

Declaration of Support for Constructive Community Engagement Regarding the Boulder Reservoir

August 3, 2021

The City of Boulder, Colorado, owns and operates the Boulder Reservoir located at 5565 N. 51st Street, Boulder, Colorado. The Reservoir is a public facility enjoyed by community members and visitors for its setting and recreational amenities, including swimming, beach access, boating, stand-up paddling, and fishing.

The Reservoir is one of the most popular and visited park facilities in the City of Boulder and the surrounding region, annually attracting approximately 300,000 visitors per year.

The Reservoir has, for decades, operated a concessions area near the beach that is operated and managed by an outside contractor under a lease agreement with the City of Boulder.

The Reservoir has, for decades, hosted a variety of special events, and since 2013 the City of Boulder has utilized a Special Events Team and Policy to ensure that event organizers comply with sound, parking, transportation, safety, and security requirements, that under this Policy event organizers must provide a deposit to the city, and that no deposits have been withheld based on a failure to comply with such requirements.

The City of Boulder's Parks and Recreation Department (the "Department") manages the Reservoir, and the mission of the Department is to promote the health and well-being of the entire Boulder community by collaboratively providing high-quality parks, facilities, and programs.

The Boulder Parks and Recreation Advisory Board (the "PRAB") convenes on a consistently scheduled basis to hear updates, provide recommendations, and where authorized by the city's Charter and the Boulder Revised Code, ratifies policies and contracts managed by the Department.

The 2012 Boulder Reservoir Master Plan indicated a need to repair and renovate the visitor center at the Reservoir, and in 2017, based on feedback from a cross-section of Boulder community members, the PRAB approved a Concept Plan to construct a new visitor center at the Reservoir, and that Concept Plan included specific goals of: extending shoulder season use opportunities, establishing partnerships with various groups to expand programming and offset construction and operating costs, expanding concession offerings with the possibility of obtaining a liquor license for the site, and creating multi-use spaces serving a variety of events across all generations of Reservoir users.

Between 2018 and 2020, based on the 2017 Concept Plan, the city designed and constructed a beautiful new visitor center that includes a restaurant and patio adjacent to and facing the Reservoir, which was constructed to increase community benefit and enhance customer experience at the Reservoir by providing high-quality food and beverage services.

In January 2020, the PRAB approved a lease with Landloch L.L.C. to operate food and beverage services at the restaurant, and this lease was then approved by City Council in February 2020, and which expressly contemplated that approved special events and private events may be held at the restaurant and patio space, and that approved liquor licenses may be obtained for special events, and that the lease is subject to the Charter and Boulder Revised Code of the City of Boulder and Colorado law, and which includes an operating principle requiring appropriate controls to promote the safe and responsible consumption of alcohol at the Reservoir.

Beginning in Fall 2020, some individuals who live in the neighborhoods near the Reservoir informed the Department staff that they have concerns about the new facility, including: sound and lighting from the new facility and its impact on wildlife, traffic on 51st Street and the potential for increased conflict among motor vehicles, cyclists, and pedestrians, and events at the new facility with alcohol being served at those events.

The Department staff engaged with these neighbors and attempted, in good faith, to address their concerns over a period of several months by, among other things, holding group and one-on-one meetings, creating a Good Neighbor Commitment, which outlines the Department's communication commitments and specifies the process for neighbors to provide feedback or express concerns, developing sound monitoring protocols and ensuring that a staff ecologist consistently monitors sound, lighting, and other aspects of the facility that might plausibly interfere with wildlife, and working with Boulder County to promote multi-modal access to the Reservoir.

The PRAB heard and considered concerns from these neighbors during a scheduled public meeting.

Members of City Council heard and considered concerns from these neighbors during scheduled public meetings, during individual and group conversations, and in neighborhood meetings hosted by Boulder Parks and Recreation. Despite this outreach and engagement, some neighbors still have concerns about the new facility and events at the new facility.

In Spring 2021, several organizations, including non-profits and foundations, sought to host a series of events, called “Dinner on the Beach,” at the restaurant (Driftwind) and patio, and serve alcohol at those events, to gather the community to celebrate the new facility, show that such events could be accomplished safely and responsibly, and to raise money for local causes.

In June 2021, those organizations applied to the Boulder Beverage Licensing Authority (the “BLA”) for Special Event Liquor Permits for the events, and many of the neighbors opposed the applications in writing and at the hearings on each application.

The BLA considered input and evidence from all interested parties in a quasi-judicial hearing and approved the applications for Special Event Liquor Permits, finding no cause to deny such applications.

Despite having received the BLA’s approval for events at the restaurant, the neighbors have continued to express displeasure regarding the potential operations by Landloch L.L.C. in various ways including filing suit against Landloch L.L.C.

On or about July 7, 2021, it was reported in the Daily Camera newspaper that individuals emailed the hosting organizations with personal attacks against certain people and threatening to disrupt the events by protesting with bullhorns at the Reservoir entrance, photographing attendees, and watching for people getting into a car to drive and call their license plates in to the Boulder County Sheriff’s Office to report suspected drunk driving.

Some members of City Council have reviewed the reported emails. The accuracy of the information reported to the Daily Camera has not been confirmed and neither has the identity of the individual(s) who may have sent the alleged emails.

Given the potential for disruption to the events, Landloch L.L.C., sadly, opted to cancel the Dinner on the Beach events, and the hosting organizations agreed with Landloch’s decision.

On July 16, 2021, the Parks and Recreation Advisory Board (PRAB) convened a special meeting to discuss the potential for approving a resolution. PRAB received public comment, deliberated and ultimately approved a resolution titled: “A Resolution Concerning Recent Events Related to the Boulder Reservoir.”

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NOW THEREFORE, THE BOULDER CITY COUNCIL DECLARES THAT:

Section 1. The Reservoir is an important community asset and is one of the most popular park facilities in Boulder and the surrounding region.

Section 2. The City Council believes strongly in the vision of enabling greater access to this community asset in a safe and responsible manner. Along these lines, the City Council supports the 2017 Concept Plan and is incredibly proud of the new Reservoir visitor center and its potential to contribute to this vision, including through a restaurant and patio space for gathering community members and visitors to enjoy the Reservoir and its beautiful scenery. The City Council supports the democratic and public process through which the Concept Plan and lease agreement with the restaurant owner was established.

Section 3. The City Council supports hosting events at the Reservoir that benefit the community in a manner that is safe, responsible, and consistent with local, state, and federal laws, and we are proud of the decades-long legacy of beneficial, safe, and responsible events held at the Reservoir.

Section 4. The City Council supports the Department staff, who are incredibly talented and dedicated public servants, and their good-faith efforts to engage community members and to address and accommodate their concerns. The PRAB and City Council have also heard and considered the community's concerns about the new facility in a public forum. The Department staff, the PRAB, and City Council have taken and continue to take these concerns seriously and are thankful for the outreach. We hope to continue engaging with Reservoir neighbors to hear, address, and accommodate their concerns.

Section 5. The City Council supports civil discourse and pragmatic engagement. We strongly disapprove of any alleged threats to disrupt publicly vetted and approved events at the Reservoir and believe that there are more appropriate and productive ways to express concerns or provide feedback on issues of public concern.



Sam Weaver, Mayor

