

Old Fort Steering Committee Minutes

January 13, 2012

Present: Beth LaShell, Chairman; Tobin Follenweider, SLB; Barbara Harris, FLC Foundation; Mike Kelly, ASFLC; Cynthia Dott, Faculty; Kalen Elliott, Community; Heidi Baskfield, FLC Trustees; Richard Miller

Absent: Roy Horvath, Staff

Guests: Amy Stengel, AG Counsel; Mitch Davis

Meeting materials distributed: Agenda, Dec 19th minutes; MOA (with Fred's comments)

The meeting was convened in the Cascade room at 4:00 pm.

Introductions and Announcements

Beth introduced new committee member, Richard Miller. He is an Alaskan native with experience in higher education and public policy and has been at Fort Lewis College for two years. Richard is the executive director of institutional research, planning and assessment.

Committee discussed reaction to article (<http://durangoherald.com/article/20120113/NEWS01/701139919/Old-Fort-Lewis-land-sale?>) in today's Durango Herald. Heidi was at the Capital Development Committee meeting on Jan 12th when Senator Schwartz ask the question. The Legislative Legal Services (LLS) committee is charged with answering the question. Heidi talked with Esther in LLS and she indicated it would be April before they would address the question. The committee feels as we should let LLS answer the question. Mitch Davis suggested that perhaps when the MOA is done, we release an op ed piece on the Old Fort plans.

Public comment (5 minutes/ speaker)

None

Approval of December 19th minutes

Kalin moved to approve the minutes, Barbara 2nd the motion. Motion carried.

Old Business

Meeting Dates: 2012 dates in January and February are set for Jan 23rd, Feb 6th and Feb 20th.

Note: Amy will be gone for Jan 23rd meeting

Old Fort Website: www.fortlewis.edu/oldfort

As approved, minutes are added to website. Beth is waiting on copy of signed Southwest Conservation Corp lease from Kit Page.

Proposal for Non-Academic Use.

Beth reviewed the comments from Terri Richardson (FLC Risk Management) relative to insurance requirements:

- RSOs and approved academic programs are provided with insurance coverage, including property damage insurance.
- Certificates of insurance (COIs) are required for all non-FLC users.

- COIs must include the College as an additional insured on the General Liability section and include a waiver of subrogation on the Workers' Compensation section.
- Minimum levels of insurance are: General liability of \$1,000,000 per event & \$2,000,000 aggregate; \$1,000,000 auto; \$500,000 workers' comp; Umbrella at \$4,000,000 (minimum).

Richard commented that the LaPlata County fairgrounds also required a Certificate of Insurance for groups that have activities at their facility. He recently did a rider for a group he works with to meet their requirements.

Heidi has been working with Fred Kuhlwilm drafting a written agreement that will incorporate the guidelines in our draft proposal.

Beth has received a request from the Draft Horse group to have an event on February 11, 2012. They have given her a copy of the COI naming both Fort Lewis College and the State Land Board. Because they are listed specifically in the temporary access permit from the SLB and have appropriate insurance, they can have their event on the 11th.

FLC Temporary Access Lease and MOU with SLB - Memorandum of Agreement Draft

The committee was provided with Fred Kuhlwilm's changes to the MOA. Amy said that they met with the Board and Director Ryan last week. She indicated that there is still a lot of work to be done to incorporate both Fred's and the Board's comments. It will need to be restructured to do this.

Because of this, the State Land Board will draft a hold-over letter extending the temporary access permit for Fort Lewis College. This will allow the committee to continue making progress.

Amy and Tobin identified the following issues that need to be resolved:

Does the SLB want to give FLC more control over property?

Who owns the infrastructure? In 1962, the SLB was given the land to manage but the State Board of Agriculture (governing body for CSU and FLC at the time) still owned the buildings and water. In 2002, when FLC split from CSU, they received all real property related to the Hesperus property. A quit claim deed transferring the water to FLC is being processed but nothing has been done about transferring the improvements. Did this legislation absolve the SLB and CSU from any responsibility for infrastructure? No one wants them in their current shape.

What about the minerals? Amy received an analyses from the minerals division this week. It will take time for her to review the documents.

What are the future uses of property (both academic and non-academic)? If we're going to invest in improvements, they should have a use. Heidi indicated that Dr. Barbara Morris, Provost has been asked to look at future academic program use. Beth will send her a copy of the updated information related to current and proposed academic uses.

The SLB does not want to rush this process and may request a formal opinion from the AG's office on some of these questions. If done, it would take months to get the opinion.

Termination Agreement with CSU

Amy indicated that nothing has been submitted to CSU since there are still questions related to the ownership of improvements and capital needs on property. She believes that the next step should be a quit claim deed transferring the improvements to SLB.

Heidi reiterated her discussions with Rep Sonneberg and Sen Roberts as they are working to help us get CSU to cover some portion of the capital improvements as well as give us the remaining equipment in return for their having failed to fulfill certain lease terms. The primary capital improvements that need to be addressed are related to Health, Life

Safety issues. They include domestic water and sewer, upgrade electrical system on North end of old campus; and building stabilization

Infrastructure

Water and Sewer System

Beth has met with two water treatment companies(Hague Quality Water and Culligan) to gather information on upgrading the chlorination and filtration system. She will meet with two additional companies that specialize in water systems (Blake Mechanical and Brooks Well Service) next week to find out more about other design alternatives. Tobin indicated that the design will need to have a Colorado Professional Engineers stamp of approval because the \$30,000 that the SLB is contributing comes from their base budget.

This system is a serious liability issue that needs to be addressed as soon as possible. This project could be led by the State Land Board with help from Fort Lewis. A grant can be submitted to the Southwest Water Board for additional money.

Electrical System

No updates received from LPEA or Rural Development.

Equipment Lease with CSU

Report from Old Fort Subcommittee – BOT

The BOT would like to see what Rep Sonnenburg and Sen Roberts are able to negotiate with CSU since they vacated they property. Giving FLC the equipment may be a way for CSU to compensate FLC.

Foundation

Barbara Harris and Beth will attend the Board meeting on Jan 24th to give them an update.

Designating Special Use Areas

No update.

Response to Buffalo Council Document

Tobin, Heidi, Amy, Beth and Mitch Davis continue to work on a response that will be a joint document from both the State Land Board and Fort Lewis College. It will be in a FAQ format with a timeline. The SLB is still trying to answer mineral question and may need the formal opinion from the AG office.

Historical Video Project

Beth met with Roy Horvath and Tony Corono, Animas High School, who is interested in doing a student-based video project on the history of the Old Fort. He will utilize information readily available from the Center of Southwest Studies, Old Fort website and existing video so they will not need access to the Old Fort. The group would have its final presentation in March.

New Business:

Kalen posed the question, “How do we move forward with all of these items still pending?”.

Amy’s suggestion would be to finalize the CSU termination agreement, take the buildings and move forward. She believes that reimbursement from CSU is not likely.

Heidi would like to utilize pressure from the legislative representatives to resolve some of the issues with CSU. We need to preserve our relationship with CSU and our efforts to this point have been through legal counsel. Additionally, the BOT will work with the administration on how buildings can be used.

Tobin commented that we're going to do the water system. Operationally we don't need an MOA but he would like to see one in place by June 30th.

Beth announced that Phase II of the historical restoration of the library has begun. The design documents are being developed and construction will begin in May with completion targeted for August 31st. Fort Lewis College has contributed over \$120,000 in cash matching toward this project. Tobin would like to know the exact amount that FLC has contributed as it might be able to be used as a discussion point with CSU.

Next Meeting topics. Continue discussion of topics

Adjourn 6:00 pm