

Old Fort Steering Committee Minutes

May 7, 2012

Present: Beth LaShell, Chairman; Tobin Follenweider, SLB; Barbara Harris, FLC Foundation,; Mike Kelly, ASFLC; Heidi Baskfield , FLC Trustees, Richard Miller, Executive Director for Research, Planning and Assessment

Absent: Kalen Elliott, Community; Roy Horvath, Staff; Cynthia Dott, Faculty

Guests: Amy Stengel

Meeting materials distributed: Agenda, April 16th minutes; Draft MOA

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

Introductions and Announcements

Public comment (5 minutes/ speaker) None

Approval of April 16th minutes

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

Old Business

Meeting Dates: 2012 dates are May 7th and June 11th from 8:30 am until 10 am. Beth will send out an Outlook meeting request.

Old Fort Website: www.fortlewis.edu/oldfort ; Last meeting's minutes and agenda have been added to website

Proposal for Non-Academic Use. No new applications have been received or approved since the last meeting. We still need to address user fees and update the Policies developed by Fred.

Infrastructure

Water and Sewer System

The College has selected Russell Engineering to design an updated water and sewer system. They should have design complete in six weeks.

Board of Trustees- Old Fort subcommittee update

The BOT will not meet again until June 1st. Heidi reported that she and Dene Thomas will meet with the CSU President and President of their Board of Trustees to discuss infrastructure issues, transfer of property and the equipment lease. The meeting may not occur before the next Steering Committee meeting.

Memorandum of Agreement update

The committee talked through the latest draft and addressed the following comments:

Page 2: Should this be a grant or a lease?

The committee discussed the difference between a grant and a lease. A lease is less permanent and is cancellable. A grant of the land to Fort Lewis would not absolve the State Land Board of involvement. The State Land Board does not currently grant any other land. Heidi indicated that the college is interested in a lease until 2017 and perhaps a grant after 2017. The committee agreed

Page 3: Quitclaim deed from CSU should grant any improvements directly to the College. Water and improvements to be owned by FLC.

According to the legislation that separated FLC from the CSU system and created an independent board, all real property associated with the Hesperus Trust was to be transferred to FLC. While a quitclaim deed for the water has been created and is awaiting a signature from CSU, the improvements are still owned by CSU. Research indicates that CSU owns the improvements because of the SunRay Case (1962). If the improvements are transferred to FLC, does the college assume full responsibility for them? Can they be transferred by quitclaim deed as well?

If improvements are transferred to FLC, does this I make it easier or harder to access Hesperus Trust funds for maintaining these improvements. Also, the uncertainty of the current situation causes problems like who should sign off for the State Historic Fund grant. The current grant was signed by State Land Board even though they don't appear to own the improvements.

Page 3: Water rights owned by College per quitclaim. How do we want to structure agreement in terms of use of water by agricultural lessees, etc?

The committee feels strongly that the water needs to stay with the land. Perhaps stronger language is needed in MOA to protect both the land and the State Land Board, as owner. It currently only states that it can not be sold, bartered, exchanged, traded, leased or given away by FLC without prior notification to the Board.

Page 4: Why doesn't CSU quitclaim equipment also?

Farm equipment does not have a title. We do have a listing of all equipment with models and serial numbers (if applicable).

Page 4: 5A- Has there been an answer from Esther in response to Gail Schwartz's question at the Capital Development committee meeting (Can the Hesperus property be sold?)? Tobin will check with Esther.

Page 6: Relative to Insurance and Liability, can FLC's third party users meet the \$1,000,000 general liability requirement?

Beth reported that she has COI for Cub Scouts, CSU and 4-H on file. They all have more than the \$1 million requirement. Richard indicated that the insurance requirement should not be a deterrent for organizations.

Amy Stengel announced that she will be leaving the AGs office at the end of May. The committee expressed their appreciation for all of the work that she did on the FAQ document as well as the MOA draft. Tobin and Amy will be working with her replacement

Annual financial report- draft review - Tobin agreed to review the draft financial report.

New Business

None

Richard moved to adjourn the meeting. Barbara 2nd the motion. Motion carried. Meeting adjourned at 5:03 pm