

# ***City Council***

## ***Study Session Agenda***

**April 12, 2016**  
**Library Conference Room**  
**951 Spruce Street**  
**7:00 PM**

***Note: The time frames assigned to agenda items are estimates for guidance only. Agenda items may be heard earlier or later than the listed time slot.***

- |                       |              |   |
|-----------------------|--------------|---|
| 7:00 p.m.             | <b>I.</b>    | Call to Order   |
| 7:00 p.m. - 7:30 p.m. | <b>II.</b>   | Youth Advisory Board – Annual Report                      |
| 7:30 p.m. – 8:00 p.m. | <b>III.</b>  | Parks & Public Landscaping Advisory Board – Annual Report |
| 8:00 p.m. – 8:30 p.m. | <b>IV.</b>   | Golf Course Advisory Board – Annual Report                |
| 8:30 p.m. – 9:00 p.m. | <b>V.</b>    | Open Space Advisory Board – Annual Report                 |
| 9:00 p.m. – 9:05 p.m. | <b>VI.</b>   | City Manager’s Report & Advanced Agenda                   |
| 9:05 – 9:15 p.m.      | <b>VII.</b>  | Identification of Future Agenda Items                     |
| 9:15 p.m.             | <b>VIII.</b> | Adjourn   |

**SUBJECT: YOUTH ADVISORY BOARD ANNUAL REPORT**

**DATE: APRIL 12, 2016**

**PRESENTED BY: YOUTH ADVISORY BOARD**

**1. LIST HIGHLIGHTS AND SUCCESSES OF THE PAST YEAR:**

- Last year, our annual goal was to raise support for a new/improved outdoor aquatics facility. Fall of last year, a Senior/Rec Center Aquatics Task Force was made and a city survey was released a few weeks ago. As a board, we are incredibly pleased to see that our project is continuing.
- Members have participated in several very successful volunteer events, such as working at a soup kitchen, and assisting Community Food Share's food drives.
- YAB is also proud of the hard work they've put toward the upcoming Trek the Trails day event.
- Members have learned a great deal about local government by sitting in on the meetings of other boards and commissions.

**2. LIST PLANS/GOALS FOR THE NEXT TWO YEARS:**

- YAB will continue work toward our goal of encouraging community members to use the local trail systems with Trek the Trails day. We will have a central meeting point in the Arboretum with games, a bouncy house, and a raffle. It is being held June 4th from 9:00-11:30.
- Members will work to create more awareness of the Youth Advisory Board.
- YAB members will continue to help the community through volunteer work.
- YAB will be the voice of the youth to City Council.
- Members will learn about local government.
- We will interact with a diverse group of youth in the community while building leadership skills.

**3. IN WHAT AREAS DO YOU NEED CITY COUNCIL INPUT/FEEDBACK?**

- YAB is satisfied with the input, and thank their City Council liaison, Jay Keany, for his assistance.

**4. DOES THE BOARD THINK TERM-LIMITS FOR BOARD MEMBERS WOULD BE A GOOD IDEA OR A BAD ONE?**

- YAB debated this, and overall decided against term limits. The board agreed that if members were willing to put in the time and effort required, then it was worth it to allow them to stay. Furthermore, YAB agreed that it was good to have a mix of both new voices, and experienced members. Overall it didn't make sense to impose limits on terms.

**SUBJECT: ANNUAL REPORT – YOUTH ADVISORY BOARD**

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**5. DOES YOUR BOARD HAVE PROBLEMS OR CONCERNS REGARDING MEMBER ABSENCES AT MEETINGS?**

- Meeting attendance has been fine, but we have had a lower turnout at volunteer events this year.

**6. DOES YOUR BOARD HAVE AN INFORMAL POLICY ABOUT ABSENCES FROM MEETINGS?**

- Yes—members are only allowed two unexcused absences. If a member were to miss many consecutive meetings without it being excused, there would have to be a discussion with them as to whether or not they are as committed to the board as they had originally agreed.

**7. DO YOU HAVE QUESTIONS FOR THE CITY COUNCIL?**

- What do you believe would be a good project for the YAB?
- What can the YAB improve?
- Will you come and support us at Trek the Trails?

