user group, and Quail Lake Hours.
- Wake Allowed Hours:  
Monday – Friday: Sunrise to 11:00 a.m. and 5:00 p.m. to Sunset (except Wednesday evening)  
Wednesday: 5:00 p.m. to Sunset (Personal Watercraft Only)  
Saturday: Sunrise to 11:00 a.m. (Motorized Boats Only)  
11:00 a.m. to 2:00 p.m. (Personal Watercraft Only)  
Sunday: Sunrise to 12:00 p.m. and 5:00 p.m. to Sunset (Motorized Boats Only)
- Wakeless Hours:  
Monday – Friday: 11:00 a.m. to 5:00 p.m.  
Saturday: 2:00 p.m. to Sunset  
Sunday: 12:00 p.m. to 5:00 p.m.
- Any special event/program days or times will be noted within the annual guide and on the City's website as well as being posted onsite. Examples include days reserved for the Department's Therapeutic Recreation program as well as special events including the Labor Day Lift-Off and the Rocky Mountain State Games triathlon.
- Randi Hitchcock (UpaDowna) was concerned about the hours for paddle boarders. Carly Kobasiar stated those hours will not change.

**Motion: A motion to approve the Prospect Lake 2016 schedule as presented.**

Motion: 1<sup>st</sup> – Scot Hume, 2<sup>nd</sup> – Charles Castle, Approved - Unanimous

**2. Land Exchange with the Broadmoor - [See Power Point presentation under April minutes](#)**

Karen Palus thanked all the individuals that participated in the proposed Land Exchange process along with showing appreciation for all the thoughtful feedback.

The following Power Point presentation was presented by Karen Palus, Renee Congdon, Sarah Bryarly, Chris Lieber, David Deitemeyer, Matt Mayberry, Kurt Schroeder and Ronn Carlentine.

**Presented by Karen Palus - Parks, Recreation and Cultural Services Director**

- The Proposed Land Exchange with The Broadmoor achieves several goals on the Colorado Springs Parks System Master Plan including; preserving and expanding our open space system, connecting our trail system, securing public access and ownership of valued recreational trail corridors that currently traverse private lands and providing additional recreational opportunities within our community for horseback riding and picnicking.
- The City of Colorado Springs will receive 371.21 Acres and 115.4 Acres of new public trail easements. The Broadmoor will receive 190.05 Acres.

- To the City:

Manitou Incline Property	154.6 Acres
Barr Trail Easement	8.6 Acres
Bear Creek Property	8.61 Acres
North Cheyenne Canon Property	208 Acres
Chamberlain Trail Easement (North)	4.4 Acres
Chamberlain Trail Easement (South)	74.1 Acres

- To the Broadmoor:

Utility Property at COG*	.55 Acres
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\*Community Retains: Deed Restriction  
Utility Easements

North Cheyenne Canon (Strawberry Hill)\* 189.5 Acres

- \*Community Retains: Deed Restriction (PK Zone)
  - Hully Gully Easement
  - South Canon Trail Easement
  - Chamberlain Trail Easement
  - Utility Easements
  - Old Stage Rd. Public Access Easement
  - Conservation Easement
  - First Right of Refusal
  - Public Access

**Presented by Renee Congdon, City of Colorado Springs Attorney**

- Legal Basis for Exchange - Park Property Implications: Presented by Renee Congdon, City of Colorado Springs Attorney
  - Does the proposed Land Exchange require a community vote? 31.15 Law states a sale of Park property will be held by an election. Article 20 of the State Constitution allows the City on values of local concern to supersede the State law. This is a matter of local concern and the City has adopted a Real Estate Manual and it has been included in the City Code. Land exchanges need to be reviewed by a governing body and in this case that would be the Parks Board to make a recommendation and then approved by City Council. There is no process to go through an election.
  - Consistency with previous Land Exchanges?
    - Land Exchanges and Precedent – Each Land Exchange is Unique
      - Garden of the Gods – In 1993, the City traded 4.7 acres for 7.7 acres with Hill Development Group for the private construction of the Garden of the Gods Visitor and Nature Center.
      - North Cheyenne Canon – In 2000, the City traded 15.5 acres for 34.1 acres to Seven Falls to address entrance road encroachment and an easement to Daniels Pass Trails was gained.

