



Agenda Item - 10.A.

Agenda Memorandum

City Council Meeting
July 11, 2016

 *Visionary Leadership, Effective Governance and Proactive Regional Collaboration*

 *Beautiful, Desirable, Safe and Environmentally Responsible City*

 *Ease of Mobility*

Subject: Resolution No. 24 in Support of and Authorization of Matching Funds for Jefferson County's Federal Lands Access Program Grant Application

Prepared By: Jason Genck, Parks, Recreation & Libraries Director
Max Kirschbaum, Public Works & Utilities Director
Rod Larsen, Open Space Manager
Heather Cronenberg, Open Space Superintendent

Recommended City Council Action:

Adopt Resolution No. 24 to conditionally support Jefferson County's request to pursue a Federal Lands Access Program (FLAP) grant and to provide up to \$220,000 in matching funds to construct trail connections to the Rocky Flats Wildlife Refuge and the Westminster Hills Open Space.

Summary Statement:

On April 11, 2016, Staff brought forward a resolution to City Council to support the Jefferson County application for a Federal Lands Access Program (FLAP) grant and to provide up to \$220,000 in matching funds for the construction of a pedestrian overpass crossing Indiana Street and a pedestrian underpass at Highway 128. Members of the public raised concerns regarding the development of the Greenway Trail through the Rocky Flats Wildlife Refuge during that City Council meeting. City Council tabled the item and directed Staff to bring it back to a Study Session for further discussion.

A presentation was delivered at the June 6, 2016, Study Session. The following experts and interested parties were present during the meeting to provide information and answer questions from City Council:

- David Lucas, U.S. Fish and Wildlife Service (USFWS);
- Scott Surovchak, Department of Energy (DOE);
- Carl Spreng, Colorado Department of Public Health and Environment (CDPHE);
- Vera Moritz, Environmental Protection Agency (EPA); and
- Janet Bruchmann, Chair of the City's Parks, Recreation, Libraries and Open Space Advisory Board.

Additionally, Ron Hellbush, former Director of the City of Westminster's Public Works & Utilities Department, submitted a letter supporting the grant.

At City Council's direction, Staff is returning to seek conditional approval of the Jefferson County request.

Fiscal Impact:

Matching Funds for FLAP grant up to \$220,000

Source of Funds:

2017 General Capital Improvement Fund

Policy Issue(s):

Should the City support Jefferson County’s FLAP grant to construct an overpass over Indiana Street and an underpass under State Highway 128 and commit to provide matching funds for the project conditioned upon entering into an IGA with the partner agencies on funding and additional testing and upon receiving satisfactory results from additional soil sampling, prior to City funds expenditure?

Alternative(s):

- City Council could choose not to support Jefferson County’s grant request or to provide matching funds.
- City Council could seek other sources of funds for these connections or could choose not to partner with Jefferson County and surrounding communities to seek funds to construct these improvements. Staff does not recommend these alternatives because providing this connection from the Greenway Trail over Indiana Street is extremely important and will serve as a gateway to our community. Seeking other funding sources to construct this project would be difficult due to the large expense associated with the two crossings; partnering with Jefferson County and the surrounding communities provides an opportunity to advance regionalism and share costs associated with this project.
- City Council could direct Staff to bring a resolution to City Council for consideration that includes different language or stipulations.

Background Information:

Rocky Mountain Greenway Trail - The Rocky Mountain Greenway Trail (Greenway Trail) is a regional trail planned across the northern part of the Denver metropolitan area to connect the Rocky Mountain Arsenal National Wildlife Refuge in Commerce City to the Rocky Flats National Wildlife Refuge directly abutting Westminster’s western boundary at Indiana Street. This project is part of President Obama’s America’s Great Outdoors initiative introduced in 2011 by former U.S. Secretary of the Interior Ken Salazar and Colorado Governor John Hickenlooper. The goal is an uninterrupted network of regional trails and transportation systems connecting three urban wildlife refuges with the Rocky Mountain National Park. The City is collaborating with the Federal Highway Administration (FHWA) to construct the latest segment of the trail connecting Two Ponds Wildlife Refuge to Arvada, Westminster, and Broomfield. The FHWA received a grant of \$1.735M through the U.S. Fish and Wildlife Service (USFWS) to construct the trail.