**RECOMMENDATION:**

Discussion

**ATTACHMENT(S):**

1. Presentation



# YAB's Annual Report 2015-2016

# MEMBERS

Brigette Calder-Ward

Caelis Hanna- ***Vice Chair***

Danna Kaufman

Alora Klatka

Tyler Lund

Kaylix McClure- ***Chair***

Addison Nakari

Brooke Newell

Kaelan Norgard

Hayley Obremski- ***Secretary***

Finnegan Smith

Mitchell Waters

Tyler Waters

Kendall Weideman

# LIAISONS

Mandy Perera- ***Senior and Recreation Services***

Jessica Hilbun- ***Library and Museum Services***

Jay Keany- ***Councilman***

# HIGHLIGHTS AND SUCCESSES



# VOLUNTEER EVENTS



# VOLUNTEER EVENTS



# VOLUNTEER EVENTS

# ANNUAL PROJECT: TREK THE TRAILS

This year, our goal was to encourage community members to use the local trail systems by creating a Trek the Trails day. We will have a central meeting point in the Arboretum where there will be games, a bouncy house, and a raffle. It is being held June 4th from 9:00-11:30.



# PROGRESS W/ AQUATICS

Last year, our annual goal was to raise support for a new/improved outdoor aquatics facility. Fall of last year, a Senior/Rec Center Aquatics Task Force was made and a city survey was released a few weeks ago. As a board, we are incredibly pleased to see that our project is continuing on.

# PLANS/GOALS

# PLANS/GOALS

The general goal of the board is to continue volunteering in our community. However, since we have new members each year, we focus on doing annual projects.

## Long Term Goals:

- Be the voice of the youth to City Council
- Learn about local government
- Interact with a diverse group of youth in the community while building leadership skills

# CITY COUNCIL INPUT/FEEDBACK

# Thanks Jay!

Jay Keany recently became a liaison of the YAB and that has been a huge help for us. He communicates and updates our board about what City Council is involved in. Also, with any questions or concerns we have about regulations, he is able to answer. Our board really appreciates his time and commitment.

TERM LIMITS- GOOD OR BAD?

# TERM LIMITS

## CONS:

- Loss of committed and experienced members
- Longest term is 7 years

## PROS:

- New members
- New ideas

We ultimately decided against term limits for our board.

# POLICIES/PROBLEMS WITH MEETING ABSENCES

# MEMBER ABSENCES: PROBLEMS/POLICIES

All of the members on our board generally are able to attend most of the meetings and volunteer events. If a member were to miss many consecutive meetings, without it being excused, there would have to be a discussion with them as to whether or not they are as committed to the board as they had agreed to be. However, the majority of our current members are hardworking and committed to the board.

# QUESTIONS FOR COUNCIL

# QUESTIONS:

What do you believe would be a good project for the YAB?

What can the YAB improve?

Will you come and support us at Trek the Trails?

Thank you!

**SUBJECT: PARKS AND PUBLIC LANDSCAPING ADVISORY BOARD  
ANNUAL REPORT**

**DATE: APRIL 12, 2016**

**PRESENTED BY: ELLEN TOON, CHAIR**

**1. LIST HIGHLIGHTS AND SUCCESSES OF THE PAST YEAR:**

The Parks and Public Landscaping Advisory Board (PPLAB) was recently created and held its first meeting, January of 2016.

**2. LIST PLANS/GOALS FOR THE NEXT TWO YEARS:**

PPLAB has not yet determined plans/goals for the next two years but has expressed interest in supporting: maintenance and improvements in park facilities, water sustainability, expansion of reuse water opportunities in parks and improving accessibility to existing parks.

**3. IN WHAT AREAS DO YOU NEED CITY COUNCIL INPUT/FEEDBACK?**

- a. PPLAB would like City Council input on what type of plans and goals they would like PPLAB to focus on for the next two years.
- b. Does City Council have any input on the type of duties they would want included in the PPLAB Bylaws?

