

Roll Call

Dennis Kuhn called the May 18, 2009 BOSAC meeting to order at 5:40 pm. Other BOSAC members present included Erin Hunter, Ellen Hollinshead, Dennis Kuhn, Monique Merrill, John Warner (in place of Peter Joyce) and Scott Yule. Staff members present were Heide Andersen, Scott Reid, Peter Grosshuesch and Mark Truckey. Turk Montepare was also present.

Approval of Minutes

The minutes were approved as presented.

Approval of Agenda

An Executive Session was added to the agenda. Walkability was added as a discussion topic.

Public Comments

There were no public comments.

Staff Summary

Golden Horseshoe Management Plan

Ms. Hollinshead: Will BOSAC have a chance to review this document? How about the members of the GH task force?

Ms. Andersen: We will public notice discussions with BOSAC regarding that document.

Open Space and Trails

Hiking Concessionaire Proposal

Ski Area Representative (Dale): We were hoping to start a hiking program in 2009 for the public through the ski area. We were requesting use of Cucumber Gulch and the Sawmill Trail on Town property. We understand the eight person limit in Cucumber Gulch. Ten people would use the Sawmill Trail. Funding has not come forth from the ski area (no budgeting) in 2009 but the plan is to operate this program in 2010. We will reapply to BOSAC for permission next year.

Tim Berry Presentation

Town Attorney Tim Berry presented important legal considerations for BOSAC and Town staff. He outlined the requirements of the Colorado Open Meeting Act (COMA). The critical principle is that no meetings should be conducted in secret. Three or more BOSAC members meeting to discuss public business must be publically noticed in advance and open to the public. Minutes must be kept. Executive Session is a secret meeting. There are rules to holding those meetings. There are specific reasons for holding an Executive Session and a process for holding them. Acquisition of property is one such reason, as are matters for formulating strategy for negotiation. BOSAC cannot hold actual negotiation in Executive Session, but can prepare for one. Consulting with an attorney is also allowable in an Executive Session. The process for entering into Executive Session is clear, and only the subject at hand may be discussed in Executive Session. I recommend that we record Executive Session in order to ensure you stay on topic. A member must move to go into Executive Session, a second must be stated, then voted on.

The chairman should then inform the public that BOSAC is entering into Executive Session for what portion of the COMA law applies. I urge you to be specific in stating that you are discussing a property acquisition in a given area. You also need to have a two-thirds quorum, then a motion and second to come out of Executive Session. What is said in Executive Session is confidential.

Email is also covered under open meeting law. If three members of BOSAC were discussing public business via email, then the email would be subject to public viewing and disclosure. Beware when you send emails regarding public business. Personal computers could be investigated if email correspondence was being brought into question.

Conflicts of interest: follow the money. If there is a financial connection for an individual (or any of their family members) on BOSAC, they should remove themselves. That decision rests with the group, not the individual. The Board, not the individual, dictates whether a conflict exists. These discussions and decisions must be public. Disclose. Abstain. Refrain from attempting to influence the Board on the issue in which you have a conflict. Physically leaving the room is my recommendation. It is inappropriate in my opinion to speak as a "member of the public" regarding a matter in which you have a conflict of interest. Disclosing the conflict at the beginning allows for a healthy resolution to the issue. The greatest risk is not disclosing your conflict of interest.

Mr. Kuhn: Working for the ski resort, Scott and I may have some potential conflicts. Should we just disclose it?

Mr. Berry: It would make sense to disclose, and the measure is to consider whether the action has a substantial financial impact on your employer.

Ms. Hollinshead: If we have an emotional issue, can we ask individuals to leave the audience to discuss the topic in Executive Session?

Mr. Berry: Public business should be discussed in public. You need to look at the three reasons for entering into Executive Session. I would recommend that discussion occur in public.

Meeting Date Change

BOSAC agreed to proceed with the meeting date change to the third Monday of each month.

Vice Chair

Jeff Cospolich was unanimously elected as the vice chair.

Joint Town Council/BOSAC meeting agenda items

Ms. Andersen: So far, we have two items on the joint agenda: Marketing of trails for Nordic skiing and mountain bike use. Splitting costs of acquisitions with the County and how we determine that split. The Open Space Plan outlines many of the open space qualities that we seek for acquisition and protection.

