

**Adams County Open Space Advisory Board
Meeting Minutes
February 28, 2008
6:00 p.m.
Adams County Regional Park**

OSAB Members in Attendance:

**Tim Ferrell
Chris De May
Gloria Rudden
Patt Bisant
Norma Authier
Mike Sweeney**

**OSAB Members Excused:
Ed Hickel**

**Open Space Staff In Attendance:
Kathy Spinella
Rick Anderson**

**County Attorney Staff In Attendance:
Jen Wascak**

The meeting was convened by Chair Chris De May.

Introductions of Open Space Advisory Board.

Item #1: Approval of meeting minutes from January 24, 2008:

CD: Next is the approval of minutes from our meeting on January 24. Are there any changes to the minutes?

GLORIA RUDDEN: Well Chris at this point I would like to clarify my statement on the Westminster prairie dog eradication that I talked about last time and my argument against that was that there were additional funds that they hadn't spent and they came back to the Board and asked that they be able to keep those funds. Because they had to spend an additional \$36,000 to eradicate the prairie dogs. And that was my upsetting moment and I apologize for not expressing it with a little more dignity. And with that I'll make a motion that we accept the minutes as is.

Ferrell: We do have a quorum and therefore we go to the approval of the meeting of October 25th.

TIM FERRELL: Second.

CHRIS DE MAY: We have a motion to second. Any other discussion? All in favor please say aye. Opposed? Passes unanimously.

ITEM #2: Matters from the Open Space Staff:

CHRIS DE MAY: Next item is matters from the open space staff. Kathy?

KATHY SPINELLA: Basically, I just gave all of you this during the study session. This is just a list of all of the grants that we've received. In your bags are copies of all of those grants. We'll be working on the self tour and will be emailing that to you for those of you that can't make the tour. The tour is scheduled for March 22nd, so please email me or let me know if you can make it so that we know what size van to get.

GLORIA RUDDEN: Does Norma know that it's here at 8:00 in the morning?

KATHY SPINELLA: Here at 8:00 in the morning.

NORMA AUTHIER: Thank you.

CHRIS DE MAY: In the back parking lot.

KATHY SPINELLA: In the back. So I'm sure we'll probably get the big planning van, because I'm sure Rick will probably want to come with us. But this time I'll make sure we get it here the night before.

RICK ANDERSON: Was there a problem last year?

KATHY SPINELLA: It was a van debacle.

GLORIA RUDDEN: We had this. It had big speakers and...

KATHY SPINELLA: Burt brought his own van because he was sick the day before and he didn't get over to planning to the van. So I sat on Gloria's lap most of the time.

RICK ANDERSON: We should take our hats off to Burt for allowing us to do that.

KATHY SPINELLA: This time I will go personally to pick up the van on Friday so that we do have it here on Saturday. Other than that, I really have nothing else.

ITEM #3: Matters from the Board:

CHRIS DE MAY: Matters from the board. Does anyone have anything?

TIM FERRELL: Well, talk about that survey thing. It ain't over. I agree that 400 people or so is not a good representation of the desires of Adams County residents and I do feel that we need more data just to see where our fellow tax payers are as to what they need and what they wish to see with the open space. I'm just wondering what kind of tool could encompass more people so that we have at least 1% or 1000 people or something of that nature.

GLORIA RUDDEN: Again, my thought was that we send out that booklet every year with the state of the county. A little insert would be better than nothing.

KATHY SPINELLA: The only problem I see with that Gloria would be, you know, we've got to have someone to compile all of the information, analyze it and right now I can tell you that with staff, we just don't have time. That's why we were looking at maybe sending it out to have it done if we were to do a survey. I don't know that we would have time to really put that all together. I mean we can provide some kind of feedback. Maybe we should start just thinking of ways to maybe reach out to the community and get their input that way. I'm not sure, if we don't do the survey.

CHRIS DE MAY: I agree with Tim. Four hundred is not a very good sample. If we could come up with another way.

GLORIA RUDDEN: What if in the booklet we just have a question, "mark it one, two, three, what is your preference". "Is it preservation of farmland, is it parks and recreation and active?" Just maybe three major questions and just ask people to mark it one, two three. Or maybe four questions.

KATHY SPINELLA: Ok. So maybe think about incorporating that into our portion of the report to the public?

GLORIA RUDDEN: Yes.

KATHY SPINELLA: I could talk to Ruth about that.

GLORIA RUDDEN: I think if we just give them maybe four questions and just ask them to designate their...