**4. DOES THE BOARD THINK TERM-LIMITS FOR BOARD MEMBERS WOULD BE A GOOD IDEA OR A BAD ONE?**

PPLAB did not reach a consensus on this question.

Pro – In general, term limits seem like a good idea.

Con - Some boards could lose valuable experience and dedication of long-term members. Also in the past, the Horticulture and Forestry Advisory Board (HFAB) at times had difficulty attracting new members.

**5. DOES YOUR BOARD HAVE PROBLEMS OR CONCERNS REGARDING MEMBER ABSENCES AT MEETINGS?**

In the past there were concerns as HFAB. So far no concerns as PPLAB and hope this will not become one.

**SUBJECT: ANNUAL REPORT – PARKS BOARD**

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**6. DOES YOUR BOARD HAVE AN INFORMAL POLICY ABOUT ABSENCES FROM MEETINGS?**

No

**7. DO YOU HAVE QUESTIONS FOR THE CITY COUNCIL?**

- a. It is PPLAB's understanding that City Council has devoted a large portion of the 2016 budget to roads and infrastructure. PPLAB is concerned that there is not enough communication between boards so that when roads are rebuilt, underpasses that connect parks or water reuse lines can be created to reduce long term costs while achieving multiple goals. How can we increase communication between boards? There are difficulties involved in trying to set up joint meetings. Is there any other way that boards and board members could share ideas besides a joint meeting?
- b. Is it possible to approach project design with a construction costs in mind? In regards to the Arboretum restroom, can we design this to stay within budget?
- c. Does City Council have a vision for what the Arboretum can and should become? This will be a future discussion item at a PPLAB meeting. Knowing clear direction, it may help The Friends of the Arboretum (501c3) decide on how to utilize their funds.

**RECOMMENDATION:**

Discussion

**ATTACHMENT(S):**

None

**SUBJECT: GOLF COURSE ADVISORY BOARD ANNUAL REPORT**

**DATE: APRIL 12, 2016**

**PRESENTED BY: GCAB CHAIRMAN AND TEAM**

**1. LIST HIGHLIGHTS AND SUCCESSES OF THE PAST YEAR:**

- Golf Course recovery completed and opened on 6/29/15.
- Supported staff effort to secure senior, Louisville resident and youth rates in addition to offering competitive programs and innovative training / coaching programs.
- Board provided marketing assistance to staff to help project CCGC image and offerings
- Encouraging number of rounds in 2015 after re-opening.

**2. LIST GCAB PLANS/GOALS FOR THE NEXT TWO YEARS:**

- Continued focus on course playability and customer satisfaction management
- Support Staff and Council in meeting the self-sustaining revenue target for Coal Creek on a year by year basis.
- Establish Coal Creek as a high quality municipal golf course serving Louisville and surrounding areas.
- Support Sweet Spot Café as a restaurant serving golfers and the local community.

**3. IN WHAT AREAS DO YOU NEED CITY COUNCIL INPUT/FEEDBACK?**

- GCAB primary objective: focus on goal of revenue and utilization attainment to achieve self-sustainability.
- Assess business plan goals and achievements on monthly basis to assure primary objective is achieved and assist staff in adjusting strategies and plans to meet and exceed Council objective.
- GCAB requests confirmation of the level of involvement Council wants from GCAB relative to financial measurements and attainment of business goals (financial and course quality)

**4. DOES THE BOARD THINK TERM-LIMITS FOR BOARD MEMBERS WOULD BE A GOOD IDEA OR A BAD ONE?**

- Yes good idea for EVERY Board and Commission – with terms of 8 years or less. Provides refreshment of ideas and opportunities for wider citizens' participation. GCAB also recognizes that there may be exceptions for unique and specific skills and expertise but these should be very limited with such a large, highly educated and volunteering mindset of Louisville citizens.
- GCAB has Chairman, Vice-chairman and Secretary elected each January. Agendas are developed and published for every meeting and detailed minutes

are written and approved at every meeting. Meetings are 'run' according to Robert's Rules of Order to the best of our abilities and we have contributions from all Board members in sub-groups as well as in all meeting topics.

