

Minutes of the Parks, Trails & Recreation Commission
City of Cherry Hills Village, Colorado
Thursday, October 8, 2009
at the Village Center

Study Session

Commission members in attendance: Jane Soderberg, Ann Gallagher, Katy Brown, Jim Fairbairn and Karen Barsch. Employees present: Ryan Berninzoni, Eric Ensey, Bill Bauer and Pamela Broyles.

Absent: Bill Callison, Jeff Ferrell, Klasina VanderWerf

A study session was held by the Parks, Trails and Recreation Commission at 5:30 p.m. to discuss the Parks, Trails and Recreation section of the City Master Plan.

Call to Order

Ms. Jane Soderberg called the meeting to order at 6:27 p.m.

Approval of September 10, 2009 Minutes

Mr. Jim Fairbairn moved to approve the September 10, 2009 minutes. Ms. Ann Gallagher seconded the motion and it passed unanimously.

Thank you ceremony for Theresa Gilpatrick and Heidi S. Hammell

Ms. Soderberg thanked Ms. Theresa Gilpatrick for her dedication to the Parks, Trails and Recreation Commission that has resulted in so many positive results for the Cherry Hills Village community.

Ms. Soderberg thanked Ms. Heidi S. Hammell for her commitment to the Parks, Trails and Recreation Commission and being instrumental with parks, neighborhoods and the equestrian community.

Audience Participation

No audience participation.

Presentation on City Wetlands: Troy Carmann "Icon Engineering"

Mr. Carmann introduced himself as a Civil Engineer for Icon Engineering and stated that he grew up in the Cherry Hills Village area.

Mr. Carmann reported that he recently spoke with Ryan Berninzoni regarding the wetland discussion and what to do with some of the ponds and water features that are in the community and how to preserve them. Mr. Carmann referred to a handout given to Commission members that addresses some of their questions on wetlands.

1. *How is wetland defined?* A wetland is described based on what kind of plants, how much water and how often it is there, and what kind of soil roots the plants and absorbs the water. Mr. Carmann stated that it is important to note that water is not necessarily an indication of a wetland. Water can be there some of the time, or it can be underground feeding the roots, but there does not have to be a standing water source.

How is wetland designated? A wetland is designated by a regulatory agency, which could be federal, state or local authorities. The designation typically relates to factors such as connectivity to other water sources, origin of the wetland, etc.

Mr. Carmann reported that at times there can be controversy with federal agencies such as the U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA) on whether or not certain areas are designated as wetlands and whether they can be offered that protection. He pointed out that there can be friction in terms of determining wetlands and engineering factors that could make things more complicated.

2. *What are the parameters of a wetland?* Environmental parameters include effects of adjacent and upstream land use, wildlife and insect habitat and water quality. The Urban Drainage and Flood Control District (UDFCD) is the regional drainage entity and governing body and they have a lot of resources available to help with these questions. The UDFCD has done an inventory of all of the protected wetlands in the district.
3. *Is there a USACE or City Designation?* The USACE is the most common regulatory agency for wetlands and they are the strongest arm for wetland permits. The Cherry Hills Village City Code requires compliance with USACE regulations. There are City designations that exist, but they are not very common.
4. *Does drainage runoff make a wetland or does it have to be a naturally wet area?* Mr. Carmann stated that wetlands can be formed from any number of sources because it is sometimes difficult to determine the source of water. The water source is not always required to be a natural stream or lake. Irrigation, wells and return water can be regular seasonal occurrences that can develop into a manmade source of water that can lead to a wetland.
5. *Does a wetland have to be a certain size?* The area of a wetland is not as important as the connectivity of the wetland to other wetlands and water sources. Something on the order of 10 square feet may be considered a practical minimum.
6. *Is there anything else?* Mr. Carmann pointed out that wetlands can be a complicated issue. He stated that he does not know the exact details or the specifics on what it takes to get wetlands mitigated or to get permits issued. He stated that experts become invaluable in order to be in compliance.

Mr. Carmann opened the floor to the PTRC members to ask questions.

Ms. Soderberg stated that the Commission is considering a study and asked Mr. Carmann to explain the feasibility and perimeters of a study.

