

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

**Regular Meeting
June 14, 2017
1745 Hoffman Mill Road
5:30 p.m.**

Council Liaison:
Gerry Horak 420-7398

For Reference:
Edward Reifsnnyder, Chair 817-821-4644
David Tweedale, Vice Chair 970-219-2422
Raymond Watts, Communications 970-690-4250
Daylan Figgs, Staff Liaison 970-416-2814

Board Members Present: David Tweedale, Edward Reifsnnyder, Vicky McLane, Joseph Piesman, Andrea Elson, Kelly Ohlson, Marcia Patton-Mallory, Raymond Watts, Mike Weber

NAD Staff: Mark Sears, Barbara Brock, Norine Duchane, Jennifer Shanahan, Tawnya Ernst

Public Attendees: Cole Kramer, Resident of Fort Collins

Call meeting to order: Chairperson Edward Reifsnnyder called the meeting to order at 5:30 p.m.

Public Comments: None

Agenda Review: Ed reviewed the agenda items with Board members. Daylan announced we would forgo the Director's Updates on the agenda. John Stokes will not be attending the meeting.

Approval of Minutes:

Joseph Piesman made a motion to approve the May LCSB meeting minutes.

Andrea Elson seconded the motion.

The motion was unanimously approved.

Ed: You pointed out the minutes are a near verbatim description and I want to express to the board an apology and regrets. In the minutes are some words and a tone set that had some staff and board members upset. They were uncomfortable. The term "nazi" was used twice, people took umbrage to that. I should have disrupted the meeting at that point and I didn't. I apologize

that I did not. If this happens again, I will interrupt the meeting and intervene. If I don't, David will. Our job is to discuss policy and initiatives, give feedback to management and advise to council. It's not a place for verbal combat. I apologize; this should not be an uncomfortable place. This should be a place where we are comfortable with our discussion and words with each other. I want to make that statement to you.

Communication and Board Matters:

Ed- I don't have anything to add to this particular agenda. I believe some of you might have something?

David- I have two things. I want to offer my help to anyone who is not familiar with Engage. I've been working with it for two years. I've been helping Christine Macrina, from a user perspective.

Andrea - How do people get access?

David – Go to Engage and just sign up. Everyone will receive an e-mail letting them know they have so many hours volunteered, at which time you can click on the link and go to the website and create an account. Christine is handing out temporary passwords. It's also used for people who want to sign up for programs.

Daylan – Christine has offered to have someone from her staff come to the Board meeting to provide an engage training.

Michelle- How many of you are currently using Engage? How many of you are reporting your hours? Is it just not that important for you to report your hours or would you like to do that?

David – No it's going to be a requirement.

Daylan – We can schedule someone to come and give a thirty minute training, if you would like that. I will get a hold of Christine and schedule something for July or August.

David – The second item I wanted to discuss is that Charlotte Boney scheduled a Volunteer Recognition Picnic for August 9th, which is the date of our next Board meeting. Five or six other Boards are meeting that date as well. It will be held at City Park from 5-9 pm.

Ed – Anyone else?

Daylan - I have to apologize. It looks like some people showed up for the field trip to Homestead Natural Area at 4:00 p.m. today. That reminded me that we needed to schedule the tour of Homestead Natural Area. We could do that prior to our next Board meeting in July. We can also schedule Running Deer and a trip to Soapstone Prairie too. Board members agreed to visit Running Deer and Homestead prior to the July meeting. We will post on the agenda as well, so the general public can be invited too.

Ray – Probably best to start an e-mail chain for the Soapstone Tour.

Daylan – Now that the days are getting longer we could probably schedule a 4 o'clock departure time to head to Soapstone or we can try a Saturday morning again. Is there a preference? Board members were flexible for a weekday or weekend.

Andrea – If you haven't seen the Fossil Creek Management Plan update, I would encourage everyone to take a few minutes to do so. There are some interesting things in the plan.

Kelly – Have we dealt with that yet?

Daylan – Karen will be presenting the management plan in July.

Kelly – That's very important.

David – I actually sat down and read all 78 pages of it. Andrea is right it's interesting.

