



ADAMS COUNTY

COLORADO
BOARD OF COUNTY COMMISSIONERS

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STUDY SESSION AGENDA
TUESDAY
June 30, 2020

ALL TIMES LISTED ON THIS AGENDA ARE SUBJECT TO CHANGE

11:00 A.M.	ATTENDEE(S):	Byron Fanning
	ITEM:	Open Space Sales Tax Grant Award Recommendations
11:30 A.M.	ATTENDEE(S):	Byron Fanning
	ITEM:	Parks Rules and Regulations
12:00 P.M.	ATTENDEE(S):	Raymond Gonzales
	ITEM:	Administrative Item Review / Commissioners Communication

TO WATCH THE MEETING:

- Watch the virtual Zoom Study Session through our [You Tube Channel](#)

(AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE)

AGENDA IS SUBJECT TO CHANGE



STUDY SESSION ITEM SUMMARY

DATE OF STUDY SESSION: June 30, 2020
SUBJECT: Spring 2020 Open Space Sales Tax grant award recommendations
OFFICE/DEPARTMENT: Parks, Open Space and Cultural Arts
CONTACT: J. Byron Fanning, Jr., Mary Willis, Rae-Anne Reichow, Open Space Advisory Board
FINACIAL IMPACT: \$5,929,123.32
SUPPORT/RESOURCES REQUEST: Present the Open Space Advisory Board's recommendations to the Board of County Commissioners to understand whether there is concurrence prior to presenting awards in public hearing.
DIRECTION NEEDED: Approval from the Board of County Commissioners
RECOMMENDED ACTION: That the Board of County Commissioners accepts the Open Space Advisory Board recommendations for funding.

BACKGROUND:

On February 3, 2020, the Open Space Program received 20 grant application. 9 active and 7 passive grant applications and 4 mini grants. In addition to the grant requests, the Open Space Advisory Board and staff have to potential policy change questions for the Board. One is regarding the ability for HOA's to apply for grants, the other is regarding the annual grant schedule. Those issues will be addressed in separate sections of this memo after the current grant applications are considered.

The total amount requested for open space grants in this cycle is \$5,929,123.32, which included \$2,792,965.82 for active projects, \$3,117,157.50 for passive projects, and \$19,000.00 for mini grants. The total amount available for distribution was \$10,138,160.13. (Please refer to Exhibit A for details).

The Open Space Advisory Board (OSAB) recommended full funding of all the applications. If the Board of County Commissioners follows the OSAB's recommendations, the fund will carry a balance of \$4,546,692.02 to the next grant cycle. The recommended funding will decrease the level of overall active funding from 27.8% to 28.2%.

Detailed information about each grant and the OSAB's recommendations are below. The projects are listed according to their ranking, with mini grants listed first.

Mini Grant: Big Dry Creek Demonstration Habitat – City of Westminster

Project Summary: This spring, Butterfly Pavilion and the City of Westminster will work together to evaluate biodiversity and create a 3-year scope of work for creek restoration and garden establishment for the 1.67-acre site. The plan includes weed management, revegetation of riparian habitat, design, and installation of a 1-acre habitat demonstration plot with native plant species and a robust habitat monitoring the program implemented by Restoration Master Volunteers. This project will serve as a sustainable model for habitat restoration throughout the region.

Type: Passive

Grant Request: 26.3% of the total project costs, up to \$5,000

OSAB Recommendations: Full funding, \$5,000

OSAB Vote: Motion for full funding passed 6-0

OSAB Comments: None

Mini Grant: Stocking Thornton Fishing Lakes & Ponds – City of Thornton

Project Summary: Funding from this mini grant would double Thornton's fish stocking budget and help to stock lakes and ponds that have not been stocked for years. Thornton's fish-able lakes are warm water fisheries, where species like Bluegill, Channel Catfish and Largemouth Bass thrive. Mini-grant funding will help Thornton ensure that the fishing stock of its "fishing is fun" program continues to grow.

Type: Passive

Grant Request: 50% of the total project costs, up to \$5,000

OSAB Recommendations: Full funding, \$5,000

OSAB Vote: Motion for full funding passed 6-0

OSAB Comments: None

Mini Grant: Facelift Phase II – Bennett Park and Recreation District

Project Summary: Funding from this mini-grant will replace a 14-year-old water fountain with a dual bottle station, a new motor for the baby pool, replacement of lights in the pilates room using LED and upgrade the security system that is outdated.

Type: Passive

Grant Request: 50% of the total project costs, up to \$5,000

OSAB Recommendations: Full funding, \$5,000

OSAB Vote: Motion for full funding passed 6-0

OSAB Comments: None

Mini Grant: Barr Lake State Park Lake Appreciation Day 2020

Project Summary: This will be the 14th Annual Barr Lake Appreciation Day to take place on July 11, 2020. In 2019, 188 volunteers participated by cleaning the shorelines, eradicating noxious

weeds, and staining boardwalks. One of the main purposes of this event is to bring public awareness to water quality and issues that face our lakes and waterways including the importance of keeping Barr Lake free of debris and dangerous obstacles that may harm mammals, birds and waterfowl that frequent the lake. This grant will fund the volunteer projects, followed by lunch and educational activities.

Type: Passive

Grant Request: 39.7% of the total project costs, up to \$4,000

OSAB Recommendations: Full funding, \$4,000

OSAB Vote: Motion for full funding passed 6-0

OSAB Comments: None

New Park 88th Avenue and Santa Fe Drive – City of Thornton

Project Summary: This project will provide funding to purchase a 2.3-acre property to use as active parkland on Thornton's west side of I-25. The site is located in a primarily high-density residential area whose neighborhoods do not include much play space. The city is thrilled to build a park in this area where 22% of households are below the Federal Poverty Level and 34% of the population is 0-19 years old. The park will be the fifth city park west of I-25, serving a population of 21,000 residents.