Mr. Carmann responded that it is important to look at all the possible sources and categorize them into potable and non-potable. He said it is pretty easy to do this and gave an example that Denver Water, or drinkable water would be considered a potable source as it is used for domestic use, or maybe irrigation in the front yard, but for the most part it would not necessarily have an impact on the parks and recreation trail use other than irrigation may have a small use. He stated that Denver Water is going to be around for a while so domestic water is pretty stable.

Mr. Carmann went on to say that non-potable sources are not as exciting and you can start with the least interesting and most disgusting, which is waste water. The City must consider that the sewer lines do have an impact on what water does to the general City infrastructure, the budget and groundwater. He mentioned that it is important to note that wastewater, out of sight and out of mind, can leak and can show up in groundwater and when you have such resources as the open space around the Village, these things can pop up even more frequently.

Mr. Carmann noted that irrigation water is another category to study. The agricultural uses and wells that are present can have a significant impact on keeping things green and keeping pastures and the equestrian portion of the community satisfied and maintained. He said the Highline Canal is a major community resource in terms of what we are talking about here and where that water comes from, its sustainability, its maintenance, and its quality. He pointed out that the Highline Canal probably doesn't have near as much water today as it did during his school days.

Mr. Carmann discussed stormwater or rainfall as another category that gets used, stored and conveyed in a number of different ways. He noted that some ponds such as Blackmer are historically formed by stormwater runoff and can be supplemented by other sources contingent on Mother Nature and rainfall patterns and how all that comes together. He said there are some impacts that the City will need to study because stormwater comes along with some of the FEMA regulations, whereas nobody quite cares where irrigation water and potable water goes. With stormwater, Urban Drainage and FEMA will absolutely be concerned if you start changing things around within those floodplains. He said even things like a play structure can have an impact and can be reviewed against some of those regulations. The City also falls under, particularly with stormwater, the National Poisoning Data System (NPDS) Permit.

Mr. Carmann noted that lastly, although it is not present now, reused water tends to be a resource that some communities have available and it would be water from a wastewater treatment plant that has been treated and could be used for irrigation and other purposes. Mr. Carmann pointed out that reused water can have a critical role in future planning.

Ms. Soderberg asked Mr. Carmann if he has prepared plans or studies for other communities on this same topic.

Mr. Carmann stated that he has not completed a similar study and the reason is that large communities have the resources to study these concerns and tend to segregate them. He said they don't have an overall water plan, but they have several people in a department dedicated to water issues. Smaller communities don't have all of these components within their jurisdiction and there is not an easy way to collect information and to be able to take action. He pointed out in terms of wastewater that the Sanitation District would have more control than the City would. He said an interesting dynamic in approaching a study like this is that there is discussion to be had, but there are some constraints in terms of the character of a municipality and how things are that will limit some of the conclusions.

Ms. Brown thanked Mr. Carmann for explaining the process, but said there is concern that some of the ponds in the parks are drying up. As part of the bigger picture what can the City do about this, and how can the City maintain the wetlands and keep the water there. She referred to his point that if the City converts the storm drainage people would surely have something to say about that as well as the issue of whether there are water rights. She said she would be hard pressed to describe the different types of water that could be studied and to come up with anything that the City could impact as a municipality.

Mr. Carmann responded that along those lines, a direction to consider is that stormwater is probably something the City has most control over and if there was a focus it is probably the most available to deal with. Second might be private wells and irrigation water and it is a commodity that can be bought and controlled in a more private fashion versus reused water and wastewater.

Ms. Soderberg referred to the section of the master plan that deals with natural spring water of lands and waterways. She noted that the Commission is supposed to be evaluating this, but with no expertise they are not sure how to approach it.

Mr. Carmann responded that he did notice this section in the master plan and he believes that the City will require a component for a certain level of municipal expertise to handle some of the regulations. He recommended that for things like wetlands or water rights the City would require some kind of environmental consultant or advice from people who know FEMA and the regulations to become valuable resources for questions. He said he does not think there is any piece of this where there would be one person or expert that could cast on all of it and be an honest expert. Because the timeline is so tight he said perhaps there may be an expert manager that could quickly herd all of these categories.