- Research has identified examples of 15 exchanges and examples of private/public partnerships (e.g. Sky Sox, Switchbacks, YMCA, etc.)
  - Proposed resolution review
- Karen Palus and Jack Damoili spoke with Palmer Land Trust and the closing of the conservation easement and the ownership transfer will now occur at the same time.

**Presented by Sarah Bryarly - Landscape Architect, City of Colorado Springs Design and Development Division**

- Barr Trail and Mt. Manitou Incline – Goals:
  - Secure public access and public ownership of the Barr Trail
  - Ensure public ownership of the Mt. Manitou Incline
  - Provide for future north access trail from the Mt. Manitou Incline
  - Protect open space and the mountain backdrop
  - Retain public utility access
  - [What's changed during the process](#)
  - [Enlarged public access easement for Barr Trail Connector](#)

**Presented by Chris Lieber, Parks Development Manager**

- Bear Creek – Goals:
  - Preserve property as public open space
  - Expand Bear Creek Regional Park
  - Will be looking to the County to manage this parcel as part of the Bear Creek Park which is managed by the County
- Chamberlain Trail – Goals:
  - Secure trail easements for the future development of the Chamberlain Trail and Cheyenne Mountain Heritage Trail.
  - Chris Lieber showed a map of the various trails in the area and the trail connection progress and the areas that the City is still working on to get easements to make more trail connections.

**Presented by David Deitemeyer – Park Planner, City of Colorado Springs, Design and Development Division**

- North Cheyenne Canon Park – Goals:
  - Secure public ownership from the Daniels Pass Trail and the Muscoco Trail to Gold Camp Road
  - Secure public ownership to the Mount Muscoco Overlook
  - Preserve property as public open space and extension of North Cheyenne Canon Park
  - [What's changed during the process](#)
  - [The Broadmoor will allow public access to Green Settlement and Greenwood Park](#)

- North Cheyenne Canon Park (Strawberry Hill Parcel)– Goals:
  - Retain public easement for the Chamberlain Trail (Cheyenne Mountain Heritage Trail) and the South Canon Trail
  - Retain ownership and public access to Hully Gully for ice climbing
  - Property will remain in the PK (Park) Zone and uses will be approved through normal Parks Advisory Board process
  - Provide a fundraising venue twice a year annually for the Parks, Recreation and Cultural Services Department and its partner/friend groups.
  - Goals: The Broadmoor may develop a riding stable and picnic area.
  
- North Cheyenne Canon Park – Goals:  
What’s changed during the process
  - The Broadmoor will provide emergency access for Hully Gully on Seven Falls property.
  - The City will retain the first right of refusal if the property is ever considered for sale. Purchase price set from 2016 appraisal value.
  - Retain public access to the 189 acre parcel (Strawberry Hill).
  - Enlist the support of the Parks Ambassador program.
  - Goals: What’s changed during the process
  - Increase stewardship through the PK (Park) zone deed restriction and the Conservation Easement.

**Presented by Karen Palus- Director of Parks, Recreation and Cultural Services**

- Community Meeting and Feedback
  - SpeakUP! Colorado Springs Survey – 115 completed
  - Community Open House January 28, 2016 – 87 Comment Cards and 85 Post-It note Comments
  - Community Meeting February 24, 2016 – 48 Comment Cards
  - TOPS Working Committee March 2, 2016 – 1 Comment Card
  - Parks Board March 10, 2016 – 4 Comment Cards
  - Council Member King’s Listening and Discussion Session March 4, 2016 – 50 Comment Cards
  - Community Meeting March 30, 2016 – 67 Comment Cards
  - TOPS Working Committee April 6, 2016 – 0 Comment Cards
  - Email Submissions – 254 Email Comments
  - **Total Comment Submissions To Date: 626**
  
- Public Feedback Impact
  - **We want an additional Barr Trail Easement at the end of Ruxton Avenue.** A public trail easement is now included to provide access along traditional Pikes Peak Marathon and Ascent route.
  - **We would like to have public access to Green Settlement and Greenwood Park.** Public access is now provided onto Broadmoor/Seven Falls Property for access to Green Settlement and Greenwood Park.