Type: Active

Grant Request: 48% of the total project costs, up to \$824,546.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$824,546.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

LuBird's Inclusive Playground at Stanley Marketplace – LuBird's Light Foundation

Project Summary: There are over 74,000 kids with disabilities in Colorado and most playgrounds do not give these children an opportunity to experience the fun and joy of being with their peers. LuBird's Light Foundation will build an extraordinary, one-of-a-kind inclusive playground at Stanley Marketplace for children and families of all needs. LuBird's Playground in Aurora will be one of the only inclusive playgrounds in Adams, Douglas, Arapahoe, and Denver counties. The playground will include state-of-the-art handicapped accessible swings, spinners and slides, and musical sensory play equipment.

Type: Active

Grant Request: 22% of the total project costs, up to \$200,000.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$200,000.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Parklane Pool Improvements – City of Aurora, Parks, Recreation & Open Space Department

Project Summary: The Parklane pool and bathhouse built in 1962 and opened in the summer of 1963. With the exception of a new slide, added in 2015, very little has been done to refurbish this facility in the past 56 years that it has been in operation. This grant will help fund much

needed renovations and upgrades to a very popular aquatic facility in Northwest Aurora that will include a new bath house and splash pad.

Type: Active

Grant Request: 50% of the total project costs, up to \$775,000.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$775,000.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Accessible Parking Lot and Fishing Trail at Lake Mary – U.S. Fish and Wildlife Service, Rocky Mountain Arsenal National Wildlife Refuge

Project Summary: This project will build upon the extensive and ever improving public-use facilities at the Rocky Mountain Arsenal National Wildlife Refuge by building trail connections, creating public access, and allowing increased fishing opportunities. The Refuge is a major outdoor recreational facility in Adams County and this project will provide a new accessible trailhead and one accessible concrete trail that will lead to accessible fishing piers and bridge for residents. This project will allow access to the Lake Mary boardwalk and fishing piers completed in 2019.

Type: Passive

Grant Request: 10.4% of the total project costs, up to \$84,319.82

Previous Grant Request: No

OSAB Recommendation: Full funding, \$84,319.82

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Quebec Run Water Efficiency and Renovation Project – Quebec Run Community HOA

Project Summary: The objective of this project is to reduce the amount of long-term water usage utilizing turf reduction, provide greater sustainability, and increase park/trail usage by all taxpayers in the Thornton/Adams County communities. Details of the project include the addition of a post-tension basketball court, pavilion, park benches, and 60% reduction in irrigated turf. Quebec Run is a 17-year old community, centrally located between two elementary schools, and connected to dozens of other neighborhoods by a vast trail system. The community has 46 acres of open space, including an unused 7.5-acre park, with long-standing, complicated, and costly water irrigation challenges.

Type: Active

Grant Request: 60% of the total project costs, up to \$954,744.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$954,744.00

OSAB Vote: Motion for full funding passed 4-2

OSAB Comments: *See discussion outlined in the meeting minutes

Aichelman Open Space Property – Phase I, City of Brighton

Project Summary: The Aichelman Open Space Property, Phase 1 project provides a safe, new access for open space and trail users in western Brighton. The project includes construction of

an accessible asphalt entry drive to Ken Mitchell Open Space off Brighton Road that leads to a lighted parking lot/trailhead with adjoining concrete trail section, and site landscaping with prairie mix seeding. Scenic western mountain vistas are viewed, lake fishing, bird and wildlife watching occurs at this historic open space. Outdoor and environmental education will occur here in the future.

Type: Passive

Grant Request: 60% of the total project costs, up to \$818,400.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$818,400.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Alsup Elementary School Replacement Playground – Adams County School District 14

Project Summary: Adams County School District 14 will replace Alsup Elementary School this year through state grant funds, serving the Alsup Elementary School community along with residents from the surrounding neighborhood. Open space is essential for the new Alsup site, being located adjacent to Brighton Boulevard and US-6. Alsup seeks support for the construction of multiple student-inspired outdoor playground areas. The assistance would provide additional resources for an outdoor classroom, educational gardens, and other outdoor gathering spaces. These unique areas will encourage teachers to teach outside while also benefiting the families in the neighborhoods surrounding the new school building.

Type: Active

Grant Request: 36.5% of the total project costs, up to \$110,000.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$110,000.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Veterans Memorial Park Renovation – City of Commerce City

Project Summary: Veterans Memorial Park built in 1971, has been an important site for the city residents and visitors throughout the past 48 years. The master plan completed in 2018, and construction will begin in early 2020. The renovation includes an inclusive playground (the first in the city) a nature playground, new shelters, new irrigation system, additional sidewalks, a labyrinth, a secured parking lot for city vehicles, landscaping, a flush restroom, and art keeping with the theme of the newly renovated and adjacent Eagle Pointe Recreation Center.

Type: Passive

Grant Request: 39.1% of the total project costs, up to \$400,000.00

Previous Grant Request: Yes, \$750,000.00

OSAB Recommendation: Full funding, \$400,000.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Thornton Trail Access and Improvements 2020 – City of Thornton

Project Summary: This project consists of several components to improve trail access, connectivity, and safety, including an underpass at Huron Street that will connect concrete trails within Niver Open Space to the trail that follows Niver Creek Tributary M. This project will improve safety for crossing Huron and be paired with flood control improvements. In the Springvale neighborhood, a 150' 'social trail' will be paved to connect the cul-de-sac of 137th avenue with the larger trail network. It will also include concrete rehabilitation, will ameliorate cracked or damaged trails within Thornton's parks system to promote safety and prevent further deterioration.

Type: Passive

Grant Request: 65% of the total project costs, up to \$819,650.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$819,650.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Sand Creek Park Shelter Construction – Aurora Park, Recreation and Open Space Department

Project Summary: Award of this grant will help fund construction of a large group shelter at Sand Creek Park. The proposed shelter will have 6 tables with seating for 60. Fully accessible, concrete walks will provide connections from the parking lot. A large plaza space will be located on the north side of the shelter, allowing room for large events/receptions. Sandstone boulders and native plants will provide elements compatible with the surroundings and existing park features. The addition of a vault restroom adjacent to the parking lot will serve both park and trail users.