Mr. Ensey referred to the "Strategy" section of the master plan:

"Evaluate the adequacy of floodplain and wetland area designations." Mr. Ensey noted that FEMA is adopting new floodplain regulations around April of next year based on new information. He reported that the City will also adopt these regulations and can move forward on that component. Mr. Ensey referred to the next component "Wetland designation areas," but stated that based on tonight's discussions Cherry Hills Village doesn't really have any designated wetland areas. We know where they are, but there is really nothing that designates those areas as wetlands.

Ms. Brown referred to a map of wetland areas and asked if the wetlands on the map are designated.

Mr. Ensey responded that the US Fish and Wildlife Service designed the map she is referring to, but they are not actual wetland designations.

"Encourage establishing City designated wetland areas and the development of applicable regulations." Mr. Ensey stated that the City regulations meet the Corp of Engineers and they are basically saying that we should establish more restrictive guidelines.

"Identify and prioritize potential natural resource infrastructure areas based on their capability to reduce erosion, help cleanse stormwater run-off and provide wildlife habitat." Mr. Ensey stated that the ponds that we have now somewhat do that, but may not meet all of the standards that are required now.

"Explore alternatives for protecting natural resource infrastructure areas such as cooperative agreements, additional regulation and acquisition." He said it is a visionary thing, and he can see it turning into a project where we will need some assistance and the need to bring in some special expertise.

Councilmember Alex Brown

Councilmember Brown thanked the PTR Commission for being so well represented at the hearings and focus groups that were held recently regarding the Village Center. He said City Council will ask Norris Design to make sure that they pay attention to concerns that speak to the use of this campus and he is optimistic that the plans will reflect the work that has been done by many of the Commission members.

Councilmember Brown stated that he is here to represent Council District 3. He pointed out that many of the wetland areas and drainage areas pass through the Village and continue outside of our boundaries such as Little Dry Creek. He said the thing about Little Dry Creek is that it is not dry and it flows pretty consistently and maintains habitat.

Three Pond Park is an exception because it is the head waters in a certain sense that there is no natural flow of water from collection into that area. He said he doesn't know a lot of history, but obviously the Village has had a gate on the High Line Canal for decades and that gate is used to release a measured flow of water into each of the ponds and through the drainage fields. He noted that the flow can be measured based on cubic feet per second so we know how the drainage historically was handled from the Highline Canal. He said we don't know what the future of deliverance is going to be from now until the beginning of the snow and if Denver Water refers to this as a nuisance, and if it weren't for the act of public use of the Canal, it probably would have been shut down a long time ago.

Councilmember Brown introduced two concepts that he believes could be considered to try and maintain the historic flow in that area. He discussed one concept in that if you stand at the upper pond on the High Line Canal, directly across from the High Line Canal there is a storm drainage flow that comes out of the neighborhood in the Mansfield Heights area directly into the Highline Canal. He stated that based on his discussions with Denver Water they would love to have storm drainage water taken out of the Highline Canal. His thought is that the City could find a way to transport it across and redirect that flow instead of just dumping it into the Highline Canal. He said there may be some concern about the volume of water going into the ponds and if Urban Drainage takes a look at it their first question is going to be are you exceeding that historic flow. He said it would be up to an engineer to tell us how to capture this water and how to control the flow, but it would be one way on occasion, whenever nature gives us the adequate rainfall, to maintain the flow of water to the wetlands and ponds. He noted that all of this stretch used to be dependent on the Highline Canal, but it is not available any more. He said the City has been fortunate through the years to get some water through there, but the upper pond does dry up and he has seen the middle pond close to drying up although this year he saw fish in the pond. He has also seen the lower pond get dry as well.

Councilmember Brown believes that the other opportunity is that the City now owns a water supply from the Cat Anderson property that comes with a well. The City now owns the well that is a natural source to supply and recharge all these wetlands and he can visualize a way that the City can move water from this property at least to the lower pond. He noted that his self interest on behalf of District 3 and Three Pond Park is to look at strategies to create a new alternative supply of water into the upper pond just to maintain that stretch of drainage way until it connects with sections of drainage that are considered nature fed or from other sources. He stated that this is the narrow focus and he applauds the Commission for their broader focus on the topic, but his strategy is to improve the flow of water to the upper pond of Three Pond Park.