RICK ANDERSON: I guess I would suggest that it's really not a good way to do a poll to get a really good sampling of how people feel on certain issues. When they put together questions for a survey like that, they'll ask the same question as three or four different versions so that they can get a sense of how people will answer that particular question. And that's when you have a judge value basically in that kind of survey. If you give them one or two or three questions, I don't think you're going to get the kind of information that's really going to help you. And that's just my experience.

GLORIA RUDDEN: I just thought it would be better. It would be somewhat economical and better than nothing.

PATT BISANT: What you have to understand, and I come from an advertising, marketing and sales background, is this; in typical direct mail programs you're lucky if you get 2% back. It's probably less than 1%.

GLORIA RUDDEN: I know that.

PATT BISANT: So it's one or the other.

TIM FERRELL: So we're back to three or four hundred.

PATT BISANT: Exactly.

GLORIA RUDDEN: So maybe it boils down to just using our best judgment.

CHRIS DE MAY: I think we all have a good idea of what people are looking for.

TIM FERRELL: So what is our best judgment? What is that?

KATHY SPINELLA: I think the best judgment is picking the best projects. What you really feel are quality projects and contribute the most.

PATT BISANT: The best interest of the taxpayers.

KATHY SPINELLA: Right. The best interest of the taxpayers.

CHRIS DE MAY: And the way the Board is set up you've got both city points of view and county points, so you're kind of getting it from both sides anyway.

GLORIA RUDDEN: Well, in your case, Northglenn has put in pretty good projects and even though they've been more active probably, they've been funded and so you know I think we're balanced as far as what we see happening and all that. I don't feel I'm very prejudiced at all because I look at them and if I see something very good coming out of them I openly express that.

CHRIS DE MAY: I think we're all fair when we look at things that are in the whole county not just one area. We look for quality.

GLORIA RUDDEN: And Chris we know we've been on this board long enough now that we can kind of weave through these grants and pretty much know who is really putting forth a quality product and who's trying perhaps show us a little.

TIM FERRELL: Why is there seemingly a disparity between what cities and municipalities think is open space and we as a board think. Why is there such a wide gap or goal often times?

KATHY SPINELLA: I think that's where the survey talk started.

CHRIS DE MAY: I think part of the reason is the cities have their agenda that they need to meet for their taxpayers. They get a lot of pressure from their tax payers.

GLORIA RUDDEN: For recreation.

CHRIS DE MAY: For recreation and sports fields and that kind of thing. We need to look at the big picture I think and see what serves everybody and not just one or two groups.

GLORIA RUDDEN: And the thing is that eventually, according to everything I've learned in the past is the county is gradually taken over by the cities. And that's the way things are supposed to happen. So as the cities annex and all that, those properties that the county has preserved actually becomes part of the cities or are available to the cities. So all of those paths and open spaces and everything, other than the conservation easements and the farms, are available to them. Well they might feel that their not getting their fair share right now, eventually it becomes open to them too. It's always open to them. Just like Elaine Valente's park. You can't beat that. It's beautiful and it's something to be extremely proud of. Everybody, even the Denver people can come over and use it. So it's definitely community oriented.

JEN WASCAK: And if I could just speak to your comments about the disparity between what the cities are looking at and what the boards are looking at. I mean this is my personal feeling. The cities have a different agenda. The cities don't have the space issue. So you've got to know what's the purpose of the open space fund. Is it to preserve open space; to preserve land; or is it to make parks that are user friendly and make the citizens be able to go in and go to a place. Well I think that there isn't any, there isn't as much land available in the municipalities to preserve so their mission may be to take the land that is available, and convert it into a space that can be used by citizens. So I kind of see that there is a definite difference between what a cities agenda is and what the county's agenda is. I mean as Adams County we've got a luxury that cities don't have and that is there is still land out here. And certainly one of the missions of the board is that we want to preserve and protect that land. That's one of the missions of the tax. But at the same time we have to remember that that's not the only mission of the tax. And I think that's what the cities are sort of saying. "well we can't preserve all of this land but we need to build some ball parks or we need to build some trails or golf courses." And that's where we're kind of running into those issues. I think it's great that there is city representation and county representation on this board.

MIKE SWEENEY: It seems like it's only with the larger cities where we have difference of opinion, doesn't it?

GLORIA RUDDEN: Yes.

TIM FERRELL: Yeah.

GLORIA RUDDEN: Three in particular.