Dr. Warner: Should we go forward on a case-by-case basis or have some standards for acquisition and joint expenditures?

Mr. Kuhn: We have a great partner in Summit County. Perhaps a concentric circles concept works. In addition to that, we could also be flexible within that framework.

Mr. Grosshuesch: If it helps complete a project that we have already started, that would be grounds for increasing the percentage of cash infusion.

Mr. Montepare: The County is willing to always ask for the 50/50 split, but it is also cognizant of Town budget limitations and goals to protect portions of the Upper Blue Basin. There are no hard feelings here. Try to stay generic, but keep the qualifiers in there.

Ms. Hollinshead: I am slightly uncomfortable with the concentric circles. I think Breckenridge starts at Hoosier Pass. I'd be more comfortable with identified regions.

Dr. Warner: I would ask BOSAC come to the joint meeting with a plan in place and your thoughts in order. I will ask Council to think about ahead of time as well so we can reach a conclusion on June 9th at the joint meeting. Or, perhaps we move the date of the joint meeting to allow Council and BOSAC more time to consider this concept.

Mr. Montepare: I will also commit to having an OSAC representative there to discuss acquisitions.

Mr. Cospolich: I think it should be vaguer than concentric circles. It is clear in the plan which qualities we seek to protect.

Mr. Yule: Regions are defined in our plan already. Stick to the plan.

Ms. Hunter: The plan is clear enough.

Ms. Merrill: I like the regions, but I think it will still be a case-by-case basis.

Dr. Warner: It might help the process if BOSAC provided percentage share based on the values outlined in the Open Space Plan. It would help the process for BOSAC to justify the decision via the plan information.

Mr. Grosshuesch: The joint purchases have management implications that also need to be considered.

BOSAC agreed to use the Open Space plan for justifying purchases and to provide rationale to Council as to why the acquisition recommendation was made.

Marketing of Mountain Biking and Nordic Skiing

Ms. Hunter: I would defer to Council to determine the degree of marketing for mountain biking and Nordic skiing.

Dr. Warner: This version of the Council has never defined how they want to market the backcountry area. Once Council makes this determination, BOSAC needs to work within that context. We are concerned about the sustainability of the trails. The Council needs to have a vision for preserving and marketing the backcountry trails.

Ms. Hunter: Our job is to take care of the trails.

Ms. Andersen: The Comprehensive Plan does set forth a goal of the Town being a regionally significant mountain bike and Nordic skiing destination.

Mr. Kuhn: I think BOSAC should give their opinion to Council to assist with the decision.

Dr. Warner: It applies to signage and maintenance. Congestion is also a consideration. Having a joint discussion will help us moving forward.

Mr. Cospolich: Marketing can be very cheap if done using social networking tools. The past discussion pertained to Golden Horseshoe, which is not ready for a large number of uses. There are many ways for us to market this place, and I think we should, but we need to be creative in how we get the word out. We are regionally significant. The races are just a small part of the audience.

Mr. Yule: I would like some definition on the building and financing of new trails: Nordic and mountain bike. We need to know if there is support for continuing to grow the network.

Dr. Warner: There are costs to increase use in terms of increased maintenance costs. What level of backcountry development is appropriate for our community? We need to make sure we can maintain the trails. What improvements can we make to get the biggest bang for our buck?

Ms. Merrill: What are we doing with what we have? The trails need to be better marked.

Ms. Hunter: Can we take care of what we already have? How will other user groups feel? We represent equestrians and hikers as well.

Mr. Zobbe: There is new energy and blood in the SFTS that will hopefully address some of the maintenance concerns.

Ms. Hollinshead: We don't have enough signs and we are too premature. Use will grow without the marketing.

Ms. Merrill: Our trail system is unique and excellent. If you market it, you have to meet a higher standard.

Ms. Andersen: IMBA is potentially interested in making Summit County a "Ride Center". Would BOSAC be supportive of this concept?

Mr. Cospolich: We should jump on this opportunity. We should use first person media. This place is marketing itself. We need to proactively craft the message and address our sustainability issues as needed.

BOSAC agreed to try to move the joint meeting date to June 23rd and be ready to discuss these two important topics with Council.

East Adams Trail

Mr. Reid outlined the East Adams Trail proposal.