Ms. Soderberg shared that what she has learned tonight is that stormwater may be the key to our existence and the one we can most control. She also noted that the City does have a well that possibly could be used. She asked for suggestions on how to move forward.

Mr. Ensey reported that the only way he thinks we can go forward is in looking at the engineering and how we can do it if at all possible. He said the first step is to spend the money to do some kind of study and to look into how much that would be.

Ms. Brown reported that what she has heard is that the overall water study that the Commission discussed is not necessary and what we probably need at this point is a specific study regarding how to maintain the water sources in Three Pond Park. She recommended having somebody address that specific issue and if the Commission feels the need to make things bigger they could extend the study to determine where the

wetlands are, what should the City apply for as specific wetlands designations, where does the water come from and where does the water go, and what do we do if the water disappears. She stated that although this is a big undertaking it is not as big as a comprehensive water study.

Mr. Fairbairn referred to Councilmember Brown's vision with the storm drainage from Mansfield Heights going into Denver Water's canal and asked Councilmember Brown if this is what he thinks would be the best case scenario to try and harvest that water to the pond.

Councilmember Brown responded that it struck him as an option, but he does not know how practical it is or what the engineering would be. He said he has seen water coming from that source and he believes this could be an opportunity.

Mr. Fairbairn responded that he thinks it makes a lot of sense, but he is concerned how costly it would be.

Councilmember Brown responded that he thinks there is a way to gravity feed the entire system, but he doesn't know what the options would be to allow the water to be released at a measured rate no greater than the gate coming off of the Highline Canal. He believes this is going to be a critical aspect so there is not a sudden surge of water that creates flooding, but his assumption is that if the flow of water is controlled to a volume no greater than the historic flow of the Highline Canal it would not cause any damage.

Mr. Carmann reported that there are a number of developments throughout the City, particularly upstream from the Highline Canal and Denver Water as of 1997 or 1998 said that if any development next to the Canal changes anything, then no more stormwater. He said that this policy is probably related to some of the changes we are seeing and part of the reason for the lack of water in the Canal. He noted that back in the agricultural days Denver Water was thrilled to have as much stormwater as possible and they tried to get as many ditches dumping into the Canal as they could. Now the water is contaminated and polluted and a couple decades ago Denver Water found heavy metals and contaminants and decided from here forward to change it. So from that sense, for the City to take the storm drainage that is going into the Canal may sound like the best thing we have ever heard, but Denver water may or may not be motivated to help with the necessary engineering or financial needs even though they would be thrilled to get rid of it. He said the City would have to take all of that stormwater and the first thing that comes up is how much is that. He said very roughly speaking if you look at those reports you can get an estimate of that flow and that is a great resource, but the biggest implication is that water could drain to the Village Center and there could be too much water.

Mr. Ensey reported that there is a water quality component that we have to be concerned with also because we would then be taking on that same dirty water that Denver Water wants to get rid of. He said this is a component that we have to consider, but added that the Cat Anderson well may be an intriguing option.

Ms. Brown asked if Cat Anderson's well includes a permit for use of irrigation.

Mr. Ensey responded that there are limitations for what the well can be used for and Ms. Anderson now uses the well for irrigation and the pond on her property. He said the question is whether we can divert some of that water to other ponds and we don't know the answer to that yet.

Mr. Fairbairn asked if the pond on Ms. Anderson's property is filled from the Highline Canal or the well.

Mr. Ensey responded that from his understanding the pond is filled by the well. He believes that she has a gate from the Canal that she opens up and irrigates her fields and neighboring fields.

Ms. Brown asked if it is difficult to get a well in the City for this purpose.

Mr. Ensey reported that it is very difficult.

Mr. Carmann pointed out that the ownership of that groundwater is a large hurdle.

Ms. Brown stated that the scope of the study should be how to preserve the Three Pond Park water source.