**5. DOES YOUR BOARD HAVE PROBLEMS OR CONCERNS REGARDING MEMBER ABSENCES AT MEETINGS?**

- No. Board meetings are well-attended (83% attendance in 2015) and productive.

**6. DOES YOUR BOARD HAVE AN INFORMAL POLICY ABOUT ABSENCES FROM MEETINGS?**

- Yes. We ask Board members, as a courtesy, to alert the chairman if they cannot make it to a meeting and minute that notification as an 'excused absence'.

**7. DO YOU HAVE QUESTIONS FOR THE CITY COUNCIL?**

GCAB charter redefined and affirmed in Resolution No. 64 Series 2014 states that 'GCAB is to serve in an advisory capacity to City Council and staff on matters of interest to the City Council concerning Coal Creek Golf Course.' City Council reaffirmed GCAB direction and duties during a City Council annual update on August 25, 2015.

As part of GCAB role we will continue to review monthly financial business results as soon as available and provide insights and comments to staff on how to improve revenue attainment through new program offerings, marketing efforts, etc. GCAB also is a sounding board for golfers and community members on issues with the golf course operation and maintenance and provides feedback directly to golf course management through GCAB meetings and other contacts.

**CAPITAL IMPROVEMENTS GOING FORWARD**

The GCAB is fully aware of the competition for capital funding and realizes that the golf course must try to fund their capital needs going forward. Once the golf course revenue and operation is stable and providing dollars into the enterprise golf fund, discussions on future capital needs can be entertained. GCAB believes that the planning needs to be done now and requests that Council direct staff to collaborate with GCAB and begin to create the business cases and analyses for any investments needed in the future. The fact that we had a golf course strategic requirements document ready prior to the flood of 2013 allowed the City Council to move forward quickly in setting the direction for recovery of the golf course. We need to keep that level of planning going so we can continue to grow the revenue and utilization of the Coal Creek Golf Course.

- Maintenance facility rehabilitation. The number one priority for the golf course in 2016 is the rehabilitation and repair of the maintenance facility. This effort was identified in the strategic planning process but was set aside after the flood in order to focus attention and skills on recovering the golf course. Carry-forward appropriations from 2015 are available but additional funding needed to complete this necessary work in 2016.

In addition to the maintenance building repairs / improvements required now, the GCAB sees 3 major capital expenditures needed to maximize the 'product' for the community and our competitive advantage:

- All-weather training facility. An analysis and business case for the creation of an all-weather training / coaching facility as part of the practice range is the first step. It is anticipated this facility would provide much needed revenue and utilization during winter weather when the golf play is generally suspended. The revenues from this operation would offset the headcount and other fixed costs and also would be applied to the depreciation of the training facility and equipment. It would bring golfers to the practice facility for training/coaching, lessons, club fitting, etc. and additionally provide clients to patronize the Sweet Spot Café. This type of all-weather facility would be unique for any municipal courses in the front range and would provide a competitive advantage to Coal Creek GC. It is estimated that the fixed carrying costs approximate \$2,000 per day during the winter months when the course is not open for play. In December the course was not open for play for 29 days (\$58,000 fixed costs), in January, also not open for play for 29 days (\$58,000 fixed costs), in February course was not open for play for 17 days (\$34,000 fixed costs) and March the course was not open for play at least 10 days (\$20,000). Days and amounts to be confirmed during the business case analysis. Golf course management should capture this information going forward each month and report to the Finance committee and GCAB each month.
- New club house. An analysis and business case needs to be developed to support the building of a new club house with professional kitchen, meeting room(s) and other advanced features similar to the architect renderings done several years ago and competitive with other surrounding municipal courses. Once the golf course operation is supplying revenue to the enterprise fund and confirmed to be meeting City Council objectives of self-sufficiency this business case should be brought forward for Council consideration for bonding or other funding mechanisms. Some of the rationale for this effort are:
  - a. Inadequate space for cart storage and maintenance, club repairs and fitting, dining area, meeting space, event planning location and for a kitchen facility to host dinners and golfing and other special City events in a City owned facility.
  - b. Ongoing need to invest large sums of money for repairs to a structure which continues to have issues, construction failures and lack of capabilities.
  - c. Current poor design leads to higher labor costs and lost revenue opportunities.
  - d. Competing public courses have new facilities which put us at a disadvantage, for tournaments and general golfing, e.g. Marianna Butte, Riverdale Dunes/Knolls, Heritage Westmoor, Hyland Hills, etc.
  - e. Clubhouse does not match our intent to be a high-quality golf and community facility.

