

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

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

Council Liaison:
Gerry Horak 420-7398

For Reference:

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

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

Excused:

NAD Staff: Dan Gulley, Daylan Figs, John Stokes, Mark Sears

City Council Liaison: Gerry Horak

Public Attendees: None

Call meeting to order: 6:15 pm

Agenda Review: Kent suggested postponing the Board Chair and Vice Chair Elections until all board members could be in attendance. Raymond Watts, Joe Piesman and John Stokes were attending the Natural Resource Advisory Board meeting. They would be late to the LCSB meeting. Board members agreed to move the item later on the agenda.

Introductions: None

Public Comments: None

Approval of Minutes:

Vicky McLane made a motion to approve the November LCSB meeting minutes.

Edward Reifsnnyder seconded the motion.

The motion was unanimously approved.

Action Items

Kingfisher Point Natural Area – Easement Exchange

Daylan Figgs, Environmental Program Manager made a brief presentation regarding the proposed exchange of access easements with DD&B Investment Group at 1807 E. Mulberry Street.

Discussion:

Trudy asked if the property were to sell in the future would the easement be null. Daylan explained that the easement would pass to the next owner of the land. He also explained that the owner of the building could claim adverse possession of the property from the previous owner and may win if the case went to court. Neither the City or Owner wants to take this issue to court; it is best for both to approve the exchange of access easements and both receive benefit and similar value.

Trudy brought up that typically a survey is done when we purchase a property. Daylan explained that a survey wasn't done; but yes a survey is typically done.

Marcia Patton-Mallory made a motion that the Land Conservation and Stewardship Board recommend that City Council approve a Non-Exclusive Easement to DD and B Investment Group, LLC to continue using a portion of Kingfisher Natural Area for parking and access associated with businesses occupying 1807 East Mulberry Street in exchange for a Non-Exclusive Access Easement to the City for access to Kingfisher Natural Area.

David Tweedale seconded the motion.

The motion was unanimously approved.

NA Updates and Announcements

Mark Sears, Natural Areas Manager provided updates on land conservation activities and highlighted the department's activities over the past month.

Mark reported that John and Mark, as well as other managers, have worked to increase his time on land conservation. The major changes are: Karen will supervise Mary and Michelle the admin support staff; John will supervise Barb the financial manager; and Daylan will take over the role as liaison to the LCSB. Mark will continue to supervise Karen, lead Land Conservation efforts and direct land conservation staff, and play an active role in the management of the

department. All managers will take a more active role as it relates to budget preparation and management.

Mark reported that just in the last few weeks a number of land conservation opportunities have come up. Dan Gulley has worked hard on the encroachment issue and has also placed the Hersch parcel under contract and ready to close for \$235K.

Mark updated board members on additional land conservation opportunities.

Cathy Fromme Prairie Natural Area – Fox Hills Encroachments

Mark Sears, Natural Areas Manager made a brief presentation regarding the proposal to sell seven small parcels of land to seven residential land owners of the Fox Hills Subdivision to resolve long-standing and significant value encroachments.

Discussion:

Trudy wanted to know if the property owners thought they were encroaching on HOA land and some board members were concerned that the City didn't know these properties were encroaching. Mark explained that for over 15 years the HOA thought they owned and managed the open space and so did the City. Mark explained that many homeowners were very surprised that they were encroaching because the encroachment happened during prior ownership of the land. Many assumed the landscaping was part of the property they were purchasing. Mark explained some of the encroachments were fences, mostly landscaping, but some were retaining walls. Mark explained that the seven major encroachments collectively is less than ¼ of an acre.

Mark explained that Ranger staff is doing a better job of monitoring our boundaries and we think we have found and resolved all of the encroachments; but there is always a chance we will find some.