Ms. Barsch asked if the Commission should also be concerned with ponds in other areas of the City so they would know the risks of bad drought years, or what risk there would be for our parks, trails and open space if Denver Water turns off the Highline Canal. Ms. Barsch believes the two questions the Commission should consider are what the risks are and what steps the Commission can take to mitigate these risks.

Ms. Brown pointed out that if the water is coming from natural sources then the risk is that the natural resources will dry up and how do you mitigate that.

Ms. Soderberg referred to the options of storm drainage or the well and suggested that the Commission could seek someone to pull this information together for us and determine what we need to know.

Mr. Carmann stated that at this point the question is whether this is going to be a community wide basin, or is it one particular basin with an area of interest that could potentially be spread to other basins in the future.

Ms. Soderberg suggested that the Commission should start small and move forward from there.

Mr. Fairbairn expressed concern that the project sounds like a massively huge uphill battle. He suggested that the best course would be to focus on Cat Anderson's well and how she gets her water and whether Cherry Hills owns the well now. He believes this specific target might be the best case in terms of keeping the ponds filled. In his view the Commission should focus on the well and fill the pond that way.

Ms. Soderberg agreed that the main issue is to fill the ponds. She asked Mr. Ensey if the City is currently doing anything with the well on Cat Anderson's property.

Mr. Ensey responded that Ms. Anderson is still maintaining almost everything on her property at this point. He said the City has started to transition to maintaining the trees on her property. Mr. Ensey suggested that this is something that the City will probably need to budget some money for because it will most likely take some legal counsel with knowledge of water and water rights.

Ms. Soderberg recommended that the Commission could do a specific study on Three Pond Park and its ramifications.

Ms. Brown stated that what she would ultimately like to see is someone who says here are the options; you've got stormwater and here are the pros and cons to all those issues, and here you have a well and either we can use it or we can't and if you can use it here are the pros and cons. She added that there may be something else that could be introduced that the Commission hasn't thought of.

Mr. Ensey informed the Commission that he will work with Ryan Berninzoni and they will talk with the City Engineer to get some numbers and then make a recommendation to the Commission on which direction they should go.

The Commission thanked Mr. Carmann for his presentation and for educating them on this subject.

Subcommittee Discussions

Parks, Trails and Recreation Enhancement

Summary Sheet Review

Ms. Soderberg reported that the new improved Summary Sheet is included in the packet and she has received input from Commissioners in many areas.

Trail Enhancement Update

Mr. Fairbairn reported that he made contact with the property owner that borders the south side of the connection between Radcliff and High and the owner is still in favor of it as long as the neighbor to the north agrees to it. The property owner recommended that the Commission put together some kind of packet or a map and propose it to the neighbor on the north. Mr. Fairbairn will meet with Jeff Ferrell and Ryan Berninzoni and will take it from there.

Ms. Soderberg reported that she walked Pond Road to the 4452 connecting trail with Jeff Ferrell and there is a clear connection between Holly and the Dahlia Street bridge over the High Line to Blackmer Commons. Ms. Soderberg reported that the Glenmoor connection is a no go situation at this point and recommended that it be closed.

Incentive Program Update

Ms. Gallagher reported that she received some figures from Mr. Berninzoni today on the cost for trees, fencing and other incentives that can be used for future trails.

Mr. Berninzoni discussed the Commission's desire to come up with a program that would allow the Commission to offer incentives to citizens to acquire trail access if an opportunity becomes available. Mr. Berninzoni asked Mr. Ensey for direction on how the Commission should address budgeting for this program. Mr. Berninzoni estimated the cost for a 150 foot section to be no more than \$15,000, which would include a berm, trees, some small plantings and fencing.

Ms. Soderberg added that the Commission would like to come up with a base package such as landscaping, trees or berms based on a 150 foot section.

Mr. Ensey replied that he is not sure how to budget for this type of program. He said the normal procedure would be a special request to be approved by City Council. He suggested that the Commission could also consider a matching fund incentive such as the City would pay 1/3 of the costs. He said it is a hard number to budget because you don't know the exact amount and you would need to allocate that money and it takes away from something else. Mr. Ensey suggested that the Cat Anderson Grant Application might be another option to consider for the purpose of trail improvement.