- New Restroom on the back five holes of the golf course (hole 15 tee area). There is continued pressure from lady golfers to install bathroom.

**RECOMMENDATION:**

- The GCAB recommends City Council direct staff to collaborate with the Golf Course Advisory Board to develop the rationale, business case and the cost/benefit analyses of the above capital needs. Once the business case is created and current business (positive cash flow into the enterprise golf fund) warrant further consideration by Council, staff and GCAB should bring these analyses forward for Council consideration as funding alternatives are available.
- Council should request a comeback from staff and GCAB with the completed staff work in time for 2017 budget and capital planning should the business results warrant further consideration.
- GCAB recommends that Council insure the Golf Course enterprise fund be clearly reserved for golf course capital improvements and funds not be diverted for other City needs.

**ATTACHMENT(S):**

1. Power Point charts reflecting high level summary of this material

**1. LIST HIGHLIGHTS AND SUCCESSES OF THE PAST YEAR:**

- Golf Course rebuild completed and re-opened on 6/29/15.
- Number of rounds above plan for 2015 after re-opening.
- GCAB encouraged and supported the creation of competitive membership programs with discounts for seniors, Louisville residents and youth.

**2. LIST PLANS/GOALS FOR THE NEXT TWO YEARS:**

- Support Staff and Council in meeting the self-sustaining target for Coal Creek on a year by year basis thru:
- Establish Coal Creek as a high-quality municipal golf course serving Louisville and surrounding area.
- Support Sweet Spot Café as a restaurant serving golfers and the local community

**3. IN WHAT AREAS DO YOU NEED CITY COUNCIL INPUT/FEEDBACK?**

- Confirmation of the level of involvement Council wants from GCAB relative to financial measurements and attainment of business goals (financial and course quality).

**4. DOES THE BOARD THINK TERM-LIMITS FOR BOARD MEMBERS WOULD BE A GOOD IDEA OR A BAD ONE?**

- Yes good idea for EVERY Board and Commission – with terms 8 years or less. Provides refreshment of ideas and opportunities for wider citizen participation.

**5. DOES YOUR BOARD HAVE PROBLEMS OR CONCERNS REGARDING MEMBER ABSENCES AT MEETINGS?**

- No. Board meetings are well-attended (83% attendance in 2015) and productive.

**6. DOES YOUR BOARD HAVE AN INFORMAL POLICY ABOUT ABSENCES FROM MEETINGS?**

- Yes. We ask Board members as a courtesy to alert the chairman if they cannot make it to a meeting and minute that notification as an 'excused absence'.

## **7. DO YOU HAVE QUESTIONS FOR THE CITY COUNCIL?**

Can Council support the full funding in 2016 for rehabilitation of the maintenance facility which was deliberately set aside in order to focus on the golf course recovery in 2014 and 2015? This would require golf course carry-forward appropriations from 2015 plus additional funding to complete this effort in 2016.

Direct staff to do the necessary analyses, business case and other studies to create the justifications for:

- All weather training facility for teaching, coaching and other revenue generating activities to offset headcount and other fixed costs during winter golf course play cessation. (Estimated \$2,000 per day fixed cost X 85 days no play so far-Dec through March)
- Justify the need for a new club house to assist in revenue generation and improved utilization for all citizen use. (See write up to City Council)
- Build a restroom on the back five holes of the golf course (hole 15 tee area). Continued pressure from female golfers for a bathroom.

### **RECOMMENDATION:**

- The GCAB recommends to Staff and Council that they evaluate the cost/benefit of the above proposals and proceed as funding is made available.