Kelly was concerned about the enforcement of the zero tolerance policy for encroachments and didn't believe the president of the HOA didn't know that the open space had been deeded back to the City. Mark explained that the HOA had applied for Natural Areas Enhancement grants for years and were awarded a number of enhancement grants. We thought the HOA owned it; they thought so and they managed it and used enhancement funds to plant trees and manage the property. Kelly was concerned about the price of the properties and where we get the dollar a square foot value. Mark explained that the \$1 a square foot is about \$43,000 an acre and that's what the value of that land the City owns could be worth if it was sold, according to real estate services. Once they own it, the property is worth a whole lot more to them because it's part of their lot. Kelly wondered why there wasn't an additional charge because they are gaining a lot in some cases, as described in the memo, 3,200 square feet. Why don't we just get the amount for the land? Mark explained that the fair market value is still a dollar a square foot. Mark explained that due to the administrative and survey costs, the costs seemed fair. He felt these owners weren't at fault since the previous owners were the ones that were initially encroaching. Some board members felt NAD should have asked more money for the property as ultimately the property owner increases the value of their homes.

Edward Reifsnyder made a motion that the Land Conservation and Stewardship Board recommends that City Council approve the sale of seven small parcels of land from the Cathy Fromme Prairie Natural Area to seven residential property owners in the Fox Hills Subdivision to resolve long-standing and significant encroachments onto the natural area.

Joe Piesman seconded the motion. The motion was approved 6-1.

Election of Officers:

Kent Leier, LCSB Chair asked board members if there were any nominations they would like to make. Vicky announced she would like to nominate David Tweedale as Chair. David said he would be glad to take on the Vice Chair position. He nominated Edward Reifsnyder as Chair and Ed agreed. Raymond Watts agreed to be Communications Liaison, previously held by Trudy Haines.

Gerry Horak felt it was odd to have elections in December when new board members had not participated in the election process. Kent and other board members felt the new board members would have a hard time voting early in the year as they wouldn't know the current board members they would be nominating. Marcia suggested waiting until January. Vicky felt allowing new board members who didn't know current board members was not of best interest to the board. Kent agreed it was best for the city to vote for elections in December. Michelle read the bylaws outlining the election process. The bylawys indicate that *'the election of officers should be held each year during the regular meeting in February or March'*.

Vicky McLane nominated Edward Reifsnyder as Chair of the Land Conservation & Stewardship Board, David Tweedale as Vice Chair and Raymond Watts as Communication Liaison.

Joe Piesman seconded the motion.

The motion was unanimously approved.

Running Deer Natural Area – Proposed Land Sale to Hageman Earth Cycle

John Stokes, Director of Natural Areas Department, made a brief presentation and reported on the Natural Resources Advisory Board's reaction to the Running Deer Natural Area property sale. He and LCSB Members Joe Piesman and Raymond Watts attended the NRAB meeting this evening. John reported they voted 7-1 vote to recommend that Council not approve the sale of the property. John reviewed a handout that described the changes that would be made to the site should the sale move forward.

Discussion

Board members, although opposed to the sale of the land, were very appreciative of Mark and John for listening to the board's recommendations, the sale conditions, implementing some of those recommendations and being patient with the board's opposition to selling the land. Raymond asked if City Council agreed to a lease instead of the sale would all the recommendations and stipulations remain the same in the lease. Mark agreed that the site changes being proposed would remain should a lease be the final outcome.

Kelly feels that without seeing the actual purchase agreement document he would remain opposed to the ssle.

Trudy Haines made a motion continue with the LCSB decision to not sell the Running Deer Land. Joe Piesman seconded the motion.

Vicky made the recommendation that the board insert the word "not" before the suggested recommendation language in the memorandum and insert "please see the attached memo". The motion was rescinded and restated:

Trudy Haines made a motion that City Council not approve the sale of approximately 11.85 acres of land originally purchased for Running Deer Natural Area, please see the attached memorandum.

Joe Piesman seconded the motion.

The motion was unanimously approved.

Trudy clarified that Mark will attach the previously prepared LCSB memo to the Council Agenda Item Summary.

Meeting adjourned: 8:15 p.m.

Approved:

Marcia Patton-Mallory, Chair *Jan 11, 2017* Date

Marcia Patton-Mallory

Nicholas Vattano, Secretary