Mr. Fairbairn agreed that the Cat Anderson fund is a great option. He added that if the Commission gets close to a scenario where they might only need 5 trees planted in order to acquire a trail, they could go to that Cat Anderson fund or City Council and say that all we need to close this deal is \$500.00, or whatever the amount might be.

Ms. Gallagher encouraged the Commission to come up with a policy so they know what direction to take if someone approaches them. Ms. Gallagher will write a policy and forward it to Mr. Ensey for his review and then determine how to move forward.

Special Events Update

Ms. Brown reported that staff is running with the 2009 Holiday Tree Lighting event scheduled for Friday, December 4, 2009. The event will have all of the entertainment activities as last year. Ms. Brown reported that she has also had discussions about holding an equestrian event in the spring. Staff will look into liability issues and keeping spectators separate from horses, but so far it sounds like there is a good possibility that we can devise sufficient ways of doing this so the liability issue is not insurmountable. Ms. Brown spoke briefly with Heidi Schmidt Hammell about some ideas for the event.

Website and Signage

Ms. Brown asked about the status of the new website and the person who is working on it.

Mr. Ensey reported that he is working with Laura Smith, the new City Clerk, on the new website and they are anticipating getting the editing done in one to two months. Once the editing is done they will be closer to getting the new website up and running.

Ms. Brown pointed out that it is important to make sure that special events get on the website. She also offered to help in any way since she owns a web development company and this is what she does for a living.

Mr. Ensey said he would welcome assistance from Ms. Brown and he will be in contact with her. Mr. Ensey reported that the new website will be much easier to use with additional features that are not on the current website. Special events will be much easier to find on the new website.

Communications/Crier Article

Ms. Gallagher wrote an article for The Village Crier on the Holiday Tree Lighting event. She also submitted some pictures of the new bench and tree, which she said look beautiful.

General Updates

Ms. Barsch reported that she spoke with Mr. Berninzoni about some online grant writing classes that she would like added to the budget. She said one of the major issues the Commission faces in accomplishing new projects is funding and she would like to work with Mr. Berninzoni to become more educated in grant writing.

Ms. Barsch also reported that Mr. Berninzoni is researching the cost of a port-a-potty for the High Line Canal to determine if it is feasible or not.

2010 Parks, Trails, Recreation and Open Space Priority List Discussion

Mr. Berninzoni reported that at the September meeting the Commission had a discussion about the 2010 Priority List. He received some good input and tonight he would like to review the projects that the Commission feels are the most important. He stated his intent tonight is to get approval on these items and to have someone from the Commission present it at the next City Council meeting.

Ms. Soderberg reported that she is not sure about adding play structures in pocket parks in the 2010 budget.

Mr. Berninzoni suggested keeping the project in the budget for discussion purposes.

Mr. Ensey stated that he does not disagree with Mr. Berninzoni because if the Commission receives public input by the middle of the year to move forward then the

Commission would be ready to go at the end of the year and it would already be in the budget. In the event that the neighbors say no, then that money wouldn't get spent and it could be allocated to a different spot.

Mr. Berninzoni provided some prices for a play structure, but he reported that the prices can vary because some of the work can be done in-house.

Mr. Ensey cautioned that one problem with putting a play structure at Dahlia Hollow Park is that it is in the floodplain. He advised the Commission to look into this before putting playground equipment at this location.

Bellevue Underpass at Little Dry Creek Update

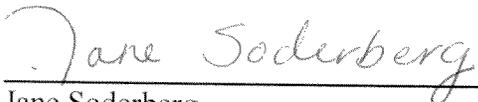
Mr. Berninzoni reported that there are no updates, but Greenwood Village is as excited as we are about moving forward with the underpass project. He is hoping to have a public meeting by the middle of winter and have the engineer present the idea.

City Council Report

There was nothing to report on this subject.

Adjournment

The meeting adjourned at 8:00 p.m.



Jane Soderberg
Committee Chairperson



Ryan Berninzoni
Parks, Trails and Recreation Administrator



Pamela Broyles
Administrative Clerk