Type: Passive

Grant Request: 49.7% of the total project costs, up to \$170,000.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$170,000.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Brother's Four Playground Improvement – Town of Bennett

Project Summary: This project is for the improvement of one of the Town of Bennett's oldest neighborhood parks. The park is located next to low-income apartment housing and directly diagonal from 24 new town homes. As the area is growing with new development, the playground equipment, surfacing near the playground and the drainage in the park need renovation. The playground equipment has cracks in the posts and the playground surfacing is being damaged. The grant will replace the playground equipment and play surface, replace an old trash can along the trail, add a dog station, and two drainage pans to promote safety and prevent further deterioration. This project will include replacement of the playground equipment and play surface, replace an old trash can along the trail, adding a dog station, and two drainage pans that go into the park from the street.

Type: Active

Grant Request: 60% of the total project costs, up to \$82,800.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$82,800.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Rotella Park Shade Structures – Adams County Parks, Open Space and Cultural Arts

Project Summary: Adams County Parks, Open Space and Cultural Arts wishes to install shade structures at the playground located at Rotella Park. Parks previously applied for funds for this project in the spring of 2018. Upon consultation with play equipment providers, it was determined that it was not feasible to retrofit the existing ages 5-12 play structures with shade due to fall zone requirements. Because the age 5-12 play equipment is approximately 20-year's old and nearing the end of its economic lifespan, it was decided to replace the ages 5-12 play equipment with new play equipment that has integrated shade structures. A shade structure will be retro fitted over the ages 2-5 play equipment.

Type: Active

Grant Request: 49.1% of the total project costs, up to \$56,067.50

Previous Grant Request: Yes, \$30,000.00

OSAB Recommendation: Full funding, \$56,067.50

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Bergman Barn Restoration Project – Barr Lake State Park

Project Summary: This project will provide the opportunity to restore a barn rich in history about the agriculture roots of Adams County. Restoration of the Bergman Barn will include removal of existing deteriorated siding and sheathing, sheathing and siding replacement, installation of exterior trim and restoration of site fencing. In 2015/2016, the roof and footers of the barn were replaced. This grant will allow for the completion of the restoration project.

Type: Passive

Grant Request: 67.4% of the total project costs, up to \$34,361.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$34,361.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Rocky Mountain Bird Observatory dba - Bird Conservancy of the Rockies

Project Summary: Bird Conservancy of the Rockies has provided environmental education programming to Adams County residents and visitors for over 30 years. Our hands-on, experiential, and nature-based programming is inclusive and reaches people of all ages. Support of the programs will ensure the continued delivery of universally accessible, high-quality environmental education programs delivered by experienced staff and trained volunteers. Together we will be creating opportunities for all people to access the knowledge necessary to develop a scientifically literate community.

Type: Passive

Grant Request: 48% of the total project costs, up to \$466,235.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$466,235.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Centennial Park Improvements – Town of Bennett

Project Summary: Centennial Park was redesigned and constructed in 2017 with a CBDG grant managed through Adams County. Since 2017, it has become evident that the drainage design was insufficient and problematic in design due to the recent increase in precipitation and playground use. Due to budget constraints during the initial construction, some benches and seating areas were postponed. It is our hope to correct the drainage and seating issues to this new and popular park.

Type: Active

Grant Request: 60% of the total project costs, up to \$39,000.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$39,000.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

City View Park Master Plan – Adams County Parks, Open Space and Cultural Arts

Project Summary: City View Park located within the Welby neighborhood of unincorporated Adams County has been long over-due for renovations. Its limited facilities are in disrepair and suffer from frequent vandalism. Renewal of the park poses certain challenges, such as steep slopes and lack of trail access. Funding is being sought for a master plan and design with an eye towards a complete re-imagining of City View Park.

Type: Active

Grant Request: 50% of the total project costs, up to \$75,000.00

Previous Grant Request: No

OSAB Recommendation: Full funding, \$75,000.00

OSAB Vote: Motion for full funding passed 5-0

OSAB Comments: None

Adams County Open Space Advisory Board

Meeting Minutes

April 29, 2020

(via Zoom)

OSAB Members in Attendance:

Doug Cuillard

Mark Stickel

Paul Weinrauch

Cynde Barnes

Christy Dowling

Ed Hickel (not present for roll call joined meeting late via phone)

County Attorney:

Doug Edelstein

Adams County Open Space Staff in Attendance:

Byron Fanning

Mary Willis

Rae-Anne Reichow

Meeting was called to order at 5:35pm by Chairperson, Mark Stickel.

Mr. Stickel advised that the meeting was being held as a consent agenda and the intent was to approve all grant requests including the min-grants as one agenda item. Mr. Stickel asked the board members if they should withdraw any items from the consent agenda to be considered in a separate vote.

Ms. Dowling asked that the Quebec Run HOA project be set aside.

Mr. Cuillard asked that the prior meeting minutes approval also be set aside.

Spring 2020 Grants:

- New Park 88th Avenue and Santa Fe Drive – City of Thornton
- LuBird's Inclusive Playground at Stanley Marketplace – LuBird's Light Foundation
- Parklane Pool Improvements – City of Aurora, Parks, Recreation & Open Space Department
- Accessible Parking Lot and Fishing Trail at Lake Mary – U.S. Fish and Wildlife Service, Rocky Mountain Arsenal National Wildlife Refuge
- Quebec Run Water Efficiency and Renovation Project – Quebec Run Community HOA

- Aichelman Open Space Property – Phase I, City of Brighton
- Alsup Elementary School Replacement Playground – Adams County School District 14
- Veterans Memorial Park Renovation – City of Commerce City
- Thornton Trail Access and Improvements 2020 – City of Thornton
- Sand Creek Park Shelter Construction – Aurora Park, Recreation and Open Space Department
- Brother’s Four Playground Improvement – Town of Bennett
- Rotella Park Shade Structures – Adams County Parks, Open Space and Cultural Arts
- Bergman Barn Restoration Project – Barr Lake State Park
- Rocky Mountain Bird Observatory dba - Bird Conservancy of the Rockies
- Centennial Park Improvements – Town of Bennett
- City View Park Master Plan – Adams County Parks, Open Space and Cultural Arts

- Big Dry Creek Demonstration Habitat – City of Westminster (mini)
- Stocking Thornton Fishing Lakes & Ponds – City of Thornton (mini)
- Facelift Phase II – Bennett Park and Recreation District (mini)
- Barr Lake State Park Lake Appreciation Day 2020 (mini)

Mr. Stickel made a motion for the approval of all projects including mini grants to be considered within one vote, excluding the Quebec Run project and meeting minutes.