Kelly – I just want to piggy back on the field trip because I thought we scheduled it. I called in and was told we weren't doing it. Did I miss something?

Daylan – We chose not to schedule it for today.

Kelly – I just want to make sure the board members know if they don't show up to these tours that they are banned or anything. This is just a good opportunity for board members to interact and get to know each other and help us function better as a board.

Ed – Let's move into our Action Items and Notice of Alignment

Action Items

Notice of Alignment to Light and Power

Daylan Figgs, Environmental Program Manager requested the Board's recommendation to the City Manager to approve a Notice of Alignment to Light and power for underground utilities adjacent to Hwy 392 and Fossil Creek Wetlands and Fossil Creek Reservoir Natural Area.

Daylan presented google maps to give the Board an understanding of where the alignment would be.

Daylan – There's a prairie dog colony where the alignment will go through, so we are using a displacement technique. It's a passive relocation technique. There are contractors that will come in and often times build a barrier fence at the edge of the disturbance to displace the prairie dogs out of there. This technique forces the prairie dogs to inhabit other burrows or construct new burrows within the colony. This allows us to put the trench in, without killing the prairie dogs. The other option would be lethal control. In this case we're fine if the prairie dogs come back after the construction is done. We will do that in both locations and there are people, like the Prairie Dog Coalition that do that and they're pretty good at that. The other thing that we've asked Utilities to do, because there's a string of wetlands there, is to map and bore beneath the wetlands and install the electrical line without impacts to the wetland habitat. There's also a bore that will come under the road at Fossil Creek Reservoir Open Space. The sensitive areas will be treated through the boring technique. Vegetation in the area is o.k. but pretty much smooth brome; there are no natives out there. The nice thing with the alignment, there is a gravel trail that follows the road along Fossil Creek. The disturbance will be between Hwy 392 and the trails. Neither case does it go very far into the natural area. The right of way is pretty full. This will be a Notice of Alignment because it's going out to another Department.

Discussion:

Ray- Will the trail be impaired?

Daylan – It shouldn't. I'm not sure anyone uses that trail. The access to the reservoir will be fine.

Mark – We're being asked to construct a trail by the waste water treatment plant so that people that use it can make a loop out of it.

Daylan - The construction will be to the south of that and so the trail will likely be open, I just don't know that right now. There should be plenty of room in place.

Joe – So why do they need this alignment?

Daylan – It's part of the expansion to bring power out to the GMA. Very similar to our discussion about Harmony, just getting that expansion out into the growth area.

Ed – You say there's an existing right of way that's jammed?

Daylan – Yes, so this will be just to the north of the existing right of way.

Ed – How far?

Daylan – A few feet. It's not very far at all. I have the construction plans if you'd like to see them. It's not very far off the existing right of way. They will need a temporary easement for construction as well so that will be part of the restoration.

David Tweedale made a motion that the Land Conservation and Stewardship Board recommend that the City Manager approve a Notice of Alignment for Utility Improvements on apportion of Fossil Creek Reservoir Natural area and Fossil Creek Reservoir Open Space.

Vicky McLane seconded the motion.

The motion was unanimously approved.

Discussion

Kelly – So under the Financial/Economic Impact section of your memo it says \$22K for the value of the alignment. I'm assuming that's for the alignment and then additional fees is extra or are those fees included?

Daylan – I'm assuming you mean NAD's time on this project?

Kelly – Yes

Daylan – That will be separate.

Kelly – My comments are, I think it's very clear that it goes into enough detail, on the Environmental Impact, both on the prairie dogs and the wetlands, to know what's going on. I think it's worthy of approval.

Ray – We seem to have a regular parade of these adjustments. What's the likelihood that some other Utility isn't going to come back and push for another six feet?

Daylan - Yea, what I've encouraged Utilities to do is, and this idea that Mark has expressed, there's existing right of ways and there's ultimate right of ways that come in with all the master road plans. We've had those conversations before where we just tell folks to buy the whole thing and let's get on the map so it's available so we don't go through this over and over again. That's a good question. That's a struggle we have. Do we just offer the ultimate right of way first thing? That will be an ongoing struggle. That will be a conversation we need to continue with Utilities.

