

Park County Land and Water Trust Fund (LWTF) board
Meeting Minutes
May 1, 2019
Shawnee Community Center, CO

1. Call to order: 1:30pm

2. Introductions

Board members:

District 1	John Woodward	At Large	Michelle Allard
District 2	Liz Biggs	At Large	Mike Moonan
District 3	Ramon Castro	At large	June Vincze
At Large	Mark Lamb	Secretary/Treasurer	Lynda James- Excused

Guests present – Carol Ekarius and Jane Mannon (CUSP), Jeff Crane & Kate McCoy (NOLO), Tom Eisenman & Dick Elsner (Park County), Kristen Barrett & Wendy Bresnahan (community members), Cheryl Cufre (Colorado Open Lands), Vincent Tolpo (Shawnee Water Consumers Association), Cara Doyle (Mosquito Range Heritage Initiative), Dan Drucker (Center Of Colorado Water Conservancy District)

3. Administrative matters -

a. **Agenda** – Woodward asked if there were any changes to the agenda. Moonan asked to change wording under 3e to ‘business practices’ from ‘funding criteria’ and add ‘BOCC Guidance’ as a separate agenda item. Woodward said board members could send proposed changes after the draft agenda is sent to them instead of waiting to do it at the meeting. With the 24 hour notice requirement, items couldn’t be added unless it was an emergency, but items could be deleted.

b. **Nov. 2018 Minutes**- Moved to approve by Vincze; second by Allard. Motion passed.

c. **March 2010 Minutes** - Moved to approve by Vincze; second by Allard. Motion passed.

d. **Financial - Expenditures** – Woodward summarized the 2018 and 2019 active projects because James was in the hospital. He said EcoMetrics had \$11,850 for assessment of Deer Creek that was transferred to Riparian Reconnect, bringing the remaining Reconnect funds up to \$71,287 for Phase One. Phase One should be completed in 2019. Other projects that should be completed this year are Wildland Restoration Volunteer’s Creek Protection project; Sand Creek restoration by CUSP; Boreas Pass Ranch conservation easement by COL; Bailey Main Street Drainage and Erosion project by Park Co.; and Kenosha toilet cleaning by Park Co. Woodward asked Eisenman if the full \$70,000 was left in the Bailey Main Street project. Eisenman responded with yes and it will be completed this year.

Elsner said the commissioners approved \$8,000 in funding for a Denver Water Round Up program if DW decides to move forward with it. Customers can voluntarily join the program where their water bill will be rounded up to the next dollar. The money generated would be divided between Grand, Summit and Park Counties to use for watershed protection. The three counties are where most of Denver Water’s water originates and/or is stored. Elsner said it could generate between \$1 and \$1.5 million. DW’s staff is opposed to the project due to costs. Elsner said the BOCC wrote a support letter saying the counties would split DW costs and committed \$8,000 to cover 1/3 of software costs if DW moves forward with the program. Elsner said the applicant was an individual who is talking to the counties and DW. He is not connected with any organization.

Board members agreed on the need to add subsequent years to the active projects chart to show what has been committed for the future. When projects took one to two years, it wasn't necessary, but now projects, such as the land fill clean up, will go on for many years.

Revenue- Woodward explained that revenue runs two months behind. For example revenue received in March is sales tax that was paid in January. He said revenue is up a little and he expects that \$1 million will be collected in 2019. The fund balance was \$3,598,293 at the end of 2018. If all projects submitted for the May meeting are approved plus what is already committed, the fund balance will drop to about \$1.7 million. Discussion issued on the importance of not spending all of the balance and what is an appropriate fund balance. The discussion will continue in a work session later this summer.

e. Proposed change in funding criteria – Eisenman explained that the application needed to be revised due to additional uses passed in the Nov. election. He suggested using Colorado's Conservation Trust Fund application and criteria as a starting point. He had sent copies out earlier so the scoring sheet could be used for today's proposed projects. Allard moved to use the scoring sheet in the future. Lamb seconded. Lamb said the application would need some tweaking. Castro said some of the reserve should be held back and not spent. He was concerned about taking projects all year. After discussion, the motion was taken off the table. The application and scoring sheet will be discussed and finalized in a work session this summer.

f. Resolution allowing BOCC to expend funds without LWTF board's review- Elsner said that sometimes due to short notice, the BOCC would like to fund something without constraints of waiting for a LWTF meeting. He said items would be sent to the board after BOCC approval. He suggested capping items at under \$50,000. After discussing pros and cons, sometimes adversarial and heated, Lamb suggested it be put on a work session to work out details. LWTF members said they wanted to have a cooperative and collaborative relationship with the BOCC. Woodward moved to not support the resolution as written. Elsner said if the board would not take a position on the resolution, then he would not bring it to a BOCC vote the next day. Woodward withdrew the motion.

g. Meeting Location & Frequency– Woodward said Allard had suggested moving meetings around the county. Woodward said there was a time when they did, but frequently funded applicants asked that meetings be held in one spot. Allard said now with the new building, maybe the LWTF should meet there. As to frequency, Woodward suggested meeting more in spring & summer and not in winter or meeting every other month were options. The item will be put on a LWTF work session to discuss.