Mr. Cuillard, second. Motion passed.

Ms. Willis polled the OSAB for approving all grants and mini grants with the exception of the Quebec Run Project.

Ms. Dowling:	Yes
Ms. Barnes:	Yes
Mr. Cuillard:	Yes
Mr. Stickel:	Yes
Mr. Weinrauch:	Yes
Mr. Hickel:	Not present at time of vote

Motion passed 5-0

Discussion:

- Quebec Run Water Efficiency and Renovation Project – Quebec Run Community HOA (Sponsored by the City of Thornton)

Ms. Dowling stated she was initially supportive of the concept of this project. As more information came to light, she felt she could no longer support the project with concerns about

HOA's asking for Open Space Funds. Ms. Dowling's concerns include the large number of HOA's in Colorado that represent homeowners and not the public at large. She questioned whether an HOA provides a service or is it a private entity. Further she is concerned about the precedent being set especially as we enter the current and upcoming economic downturn.

Mr. Cuillard echoed Ms. Dowling's concerns and added that he questioned whether an HOA could legally put exclusive rights for members/homeowners (only) to use the property?

Mr. Fanning requested the assistance of the county attorney to answer the question.

Mr. Edelstein explained that as a condition of accepting Open Space grants the property must remain accessible to the public. Some properties are not for public use. However, contractually this property must be accessible to the public.

Mr. Stickel referred to another project where he recalled the property was to remain open for perpetuity.

Ms. Dowling then states she is not clear on how Open Space relates to landscaping.

Mr. Hickel joins ZOOM meeting via phone.

Mr. Edelstein explains that if the property were closed to non HOA members, the funds would be owed back to the Open Space Program.

Ms. Barnes was initially supportive of the project as it was good use of water conservation. Ms. Barnes questioned what happens after the five-year landscaping contract expires. Ms. Barnes was also not supportive of the dollar amount.

Mr. Fanning explained that landscaping projects often have only a one-year warranty. This project's contract for landscaping extends for five years. At that time, the HOA will be responsible to maintain the property or to procure another landscaping contract.

Ms. Dowling states that she does not see a connection to recreation or Open Space. Further, this grant application is sponsored by a water board, HOA's provide services to members not to the public. No Fundraising was completed, and no community interest was shown.

Mr. Fanning added that this was the 5th overall ranked project. Nothing in the rules and regulations, or policy and procedures exclude HOA's from applying. Mr. Fanning suggested recommending a policy change to the Board of County Commissioners for future requests.

Mr. Hickel stated they have funded HOA's and a church in the past.

Mr. Cuillard asked that the county attorney look at the language to verify that any HOA asking for funds is mandated to keep projects open for perpetuity.

Mr. Fanning stated that we cannot change the rules for this grant. However, we can look for other ways in the future to clarify policies.

Ms. Barnes noted that a third or more of projects are sponsored because they are not jurisdictions and this project is from a Water Board, not a jurisdiction.

Mr. Fanning asked the OSAB Board if they would like staff to work with the County Attorney regarding the concerns of the Board.

All agreed board members agreed.

Mr. Stickel reminded the Board that the vote is a recommendation to the BOCC and can remain under discussion as it passes to the BOCC.

Ms. Barnes asked if the amount can be changed.

Mr. Stickel answered that the grant request has been through the process and members can vote no if they so choose.

Mr. Stickel instructed Mr. Fanning to proceed with updating the policy.

Mr. Stickel asked for final comments

No further comments from the OSAB.

Motion:

Mr. Stickel motioned to approve the Quebec Run HOA Project.

Mr. Hickel, second. Motion passed.

Ms. Willis polled the OSAB for approval of the Quebec Run HOA Project Grant.

Ms. Dowling:	No
Ms. Barnes:	No
Mr. Cuillard:	Yes, and added his suggestion to strengthen the policy
Mr. Hickel:	Yes
Mr. Stickel:	Yes
Mr. Weinrauch:	Yes

Motion passed 4-2

Mr. Stickel reiterated that concerns be shared with BOCC

Approval of Meeting Minutes from

Mr. Cuillard requested more comprehensive meeting minutes and Mr. Weinrauch agreed.

Mr. Stickel motioned that the meeting minutes from September 25, 2019, February 22, 2020 and February 26, 2020 be approved.

Mr. Weinrauch second. Motion passes.

Ms. Willis polled the OSAB to approve the meeting minutes:

Ms. Dowling:	Yes
Ms. Barnes:	Yes
Mr. Cuillard:	Yes
Mr. Hickel:	Yes
Mr. Stickel:	Yes
Mr. Weinrauch:	Yes

Motion Passed

Mr. Stichel motioned to have a separate vote for mini grants in case his earlier motion of 14 projects needs clarification.

Mr. Weinrauch second. Motion passes.

Ms. Willis polled the OSAB to approve the 4 Spring 2020 Mini-Grants:

Ms. Dowling: Yes

Ms. Barnes: Yes

Mr. Cuillard: Yes

Mr. Hickel: Yes

Mr. Stichel: Yes

Mr. Weinrauch: Yes

Meeting adjourned at 6:22 P.M.