Andrea – So is there a plan to widen Carpenter Road in the next 5-10 years?

Daylan - I doubt it would widen any time soon. When that happens depends on the growth and the County.

Mark – It's a state highway so it would be a CDOT plan. They have shown us plans in the past, but at least 5 or longer than that.

Appropriation of Prior Year Reserves and Unanticipated Revenues in the Natural Areas Fund

Mark Sears, Natural Areas Manager requested that the LCSB recommend City Council approve the appropriation of \$10,790,000, in prior year reserves and unanticipated revenues, not included in the 2016 adopted City Budget. Mark provided a memorandum with a breakdown of prior year reserves, and the anticipated use of the funds.

Discussion

Mark - That dollar amount seems rather large, the vast majority of that money is unspent money from last year, about \$9.5M and there's about \$1.2M in unanticipated revenues and unspent funds. You can see the breakdown where we anticipate spending those funds.

Vicky – I'm curious, what are hazardous trees?

Mark – Trees that are about to fall down if we don't take them down.

David – Are these earmarked funds? It simply says "restricted to the purposes", whatever that means "of the Natural Areas Department". I'm just curious. My question is, are these funds that you're asking us to move into this year, are they earmarked?

Mark – Well yes, they're all earmarked very specifically with the exception of land conservation and that's just generic land conservation. All the individual bullets are specific projects.

Vicky – Do you have ideas for the land conservation funds?

Mark – Yes, we have very specific ideas for that money.

Joe – On the public improvements end, you're going to make the ADA parking lot at Riverbend Ponds compliant at Riverbend Ponds. Is that the north end?

Mark – That's the northeast corner.

Joe – That's not going to be an expansion right just ADA compliant?

Mark – Yes. There will also be a paved trail down to the boardwalk. We replaced the boardwalk last year and we want to make it truly ADA compliant.

Joe – And the Coyote Ridge Natural Area? You’re going to add regular parking as opposed to horse trailers?

Mark – We’re actually reducing the horse trailer parking, I don’t remember by how many but I think we’re adding up to 15 additional parking spaces.

Ed – Mark, the fact that we have \$9.5M from 2016 presumably means that we were not able to spend it in land acquisitions.

Mark – Right, but that figure has accumulated over a few years. That didn’t all accumulate in one year. It’s not all 2016 funds. We’ve been trying to spend that down as best as we can. If the land conservation deals go well this year, we’ll probably spend that down and may only carry over \$2M in 2018.

Ed – Have we ever had a year when we didn’t have a carry over?

Mark – No, we’ve been carrying over for a long time. It’s been up in that 8 or 9 million for many years.

Ed – If we could get that number down to zero then we could all be delighted that we carried out our mission.

Mark – Yes, our goal is to spend 50% of the money we received on a three year rolling average. That’s just a metric we came up with. We’re doing really well with that now.

Marcia – In the memorandum under the suggested recommendation I think the sentence needs to read “2017 adopted City Budget”, not “2016”.

Mark – You’re right, it needs to say 2017. Good catch. Thank you

Ed - Thank you. Is anyone ready to venture a motion?

Vicky McLane made a motion that the LCSB recommend that City Council approve an Ordinance appropriating \$10,790,000 in prior year reserves and unanticipated revenues in the Natural Areas Fund for the purpose of providing Natural Areas programming not included in the 2016 adopted City Budget, with the language modification discussed.

Raymond Watts seconded the motion.

The motion was unanimously approved.

Additional Discussion

Kelly – On the Coyote Ridge thing, often times you guys bring us things and I might have missed this one. Was that anything in the redesigning that was so insignificant that it wasn’t worthy? It’s not a statement but in the form of a question.

Mark- You mean the additional parking spaces?

Kelly – Yes

Mark –I wouldn’t call it insignificant, but when we build these parking lots we make somewhat of an educated guess as to how many parking spaces there should be at any given trailhead that

will fit that sweet spot of impact to wildlife and user experience with the number of visitors we allow on the site at one time. We could probably triple the size of the parking lot and it would be full most weekends. What we're trying to do is make a minor tweak by slightly increasing the number of parking spaces.