Allard asked Elsner what is the definition of open space. A discussion led to several suggestions. Defining open space was moved to a work session. Castro said the idea that open space had to have public access would keep many landowners from wanting to own open space. Elsner said the LWTF could define it as they saw fit.

h. Election of officers – Woodward said chair and vice chair are the only two positions since James has a contract with the county for secretary and treasurer. Castro nominated Woodward for chair. Allard nominated Lamb. Woodward said he wanted a show of hands vote; then asked for a vote for Lamb. After some good natured discussion, Moonan said it sounded as if Woodward was looking for someone else to be chair. Woodward said he had been chair two years and thought with a change in board members, this might be a good time to step down. He wouldn't mind chairing one more year during this transition, but not after that. Lamb seconded the motion for Woodward to be chair. Motion carried. Castro nominated Lamb as vice chair and Moonan seconded. Motion carried.

Woodward introduced Cheryl Cufre of Colorado Open Lands. He said she and Mark Beardsley wanted to recognize those who had been on the board for 20 years. She handed out gifts of an aerial photo of the Cline Ranch. Woodward said that the five members no longer on the board had a combined total of 75 years service. A photo and plaque went to Dan Drucker, Tom Eisenman, David Wissel, Jim Fagerstrom and Lynda James.

4. Updates or Final Reports –

a. **No new activity on most active projects.** Each project will be updated in Financials.

b. **Bailey Main Street Drainage** – Eisenman said that last year, the county completed the sub-grade and one layer of chip and seal on Main Street. This year, a concrete curb and drainage control will be installed near the Sasquatch Outpost. He estimated \$20,000 for the second layer of chip seal.

c. **County Landfill Closure** – Eisenman said the county received an approved monitoring plan from Colorado Department of Public Health and Environment. It requires monitoring the landfill for gases and water quality as well as monitoring neighboring wells. Three new piezometers will be installed. Monitoring costs will be around \$80,000 for 2019. Allard asked why costs are now coming from LWTF when they were from the General Fund and asked who mandated the work. Eisenman said LWTF dollars are now being used because it is a water quality issue. CDPHE mandated monitoring for at least 15 years. Elsner said landfill closure is a hot topic at CCI. The main issue is closures met requirements when landfills were closed in the early 1990's and the counties need financial help from the state to meet today's requirements and to clean up old closed landfills. Eisenman said the new CDPHE director Jill Ryan, appointed by Governor Polis, has a public health background. He said having her there is an opportunity to think out of the box.

5. **New Projects/Proposals** – Woodward said under LWTF new rules, the board will not hear presentations, leaving more time for questions. Each application was individually scored. Those scores will be combined and ranked after the meeting. Applicants will be notified of the result and of the date when presentations to the county commissioners will occur.

a. **Shawnee Water Supply Reservoir Rehab Phase One (SWCA, a 501(c)(12) organization)** – Shawnee Water Consumers Association is asking for \$66,000 of a \$119,000 project to locate leaks and repair the Shawnee Water Supply Reservoir and dam. SWCA is contributing \$18,000 in materials and in-kind labor. SWCA has applied to the South Platte Basin Round Table for a \$35,000 Water Supply Reserve Fund grant. The reservoir is located behind and uphill from Shawnee. It was built in 1947 on U.S. Forest Service property and has silted in; reducing the storage area from 6.42 acre feet to 5.1 acre feet. The augmentation plan for the community water system allows 50 homes but Shawnee has only 28. SWCA anticipates that once all repairs and upgrades are completed, it will have extra water that can be sold. Money from selling that water could be donated to other non-profits and/or the LWTF. Vince Tolpo, SWCA chair, said this is the first of four phases of work and it will be a long process.

Question 1. What about accessibility and public access? SWCA could set up a water purchasing station similar to Bailey's. This will allow those who need water, Park County residents and tourists alike, to pump it for a fee. The first gallon will be free. SWCA could sell extra water as augmentation water for those who need it.

Question 2. Will allow fishing? Not at the reservoir, but may allow fishing in the pond across Highway 285.

Question 3. Has SWCA received the South Platte Basin Round Table grant? The roundtable presentation is scheduled for July 9.

b. North Mosquito Creek Crossing – North London Mill Preservation Inc. asked for funding to install a fish friendly arched culvert over North Mosquito Creek, a gate at the entrance of the property on County Road 12, several types of assessments, including wetland and riparian habitat and stream bank stabilization plus archeological monitoring. Total cost is \$312,828 with the LWTF request of \$281,548. Administration and contingency costs are 35 % of the total. NoLo plans to restore the historic mill and mine office for educational and recreational uses. Several historic preservation grants have been received for restoring the buildings. **Question 1** – What is the urgency? Need to get equipment across the creek to start restoring buildings which will begin next summer.