- **Request for Emergency Access to Hully Gully.** Emergency access through Seven Falls has been included.
  - **What if the Broadmoor sells the 189-acre property in the future?** The City will retain a first right of refusal if the property is ever considered for sale. Purchase price set at the 2016 appraisal value.
  - **We want to continue to access the 189-acre property for hiking and biking on the property.** Free public access will be retained on the 189- acre parcel (except in the building envelope). The Broadmoor will construct additional trails for hiking, biking and equestrian use.
  - **We want the 189-acre parcel to remain as open space.** The property will be protected by a deed restriction and a conservation easement. Only the portion of the property within the 8.5 acre building envelope will be developed with a picnic pavilion and horse stable.
  - **We don't want a fence around the 189-acre property.** The perimeter of the property will not be fenced, except for fencing within the building envelope.
  - **We are concerned about increased traffic in the Canon and near our homes.** To reduce traffic in the park and on neighborhood streets, users of the picnic pavilion and stables will be shuttled to the 189-acre property from the Broadmoor Hotel. The use of the shuttles to serve Seven Falls has already significantly reduced the amount of traffic in the Canon.
- Common Themes to Feedback:
    - Principle and Process
    - National Historic Registry
    - Trash
    - Traffic
    - Conservation Easement/Long Term Commitment
    - Appraisals/Valuation
    - Legal Basis for Land Exchange
    - Equestrian use, Building Envelope, and Site Concept
- The Process by Month
    - January -
      - 1/14/2016, Stakeholder Meeting
      - 1/25/2016, City Council Update
      - 1/28/2016, Public Open House
    - February -
      - 2/11/2016, Parks Advisory Board Meeting
      - 2/17/2016, Media Tour
      - 2/24/2016, Community Meeting
    - March -
      - 3/2/2016, TOPS Working Committee Meeting
      - 3/10/2016, Parks Advisory Board Meeting
      - 3/14/2016, Council Member King's Listening & Discussion Meeting
      - 3/24/2016, TOPS Working Committee & Parks Board Tour
      - 3/30/2016, Community Meeting

- April - 4/11/2016, City Council Briefing  
4/14/2016, Parks Advisory Board Meeting  
4/25/2016, City Council Briefing
  - May - TBD City Council Vote
  - January to March Appraisals underway
  - February to April Conservation Values Report conducted
  - February to April Building envelope on the 189 Acres identified
  - April to May Independent appraisal review, signed letter of intent with Palmer Land Trust and building concept plan underway
- The Process If City Council Approves - June 2016 – June 2017
    - Real estate documents and closing (title work, legal descriptions, boundary survey)
    - Deed restriction (Strawberry Hill and Bear Creek parcels)
    - Conservation easement (management plan, base line inventory report – Strawberry Hill)
    - Site planning & master plan – public process (Strawberry Hill)
    - City/County management agreement for Bear Creek parcel
    - Chamberlain Trail construction (Strawberry Hill)
    - Broadmoor facilities & trail construction (Strawberry Hill)
    - North Cheyenne Canon Master plan update
    - Mt. Manitou Incline Northern Trail planning
- Real Estate Documents include:
    - Real estate land exchange agreement
    - Complete title work
    - Complete boundary surveys
    - Prepare legal descriptions and exhibits for: parcels, trail easements, access easements, utility easements, building envelope
    - Conduct environmental report
    - Title insurance
    - Closing
    - Recording of deeds, easements and deed restrictions
- Master Plan Process would be conducted as follows:
    - Broadmoor prepares draft master plan subject to conservation easement requirements and deed restrictions
    - Community notification
    - First Community meeting to learn about proposal and respond to plans
    - Broadmoor responds to community comments
    - Second Community meeting to respond to plan
    - Land Trust Review of proposed plan

**Presented by Matt Mayberry, Cultural Services Division Manager**

- National Register Impact
  - Transfer of ownership would not impact National Register Designation
  - Section 106 review is triggered by federal funding or federal agency involvement in a specific project. This condition does not apply to this land exchange proposal.
  - Past, current or future federal funding for other City projects have no impact in relation to this land exchange proposal
  - City staff completed a State of Colorado file search and no archaeological surveys or sites are recorded for the Strawberry Hill parcel.
  - Conservation easement process will include a cultural survey as part of the base line inventory.