CHRIS DE MAY: In Northglenn, we're completely surrounded, but if they bring a project forward that I don't think deserves funding, I'm going to pick the one that I think does deserve funding over one that's not quite such a high quality.

GLORIA RUDDEN: And these gravel pits and all that are slated for use as fishing ponds. In the future they are going to be so welcome, because it's an amenity that can't happen again. If we don't grab on to them for water storage then the law says you've got to fill them. So that's another problem. It used to be that if you dug a gravel pit, you could leave it. But now you've got certain procedures that you have to follow.

RICK ANDERSON: Anything that was opened up past I think it was 1980 or something, you had augmentation liability so you either had water rights into that to cover evaporative loss or you had to cover it up. You also had to get a well permit.

GLORIA RUDDEN: But there are amenities that are man made but they're great.

RICK ANDERSON: I'd just kind of like to echo with what Jen had to say. The cities really are our partners in this too. They do bring a lot of revenue to the table. I know Scott Twombly said this one night and it kind of irritated a lot of people, but they really do. So I think that it's important that we at least give their projects consideration, and

I'm an open space guy so, but I think the quality of the project and the project is what we really should be looking at. Because they all have merits. And the cost of doing things (*inaudible*) we're all trying to get to the same price.

TIM FERRELL: And how do we measure quality? What makes one project the higher quality project over another? And the two representatives say hey my project is just as good as the others. What does that mean?

RICK ANDERSON: Don't we have criteria?

KATHY SPINELLA: We do have criteria in the grant.

TIM FERRELL: It's so subjective.

KATHY SPINELLA: And that's something I think everybody needs to make sure they get their scores back into us so if somebody wants to see where they were weak or where they were strong in a project, we've got the final scores to be able to show that these are the areas where your project didn't score as highly as somebody else's project. So I think we probably need to make sure. I know a lot of people hesitated attaching a funding amount to it and I can understand that because it's kind of like making your mind up before deliberation type thing. But you certainly can go through each project and you know.

TIM FERRELL: Right.

KATHY SPINELLA: I mean it's pretty obvious when I get your scores in which project is number one, number two, number three, and number four. So there's obviously some with more merit than others.

RICK ANDERSON: And I think it's fair to let the applicants know what the strengths and weaknesses of the projects were. I think it's important that we provide that feed back so that there is some predictability the next time they come back.

KATHY SPINELLA: Well then there's also there's a heavy need for competition for this money. So it's not going to be easy and there's going to be some people that are going to be happy about it and there are some people that aren't going to be happy about it. But you know, if we can help them, if there's something really wrong about their application maybe feedback would make it a better application in a later grant cycle like we did with Federal Heights. I know you were here for that. I mean this Board really raked them over the coals over the grant they submitted because they figured out that all of the costs were over-inflated. But I tell you what. Federal Heights met with staff and we went over the Board reviews, you know what everybody's thoughts were and they went back and corrected it. And then they came back in and they had a really nice grant and they got funded.

PATT BISANT: Tim. Two areas that aren't subjective on that criteria that we're looking at; the leverage and the partnerships. That is hard information. And that weighs a lot. Some of the other things like community support. I'm saying that that's subjective.

TIM FERRELL: There, if the city would do a bona fide neighborhood survey, I would sit up and take note. If they said we surveyed three square blocks of this project, every individual we could contact. I would be excited and say ok you really went out there seeing if this project is going to benefit the surrounding area. That would be...

PATT BISANT: But again to know exactly what Rick says about the questions you ask. Because a city can make that survey come out..

TIM FERRELL: Well I'd like to see the survey too.

PATT BISANT: Well.

RICK ANDERSON: _____Something has to be said for community planning efforts and that's to get to those projects that the cities are bringing forth in their applications. There's a long lengthy process that's involved with public meetings. Just to get to those planning models there's a lot of feedback that's already been provided by the general public to get there. And I know that, again, it's kind of subjective because you don't really, if you weren't part of that process then you really don't have the first hand information that you would probably like to have in order to make a good decision relative to that particular criteria. But take my word, having been through that process, it's...just to get to a master plan it's quite lengthy.