Question 2 – Why aren't other grants mentioned in the application aren't shown as a match? Those grants are for the building restoration and can't be used for anything else. Never thought of those as a match for the road work.

Question 3 –Do you have 2 or 3 bids for the work? No won't bid until know have money to complete. The estimates were from professionals in the field. Estimate for the culvert came from someone they are familiar with, used on other projects and has installed many arched culverts; which are more like a bridge and therefore more costly. Stream assessment estimate came from EcoMetrics. Both Josh Voorhis and Mark Beardsley of EcoMetrics recommended an arched culvert be used.

Question 4 - Do you have recreation dates set and USFS permits? Are in the process of getting.

Question 5 - Are you aware that wildlife will use the property more in the winter than summer? Yes aware of big game, lynx and snowshoe hare habitat.

After the LWTF meeting, NoLo revised the proposal into two phases, totaling \$226,692. Before the county commissioner meeting on June 12, the proposal was again revised into a three phase project with a total of \$220,426. NoLo asked only for Phase I funding of \$19,887 out of a total cost of \$220,426. The money will be used for purchasing and installing the gate; habitat and engineering assessments; topographic survey, a 15% admin costs and a 10% contingency. NoLo will return to ask for funding for the other two phases.

c. Four Mile & Beaver Creek – Mosquito Range Heritage Initiative proposed an additional 500 feet of post and cable to protect closed areas along Four Mile Creek that have been heavily impacted by off road vehicles. A gate and 100 feet of post and cable is proposed on the Alma side of High Park/Beaver Creek to protect elk calving grounds and big horn sheep from further damage by illegal off road vehicles. Re-vegetation of damaged areas will reduce erosion and sedimentation into both creeks. The request for \$14,958 of LWTF will be matched by \$5,638 in cash and in-kind match of \$4,880. Total project expenses are \$25, 476.

Question 1 – Post and cable is only \$3,500, can't the USFS pay for that? The USFS budget has been cut and they do not have money for purchasing, but do provide a lot of in-kind labor. If MRHI, CUSP and other organizations don't help out with materials, nothing would ever get completed on USFS land. They did find money to buy one gate and the project will purchase the other.

d. Landis Ranch Tarryall Creek Enhancement Phase 2- Coalition of the Upper South Platte requested \$50,000 of a \$70,000 project to remove an existing 4 feet high diversion structure, and replace it with a series of boulder cross vanes to create a step pool cascade. This structure will allow fish passage. Several areas of eroding stream banks will be repaired to reduce sediment load into Tarryall Creek and keep the creek from becoming too wide and too slow to carry sediment. Property owners are contributing \$20,000.

Question 1 – How many homes and how many are second homes? 40 and about 2/3 are second homes Almost all property owners are middle class and many homes are multi-generational.

Question 2 - Concerns were raised that there is no public access, it is a gated community, and has no viewshed. Answer was the ballot language did not limit funds to those with public access or a

viewshed. Benefit to the public includes Project Healing Waters events for disabled veterans, maintenance of a water right, improving water quality and fish habitat. Discussion occurred on LWTF being told to use criteria that the GOCO conservation trust fund mandates. Others said not fair to make decisions based on criteria that applicants were not aware of. Commissioner Dick Elsner said he wasn't concerned about public access when a project solves problems with stream health, water quality and has positive impacts downstream. CUSP was asked to get a letter from a fish biologist regarding impacts to fisheries downstream from stream work on private property.