**Presented by Kurt Schroeder – Park Operations and Development Manager**

- Trash Concerns
  - City Staff focus on North Cheyenne Canon, Mesa Avenue, Gold Camp Road
  - City Staff responsibilities include Bear Creek Canon Park, Stratton Open Space, Cresta Open Space, Neal Ranch Open Space, Cheyenne Meadows Open Space and Harlan Wolfe Park.
  - Old Stage Road cleanup efforts are primarily based on notification.
  - GoCo Springs App helps identify areas of concern and helps speed up the notification and cleanup process.

- Traffic Comments

The average annual vehicle trips to Seven Falls (one-way)

- Before Shuttle buses:
  - High (2009) 57,491 trips
  - Low (2013) 45,399 trips
  - Average (6 years) 51,584 trips
- With Shuttle Bus Service
  - Average based on 6 month peak season 22,995 trips
- RESULT: Reduction in annual trips 55% reduction

**Presented by Chris Lieber – Parks Development Manager**

- Conservation Easement and Purposes
  - Preservation of Open Space
  - Preservation of public access for recreation
- Conservation Easement Prohibited Uses

New structures (except inside building envelope); subdivision of the property; commercial timber harvesting; mining; road construction and/or paving (except inside building envelope); trash and dumping; transfer of water rights; alteration of watercourses and topography (except inside building envelope); water pollution;

industrial activity; motor vehicle use (except inside building envelope); hazardous materials; wind and solar energy generation; feedlots; grazing; active recreation (passive recreation such as hiking, mountain biking, horseback riding, nature study, etc. will be allowed); cell phone towers/transmission towers; residential development; commercial development (except within building envelope associated with PK zone uses).

- Conservation Easement Allowable Uses and Activities

Public recreation – specifically walking, hiking, mountain biking, horseback riding, picnicking, environmental education and other passive recreation uses; forestry and open space management activities; build and maintain trail system; install minor improvements such as wayfinding signage, interpretive signage, benches; control soil erosion; invasive weed control; maintain and repair existing utilities; bury existing 3-phase overhead electric line; 8.5 acre building envelope limited to park uses (PK Zone)

**Presented by Ronn Carlentine – Real Estate Services Manager**

- Appraisals Report

- City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests include:

- Chapter 4 – Real Property Acquisition, 4.5 – Land Exchanges.

The City may agree to convey property to an identified third party in exchange for acquiring other property from that same third party. The “land exchanges” must be reviewed by City Council and approved by resolution. City Council may impose reasonable conditions on the transfer or acquisition of any property by the City. If an advisory board has oversight or advisory responsibilities for the property to be conveyed or to be acquired, the advisory board must also review and make a recommendation to City Council prior to City Council consideration of the land exchange proposal.

- Chapter 8 – Valuing Real Property Interests, 8.1 – Fair Market Value.

Real Estate Services, in cooperation with the Project Manager, shall be responsible for determining the fair market value for each real property or interest to be acquired or disposed. The manner in which the determination of fair market value is established shall be considered on a project-by-project basis.

- Appraisals were conducted by two separate Appraisers: Third Party – Independent, Licensed and Accredited

- Independent Appraisal Review was conducted

- Property to the City of Colorado Springs

Incline Parcel 1	76.4 AC	\$626,500
Incline Parcel 2	80 AC	\$656,000
Bear Creek Parcels	9 AC	\$1,400,000

N. Cheyenne Canon	208 AC	\$634,000
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Total Appraised Value		\$3,316,500
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○ Trail Easement Parcels – To the City of Colorado Springs

Barr Trail Connector	8.6 AC	\$35,600
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Chamberlain Trail (North)	4.4 AC	\$19,000
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Chamberlain Trail (South)	74.1 AC	\$240,000
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Total Appraised Value		\$294,700
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○ Property to the Broadmoor

Strawberry Hill	189.5 AC	\$1,581,000*
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Parking Lot	.55AC	580,000
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Total Appraised Value		\$2,161,000
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\*Preliminary appraisal: pending further review of easements

○ Total Appraised Property Value to the Broadmoor: \$2,161,000

○ Total Appraised Property and Trail Easement Value to the City of Colorado Springs: \$3,611,200