Kelly – But as you said it's all done on the existing footprint.

Mark – Yes, it's all done on the existing footprint. We're not expanding the footprint, but tweaking the layout of the parking spaces. The other thing that might happen is we're going to really need, at some point, right and left turning lanes there into the parking lot. The reason I bring that up is that Loveland is getting ready to build Prairie Ridge parking lot and the county is going to require they put in a left and right turning lane into their parking lot.

Ed – Where would that be Mark?

Mark – It would be less than 2 miles south.

Joe – I have to say when I have to turn into the parking lot at Coyote Ridge, I always look in my review mirror. There are some pretty big trucks that are on that road.

Ed – Would we have to pay for that?

Mark – Yes, we would have to pay for that? If the County or City were expanding that road, yes likely they would pay for it. I have no idea how long it will be before they do something to S. Taft Hill Road. At some point someone is going to push us to build that lane turn. Just in public safety realm we may need to go in there and do that on our own.

Kelly - What's your guestimate of what that would cost?

Mark – I would imagine around \$250K at least.

Kelly – And just for clarification the city organization, because the monies are there in the natural areas, there's not a law that says the general fund couldn't pay for it.

Mark – If we were to build this brand new parking lot now, I have no doubt the County would make us put in the turning lanes.

Kelly – On Nature in the City administrative background and most of the Board knows this, Nature in the City started as a Planning initiative therefore it was funded out of general fund and then presented to the Natural Areas Department, who good soldiers that they are, accepted it and are running with it but does that mean, I thought, most of the NIC dollars, came from the general fund and not the Natural Areas fund.

Mark – As far as I know these are the only funds that are going towards Nature in the City.

Daylan – Yes, that's true.

Kelly – The \$115K covers a bunch of things so I didn't know, just a guestimate but are we talking \$12K decimal dust or are we talking \$60K just so we.....I just want to make sure we're not absorbing the cost of NIC, which I worry about and predicted two years ago.

Daylan – The BOB funding is limited on what we can spend it on, capital projects but there are certain parts of the program we still have to absorb.

Kelly – Got it. The capital projects, the \$273K, that's unspent funds, and again, of all the things we've done out of natural areas dollars the museum was a shaky one for me, but the \$1M for the

water park, out of natural areas dollars, I lost that one, this isn't an additional \$273K on the million is it?

Mark – No we got \$500K budgeted last year and another \$500K budgeted this year. This is the amount that they didn't spend last year. It just carries over.

Ed – Thank you.

Easement Amendment and Easement Formalization for Public Service

Tawnya Ernst, Real Estate Specialist requested the Board recommend that City Council approve an access easement re-alignment and formalization of two utility easements held by Public Service Company for the Poudre River Downtown Whitewater Park project on Gustav Swanson Natural Area.

Discussion

Tawnya – I've been working with the Parks Department over the last two years to help them acquire some of the properties along Vine for the white water park and I've also been tasked with helping obtain some easements. Public Service Company of Colorado (PSCo) is willing to dedicate a strip of land that's part of their regulator station so Parks can construct a trail along the north bank. While talking to PSCo about this dedication, we realized a couple of other things we needed to collaborate on. It was discovered during the white water park platting process that no formal recorded document exists specifically for the electric line and gas line to the regulator station. However, the utility lines have been referenced in documents dating back to the 1940s. Through our title searches we haven't been able to find any recorded easements so we would like to formalize an electric and gas line easement. Also Parks wants to realign the existing access road easement. The access road will also be used for emergency services and public pedestrian and bicycle use.

Ed – So in summary you want to realign an existing easement and add a new one.

Tawnya – Yes, essentially they're kind of new, they were there but un-documented.

Joe – So is there going to be a pedestrian and bike trail coming down from Vine? Is that for people to come down to the river and use it as a kayak park? Where will people park their cars?

Tawnya – Yes, that's correct. They actually intend to put a parking area on what is now owned by the Inverness Innovation Park Association. It will be dedicated to the City in a couple of months. The main access to the river will actually be from the south bank, but the trail they are planning to extend, from Gustav Swanson, east of the railroad, will cross Poudre Pet and Feed's property and connect to College.