- e. **Middle Fork Mine Water Quality Study Phase 2** – CUSP proposes Phase 2 of a study to characterize impacts to water quality from mining operations on the Middle Fork of the South Platte. CUSP said last year, the highest levels of methyl mercury (a breakdown constituent of inorganic mercury, formed by the action of microbes that live in aquatic systems) were found above the town of Alma. The levels found were below the maximum level in the Safe Drinking Water Standards and the Chronic Water Standards for fish. Phase 2 includes six new sites above Alma, including some tributaries of the Middle Fork. Two Middle Fork sites sampled last year will be included this year for both water and soil sampling; one site above Alma and one at the inlet of Fairplay Beach. The results will be included in a 9-Element strategic Middle Fork watershed plan which is being funded by Colorado Department of Public Health & Environment and is being developed by Colorado Geologic Survey. CUSP requests \$16,544 from the LWTF for the additional sampling that will add specific data needed to apply for mine clean-up grants from EPA and CDPHE as well as develop a list of projects to improve water quality in the upper basin. Active mines aren't causing issues because of management. It's the historic abandoned mines causing contamination issues.
- Question 1** - Why aren't Alma and Fairplay contributing financially? Elsner said it was a county initiated project and he didn't want to ask the towns to contribute from their small budgets when the county has the money. He said the towns budgets are either equal to or less than the amount in the LWTF fund. Need to track contaminants. If there is a disaster it won't just hit Alma and Fairplay, it will hit the entire area.
- Question 2**- If identify source, where do you see this going? Go to EPA and other agencies for grants to clean-up the contaminants. The 9-Element Plan will recommend what needs to be done.
- f. **Lower Eleven Mile Canyon Dam Removal Study** - CUSP is requesting \$15,000 to begin the planning process to remove a small dam on the South Platte River near the mouth of Eleven Mile Canyon. It is about 3 miles south of Lake George. It was part of Colorado Springs Utilities water infrastructure, but hasn't been used since the early 1990's. CSU gave the land back to the USFS and aren't accepting any responsibility. This study will generate data needed for the USFS to start a NEPA process to remove the dam. Benefits include creating fish passage structures, increasing water quality and increasing riparian habitat, especially wetlands. Will also remove sediment from dam area after sampling it for contaminants. The USFS, Pikes Peak Chapter of Trout Unlimited, Colorado Springs Utilities, and Colorado Department of Parks and Wildlife are partners in the project.. Matching funds of \$40,000 will be provided by the South Platte Enhancement Board and \$5,000 from Trout Unlimited. The USFS, CSU, and CDPW will provide technical assistance. No questions.
- g. **Weston Pass 2018 Fire– Pole Gulch Ponds Removal** – CUSP is asking for \$63,750 in LWTF monies to remove several dams and an associated road that are eroding badly with deep cuts in several places. After the Weston Pass fire in 2018, a small rain event led to flooding and debris flows onto U.S. Highway 285. If the dams fail in a larger rain event, the flooding and debris flows will be greater on both public and private land as well as flowing into Antero Reservoir. Total

project costs are \$142,500. Denver Water is contributing \$38,250 and Aurora is contributing \$25,250. USFS is providing staff and volunteer in-kind match of \$15,000. No questions.

Two items not on the agenda were also discussed and were previously approved by the county commissioners. They were:

h. Kenosha Pass Toilet Pumping - The county commissioners volunteered to pay for pumping toilets on Kenosha Pass after learning the USFS didn't have funds this year and were going to keep them closed during the summer months. Pumping every two weeks will cost \$8,000. Elsner said he might be back for more funds to install fire boxes at the campsites. The USFS considers it a high priority due to the number of visitors each summer using the toilets. USFS want to make the campground on both sides of the highway a fee campground, but improvements must be completed first. USFS plan to put it out for bid in 2020. As a fee campground, both the vendor and the USFS will receive some funds from fees paid by campers.

i. Park County Fairgrounds Arena Grading – The Joe Lynch Arena has become dangerous to the point that one rodeo vendor said he was not coming back this year. The commissioners committed \$17,320 from the LWTF with matching of \$7,200. The scope of work includes grading the arena, new railing on the fence/chutes and an announcer's box. Some LWTF members were not in favor of the project being paid from LWTF money. Elsner said it fit the new ballot uses because it was outdoor recreation. He also said the fairgrounds are used for more events than just the fair. Other events, like barrel racing or rodeos, pay rental fees.

Woodward said this was perfect for Conservation Trust Fund money which covers maintenance and repairs of recreational facilities. He hoped when LWTF is used for recreation purposes; it will be something big like buying land. Eisenman said this was part of a larger \$100,000 project with \$50,000 coming from the Capital Improvement Fund.

6. Public Comment- Kristen Barrett said she is a scientist and a teacher. She appreciated the commissioners Middle Fork metal study. Since mercury is a heavy metal, it sinks. She would like to see more soil monitoring. She asked if crayfish were sampled. Lamb said DPW tried, but they didn't catch any crayfish. He said the area wasn't good crayfish habitat. He said DPW have been measuring mercury levels in pike for a long time. Levels in fish at Spinney were low, but other areas, like Horse Creek, are high and DPW posted signs that say Do Not Eat.

Barrett said she was concerned about the landfill and the movement of toxins. The county is providing drinking water to residents whose wells have been affected. She said residents are still showering with their well water. Worried about expansion of toxins. She said there are really just three options for the county; buy out and demolish the houses, put in cisterns and truck water, or extend Fairplay water lines to the homes. Elsner said since a lawsuit is active, he can't discuss the issue and it isn't discussion for the LWTF board.

7. Directors Comments – Woodward asked board to review scores they gave projects and they would be compiled and averaged for results. He said a work session was needed to look at changes to the application and approval process. (Tape was turned off)

8. Next meeting – August 7, 2019

Adjourned.