Mr. Yule: I am skeptical about building a trail to connect to a social trail. We should keep it on the books for consideration in future years.

Mr. Cospolich: I think connections are important, but need to deal with this in the future. Not this year, though.

Ms. Hollinshead: The more trails, the better. I would like to look into legalizing the social trail. \$5,000 seems a little high, though. Maybe look at this at the end of the season. I would like to look at it again in the fall to see if we have money left.

Ms. Hunter: It does not seem like the highest priority. Wait until fall.

Mr. Kuhn: We need to make the connection to Gold Flake to make it a real connection out of town. Postpone this until a better connection can be made. We already have two connections out of town.

Huts on Open Space Discussion

Ms. Andersen: BOSAC requested a philosophical discussion about the use of huts on open space.

Mr. Kuhn: It is identified in the open space plan as appropriate.

Dr. Warner: I am on the Summit Huts Board, as a full disclosure.

BOSAC agreed to let Dr. Warner remain and participate in this discussion.

Mr. Cospolich: This is an appropriate use of open space.

Ms. Hollinshead: We need to look at the open space values of the area, such as wildlife habitat and use. The site itself should be considered. Hut size should be small on open space.

Mr. Yule: I think the plan opens the door and dictates the use. Parking and external impacts should be considered.

Ms. Hunter: The plan speaks for itself. I think it might be more appropriate on National Forest lands, though.

Ms. Merrill: This may make more sense on National Forest. There are many considerations: wildlife, parking, etc. We need to think about impacts. I agree with Erin.

Dr. Warner: Social issues should be addressed and the hut should reflect open space values. It is an appropriate use on open space lands. I think this is the USFS putting this ball in our court.

Mr. Zobbe: A joint discussion with OSAC would be helpful.

Dr. Warner: Summit Huts is offering to help take care of the parking issues at Lincoln Townsite. This is a project that is out and in the open for the public.

Ms. Hollinshead: How was this site selected?

Mr. Zobbe: We went through a thorough examination of potential hut locations in the Upper Blue. The USFS told us to exhaust all other private options on private land first. If this gets denied by OSAC and BOSAC, we will move to plan D, which is undetermined at this point.

Mr. Kuhn: I have no problem conceptually with the hut location. However, I would recommend a joint discussion with OSAC first.

Workplan Revisions

Mr. Reid outlined potential changes to the work plan.

BOSAC was supportive of the workplan revisions, provided that the remainder of the workplan and trails projects can still get completed.

Commissioner Issues

Mr. Cospolich: What is staff's philosophy regarding repairing seasonal trail issues like the bridge on the Upper Flume Trail and the wet area on the Middle Flume. (Staff's philosophy is to repair things once and not have to return to repair it, even it is a seasonal issue.)

Ms. Hollinshead: The trail up from French Gulch clubhouse to Wellington Road: will it stay there? (That trail is within the Corkscrew subdivision and the trail in the utility easement will not be retained. Corkscrew is responsible for building and conveying the other trails in the area.)

Mr. Kuhn: I would prefer the packets to contain questions for BOSAC to consider. Also, can we improve the ventilation in this room?

Dr. Warner presented a plaque to Matt Stais for his service to BOSAC. BOSAC thanked Mr. Stais for his time and hard work dedicated to BOSAC.

Mr. Truckey presented on Dan Burden's walkability audit for the Town and requested that BOSAC members attend this important presentation on Jun 8th and 12th.

Executive Session

Ms. Hunter motioned to enter into Executive Session about a property acquisition in the Golden Horseshoe and Dr. Warner seconded the motion. BOSAC unanimously agreed to enter into Executive Session at 8:21 pm to discuss property acquisition and negotiations.

Mr. Cospolich motioned to come out of Executive Session and Dr. Warner seconded. BOSAC came out of Executive Session at 8:45 pm.

Next Meeting

The next regularly scheduled BOSAC meeting is scheduled for 5:30 pm on June 15, 2009 in the Administrative Conference Room. BOSAC has proposed to meet jointly with Town Council on June 23, 2009 at 6:00 pm in Council Chambers. BOSAC has also requested a site visit above Galena Gulch prior to the next BOSAC meeting.

Mr. Cospolich motioned to adjourn the meeting and Ms. Hollinshead seconded. The meeting was adjourned at 8:45 p.m.

Dennis Kuhn, Chair