DISCUSSION POINT:

Proposed Policy and Procedure Change:

Due to questions about the recent grant submittal by the Quebec Run Community HOA, the Board would like directly address the ability for HOA's to make grant requests in the Grant Policies and Procedures. The OSAB would like to propose this change (in bold type face):

Sponsored Organizations:

Any organization, including but not limited to Metropolitan Districts providing services in addition to parks and recreation, other governmental entities and non-profit organization are eligible to apply, provided they are sponsored by a qualified jurisdiction. These organizations must receive sponsorship from one of the qualified jurisdictions as evidenced by documentation from the sponsoring qualified jurisdiction indicating their sponsorship of and support of the project. ***HOAs are not eligible to apply for and/or receive open space grants.***

DISCUSSION POINT:

Proposed Procedure Change:

Staff would like to propose changing the grant submission timeline from February and July submission to March and September submission beginning in March of 2021. This change is being proposed in order to better suit the business cycle of the Parks and Recreation Industry as municipalities in the county have experienced difficulty meeting our current timelines. February can be challenging as local agencies are wrapping up the previous year in December and January when the bulk of the work for the grant process would need to be acted on and July is in the middle of the summer programming and growing season, a time when each agency is focused on meeting the demands of the greatest number of residents annually.

Each qualified jurisdiction was polled on their opinion on this proposed change and they unanimously approved. Would the BOCC support changing the Open Space Grant timeline to September and March?



STUDY SESSION ITEM SUMMARY

DATE OF STUDY SESSION: June 30, 2020
SUBJECT: Parks Rules and Regulations
OFFICE/DEPARTMENT: Parks, Open Space & Cultural Arts
CONTACT: Byron Fanning
FINACIAL IMPACT: n/a
SUPPORT/RESOURCES REQUEST: n/a
DIRECTION NEEDED: Approval of the proposed Rules and Regulations
RECOMMENDED ACTION: Approval of the proposed Rules and Regulations

DISCUSSION POINTS:

- On May 12th, staff presented a proposed update for the Parks Rules and Regulations. At that time, the Board of County Commissioners asked for a revision including more information on the use of unmanned aircraft such as drones and model planes in the park and open space system. This study session item is being requested to revisit this topic.
- Staff has connected with other local agencies to understand their approach as well as researched Federal Aviation Administration guidelines on this topic.
- Staff is recommending a two pronged approach
 - Allow drop in operation at the Riverdale Regional Park campus in the gravel parking lot just to the north of the History Museum
 - Allow for operation at other Park and Open Space properties through a permitting process to be approved by the POSCA Director

RESOLUTION NO. 2020-

A RESOLUTION CONCERNING RULES AND REGULATIONS FOR ADAMS COUNTY PARKS, TRAILS, AND CULTURAL ARTS AREAS

WHEREAS, the Adams County Board of County Commissioners (“Board”) is empowered by Colorado Revised Statutes (C.R.S.) § 18-9-117 and § 29-7-101(2), as amended, to adopt rules and regulations pertaining to Adams County public recreation lands and facilities; and,

WHEREAS, Adams County, through the Board, has elected to adopt such Rules and Regulations; and,

WHEREAS, these Rules and Regulations are for the purpose of administration, protection, maintenance, regulation, and control of property which Adams County owns, leases, or otherwise manages as parks, trails, and open space areas; and,

WHEREAS, enactment of these Rules and Regulations constitutes neither a waiver of governmental immunity pursuant to §§ 24-10-101, *et seq.*, C.R.S., as amended, nor the assumption of any duties of care to any person.

NOW, THEREFORE, BE IT RESOLVED, that any prior Resolutions concerning the Rules and Regulations contained herein are superseded by the following.

**RULES AND REGULATIONS
FOR ADAMS COUNTY PARKS, OPEN SPACE, AND CULTURAL ARTS (POSCA)**

1. Regulatory Signs

It is unlawful to violate any official rule or regulation posted on a sign.

2. Hours

Adams County’s parks, trails, open space areas, and facilities are open for daytime use only, between 5:00 a.m. and 11:00 p.m. Contracted and permitted events are excepted. No person shall enter or remain in any Adams County park, trail, open space area, or facility at any other time without authorization.

3. Resource Protection

- (a) It is unlawful for any unauthorized person to remove, move, destroy, mutilate, collect, or deface any natural or man-made object within any Adams County park, trail, or open space area, including but not limited to: trees, downed timber or branches, shrubbery, plants, flowers, rocks, fences, signs, kiosks, restrooms, tables, benches, cultural resources, motorized or mechanized mining of gold or other ores, and trash containers.

- (b) It is unlawful to plant vegetation of any type or place any other type of landscape material or establish or construct trails or other facilities for public or private use without the permission from the Adams County POSCA Department Director.

4. Domestic Animals/Livestock

- (a) Any dog or other domestic animal within an Adams County park, trail, or open space area shall be restrained by a maximum of a 12 foot leash, cord, rope, or chain and under physical control of a person, except as otherwise provided for in this section 4, or as posted with approval from the Adams County POSCA Director.
- (b) It is unlawful for any owner/keeper to allow their domestic animal(s) within an Adams County park, trail, or open space area to engage in disorderly conduct or any activity that interferes with the health, safety, or welfare of users, livestock, other domestic animals, or neighbors in the area; or which creates a nuisance, including unwanted physical contact or threatening behavior with any user, domestic animal, or livestock.
- (c) Any person who brings a dog into an Adams County park, trail or open space area shall dispose of that dog's excrement in an appropriate manner.
- (d) Dogs may be prohibited within specific Adams County park, trail, or open space areas at the discretion of the Adams County POSCA Department Director.
- (e) Horses must be under the physical control of a person at all Adams County park, trail, or open space areas except at the exhibitor and spectator areas at the Riverdale Regional Park.
- (f) Domestic animals or livestock may be tied by a lead or rope sufficient to restrain the animals, but shall not be left tied and unattended nor tied in any manner which damages vegetation or structures or which interferes with or disturbs the public's use of established trails, picnic areas, or other recreational areas.
- (g) All feed provided to livestock while on Adams County parks, trails, trailheads, or open space areas must be free of weeds and weed seeds. Livestock grazing is allowed only by lease or permission from the Adams County POSCA Department Director.
- (h) Exceptions to this Rule are permitted for the use of a dog as a service animal as long as such use is in all respects in compliance with the regulations in 28 CFR § 35.136. A service animal must be individually trained to do work or perform tasks for the benefit of its handler's disability.
- (i) Provision of emotional support, well-being, comfort, or companionship do not qualify as "work" or "tasks" which may be provided by a service animal. Emotional support, well-being, comfort, or companionship animals are not protected under the Americans with Disabilities Act (ADA) and may be restricted in certain Adams County parks, trails, open space areas, and facilities.

