

**MINUTES
CITY OF FORT COLLINS
LAND CONSERVATION & STEWARDSHIP BOARD**

**Regular Meeting
Wednesday, September 14, 2016
1745 Hoffman Mill Road
6:00 p.m.**

Council Liaison:
Gerry Horak 420-7398

For Reference:
Kent Leier, Chair 631-2361
Marcia Mallory-Patton, VC 222-0513
Trudy Haines, Communications 225-2760
Mark Sears, Staff Liaison 416-2096

Board Members Present: Kelly Ohlson, Joe Piesman, Kent Leier, Raymond Watts, Marcia Mallory-Patton, David Tweedale, Vicky McLane, Trudy Hanes

NAD Staff: Mark Sears, John Stokes, Justin Scharton

Other: Wendy Williams, Gerry Horak

Public Attendees: None

Call meeting to order: 5:35 pm

Introductions: Kent introduced Wendy Williams and Gerry Horak

Public Comments: None

Approval of Minutes:

John pointed out a misspelling in the minutes. Vicky pointed out that she was present at the first Hageman/Running Deer field trip on July 27th. Michelle Vattano made the corrections.

David Tweedale made a motion to approve the amended August LCSB Meeting Minutes.

Raymond Watts seconded the motion.

The motion was unanimously approved.

Kent announced that the Mountain Vista Subdivision Area Plan discussion item had been removed from the current agenda and that the 2017-2018 Budget Item was moved as an Action Item. Upon John's recommendation the board would need more time to discuss the budget and

the board would also have to make a motion for City Council to approve the budget. John and Mark discussed adding another meeting sometime in October or December due to the fact that there are so many agenda items to still be discussed for 2016.

Kelly reminded board members to attend the Larimer County's Open Space 20th Anniversary Celebration next Thursday from 4:00 – 7:00 p.m. John agreed to send the invitation to Board members. Secondly Kelly requested a field trip for the proposed Longview Trail/Hazaleus Natural Area. Mark agreed to arrange a field trip.

Trudy wanted to add a short discussion of the 2016 Planning Calendar. She would like to add to the agenda funding expenses for NAD relative to other departments and developing an outreach strategy, as items that came up during the retreat.

Trudy: In December we were going to discuss our five year plan and purchasing land over those five years. That's what came out of our retreat. I propose that we pull the future land discussion to October and swap the outreach strategy to December. If we get another meeting in there maybe we could maneuver that more fully.

Board members agreed. Mark and John will sit down and look at their schedule and come up with an extra day to meet.

Kent added that Vicky wanted to discuss Nature in the City as well. Mark believes he put it on the January agenda. Kelly feels waiting until January is too late to discuss the Nature in the City, water feature since it will be going to City Council that same month, but that the strategic planning for NIC could potentially wait until later in the year. John reminded the board that the NIC strategic discussion, the natural areas budget and operations and management will be on the City Council Work session Agenda for January 24th.

Land Conservation Updates

Mark Sears, Natural Areas Department Manager, sent out monthly highlights and announced the closing on the Bryner Conservation easement, which is a 95 acre tree farm in the Wellington Separator area.

NAD is working on a conservation easement for 170 acres, on the north end of Redstone Canyon, referred to as the Carr Property. The partnership includes two adjoining property owners. NAD submitted an offer and the property owners have accepted. The Horsetooth IGA has been approved by City Council and the Board of County Commissioners.

Action Item

Gheen/Shuman Conservation Easement Amendments

Justin Scharton, NAD Senior Environmental Planner presented to the Board proposed changes to the conservation easement that was originally placed on the Cribari property. The Cribari property was a 72 +/- acre property south of Timnath in unincorporated Larimer County that was conserved by the City with a conservation easement in 2005. Cribari subdivided the parcel then sold the subsequent two parcels to Ken and Deborah Gheen and Michael and Taryn Schuman. After the Gheen's placed their parcel on the market, ambiguities were identified in the original conservation easement deed including lack of clarity on residential development potential and approved land uses and activities for each parcel, in addition to a shared liability for each other's parcels. This amended and restated conservation easement has addressed and clarified all the issues presented with no net-loss to the conservation value of the parcels.

Staff determined the needs and the standards of the amendment policy and began working with the Gheen's and Schuman's on the amendments.

The significant amendments to the new CE deed include clarification on location and extent of development within the parcels. The available square footage of residential development remains the same for both parcels as in the original deed, with the amended version providing more detail.