Ed – Will that be another branch of the trail or relocation of the trail?

Tawnya – It will be another branch of the trail.

Joe – And it will start at College and end where?

Tawnya – There's a little stub of a trail that ends at Gustav Swanson. There will be a pedestrian bridge positioned across the river.

Vicky – Who owns the two properties in white?

Tawnya- They are owned by a couple of welding shops. We wanted to acquire those two properties as well but we ran out of money.

Kelly – Why do they want that extra little spur of a trail?

Tawnya – To have the ability for vehicle turnarounds, like firetrucks.

Kelly – On the bike trail?

Tawnya – Oh I'm sorry, they want to have more accessibility on the north side of the river. They will be expecting more people and need a designated path that will run along the north bank.

Kelly – Will the additional trail be close to the river?

Tawnya – I'm not sure, I don't have the exact location.

Kelly – Since we always try to seize the moment to underground electric lines are we going to here?

Tawnya – Not at this point.

Kelly – Not being argumentative, environmental impacts are expected to be limited. I don't know if it's temporary, limited, or what?

Tawnya – I think they expect it to be limited, in scope; they're doing what they can to preserve the wetlands, west of the current access road. It won't be a tremendous amount of impact. As far as the actual spur trail I know that they're going to do the best they can to design it sensitively through the river corridor. Mark do you know if once the water park is established we have clarity of how this part is going to be managed? Will that be taken over by Parks?

Mark – Yes, it will be taken over by Parks. We will have a memo of understanding between NAD and the Parks Department. We will still manage everything southeast of the railroad tracks, related to Gustav Swanson and they'll manage the land to the northwest. Natural Areas did not purchase a large portion of Gustav Swanson; it was city-owned property before it ever became a natural area. The only portion that Natural Areas monies went to was one lot along Vine. We contributed with Stormwater to purchase one of the lots. We don't have a lot of money invested in that portion of Gustav Swanson and we don't have a lot of restoration funds invested either. We took it over and have done mostly weed control; we really don't have much in terms of public improvements on that portion of the site.

Ed – Mark from a natural areas perspective are you comfortable with the overall plan that's being described here?

Mark - Yes, although John and I were pretty apprehensive, as were most of our staff were, in the beginning about having a white water park. But if there is to be one, I think Parks has picked the very best location for one. With the bank enhancements, public improvements, and re-vegetation it's going to be a significant improvement to the river corridor. I think it's going to be heavily used by recreationists. There will be improved landscape, mostly native vegetation. Visually it will look a lot nicer and feel like a more natural river. We're excited about it, that's why a million dollars of NAD money is going into it.

Joe – Was the Downtown Master Plan pulled from City Council as discussion item?

Daylan – Yes, the whole project was pulled. They're not ready for prime time yet.

Kelly – Can you show me the old access road and new access road?

Tawnya – Sure

Kelly – So there's going to be a new location for the access road, but how is it different?

Tawnya – Right now it's a 15 ft. easement; it's now going to be a 20 ft.

Kelly – That's significantly different.

Mike – The area where they have been backing up trucks is already disturbed.

Joe – Is that expansion more for the bicycle trail plus the road? Is it dual purpose?

Tawnya – Yes, it will have the bike and pedestrian trail in the same location as well as the emergency access and PSCo's access. It will be interesting to see how that plays out.

Ed – That's a major transportation corridor.

Kelly – Historically with Park brought all kinds of trail placement issues to the Board, is this just not significant enough? What's the deal there?

Tawnya – The designs aren't completely final yet.

Kelly – But it's always good to get in when they're not final. We like to keep those trails as far away from the river as possible.

Tawnya – I'd be glad to bring that up.

David – From the inception to date, I have been totally against the water park. As soon as I read this water park plan I had a dreadful time getting my blood pressure down. Maybe I'm being a contrarian but I'm going to vote "no" on this thing.

Ed – Do you want to tell us why?

David – Because I'm deeply against anything that is helping promote building anything on the water park.

Kelly – I agree with you completely on the water park, my main objection is mainly using the natural areas funds. Since the ship sailed

Ed – Just to be clear there's no NAD funds involved in this easement at all is that correct?

