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## Land Use, Transportation & Infrastructure Committee Summary Minutes

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**Tuesday, October 22, 2013      10:30 AM      City & County Building, Room 391**

**Committee Members:** Robb, Chair; Montero, Vice-Chair; Brown; Lehmann; López; Shepherd

**Committee Staff:** Debra Bartleson

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**Council Members Present:** Brown, Lehmann, Montero, Robb, Shepherd, Susman, Nevitt

**Members Absent:** Lopez

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### Bill Requests

**BR13-0747      Adopts fees for Private Outdoor Fee-Based Activities regulated by Policies and Procedures adopted by the Manager of Parks & Recreation.**

*Lauri Dannemiller and Fred Weiss, Parks & Recreation; 15 minutes of public comment*

Lauri Dannemiller, Manager of Parks & Recreation, provided the history and purpose of the Private Outdoor Fee-Based Activity (POFA) permit and fees proposal. Primarily, the permit(s) will allow fitness providers and other like businesses to operate legally in Denver parks. Denver Charter requires businesses to be permitted and licensed in order to operate a business in a Denver park, explained Ms. Dannemiller. Denver Charter and Code outlines what is and isn't allowed, and Parks & Recreation are responsible for considering impacts to parks. Ms. Dannemiller stated that there is no POFA revenue included in the 2014 budget, as the permit fees are not designed to generate revenue, but to provide equity in use of the parks and to comply to Charter and Code. (See attachments.)

Dody Erikson, Parks & Recreation (P&R), stated that all providers/businesses

were contacted to let them know that they were illegally operating if they did not have a permit, but that P&R issued a moratorium on the permit requirements and enforcement until this process was completed. P&R held community meetings, two public hearings, and Council Committee presentations for public outreach. (See attachment.) Councilmember Robb also noted that this Committee meeting was also posted for public comment, but no speakers signed up, but one letter of support was received by email.

Today's request is to approve the fees associated with the POFA proposal. The Parks & Recreation Advisory Board (PRAB) approved the fees by a vote of 12-1 in September. The proposed fees are for permitting, the City is not proposing charges for services provided by the businesses. Individual providers can charge what they wish for their services and/or activities. The revised policy and fees were simplified from the original proposal. The new fee structure is based on a flat fee for participants in a Tier I and Tier 11 plan and differentiated between either a Turf and or Trail. The maximum group number under one permit is 25 people. The permits are in two categories; a permit for 1-5 people or a permit for 6-25 people. P&R would issue multiple permits for future planning if a provider is not sure about the park location, group number, etc.

Fred Weiss, Parks & Recreation, stated that depending on the type of Tier and amount of people for a permit would determine the fee. The permit would be for six months and depending on the total amount of classes/activities held, it would require multiple permits if the classes are at the same time. There is a 50% fee reduction for non-profit organizations.

Ms. Dannemiller explained that the process will be based on a lottery system every six months. She believes that this new process will encourage competition and allow for new businesses to enter into this market. She noted that there is always a trade off, but this structure and fee proposal will help to offset park impacts. The program will be enforced by Park Rangers. P&R is considering visual identification of these businesses, for example, arm bands. In addition, the providers will be allowed to have small signage of their business/group. (See attachments for policies and rules and regulations.)

Councilmember Susman asked how P&R will resolve conflicts for use of parks. Ms. Dannemiller said they will address those issues similar to how they handle ball field conflicts. Currently, they host conflict resolution meetings between the parties and let them work out their use based on need. Providers are not given a use by right pass. It is the P&R plan to assess the parks' condition next year and to determine if they need to make changes to the program.

Councilmember Shepherd asked about insurance, liability, and safety requirements. Ms. Dannemiller pointed out that insurance requirements are not new to business requirements. If a business does not have insurance, the City offers an insurance plan as well. In addition, the non-profit, Live Well, also works with these types of businesses and offers them an insurance plan under their umbrella. Insurance is required for all activities hosted in Denver. Businesses are

not required by the City to undergo CPR training, since it is a private business transaction between the owner and their participants.

Councilmember Brown stated that this type of proposal is not new. Ms. Dannemiller indicated that former Councilmember Rick Garcia presented similar discussions in 2006 to 2007, but did not have the support to move forward. Although this is not a revenue-producing proposal, Parks is equipped to handle the process administratively. She added that there will be a fine of \$99 for a first citation without a permit and the lottery for permits should begin next February for the April through September months.

Councilmember Lehmann asked if there are a maximum number of permits that will be allowed. Ms. Dannemiller said they have limited the amount of permits per park, but Parks will also monitor fairness to assure that all providers have a chance to be at a park they have requested. Over permitting by athletic organizations is an ongoing challenge and Parks will expect that small businesses will pay for what they have requested, if they win the lottery.

Councilmember Nevitt questioned the need to reduce fees for non-profits. Ms. Dannemiller said this policy is consistent citywide for other event processes and permits, but that she would be willing to discuss that concern next year. She reiterated that this proposal is not based on cost recovery, and it is something that needs to be addressed for future planning. Councilmember Nevitt said he supports cost recovery in the future because the process subsidizes others to use a public amenity for business. Councilmember Robb noted that all documents related to the rules, regulations and policies of this proposal will be online for the public to view after this meeting.

Ms. Dannemiller stated that city-sponsored classes will have priority, and that is by City rules. She stressed that P&R will be sensitive to public needs similar to citywide sports programs and private organizations. The City will not take away permitting opportunities from businesses. One-time permits are different from this proposal and Denver Public Schools and other schools will continue to use the athletic permitting process.

Councilmember Shepherd said she supports subsidizing and or the cost reduction for non-profit organizations because their programs support the City's goals for quality of life. In addition, she noted that Council received a lot of input from the public regarding this issue to support. She added that the non-profit, Live Well, helps to address health disparities, especially for senior activities. Councilmember Robb supports the cost reduction, and said she is more concerned about larger event permitting and when donations are provided to help with costs. Councilmember Montero said she supports this proposal and stated that if cost recovery charges were implemented it might impact small neighborhoods. Councilmember Nevitt stated that he does support it, but requests that the City articulate the reason for non-profit cost reduction in writing.

Councilmember Robb informed the Committee that this proposal does not require

a hearing, but she asked the Committee what their desire was to call for a hearing when the bill is filed. Ms. Dannemiller reported that the proposal had three hearings at PRAB. The Committee decided not to call for a hearing.

A motion offered by Councilmember Brown, duly seconded by Councilmember Montero, to file the bill carried by the following vote:

AYES:	Susman, Brown, Lehmann, Montero, Robb, Shepherd(6)
NAYS:	(None)
ABSENT:	Lopez(1)
ABSTAIN:	(None)