Additionally, there has been clarification about the types of land use activities that can take place on the parcels, specifically agricultural uses that were unclear in the original deed. Sections related to oil and gas royalties, commercial and industrial use, granting of utilities, and hunting were also updated to current City standards as defined by the City Attorney's Office.

Finally, language was added to provide clarification regarding the City's financial interest in the parcels and the structure of the document was changed slightly to reflect the current nature of two landowners instead of one.

Discussion:

Kelly wanted to know if changes have been made to correct all the prior easement language mistakes. Justin explained that since the original easement in 2005, NAD has learned a lot and understands case law better. He also felt that new easement issues could potentially come up in the future as well and we would deal with those issues at that time. Some board members wanted to know if the amendments were subject to state review. Justin explained only those easements that have taken a tax credit were subject to state approval. The only interested/affected parties right now are the two property owners and the City. Indirectly the state is holds our certification over our head to insure that we do things by their standards. . .

In the future Kelly would like to have a hard copy of any future easements. John reminded the board members that the responsibility of the board was to look at the prescription that we're placing on the land and not the specific language in the easement.

Marcia Mallory-Patton made a motion requesting City Council to approve the amended and restated deed of conservation easement for the parcels known as Cribari-Gheen/Shuman conservation easement, held by the City of Fort Collins.

Joe Piesman seconded the motion.

The motion was unanimously approved.

LCSB 2017 Workplan

Mark Sears, Natural Areas Manager, presented a draft 2017 Work Plan for the Board to review, modify and approve. The newly revised Boards and Commission Manual indicates that the deadline for the 2017 Work Plan is due September 30th of the prior year. Mark put together a somewhat generic Work Plan. The term "Work Plan" is more of Roles and Responsibilities. Trudy proposed calling the Work Plan our Roles and Responsibilities, which is in detail what we do and then at the end we have goals for 2017.

Discussion:

Clarification of a PR plan was determined to increase public awareness of NAD accomplishments and whether or not there is a role that LCSB plays in that awareness. Gerry provided feedback on City Council's approval of the PR goal and encouraged board members to maybe focus on PR for Nature in the City versus what NAD does would be a better choice. Defining that PR component needs to be specific towards citizen engagement. John felt it important to invite Zoe to one of the board meetings to clarify public outreach efforts and process relevant to our department.

Kelly agreed that since we advise Council, that it would be important to seek urgency in land conservation via acquisitions or easements. Kelly feels there's not a sense of urgency for land conservation. Trudy reminded the board members that part of that might be due to the lack of staff. Overall board members agreed to have 5 major goals with an ongoing effort to reevaluate those goals.

Trudy agreed to draft a document listing the LCSB goals and recommendations.

Trudy Haines made a motion that the proposed draft of the 2017 Work Plan be labeled as LCSB Roles and Responsibilities. We lead with a list of a Work Plan items as discussed and listed in our meeting with key initiatives in the following categories: 5 year strategy for land conservation; public engagement strategies; NIC Strategy; Mountain View Subarea plan; funding mechanism for NAD vs. other departments; management plan reviews; legal protection of natural areas

Marcia Patton-Mallory seconded the motion.

The motion was unanimously approved.

2017 -2018 Budget – BFO Process Update

John Stokes, Natural Areas Department Manager updated the board on the budget being submitted by the Budget Lead Team for City Council Review and provided a BFO 101 crash course on how the budget review process works.

NAD staff submitted a general fund (or Keep Fort Collins Great, a sales tax that expires in 2021) offer for \$330,000 in 2017 and 2018 (total of \$660,000) to support various Poudre River related initiatives. Natural Areas was successful in the last two BFO cycle at competing for general fund dollars to help support Poudre River related projects such as the Josh Ames and Sterling Pond and McMurry Pond projects. \$250K of the offer would have been matched with Natural Area restoration funds for a major capital project located at Kingfisher Ponds (next to Nix Farm on the river). \$80K as intended to help fund the State of the River Report and to support a variety of efforts related to creating/protecting instream flow. The City Manager's recommended budget includes the \$80k, but utilizes Natural Area dollars not general fund. The Department can absorb the \$80K and will seek outside funding to help support the capital component of the offer. This did not get approved. It never made it out of the budget lead team process. \$80k of that will be funded, but will come out of our money, for the state of the river report, that Jennifer Shanahan does and also some instream flow.