GLORIA RUDDEN: Do you remember when we went over to Arvada and they were going to put a skateboard park in right across from the houses and they hadn't talked to any of the neighbors or anything? You know if we hadn't been vigilant and you know looked at this and said my gosh none of these people know that there are going to be kids right across the street raising cane until 10:00 at night or whatever, and none of these people were even aware of it. So we funded the gazebo but we didn't fund the skateboard (park) until they came up with better criteria. And those of things we kind of have to watch for because that would have been a really...boy those people would have been upset with those kids out there. So not always are they really informing the community. And I agree with you there. I think that should be part of the process that the community is fully aware of what they're asking for. Those surrounding homes and all. We happened to catch that one because it was so obvious but there are probably a few we don't catch too.

CHRIS DE MAY: Kathy do you know if all of the applicants for the grants are in compliance?

KATHY SPINELLA: I don't believe we've got any compliance issues on these. There was some confusion with the Campbell Park but I'll put that in my staff summary to you on the projects. There was a little bit of confusion

because they were going to resubmit the application but the project changed in acreage, but I'll explain that to you in the summary. We just wanted to get the grants to you as soon as we could. We don't have all of the staff summaries together.

GLORIA RUDDEN: On the Doulos Ministries, did we decide that you can submit the same grant over. You can submit the same?

PATT BISANT: So is that labeled? Is that supposed to be application two also because Campbell Park.... What does that application two mean next to Campbell Park.

KATHY SPINELLA: That's what they labeled it as. It was their second time to submit that.

PATT BISANT: Ok, then it's the same thing for Doulos

KATHY SPINELLA: Yes. And that will be on the staff notes. It was a little bit confusing because that amendment came after we'd already had the applications out, so what happens is that when you look at our summary on the first page of the project, you know where it says that request, the applicant amount and all that other information and the percentage of the project? Well it didn't account for if they had already received open space funds. So what it looked like is that Doulos came in for \$655,000 and they were only requesting 26% of the project. Well we know that 24% of the project has already been funded. So actually what this request does is brings it up to 50% funding of the project. So our application didn't accommodate that change in policy so it's a little bit confusing. So we're getting these staff reports done so that all of this is much more clear to you on how it's worked through this process this time.

GLORIA RUDDEN: So was it the Thornton one that farm, what was the name of it?

KATHY SPINELLA: Eastlake?

GLORIA RUDDEN: Yes.

KATHY SPINELLA: That one didn't come back in.

GLORIA RUDDEN: No, but it came in last time and we didn't we said we wouldn't fund it because we had funded it.

KATHY SPINELLA: The policy was amended to allow the applicants to come back in for two more grant cycles if they did not receive full funding.

GLORIA RUDDEN: So what we did was wrong then.

RICK ANDERSON: It was a recent policy change as I recall.

KATHY SPINELLA: Yes it was a recent policy change.

GLORIA RUDDEN: Ok. Alright. Because I hate to kind of favor one and be kind of cruel to another.

KATHY SPINELLA: That was one of the projects that brought that to the forefront and it was looked and the policy was amended to allow them to come back two more times.

GLORIA RUDDEN: Ok. Because I wasn't sure about that. We were debating that the last time.

KATHY SPINELLA: Right.

GLORIA RUDDEN: I'm saying hah, I've seen this before.

KATHY SPINELLA: Well then we need to redo the application so that it's clear when this situation arises again that the Board's aware of what actually already has been funded towards a project. Keeping in mind it's the same project. It's not like a whole new project being funded. It's actually funds going into a project that's already been funded. Which makes it a whole different animal. It's not two projects that need to be audited, it's one project that needs to be audited that received funding twice. So that's how we've got to look at it. But we need something on the application to where you know that they've already come in. That they've already received funding on this project and that they're coming in for additional funding.

RICK ANDERSON: And the way you do that is application number two and then you modify the percentage of match?

KATHY SPINELLA: Well we need to have a means to show our Board when we get an application in, it needs to stay right on that front sheet, that they've already received,

RICK ANDERSON: This is a resubmittal.

KATHY SPINELLA: It's a resubmittal, they've already received "X" amount of dollars on such and such date. That if by giving so many more dollars to it will bring it up to a certain percent funding. So it's more of an accounting thing than anything. Because we don't want it to count as an additional project because it's not. It's the same project that just received additional funding.

CHRIS DE MAY: Anything else from the Board?

PATT BISANT: I'd just like to request that for the meeting, the next meeting or a future meeting, we have Rick or somebody else come in and discuss how the modification of grants is handled. What the process is for the review and approval on grants when they've been modified.

JEN WASCAK: We can certainly put that on a study session agenda for the next meeting.