- (j) It is unlawful to confine any animal in a motor vehicle in such a manner that places it in a life or health-threatening situation by exposure to a prolonged period of extreme heat or cold without proper ventilation or other protection from such heat or cold.

5. Wildlife

- (a) It is unlawful for any person to feed, hunt, pursue, trap, molest, disturb, or kill any wildlife, or to allow any domestic animal to do the same, at any time within any Adams County park, trail, or open space area, except where and when such activities are permitted at the discretion of the Adams County POSCA Department Director. This provision shall not apply to any county, state, or federal government personnel authorized by the Board to carry out a wildlife management program pursuant to applicable law or county-approved rules and regulations.
- (b) It is unlawful for any unauthorized person to relocate or release any wildlife or domesticated animals within any Adams County park, trail, or open space area, unless permission is specifically granted by the POSCA Director.

6. Fishing and Boating

- (a) Fishing is permitted in accordance with the Colorado Wildlife Commission's land and water regulations, except in open space areas designated and posted with special Adams County park, trail, or open space regulations. Ice fishing is prohibited on all Adams County park, trail, and open space areas. It is unlawful to violate special fishing regulations posted within any Adams County park, trail, or open space area. Rules and Regulations, fees, and special permit requirements shall be determined by the Adams County POSCA Department Director and posted at affected Adams County park, trail, or open space areas. The Adams County POSCA Department Director may modify these regulations or create new ones when deemed necessary for repairs, wildlife, vegetation, and/or public safety concerns.
- (a) It is unlawful to use bow & arrow, seines, cast nets, and/or live traps on any body of water for the purpose of fishing within Adams County parks, trails, or open space areas.
- (b) Belly-boating for fishing is allowed in designated lakes and other boating is only allowed where posted.

7. Swimming and Skating

It is unlawful to swim, dive, ice skate, walk on ice, use any floatation device not designed for fishing, in or on any lake, pond, or stream within any Adams County Park, Trail or Open Space area, unless the area is specifically posted to allow such activity.

8. Trail Use

- (a) It is unlawful for any trail user to fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: All users yield to equestrians, bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, being prepared to stop, establishing communication, and passing safely.
- (b) The Board may, by resolution, adopt use restrictions on specific parks, trails, or open space areas when such restrictions are necessary for resource protection or safety-related issues. Such restrictions shall be posted at the parks, trailheads, or open space areas.

9. Bicycles

No person shall ride a bicycle including e-bikes or unicycle within any Adams County park, trail, or open space area except on trails where such use is designated, including day-of-use and directional designations, and at the Riverdale Regional Park. Strollers and wheelchairs are exempted from this regulation and are permitted within any Adams County park, trail, or open space area.

10. Vehicles and Parking

- (a) No person shall operate a motor vehicle, including a car, truck, motorcycle, minibike, snowmobile, four-wheel drive, or other recreational vehicle, within any Adams County park, trail, or open space area, unless the area is specifically designated and posted to permit the operation of such vehicle. Adams County and emergency vehicles on official business may be operated on parks, trails, and open space areas for maintenance, inspection, regulatory, and law enforcement purposes and are excepted from this rule. For exceptions related to disabled access, refer to Rule 10(f) (g) and (h). Violations of this Rule 10(a) may only be cited by a law enforcement officer pursuant to C.R.S. § 18-9-117, Adams County Ordinance 9, or other applicable law.
- (b) Vehicles must be parked only in designated areas, and in compliance with all posted parking signs. It is unlawful to park in a manner that impedes the safe flow of traffic. A law enforcement officer may enforce this Rule 10(b) under either C.R.S. § 18-9-117, Adams County Ordinance 9, or a separate and distinct County Parking Ordinance. Other authorized agents of Adams County may only enforce this Rule 10(b) pursuant to a separate and distinct County Parking Ordinance.
- (c) Only persons with a disability may park in spaces designated for persons with disabilities. A law enforcement officer may enforce this Rule 10(c) under either Adams County Ordinance 9 or C.R.S. § 42-4-1208. Other authorized agents of Adams County may only enforce this Rule 10(c) pursuant to a separate and distinct County Parking Ordinance.

- (d) Vehicles may not be parked, attended or unattended, when the park, trail, or open space area is closed, except with permission from the Adams County POSCA Department Director.
- (e) Any motor vehicle parked in an area that is closed, or not a designated parking area, or an area designated as a “No Parking” area may be towed at the owner’s expense in accordance with C.R.S. 42-4-1801, *et. seq.*
- (f) Individuals with mobility disabilities are permitted to use wheelchairs and/or manually-powered mobility aids on any trail open to pedestrian use so long as they are used in a safe manner. Individuals with mobility disabilities may use other power-driven mobility devices (“OPDMDs”) on all trails open for pedestrian use unless a trail has been designated as being unsafe for use by OPDMDs based upon the assessment factors found in 28 CFR § 35.137(b)(2). A current list of trails that have been designated as being unsafe for use of OPDMDs shall be kept on the Riverdale Regional Park & Open Space website.
- (g) County personnel who have been granted authority to enforce these Rules and Regulations shall have the discretion to temporarily designate additional trail segments or other facilities on Adams County areas as unsafe and as inappropriate for use of certain classes of OPDMDs. This may be based upon current conditions, such as weather, trail conditions, pedestrian traffic volume, and potential harm to the immediate environment or natural resources. OPDMD’s shall not be wider than ½ the width of the designated path.
- (h) Use of OPDMDs within any park, trail, or open space area must be in a safe manner and is at the risk of the user. OPDMDs may not be used off trail in any Adams County park, trail, or open space area.