**SUBJECT: OPEN SPACE ADVISORY BOARD ANNUAL REPORT**

**DATE: APRIL 12, 2016**

**PRESENTED BY: HELEN MOSHAK (CHAIR), ON BEHALF OF OSAB MEMBERS:  
CHRISTOPHER SMITH, GRAEME PATTERSON, LAURA SCOTT  
DENTON (SECRETARY), LINDA SMITH, MICHAEL SCHANTZ  
(VICE CHAIR), MISSY DAVIS, AND SPENCER GUTHRIE**

**1. LIST HIGHLIGHTS AND SUCCESSES OF THE PAST YEAR:**

1. Wayfinding as the Open Space Board's (OSAB) number one priority. The Wayfinding Project included identifying "primary" trails (with new trail segments and other trail modifications), creating a new map and developing a suite of signs which create a user-friendly trail navigation system
2. Increased understanding of, and advocacy for, acquisition approaches
3. Operations and CIP budget review
4. Support the full time Open Space Ranger position
5. Strategic brainstorming and goal setting
6. Support volunteer and education program

**2. LIST PLANS/GOALS FOR THE NEXT TWO YEARS:**

1. Continue to prioritize Wayfinding as the top priority for phased CIP project over next 3-5 years
2. Support pursuing more Open Space property acquisition options and strategies
3. Expand Open Space Property Rating Matrix
4. Support work of the new Ranger
5. Focus on Resource Management in operations budget and support staff to establish baseline monitoring and management plans
6. Focus on finding solutions for dog issues
7. Partner with Parks and Public Landscapes Board
8. Develop more partnerships and sharing with peer Open Space boards
9. Increase community engagement to support and steward our open space

**3. IN WHAT AREAS DO YOU NEED CITY COUNCIL INPUT/FEEDBACK?**

1. Please continue to prioritize wayfinding and more acquisition options. Tell us how we can support you in these efforts.
2. Does the Council think there are topics that need our attention?
3. How can we provide input into operations priorities?

**4. DOES THE BOARD THINK TERM-LIMITS FOR BOARD MEMBERS WOULD BE A GOOD IDEA OR A BAD ONE?**

There are pros and cons with term limits, perhaps term limits of 2-3 terms (6-9 years) to encourage more community participation while still allowing board members to become familiar with the subject matter, procedures, and their duties on the board and the Open Space program.

**5. DOES YOUR BOARD HAVE PROBLEMS OR CONCERNS REGARDING MEMBER ABSENCES AT MEETINGS?**

No, our members have strong attendance records and also volunteer to serve on board subcommittees and working groups regularly. In 2015, three members missed one meeting; three members missed two meetings; and one member missed four meetings.

**6. DOES YOUR BOARD HAVE AN INFORMAL POLICY ABOUT ABSENCES FROM MEETINGS?**

Yes, members contact Ember (staff liaison) or Helen (chair) if they are unable to attend a meeting. If members feel strongly about providing input at a meeting, that they are unable to attend, they can provide a written statement to Ember and she will read it into the public record.

**7. DO YOU HAVE QUESTIONS FOR THE CITY COUNCIL?**

Is there more we can do to serve as a resource to the Council?

**RECOMMENDATION:**

Council feedback and discussion of Goals and Plans

**ATTACHMENT(S):**

1. Presentation: OSAB City Council Study Session, April 12, 2016
2. Memo: Strategies and Tools for Open Space Property Acquisitions December 10, 2015



## OSAB Major Accomplishments in 2015

2. Expand our understanding of and advocacy for more strategic open space property acquisition approaches and methods to increase and expand Louisville's acquisition options and resources



and



a Property Acquisitions Panel to learn more about successful approaches to developing, tracking and advancing relationships with owners and stakeholders for open space property acquisitions.