Natural Areas proposed that 10 positions be converted from full-time hourly to permanent full-time (with associated benefits). The proposal was in concert with a City-wide effort to understand how many positions were eligible to be converted. The effort identified 156 such positions. The City Manager's recommended budget includes 22 of the 156. Two of these positions are in Natural Areas, an Environmental Planner, which is Jenny Robert's positions, under Rick Bachand and the other is an Outreach/Education Specialist position under Zoe Shark. Because 8 positions are not proposed to be converted, there will be some salary savings to Natural Areas. Natural Areas employs 30 permanent full-time staff. One permanent staff position was added over the last three budget cycles (i.e. 6 years).

Please note, the City Manager's budget recommends that the Nature in the City Environmental Planner and associated program costs be funded by Keep Fort Collins Great revenues (i.e., not Natural Area funds).

Discussion:

Gerry reminded board members that when the City Manager's office is giving recommendations to City Council, the Council looks at the overall budget and decided certain categories would be funded. Their first response to the \$2.5M, for the organization was too much to take a bite out of this year. They tried to give the same rule across the board for all departments. The Board reminded Gerry that in the last 3 budget cycles NAD has only been able to convert one part time position to full time. Hourly staff doesn't go through the HR system; you can be hired more independently so departments did that to avoid the HR process when the recession happened. The work had to be done so that's the process departments took. He explained that now managers are looking back and realizing that wasn't a good idea. Most departments don't have the resources to hire these people as full time employees. John pointed out that NAD has a legislative mandate to buy land, but that's difficult when we can't financially add FTE's to manage those properties. John and Mark, over the next six years will be aggressively looking at ways to increase staff budget. We can't continue to grow our asset base without growing our staff. That's going to be a priority with us and having that conversation with City Council. HR is developing a workgroup that I'm going to be involved in and we're going to discuss long term staffing plans. John thought it was important to remind folks that NAD has a detailed staffing plan that we index with our resources our land inventory and all that.

The board summarized the following:

Maintenance facility

- LCSB recommends that the maintenance facility is essential for NAD operations and should be funded by alternative ways

River restoration and State of River Report

- LCSB recommends that the following re: the Poudre River
 - Kingfisher restoration needs to be implemented, with participation of and funding from multiple departments
 - State of River Report benefits multiple departments and should be completed and continued with their participation and funding

Staffing

- Support adequate staff for land conservation
- Convert all 10 positions to permanent positions appropriate to the amount of land and users in a timely manner

Board members felt that the City Manager should approve growth of NAD permanent positions in proportion to NAD's work load.

- Owing to acquisition of new Natural Areas and easements, and owing to growth in use of Natural Areas, NAD's work load inexorably grows
- For ten years (?) NAD's staff has grown only through hourly staffing
- Turnover of hourly staff keeps a significant portion of NAD staff low on the learning curve, inexperienced, and less than optimally networked within the City and beyond
- The resultant losses of efficiency cost the City more than the costs associated with growing NAD permanent positions in proportion to NAD's work load
- (Consistent with city policy, new permanent positions will be filled competitively)

With regards to the new shop at the NAD, the LCSB agree it is essential for basic operations and continued staff managements and should be funded. With regards to Kingfisher restoration the board feels funding should come from multiple departments. The State of River Report should be funded by several departments knowing that many will benefit from the report.

Kelly Ohlson made a motion that the board recommend to City Council to support budget items including: the NAD maintenance building, increased staffing, and Poudre River enhancement funding (including Kingfisher Ponds) as discussed in our meeting and reflected in a memo to City Council to go out 9/19/2016.

Marcia Mallory-Patton seconded the motion.

The motion was unanimously approved.

Discussion Items

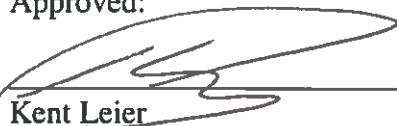
LCSB Code of Conduct

Trudy Haines, Board Member, led a discussion regarding how the board wants to conduct themselves during a board meeting to improve the effectiveness of the board.

The LCSB agreed to schedule an extra meeting on October 5th to discuss land conservation and team building. This meeting will be outside of the regular scheduled October 12th meeting.

Meeting adjourned at 8:10 p.m.

Approved:

 _____, Chair 10/5/16 Date

 _____, Secretary