11. Camping

- (a) It is unlawful to camp overnight, or to park any vehicle, trailer, or camper for overnight camping purposes in any Adams County park, trail, open space area, or facility.
- (b) Exceptions may only be granted for overnight RV parking permits issued by Adams County staff in association with a contracted or official county event at the Riverdale Regional Park. All permits issued for overnight RV parking will be in accordance with established policies and procedures.

12. Fires, Grills, and Generators

- (a) Open fires, including campfires, are unlawful on all Adams County parks, trails, and open space areas. Charcoal fires may be built only in designated picnic grills. All charcoal fires must be safely and completely extinguished as soon after grilling as practicable. All residue must be left in the provided grills. Propane grills are permitted. Gas generators are permitted, however must be placed on a wooden or similar base to prevent damage to native or other turf.

- (b) Exceptions may be granted only with permission from the Adams County POSCA Department Director.

13. Tents and Inflatables

Tents, booths, stands, awnings, canopies, and similar structures are prohibited unless prior consent has been granted from the Adams County POSCA Department Director. Use of stakes of any kind are prohibited. Tents, jumping castles or similar inflatables may be allowed; however, they need to be secured with weights. Unsecured tents, jumping castles, or similar inflatables are prohibited.

14. Glass Containers

It is unlawful for any person to carry or possess, outside of an enclosed vehicle, any glass bottle or other glass container within any Adams County park, trail, or open space area, except as might be required for prescribed medical treatment or for food preparation in the concession areas at the Riverdale Regional Park. Exceptions are also made for specific events under an Agreement with Adams County. Further exceptions are permitted only by obtaining permission from the Adams County POSCA Department Director.

15. Alcoholic Beverages

Possession and consumption of alcoholic beverages is permitted within Adams County park, trail, or open space areas so long as it follows all other Rules and Regulations and state law.

16. Projectiles, Weapons, Explosives and Fireworks

- (a) It is unlawful to discharge on or into any Adams County park, trail, or open space area, projectiles, weapons, firearms, and explosives of any kind (including fireworks), except as expressly mandated by Article 12 of Title 18 of the Colorado Revised Statutes, as amended. See also C.R.S. Section 30-15-302 (1)
- (b) Peace officers on official duty and engaged in official operations are excepted from this Section 16.
- (c) Nothing in this policy shall be construed to restrict or otherwise affect the constitutional right to bear arms or to defend ones' person, family, or property.

17. Littering/Dumping

- (a) It is unlawful to deposit or dispose of trash, garbage, rubbish, litter, debris, or other objects within any park, trail, or open space area, except that which is generated by legal activities conducted within the Adams County park, trail or open space area. Trash and debris legally generated within any Adams County park, trail, or open space area must be removed or deposited in a designated trash receptacle.

(b) It is unlawful to clean vehicles / livestock trailers out onto Adams County park, trail, or open space area, including the Riverdale Regional Park.

(c) It is unlawful to deposit any hazardous material within any Adams County park, trail, or open space area.

18. Advertising and Flyers Prohibited

Posting of signs, advertisements and flyers or placement of brochures in Adams County park, trail, or open space areas or on the vehicles or property of others within those areas is prohibited except for community bulletin boards located within the parks and at trailheads.

19. Commercial Activity

It is unlawful for any person, acting individually or on behalf of a business or organization, to charge a fee for any commercial activity or concession, or to provide any service, product or activity for which a fee is charged in any Adams County park, trail, open space area, or facility, unless a valid Adams County Vendor Permit has been issued for that purpose by the Adams County Parks, Open Space & Cultural Arts Department.

Individuals engaging in still camera photography, nonprofit tax-exempt entities, and anyone acting pursuant to the terms of an agreement with Adams County are exempt from this section.

20. Drones/Small Unmanned Aircraft

The Federal Aviation Administration (FAA) governs the use of public and civilian Unmanned Aircraft Systems (UAS) operations. Flying a UAS (drone or small model plane) above Adams County Property is only permitted in one of two ways.

At all times, operators must abide by all state and Federal regulations regarding operating UAS as well as strictly adhering to all procedural requirements for areas managed by the Adams County Parks, Open Space and Cultural Arts Department. It is the responsibility of the user to inform themselves of all requirements and regulations prior to operating a UAS at any Adams County location.

(a) **Drop In Operation**, a location has been designated on properties managed by Adams County Parks, Open Space and Cultural Arts Department at Riverdale Regional Park on the gravel parking area located directly north of the Adams County Museum on the west side of Park Blvd.

- i. This area will be available for drop in use during park hours unless otherwise designated and UAS operations are limited to the airspace directly above this parking lot. A permit will not be required to operate a UAS in this designated area.
- ii. This area **will not** be available for use for UAS operation when it is being utilized for permitted special events, county sponsored events, and/or the Adams County

Fair. During these events, the area will be posted with appropriate notices, and notifications will be posted on the county website.

- (b) **Permitted Operation**, the second type of allowable operation of a UAS above Adams County property is through a permitting process for commercial use such as filming or photography for marketing or research projects. Permits can be obtained through the Parks Administration Office for POSCA Director approval.
 - i. Applicants must submit the proper forms and request all appropriate permits.
 - ii. Operating times and locations for each permitted use will be reviewed as part of the application process. Applications may be denied, or a request may be made to amend times and locations due to resource, wildlife, or public safety concerns.

This Policy shall be periodically reviewed and revised, as needed.

21. Research Projects

All research projects to be conducted within any park, trail, or open space area must be reviewed and authorization granted in advance from the Adams County POSCA Department Director.

22. Special Use Permits

Special use permits are required for any group of 25 or more. Requests must include the group affiliation, dates and time of use, trails, or areas to be used, and other details of the use. If, in the opinion of the Adams County POSCA Department Director activity will cause significant impact to the natural environment or will require significant departmental resources, the county may prescribe a fee that includes the costs expected to be incurred by the department, or deny permission for the activity.

23. Other Prohibited Activities

- (a) It is unlawful to pollute land, water, or air; golf course; or to use remote-controlled land, water, airborne, or similar devices at any Adams County park, trail, or open space area unless the activity is permitted by an agreement with Adams County or outlined in this document.