**Presented by Karen Palus, Director of Parks, Recreation and Cultural Services**

● Top 10 Issues for the Park System Master Plan

1. Insufficient and uncertain funding
2. Park structures and facilities in poor condition
3. Natural and historic resource conservation, restoration and management needs
4. Gaps in the trail system
5. Some parks are loved to death (over used)
6. Flood, Fire and drought impacts
7. Lack of public awareness about the contributions and benefits of parks, trails and Open space
8. High cost of water for park maintenance
9. Safety concerns and the need for park rule enforcement
10. Priorities and values of community members need to be determined

● City Council briefing – Monday, April 25, 2016, 1:00 p.m. at City Hall

● City Council Hearing – May TBD

● Online Survey: [www.ColoradoSprings.gov/ProposedLandExchange](http://www.ColoradoSprings.gov/ProposedLandExchange)

Jack Damioli, CEO and President of The Broadmoor, provided a Power Point on the following information - [See Power Point Presentation under April Minutes.](#)

- The Proposed Land Exchange Overview
  - The City to Receive:
    - The Incline property in Manitou – 156.4 Acres
    - Bear Creek Park Land – 8.5 Acres
    - North Cheyenne Canon Land – 208 Acres
    - Total Easement for Future Trail Access/Development – 115.5 Acres  
These easements allow for the development of the Chamberlain Trail and Cheyenne Mountain Heritage Trail, etc.
    - Free Public Access to Strawberry Hill property and trails in conservation easement – 180.5 Acres  
**Total Public Benefit – 668 Acres**
  - The Broadmoor to Receive:
    - The Strawberry Hill property in North Cheyenne Canon – 189 Acres (180.5 Acres to be placed in an irrevocable Conservation Easement).
    - Manitou Property at Power Plant near Cog Railway – 0.55 Acres.  
**Total Broadmoor Benefit – 9 Acres**
  - Recent Modification to the Proposal from Community Feedback
    - Proposed Development No visitor parking on site; guests of the picnic and riding facility will be shuttled from The Broadmoor; deed restrictions require Park (PK) Zoning uses for the property; development plan must follow normal public process with plan approval at Parks Advisory Board.
    - Public Access The property will not have perimeter fencing; the Public will be allowed free access on the conservation easement property at Strawberry Hill and all developed trails on the parcel; all trails to be developed in partnership with the Parks Department; non-motorized recreational use (hiking, mountain biking and equestrian); any future horseback riding will only be on the 189 acre parcel (Not on the Chamberlain trail); we would ask for the public to respect the property while using it
    - Land Stewardship Commitment to fuels management (fire mitigation); commitment to clean up the property ; commitment to re-foresting the western edge of the property near Old Stage Road; a stable and trail management plan will be implemented; replanting of meadow to occur using all native Colorado grasses, wildflowers, etc.
    - Land Conservation Commitment for a conservation easement on the property; park zoning permitted for the developmental envelope to be excluded from conservation easement; access from Mesa Avenue has been specifically defined; building envelope to be 8.5 acres – less than 4.5% of the total property acreage
    - Several pictures were provided displaying the building envelope from various angles along with the stables, picnic and cooking area. These

areas will be near Mesa Avenue with the majority of the meadow being undisturbed.

Public meetings were held to receive citizen comments. Post cards were sent to addresses within 1000 ft of the parcels included in the exchanges to notify citizens of the meeting. Easels with maps and FAQ's on each parcel were displayed as well as an overall map of the proposed land exchange with FAQ's. Each meeting the following handouts were provided: citizen comment cards; overall maps; and community meeting calendar date. Below are the public meeting dates and locations:

- January 28, 2016, 6:00 – 8:00 p.m. Open House Meeting, Bear Creek Nature Center
- February 24, 2016, 6:00 – 8:00 pm. Public Meeting, Gold Camp Elementary School
- March 14, 2016, 6:00 – 8:00 p.m. Listening & Discussion Meeting with Councilman Keith King, Broadmoor Community Church
- March 30, 2016, 6:00 – 8:00 p.m. Public Meeting, Gold Camp Elementary School

The following information was provided with the Parks and Recreation Advisory Board April Agenda on the Coloradosprings.gov website in regards to the Proposed Land Exchange with the Broadmoor to Citizens and Parks and Recreation Advisory Board Members:

- Overall Map
- January 28, 2016 Open House Meeting Citizen Response Cards
- January 28, 2016 Open House Meeting Citizen Post-It Notes
- February 24, 2016 Public Meeting Citizen Response Cards
- March 2, 2016 TOPS Working Committee Meeting Citizen Response Cards
- March 10, 2016 Parks Board Meeting Citizen Response Cards
- March 14, 2016 Council Member King Meeting Response Cards
- March 30, 2016 Public Meeting Response Cards
- Emails from Citizens
- Online Survey Results
- Palmer Land Trust Letter of Intent

Jason Alwine, TOPS Working Committee Chair, gave an update regarding the April 6, 2016 TOPS Working Committee meeting. The Committee recommended to the Parks and Recreation Advisory Board by a vote of 5 to 2 to delay action until further information is provided and considered.

Richard Skorman and Kent Obee provided a Power Point in opposition to the Proposed Land Exchange with the Broadmoor - [See Power Point Presentation under April Minutes.](#)

The presentation included: the process is too fast and a request to delay voting; a public process has not been done that benefits the community; the building site plan for the 8 acres will not be available prior to a vote; public access to parkland is scarce.

Glenn Montgomery presented a Power Point presentation in favor of the Proposed Land Exchange with the Broadmoor. [See Power Point Presentation under April Minutes.](#)

The presentation included: the irrelevancy of the TOPS application for funding that Richard Skorman and Kent Obee submitted due to The Broadmoor not being a willing seller; Strawberry Hills is 1.09% of all Parks, the building envelope is 4% of the 189 acres and 1/100th of what Parks is managing now; there have been 15 land exchanges in the past 20 years; the property has graffiti, vandalism, erosion and security issues that the Broadmoor will resolve; the perspective is 8 acres of a building envelope vs. 668 in this deal.

Bill Murray, City of Colorado Springs Councilman, distributed a letter to the Parks and Recreation Advisory Board. He stated the process cannot be trusted due to the complexity of the project and it needs to be delayed. There is miscalculation; miscommunication and people have been misled. There is a need for transparency and when he receives the appraisals of the property he will make them public and show they are not correct.

The Citizens who spoke in "FAVOR" of the exchange included: Susan Davies (TOSC), John Murphy, Spencer Wren, Carol Beckman, Sandra Matthews, Steve Schuck, Duane Zobrist, Kevin Kaveney and Kyle Hybl.

The Citizens who spoke "AGAINST" the exchange included: Chris Beyer (Friends of Cheyenne Canon), John Spengler, Scott Flora, Ruth Obee, Kathy Meinig, Steve Price, Elizabeth Feinsod, Lois Zehr, Susan Marquez, Carl Strow, Mike Dorsey, Rachel Rocks, Linda Hodges, Donna Strom, Gary Casimer, Don Ellis and Walter Lawson.

The following citizens signed in to speak; however, they left the meeting prior to being called: Andrew VanDer Wege, Mike Siddoway, Steve Schuck, Kurt Segerberg, Lee Milner, Lara Rowell, Becky Wegner, Joel Gazibara and Johnny Walker.

Jeff Greene, City of Colorado Springs Chief of Staff, stated the Board should separate the emotions from the facts. He was clarified that Bill Murray's statements were not a representation of the view of City Council. He thanked Karen Palus and her staff. Mr. Greene stated they have been doing their jobs, being good stewards and have been personally attacked. This is not about just appraisals and land value. The City of Colorado Springs is giving up three acres of land. The area has not been maintained and graffiti, erosion and dead trees are present. The Broadmoor will maintain the property and to please give serious

consideration to this proposal. He stated that Mayor Suthers is very much in support of the project.