Tawnya – No

Kelly – I would like some clarity from Mark, because you kind of surprised me, because you and John, to your credit, were not exactly embracing the concept early on of the water park. How do you now, how do you think \$1M, the term "habitat" and not "landscaping" versus while, knowing the history of the ballot measures, citizen initiated ballot measures, how does \$1M seem appropriate.

Mark – I just think the word "landscaping" is probably more closely in line as opposed to habitat or wildlife creation or true river bank restoration. That site, aesthetically, is not very pleasing and the river banks are concrete walls right now, so I think it's going to very much enhance the natural performance of the river and allow the river to overflow its banks and it's going to allow the riparian area to be expanded. I don't think we're going to have great habitat there like we've created at McCurry or Homestead, primarily because of the level of use there. Do I think we're going to get our million dollar's worth? Yes I think it's going to be an incredible enhancement to the river.

Joe – Just to jump in, aquatic habitat-wise, they are going to make a lot of improvements compared to what it is now.

Kelly - I did want to clarify that, along with other things on the Board, I guess, it used to be effective; I'm not saying it won't look better. The thing that I've tried to impress upon to other individuals on the Board is that you have to look where the monies are coming from. A lot of the projects the City does, I think are going to look five times better than it does now; my point is was it appropriate to use Natural Areas funds. You can't just focus on is it going to look better or be better than it was before the appropriate use of dollars and different funds is what most of the discussion in city interim is about. Is it legal, is it moral, is it ethical, and is it appropriate to spend those particular funds on that issue? I'm just saying, in this case, and I know that battle has been fought and lost, from my perspective, but in the future, it's not enough to just say "it will look nicer". That's not really the point. Forget the project overall, I think it's going to be, forget the project overall, its' just aesthetically on the north side and it's going to look a lot nicer. That's not the issue for me. I was very poor at trying to get that point across.

Marcia – One last question. We talked about this being access where one could expect a firetruck or ambulance access on the north side. Is there going to be vehicle access from the power plant on the southside or are they looking at that as the key safety access?

Tawnya – That's the key safety access.

Joe Piesman made a motion that the Land Conservation & Stewardship Board recommend that City Council authorize the access easement amendment and utility easements for PSCo across Gustav Swanson Natural Area.

Andrea Elson seconded the motion.

The motion was approved 7-2

Discussion Items:

State of the Poudre Report

Jennifer Shanahan, Natural Ares Watershed Specialist provided an update on the State of the Poudre River Report.

Jennifer: We've been working on the state of the Poudre Project for about a year and a half in partnership with Utilities, the Watershed Program and a few wetland consultants. We've identified five areas that we provide services to the community. These services are provided by the watershed. When the river and the watershed are in healthy condition there is a stronger correlation with the services we receive. The river can serve as an index for these broader watershed services, but we also did this project because of interest in the water itself. The main reason we wanted to do this project is to help us integrate our internal conversation across disciplinarians. So we all work in one of these specific topic areas but traditionally they don't cross. That's really changed a lot but we're hoping this project enables people with very different backgrounds to have a common platform for discussing river health.

Jennifer reviewed the State of the Poudre Report covering six key indicator groups while providing a report card on the river health for four zones. The report focuses on 24 miles of reach from the lower canyon through Fort Collins. Metrics and grades are developed by collecting and incorporating many types of data and then translated into an A-F system. For the study area, the Poudre River received an overall grade of C.

Jennifer explained that this assessment can also serve as a benchmark for monitoring river health and changes in the future. Broader communication and engagement of diverse Poudre River stakeholders can strengthen our impact to manage for a healthy river now and in the future. She invited Board members to attend the upcoming Open House for the Poudre River Report Card, on Friday,

Ed – We have one more agenda item, and it’s going to require us to go into Executive Session.

Kelly Ohlson made a motion to go into executive session for real property acquisition and or sales as authorized by City Code Section 2-31(a)(2).

Vicky McLane seconded the motion.

The motion was approved.

Meeting adjourned: 7:55 p.m.

Approved:

David Tweedale, Vice Chair 19 July 17 Date

David Tweedale

Michelle Vattano, Secretary

Michelle Vattano