- (b) Except for emergency landings, it is unlawful to take off, operate, or land with any motorized or non-motorized aircraft within any Adams County park, trail, or open space area. “Aircraft” includes but is not limited to; airplanes, helicopters, ultralights, gliders/sailplanes, and hot-air balloons except as permitted with agreement with Adams County. Additionally, Drones and other unmanned aircraft are only permitted in designated areas as noted in section 20 of this document.
- (c) Special regulations may apply to buildings open to the public on Adams County park, trail, or open space areas. These regulations shall be approved by the Board. Such regulations will be posted on site.

23. Closures

- (a) Adams County park, trail, or open space areas being managed for agricultural purposes, whether by Adams County or a lessee, are closed to the public unless trails and other related facilities are designated for another purpose by the Board. It is unlawful for any unauthorized person to enter such closed areas.
- (b) The Adams County POSCA Department Director may from time to time determine that closure of Adams County park, trail, or open space areas to the public and/or to certain animals is necessary or appropriate due to wildlife, vegetation, management review, contractual agreement, public safety concerns, and/or other resource protection needs.

24. Exceptions to the Rules and Regulations

Exceptions to these Rules and Regulations as amended, re-enacted, or re-adopted, may be granted by the Adams County POSCA Department Director for activities that involve the management of Adams County parks, trails, and open space areas, provided these activities are undertaken or overseen by department staff, or as provided in the terms of a lease or other agreement.

25. Interference

It is unlawful to interfere or attempt to interfere with any Adams County Park & Trail Ranger or other Parks, Open Space and Cultural Arts employee who is acting in the performance of their duties; or to give false or misleading information to said person.

26. Prohibited Conduct on Public Property

- (a) It is unlawful for any person to engage in any conduct or activity within an Adams County park, trail, open space area, or facility which may be reasonably expected to:
 - (i) substantially interfere with the use and enjoyment of such places by others; or,
 - (ii) interfere with the health, safety, and welfare of users of, or neighbors near, the areas; or,
 - (iii) which may constitute a general nuisance.
- (b) As used herein, “general nuisance” means an unreasonable or unlawful use of the area, including but not limited to any noise, action or odor that could substantially interfere with any other person’s lawful use or enjoyment of the area. The use of amplified sound shall constitute a general nuisance under this section unless it is made for leased events at the Riverdale Regional Park or consent has been obtained from the Adams County POSCA Department.
- (c) Violations of this Rule 29 may only be enforced by a law enforcement officer pursuant to C.R.S. § 18-9-117, or other applicable law.

27. Enforcement

- (a) Pursuant to §§ 29-7-101(2) and (3), C.R.S. et seq., as amended, it is the duty of the Adams County Sheriff, undersheriff, and deputies, as well as any county enforcement personnel authorized and appointed pursuant to those sections, to enforce the rules and regulations adopted herein; and the county courts of Adams County, Colorado, have jurisdiction in the prosecution of any violation of a rule or regulation adopted herein, unless the violation is cited under a state law that confers jurisdiction to another court.
- (b) Pursuant to §§ 29-7-101 (2) and (3), the Board hereby vests specific enforcement authority in personnel designated as Adams County Park and Trail Rangers, and unless specifically excepted herein, those individuals so vested shall have the authority and responsibility to enforce the Rules and Regulations adopted herein for Adams County park, trail, and open space areas
- (c) Any person who violates any of these Rules and Regulations may be ejected from Adams County parks, trails, and open space areas.
- (d) These Rules and Regulations are in addition to, and not in place of, all other existing laws, ordinances, rules, and regulations. Nothing in these Rules and Regulations shall be construed to limit the authority of any law enforcement officer to charge an individual for violating the provisions of C.R.S. § 18-9-117 (or any successor statute) related to unlawful conduct on public property. Law enforcement officers retain their authority to enforce local, state, and federal laws within Adam County park, trail, and open space areas.

28. Penalties

- (a) (i) Violations of any Rule or Regulation herein cited under any other applicable law, ordinance, rule, or regulation shall be charged and punishable pursuant to the applicable legal authority.
- (ii) Violation of any other Rule or Regulation adopted pursuant to this Resolution, charged by either a law enforcement officer or an authorized agent of Adams County, shall be a Class 2 Petty Offense as provided for in § 29-7-101(2), as amended, and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars, or as otherwise provided by law.
- (b) Any person having the authority and responsibility to enforce these Rules and Regulations and having knowledge of any violation of the rules and regulations stated herein may issue a citation or summons and complaint to the violator stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.
- (b) Unless otherwise provided for, all fines, penalties, and surcharges shall be paid into the treasury of Adams County. Court costs, if any, shall be paid directly to the Clerk of the Court by each defendant.
- (c) In addition to any penalty prescribed by law, any violation of any of the Rules and Regulations herein by any person may subject that person to immediate ejection from the Adams County parks, trails, open spaces, and facilities.

29. Copy of Rules and Regulations

The department shall make available for inspection to the public a current copy of the existing rules and regulations relating to Adams County parks, trails, and open space areas.

30. Interpretation of Rules and Regulations

- (a) It is hereby declared to be the legislative intent of the Board that the provisions of this Resolution shall be severable, in accordance with the provisions set forth as follows: If any provision of this Resolution is ruled to be invalid by any court of competent jurisdiction:
 - i. The effect of such judgment shall be limited to that specific provision or provisions which are expressly stated in the judgment to be invalid; and,
 - ii. Such judgment shall not affect, impair, or nullify the validity of application of the remainder of this resolution as a whole or any other part thereof, and the rest of this resolution shall continue in full force and effect.

- (b) The enactment of this Resolution, or any amendment thereto, shall not be construed as abating any action now pending under or by virtue of prior provisions, or discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the county under any provision existing prior to the adoption of this Resolution, or as vacating or annulling any rights obtained by any person by lawful action of the county except as shall be expressly provided for in this resolution.

BE IT FURTHER RESOLVED that any prior resolutions setting forth Rules and Regulations for Adams County parks, trails, and open space areas, which are inconsistent herewith, are hereby expressly repealed.