A portion of the Greenway Trail segment utilizes the already existing Little Dry Creek trail. The remainder of the trail consists of new construction in Westminster starting with a pedestrian underpass under 86th Parkway and moves along the east side of Standley Lake utilizing an existing maintenance road to a signalized pedestrian crossing at 100th Avenue. After the trail crosses 100th Avenue, a new section of soft trail will continue through Westminster Hills Open Space in a northwesterly direction utilizing an old railroad bed. Currently, it ends just over the Broomfield City/County line on the east side of Indiana Street. This segment of the Greenway Trail connecting Two Ponds Wildlife Refuge to just east of Indiana Street is almost complete. City Council reviewed the draft Greenway Trail feasibility study on March 18, 2013, and the final study on November 25, 2013. On February 23, 2015, City Council supported a resolution to submit a grant request with the City of Arvada to Great Outdoors Colorado to help fund portions of the project. A ribbon cutting for this portion of the Greenway Trail was held on June 4, 2016, just south of Standley Lake. Local officials along with the Governor, former Secretary of the Interior Ken Salazar, and the Director of the USFWS attended the event.

Collaborative Application to the Federal Lands Access Program (FLAP) - Open Space surrounding the 5,000-acre Rocky Flats National Wildlife Refuge (RFNWR) totals more than 10,000 acres within many counties and municipalities, including Westminster, Arvada, Broomfield, Superior, Jefferson County, Boulder County, and the City of Boulder. These communities would like to tie their trail systems together. This has been a goal for the City of Westminster for many years.

The FLAP program seeks to “improve state and local transportation facilities that provide access to and through federal lands for visitors, recreationists and resource users.” The FLAP grant is a 5-year grant for planning, design, and construction in linking other lands to federal lands. Jefferson County is applying for a FLAP grant to pursue connections over Indiana Street and under State Highway 128 to connect these trail systems to the Rocky Flats Wildlife Refuge. The grant requires a 17.21% minimum local match. Jefferson County has asked municipalities in Jefferson County along with the City of Boulder, Superior, Boulder County, and the City and County of Broomfield to participate in the match requirement by pledging to provide up to \$243,000 in 2017 towards the project. The communities are being asked to contribute as follows:

| Entity | Amount Requested | Council/Board Approval |
|-------------------------------|------------------|-------------------------------------|
| Jefferson County | \$220,000 | May 10 |
| Arvada | \$243,000 | May 16, Conditional |
| Westminster | \$220,000 | Scheduled for July 11 consideration |
| City of Boulder | Up to \$218,318 | May 3, Conditional |
| Boulder County | Up to \$218,318 | May 10, Conditional |
| City and County of Broomfield | \$105,000 | May 10, Conditional |

The Town of Superior declined to participate in the match or support the grant proposal. The City of Boulder and Boulder County agreed to absorb

Superior's contribution amount so the total amount asked from Westminster is \$218,318 or rounded up to \$220,000. The communities that voted to support the FLAP grant and to provide matching funds approved resolutions that included language requiring soil sampling and selecting preferred alternatives based on sampling results. All participating communities will enter into an IGA to address these sampling requirements and any other conditions of participation in the grant.

Due to public concerns raised over the proposal to cross Indiana Street and build out the trail network in the refuge, the USFWS has provided written documentation guaranteeing that a new round of soil sampling will be completed with the FLAP projects to ensure the areas being opened to the public are safe. This will include an inventory and analysis of existing conditions, impacts analysis including soil sampling for radionuclides within the project area, development of alternative locations and alignments, and a robust public engagement process. Flexibility exists in the feasibility and alignment study regarding the locations of the connections over Indiana Street and the trail network within Rocky Flats Wildlife Refuge. Jefferson County and the USFWS are committed to looking at alternative crossing locations along Indiana Street depending on the sampling outcomes. FLAP grant funds can be used for soil and additional testing at access points.

The USFWS recently received federal funding to construct the trail network and a visitor center within RFNWR. They are planning an 18 to 24 month public outreach process related to these improvements. If the FLAP grant funds are awarded, design of the trail network within Rocky Flats National Wildlife Refuge will move forward in conjunction with the design and locations of the trail crossings into the refuge.

The City of Westminster's Parks, Recreation, Libraries and Open Space Advisory Board discussed the FLAP grant opportunity and voted to support the project due to the importance of the Rocky Mountain Greenway Trail and the fact that the USFWS has agreed to soil sampling for the project.