## OSAB Major Accomplishments in 2015

3. Contribute recommendations in Louisville's annual operations and capital expenditures budget process.



## OSAB Major Accomplishments in 2015

### 4. Support of full-time Open Space Ranger position



## OSAB Major Accomplishments in 2015

### 4. Strategic Brainstorming and Goal Setting

- **Wayfinding**
- **Acquisitions**
- **Resource Management**
- **Dog Issues**
- **Partner with Parks Board**



## All Open Space Education Programs

- ▶ Snakes Alive
- ▶ Fishing Frenzy
- ▶ Coyote Management Plan
- ▶ Coyote Trainings with Police Department
- ▶ Noxious Weed ID
- ▶ Native Plant ID
- ▶ Wildlife Detectives
- ▶ Coyotes for Kids
- ▶ Characteristics of Survival
- ▶ Coal Creek Trail Opening
- ▶ Meet the Ranger
- ▶ Open Space Opportunities for Seniors
- ▶ Hiking Open Space
- ▶ Lake Park Open Space
- ▶ Davidson Mesa Raptors
- ▶ Hecla Lake Tour
- ▶ Climate Change Symposium
- ▶ Owl Extravaganza

**657  
Citizens  
Reached**

## Next Steps

- ▶ Council/OSAB Communication Memo
- ▶ Discussion

# Memorandum

**To: Louisville City Council**

**From: Open Space Advisory Board**

**Date: December 10<sup>th</sup> 2015**

**Re: Strategies and Tools for Open Space Property Acquisitions**

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With increasing competition from development and the finite nature of real property, opportunities for acquiring property for Open Space protection and management are rare and increasing in value. Over the past two years the Louisville Open Space Advisory Board (OSAB) has made it a top priority to learn more about and recommend acquisition options and best practices that the City of Louisville may use to conserve, acquire and protect our remaining open spaces. We urge City Council and staff to commit staff and resources to develop and implement a sustained and rigorous process for acquiring open space properties and look forward to further discussion in our next study session. In support of these efforts, OSAB members Missy Davis and Christopher Smith developed the following information about acquisition strategies and tools to add to our understanding and dialogue.

## **Background**

In 2014, OSAB, City Manager Malcolm Fleming, Open Space Division staff and OSAB worked together to:

1. increase and ensure transparency and accountability in the management of Conservation Trust Fund tax dollars by creating a standard for reporting on operations expenditures from the fund by purpose, i.e., open space maintenance, parks operations, etc
2. include OSAB recommendations on capital expenditures in the annual budget process
3. explore setting and maintaining a reasonable reserve balance in the Open Space and Parks Fund (Conservation Trust Land Acquisition Fund) for Open Space property acquisitions

In 2015, we continued to rank property acquisitions as a top Open Space priority. In February, OSAB and Open Space Division staff invited Janis Whisman of Boulder County Parks & Open Space; Joy Lucisano of Jefferson County Open Space; and Sarah Parmar of Colorado Open Lands for a panel discussion on acquisition topics including Acquisitions 101, managing relationships with landowners, and acquisition strategies and tools used by our peer organizations and partners. Notes on this informative discussion are available in the archives on the City web page at <http://laserfiche.louisvilleco.gov/WebLink8/DocView.aspx?id=248329>

Common approaches and strategies shared by the panelists included:

- Planning for acquisitions and setting criteria at master plan level
- Reviewing and rating properties based on that criteria
- Identifying desirable properties and establishing, documenting and managing relationships & communication with owners
- Committing staff and resources to research and relationship management

- Conducting informal internal appraisals and formal external appraisals to establish and monitor value
- Using diverse strategies and methods for land or conservation rights acquisitions including conservation easements, land dedications, phased purchases, rights of first offer or refusal, and Transferable Rights and Transferable Credits programs for managing buffer zones and building credits

In our study session with Council this year we touched only briefly on the topic of acquisition strategies and options and failed to emphasize that Open Space acquisitions and wayfinding remain our top two priorities. We urge City Council and staff to explore and invest in pursuing as many acquisition or alternative property interest options as possible.

## Acquisition Tools

From Boulder Open Space and Mountain Parks Website: “Success in property acquisition requires that OSMP keeps regular contact with owners of lands targeted for acquisition. In one instance, an acquisition of several hundred acres required more than 10 years of contact before the purchase of a complex series of development rights agreements limited the potential development of hundreds of acres of residential and commercial construction.”