#### Park and Advisory Board Member Comments/Questions:

- Jason Rupinski
  - Inquired about the First Right of Refusal. If The Broadmoor puts capital dollars into improving the property it is not reflected in the plan? Karen Palus stated that the value will be based on the current value.
- Ron Ilgen
  - Who is responsible for the maintenance of the property? Britt Haley answered the property owner is unless a different agreement is made. Chris Lieber stated the standard approach when a trail easement is obtained on private property is that the owner gives us the right to maintain the trail on their property.
- Hank Scarangella
  - What happens if a fatal flaw is found in the appraisal? Ronn Carlentine stated the City or The Broadmoor would have to respond. Palmer Land Trust requires an appraisal for a conservation easement and they will be using the appraisals provided. The conservation easement should take 6- 8 months.
  - If Palmer Land Trust does not offer a conservation easement what would happen? Karen Palus said there are other companies for consideration that offer conservation easement oversight.
  - Would a master plan be approved before construction begins? Karen Palus answered “yes”.
- Scot Hume
  - Easements should be considered for Muscoco and Daniels Pass.
  - Will the City Attorney block us in putting conservation easements on those properties in the future? Chris Lieber stated those parcels can be addressed as a separate action in the future.
  - Why is it in the public’s best interest to not see the details of the appraisals? Karen Palus responded that this is a standard procedure and appraisals are not released until closing is complete; however, we have agreed after the independent appraisal review is completed that we will release the appraisals. Ronn Carlentine stated that if an appraisal review process is implemented, a modification in value is done occasionally. The appraisal institute provides the standards for these reviews. A technical review in regards to the content of each appraisal is being obtained.
  - Is it standard that each entity to perform their own appraisals on what they currently own? Why wouldn’t the City evaluate the Broadmoor’s parcel? Ronn

Carlentine stated it is not our normal process for the City to evaluate other owner's property. Appraisals are an estimated opinion of value and both appraisers are on the CDOT list of approved appraisers.

- Master plan should encompass the end result not the other way around. A better option would be to consider it a pending transaction and run the building site plan parallel with the conservation easement.
- Jackie Hilaire
  - A robust process has taken place and they have listened to many citizens.
  - All the studies on the property will be conducted due to the conservation easements.
  - The focus needs to be on the information provided today.
  - The master plan will come before the Board for a vote and the building envelope will allow only PK (Park) zone uses.
  - The TOPS Working Committee recommendation to delay is due to timing, horses, environmental issues, conservation easement, master planning and appraisals. These issues relate to the master planning process and are outside the scope of why there is a meeting today. These issues have been addressed on the City's website and sixteen opportunities have occurred where they have been discussed. There are no TOPS dollars related to these properties property. TOPS cannot buy property which the City already owns.
- Gary Feffer
  - What is the difference between a First Right of Refusal versus a Reversionary Clause. The City has the right to change and has more flexibility in the First Right of Refusal. A hundred years from now if someone wants to sell the 189 acres the City would have the right to buy it first at today's value.
  - If the exchange does not happen would there be a better location for the trail connection instead of the Chamberlain Trail? Chris Lieber responded that the exchange takes advantage of many things on the master plan and the trail positioning offers the best views.
  - What is the difference between access and an easement? Britt Haley stated that access is the permission to use and an easement is the legal right to use. Access would continue as long as the agreement is in place or it would have to be revoked.
- Charles Castle
  - Feel it is too early to vote on this project today as some questions have not been answered.

- The public is very involved in this project. The perception is that it is too fast and it's about trust. We have a fiduciary responsibility to City Council and the public to slow down and let the public have more participation.
- Alex Johnson
  - What kind of restrictions can the Broadmoor enforce in regards to public access? They would be required to provide access and their main focus is to keep the property clean and safe.
  - What are the cost of improvements to Chamberlain Trail and Muscoco? Chris Lieber stated the process will be implemented to determine the improvements needed along with public involvement; however, the costs are not anticipated to be expensive.
  - The last “where as” in the resolution states “whereas, if City Council approves the land exchange, the Broadmoor desires that the City recognize the difference between the value of the Broadmoor Property and the City Property as a donation.” What does this mean? Britt Haley responded this is a value for value exchange. The City is receiving more value than what it is giving up and anything in addition to this value we are recognizing as a donation. The Broadmoor might be able to receive a tax write off for the recognition of this donation.
  - Grazing is prohibited as a part of the conservation easement. Does this mean the horses are not allowed to graze on the trails or meadow area? Britt Haley said this is due to commercial grazing where this use would generate income. Due to citizen concerns, the horses will be fed at the stable area and not left to graze.
  - Alex Johnson shared that on August 21st, 1885 the people voted 88% in favor to purchase Cheyenne Canon Park.
  - Six months are needed to learn more about the properties.
- Mina Liebert
  - Due to deed restrictions is alcohol not permitted in the building envelope? Renee Congdon stated The Broadmoor will need to deal with this issue.
  - Clarified that there would be no perimeter fencing.
  - Due to the deed restrictions the PK zone cannot be changed by The Broadmoor nor can they change the zone to residential or commercial.
  - Mina Liebert and Hank Scarangella questioned what would delaying the process accomplish as the project has already had multiple amendments during the public process.