Staff supports the request to provide matching funds because of the importance of the Greenway Trail as a gateway to our City. These bridges will also connect Westminster's trail system into the City of Boulder, Boulder County, and Jefferson County trail systems. Staff believes that participating in the match for the FLAP grant will give Westminster a "seat at the table" and the ability to influence requirements such as soil sampling and alternative locations for the crossings.

At its June 6, 2016, Study Session, City Council asked Staff to bring forward the attached resolution supporting the Jefferson County FLAP grant request and pledging to provide up to \$220,000 in matching funds from the 2017 General Capital Improvement Fund conditioned upon a requirement to enter into an IGA with the participating communities supporting the FLAP grant. That agreement will address funding participation, required additional soil testing, and on-going maintenance requirements. The proposed resolution, based on Boulder County's at the request of Westminster City Council, includes language requiring a soil Sampling and Analysis Plan. The soil sampling must include testing of radionuclides known to be at Rocky Flats as well as any other agreed upon contaminants identified during the development of the soil analysis plan with the grant partners. Soil sampling is to be conducted according to the Sampling and Analysis Plan. In addition, the resolution provides that Westminster's funding commitment is contingent on the results of the soil sampling demonstrating that contamination levels are at or below the applicable federal and state human health standards.

The construction of the Rocky Mountain Greenway Trail and participation in the Federal Lands Access Program supports the City's Strategic Plan Goals of Visionary Leadership, Effective Governance and Proactive Regional Collaboration; Beautiful, Desirable, Safe and Environmentally Responsible City; and, Ease of Mobility by providing recreational opportunities, increasing regional trail connectivity, and partnering and collaborating with surrounding communities

Respectfully submitted,

Donald M. Tripp
City Manager

ATTACHMENTS:

| Description | Upload Date | Type |
|---|-------------|------------|
| Resolution No. 24 re FLAP Grant Support with Conditions | 7/5/2016 | Resolution |

RESOLUTION

RESOLUTION NO. **24**

INTRODUCED BY COUNCILLORS

SERIES OF 2016

Bird, De Cambra

A RESOLUTION

TO CONDITIONALLY SUPPORT JEFFERSON COUNTY'S REQUEST TO PURSUE A FEDERAL LANDS ACCESS PROGRAM (FLAP) GRANT AND TO PROVIDE UP TO \$220,000.00 IN MATCHING FUNDS TO CONSTRUCT TRAIL CONNECTIONS TO THE ROCKY FLATS WILDLIFE REFUGE

WHEREAS, the City of Westminster recognizes the health and conservation benefits of connecting residents and visitors to natural environments, and supports projects that uphold those benefits;

WHEREAS, the City of Westminster recognizes the value in trail linkages providing connections between local communities for recreation, transportation, and environmental purposes;

WHEREAS, the City of Westminster recognizes the value of proactive regional collaboration with transparent decision making;

WHEREAS, Jefferson County is submitting a grant proposal for Federal Lands Access Program (FLAP) funding to support a pedestrian overpass and underpass between the Rocky Mountain Greenway Trail (Greenway Trail) and Rocky Flats National Wildlife Refuge (Rocky Flats NWR);

WHEREAS, Jefferson County has requested financial assistance from the cities of Arvada, Boulder and Westminster, Boulder County, the City and County of Broomfield, and the Town of Superior to support planning, design and construction of the trail connections. These contributions would help satisfy the 17.21 percent local match required by FLAP if federal grant funds are awarded;

WHEREAS, Arvada, Boulder, Boulder County and the City and County of Broomfield have conditionally approved supporting Jefferson County's request;

WHEREAS, the City of Westminster recognizes the value of partnership with federal, state, and local entities, and participation in this project is contingent on the joint participation of other local municipalities and Boulder and Jefferson counties;

WHEREAS, these connections would be a part of the Rocky Mountain Greenway Trail, which has been established to create a regional network comprised of trails and transportation systems that connect the Rocky Mountain Arsenal National Wildlife Refuge (Arsenal NWR), Two Ponds National Wildlife Refuge (Two Ponds NWR), Rocky Flats NWR and eventually Rocky Mountain National Park;

WHEREAS, the City of Westminster recognizes that the lands interior to the Rocky Flats NWR were used as a nuclear weapons plant, which raises concerns regarding the health and safety of accessing the Refuge;