### Real Estate Agent Retainer:

**How it works:** While many large open space agencies have staff dedicated to land acquisitions, this is unpractical or unfeasible for smaller agencies due to cost and infrequency of opportunities. A smaller municipality could extend its reach through an established network of real estate brokers in the area. Real estate brokers tend to be the first individuals with knowledge of potential land coming on the market for sale, and may have relationships with landowners in the area. A municipality could provide a select group of brokers its target acquisition list to either pursue transactions, or to simply keep the municipality abreast of potential target acquisition opportunities. It is typical in the real estate industry for a seller to pay all brokerage commissions/compensation.

**Advantages:** Expands the reach of smaller municipalities’ on-staff resources at minimal additional costs, and may result in additional opportunities.

**Disadvantages:** May result in a conflict if multiple brokers identify the same target acquisition at the same time, an event more common in a smaller municipality real estate market.

### Right of First Refusal/Option Agreement:

**How it works:** The right of first refusal is a contract between the buyer and seller which specifies that the land may be acquired by the buyer at a future date. This gives the municipality the opportunity to match an offered purchase price within a specified time period should a landowner receive a legitimate offer to sell. A purchase option is simply a right that the municipality holds to purchase the land by a specified date at a specified price. A right of first refusal and a purchase option can be either donated to the municipality or sold.

**Advantages:** Keeps the opportunity open, keeps the dialogue going, inexpensive.

**Disadvantages:** Money paid to the seller for the right of first refusal/option is forfeited if the city cannot or will not purchase the land at the specified time and price.

### Fee Simple Acquisition:

**How it works:** Most acquisitions of open space have historically been fee simple purchases.

**Advantages:** Fee acquisition have the advantage of giving the city full control over the management of the properties’ resources, and provide the greatest flexibility for decision making about the best ways to address visitor access, agricultural management, ecological restoration and other management issues.

**Disadvantages:** Most expensive of all acquisition tools.

### Conservation Easements:

**How it works:** Legal restriction voluntarily placed on a property by its owner. Enforcement rights are granted to a public agency or charitable organization. Easement is customized to meet landowner needs, including retention of certain rights.

**Advantages:** Landowners can protect land in perpetuity while maintaining ownership. There are significant savings on taxes including property, income and estate taxes. Landowners are motivated to donate CEs because Colorado allows transferable tax credits for qualified donations. Currently, a CE donor can earn up to \$375,000 in state income tax credits. Under policies now in effect, these credits can be carried forward for up to 20 years and used as needed to offset state income tax payments, or sold to others.

**Disadvantages:** Conservation easements are irrevocable and rights included are no longer an option for landowner.

### Trail Easements:

**How it works:** A partial interest in a property is granted to allow entry onto another landowner's property. Trail facilities are developed within a designated area, to allow users onto the corridor to use the trail. Negotiation between trail managers and owners usually occurs. Owners may be willing to allow access for a fee or donation of the easement.

**Advantages:** Easement acquisition is usually cheaper than outright purchase of land. There are less disruptions of existing land uses.

**Disadvantages:** Tensions can arise between entities regarding terms or covenants. Term easements can cause problems if owner does not choose to renew the easement.

### Parkland/Trail Dedication:

**How it works:** City requires developers and builders to dedicate park/trail lands or pay a fee that is used to acquire and develop park and trail facilities. This exaction fee is a way to offset increased demand for parks or trails created by developer/new homeowner.

**Advantages:** Cities can conserve open spaces at the pace of land development. Developers can negotiate to construct facilities saving cost to both parties.

**Disadvantages:** Although courts generally uphold this type of exaction, it could result in litigation for requiring payment/land dedication.

### Bargain Sale of Land:

**How it works:** An agreement is created to sell land for less than fair market value between City and landowner.

**Advantages:** Potential tax benefits exist such as charitable donations and a reduction in capital gains tax. Sellers are often motivated to see land preserved.

**Disadvantages:** Less profit for seller than selling at fair market value. Conservation value restraints may limit agency ability to purchase property.