RICK ANDERSON: And I think that's something we want for you to interpret too for us. When I read the resolution it looks like as long as there's no percentage and change in the match, and that's why I need to ask for a legal opinion, but it looks like when you look at the percentage of match as long as that doesn't change it doesn't require anything more than an administrator review. On the other hand if the project changes where the match goes up, correct me if I'm wrong here Kathy, then it requires, then the process goes in front of the OSAB just like a grant application.

KATHY SPINELLA: The way it's written now is if, you know if someone's building a park and their just changing out a couple of benches for a table or two big pavilions for five small ones, you know it's one of those changes that doesn't change the use, doesn't change the appearance, you know they just decided they wanted to add these amenities or switch these amenities out. Then staff can make that decision during administrative review and we can tell them, "yes this ok for you to do this. It doesn't change your percentage, it doesn't change your award, it doesn't change the project, it doesn't really change anything."

CHRIS DE MAY: Does it move it from active to passive?

KATHY SPINELLA: No. If it comes in and Brighton for example, it was a 10 acre park and it comes in now as an 8 acre park, that changes a lot. It changes the way it looks. It changes the percent of leverage, it changes a lot of things about the project. So what we would do, is we're going to do a staff summary. We'll come to you and we'll explain to you what the applicant is wanting to do with the project. We'll take your comments or recommendations. We want to change the policies to say recommendations instead of comments. And have you actually, if you say "well we don't have a problem with that, it seems fine to us." That's fine. But if somebody does have a problem with it or somebody does have a point they want to make, we'll include that in our staff summary before it goes to the BoCC for final decision. It is their decision to make on that.

RICK ANDERSON: I think we'll want a ruling here from the County Attorney's office before we react to some of that.

PATT BISANT: Well actually I'm happy with all of that. Because in the past it was pretty nebulous and there wasn't really any policy.

JEN WASCAK: This Board has seen a lot of changes over the past two years. There's been a lot of things that were vague, not clarified and you didn't know, "is this what were supposed to be doing?" You know, hopefully as painful as this process has been sometimes for all of us, that we're working in the right direction to give you guys the feedback and the guidance that you need. But certainly there's always room for tweaking and you know as things come up we can add them to the policies and procedures but hopefully we're going in that direction.

PATT BISANT: Sounds good.

GLORIA RUDDEN: Yeah the 136th and Holly for instance. If that wasn't what we okayed and what eventually happened were...

KATHY SPINELLA: And that didn't fit within that process. So...

CHRIS DE MAY: Maybe if we change the language so that the Board has to be able to give their opinion before the BoCC makes their decision.

KATHY SPINELLA: That's in the policy. But the only thing is, it says comments. It says OSAB comments. And I think it should be a recommendation. Just like your recommendation for a grant award or grant funding. I don't know. Comments or recommendations, which ever way, it will go before this Board.

PATT BISANT: I personally like recommendation, but you know, if it's going to take an act of God to change the word, then don't.

KATHY SPINELLA: In any case your comments, reviews, recommendations will be included in the staff summary.

CHRIS DE MAY: Anything else from the Board?

TIM FERRELL: I'd like the recommendation that we salute Patt for staying on and being back for another term, or tour of duty.

PATT BISANT: I was very surprised and taken aback by two Commissioners after that December study session, who personally asked me to come back. Because I thought eight years, you know that was you know my time and that was it and I mean, they were pretty emphatic and then Alice called me too. So I thought, yep, I'll come back.

GLORIA RUDDEN: Well Alice originally asked me to ask you which I did, and you declined.

PATT BISANT: Because I thought my term was eight years. I really thought that was the max. If got reappointed again and I thought that's the max, maybe they want another citizen on. But you know they seemed pretty adamant about it.

GLORIA RUDDEN: Well you know the point I made to the Commissioners is that it takes a long time to learn and to understand the projects and the cities and forces that are behind all of this and these little terms are so short and you're getting people that are coming in, in a state of confusion trying to figure all of this out. And so those that are a little knowledgeable are an asset to our group.

PATT BISANT: That's the point that Alice made to me. She said that one of the things they're striving for is to have some consistency in their Boards. And because a lot of them are volunteer, there's a lot of turnover. So she said for consistency it would be nice if you could come back because you have a historical perspective. I'm happy to be back with you guys.

GLORIA RUDDEN: You'd miss us.

PATT BISANT: I would.

ITEM #4 - Public Participation

CHRIS DE MAY: Next is public participation. We have no public so we are adjourned at 6:30. See you on the tour.