WHEREAS, there has been extensive testing and soil sampling conducted on the Rocky Flats NWR resulting in the Environmental Protection Agency (EPA) and Colorado Department of Public Health and Environment (CDPHE) certifying the refuge land for unlimited use;

WHEREAS, there remain public concerns regarding the safety of human access to the lands located inside and outside the Rocky Flats NWR;

WHEREAS, the City of Westminster believes a soil Sampling and Analysis Plan (SAP) is appropriate in areas where public access will be allowed in order to understand the risks associated with accessing, and recreating on, the Rocky Flats NWR;

WHEREAS, additional soil sampling for radionuclides and other contaminants known to be found at Rocky Flats NWR is appropriate in areas on the refuge where new trails and a visitor center will be constructed;

WHEREAS, if soil sampling in those trail areas included in the FLAP grant proposal indicate that contamination levels are above the applicable federal and state standards for human health safety, the City of Westminster will not participate or contribute funds to the project; and

WHEREAS, the City of Westminster would also like to support opportunities for trail connections with adjacent communities and Westminster trails, and complete the Rocky Mountain Greenway Trail, with an alternate option that does not necessarily require trail users to enter upon the Rocky Flats NWR.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. That the Westminster City Council hereby pledges its support for Jefferson County's FLAP grant application and agrees to commit up to \$220,000 in matching funds to support future planning, design and construction of trails connect Rocky Flats NWR with Westminster lands to the east, subject to the following conditions:

a. If the FLAP grant is awarded, and before Jefferson County signs a grant agreement with the Federal Highway Administration, the City of Westminster shall enter into an IGA between Jefferson County and the participating local governments that addresses:

- (1) The funding obligations of each of the local governments, the timing of the same, and the adequacy of the funding to meet the required local match;
- (2) Any ongoing maintenance requirements for the improvements supported through the FLAP grant;
- (3) A sampling plan as described below and any other conditions that each local government partner may impose for the EPA analysis or any other conditions which may affect the project;
- (4) How the grant and project will proceed if the conditions of each local government are not met through the environmental analysis of the project.

b. The pledge of support and funding commitment, beyond that required to support the costs of soil sampling and analysis, is contingent on soil sampling occurring on areas allowing public access and construction, as follows.

- (1) A Sampling and Analysis Plan (SAP) shall be developed in conjunction with and approved by the City of Westminster. The sampling plan shall include, at a minimum, data quality objectives and sampling methodology (what is sampled, how deep samples are taken, how locations are identified for sampling, controls for sampling, timelines for

data, etc.). The SAP discussions should also include periodic sampling and sampling after significant events such as earthquakes, floods, fires, and tornadic storms.

(2) The initial sampling must be completed prior to construction commencing.

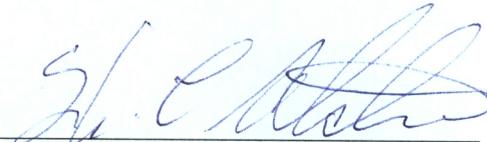
(3) At a minimum, soil sampling shall include the full panel of testing for radionuclides known to contaminate the site and any other contaminants recommended for testing during the SAP development with partner agencies.

(4) At a minimum, soil sampling shall be conducted within each of the site areas included in the FLAP grant proposal and should be analyzed in accordance with EPA recommended methodology.

(5) The SAP must provide for soil sampling results being publically available.

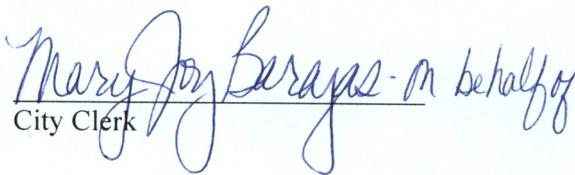
2. That this pledge of support and funding commitment are contingent on the results of the soil sampling demonstrating that contamination levels are at or below the applicable federal and state human-health standards.

PASSED AND ADOPTED this 11th day of July, 2016.



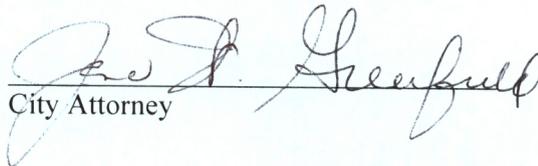
Mayor

ATTEST:



City Clerk

APPROVED AS TO LEGAL FORM:



City Attorney