**Scot Hume made a motion that was created with input from Cory Sutela, Medicine Wheel:**

**The Broadmoor has been a long standing partner in Colorado Springs. They have presented an idea for the Strawberry Hill portion of North Cheyenne Canon Park that has merit. However, the North Cheyenne Canon Master Plan does not include either the infrastructure or management updates associated with their concept. The North Cheyenne Canon Master Plan has been opened three times in the past four years. Master Plans and the subsequent Management Plans are the basis for bringing the citizens and government together towards the same end goal. They are used for determining large concepts such as trail placement and small concepts such as bench placement. Therefore, we instruct the City to open a fourth North Cheyenne Canon master plan amending process specifically surrounding the Strawberry Hill and Strawberry field portions of the existing park prior to any sale or trade of the City Owned property. Completing the Master Plan honors both applicant and citizens while potentially shortening the planning process by one year.**

The Board voted on the above motion. Denied by a vote of 3 to 6.

Ayes: Scot Hume, Charles Castle, Alex Johnson

Nays: Jason Rupinski, Ron Ilgen, Hank Scarangella, Jackie Hilaire, Gary Feffer, Mina Liebert

**Charles Castle made a motion to delay the vote for six months.**

The Board voted on the above motion. Denied by a vote of 3 to 6.

Ayes: Scot Hume, Charles Castle, Alex Johnson

Nays: Jason Rupinski, Ron Ilgen, Hank Scarangella, Jackie Hilaire, Gary Feffer, Mina Liebert

**Gary Feffer made a motion recommending that City Council approve the Resolution authorizing a Land Exchange between the City of Colorado Springs and the Broadmoor.**  
**[Please see attached resolution.](#)**

The Board voted on the above motion and it passed by a vote of 6 to 3.

Ayes: Jason Rupinski, Ron Ilgen, Hank Scarangella, Jackie Hilaire, Gary Feffer, Mina Liebert

Nays: Scot Hume, Charles Castle, Alex Johnson

Members of the Parks and Recreation Advisory Board will be at the City Council meeting on May 9<sup>th</sup> to present the Board's discussion leading up to the final vote.

The website page to the audio recording of the Land Exchange item can be found by clicking on the link below. Please scroll down to **Recent News** and click on Audio File: April 14, 2016.

<https://coloradosprings.gov/proposedlandexchange>

## **Presentations**

### **3. Centennial Boulevard Extension and Sonderman Park - Aaron Egbert**

This presentation was postponed till the May 2016 meeting.

## **Staff Reports**

### **4. Manitou Incline Rules and Regulations - Sarah Bryarly**

- Manitou police began patrols and there are no reports of tickets issued at this time.

### **5. Venezia/Lifetime Fitness Agreement Sarah Bryarly**

- The agreement was approved by City Council on Tuesday, April 12th and 5% of the revenue will be given to the Parks department by Lifetime for maintenance of the facility.

### **6. Colorado Natural Areas Program Designation at Corral Bluffs Update - Chris Lieber**

This presentation was postponed till the May 2016 meeting.

## **Adjournment**

Motion: 1<sup>st</sup> – Ron Ilgen, 2<sup>nd</sup> – Jason Rupinski, Approved – Unanimous  
Parks and Recreation Advisory Board Meeting adjourned at 4:53 p.m.

## **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, b and e), the Parks and Recreation Advisory Board, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve receipt of legal advice and 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 Park and Recreation Advisory Board 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.*

### **8. Negotiations Pertaining to a Land Matter**

Motion to go into a closed executive session:

1<sup>st</sup> – Scot Hume, 2<sup>nd</sup> – Charles Castle, Approved - Unanimous