

## **Old Fort Steering Committee Minutes**

**Nov 18, 2011**

Present: Beth LaShell, Chairman; Mike Kelly, ASFLC; Roy Horvath, Staff; Tobin Follenweider, SLB; Kalen Elliott, Community; Heidi Baskfield, FLC Trustees; Barbara Harris, FLC Foundation

Absent: Cynthia Dott, Faculty

Guests: Amy Stengel, AG Counsel; Bobby Abshire, Student; Emery Cowan, Durango Herald; Sherri Willeto, Student; and Steve Schwartz (>5 pm)

Meeting materials distributed: Agenda, November 7<sup>th</sup> minutes, Draft of Memorandum of Agreement

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

### **Introductions and Announcements**

Barbara Harris has been appointed to the Steering committee by Dene Thomas to represent the FLC Foundation. Barbara is from Marvel, CO and has been on the Foundation Board for six years. She has been provided with all documentation, agendas and minutes from the committee meetings.

### **Public comment ( 5 minutes/ speaker)**

Bobby Abshire, representing Buffalo Council and Pejuta Society expressed concerns to the group about the lack of consultation with Native students, protection of Native American sites on the property, transparency related to State Land Board, CSU and FLC, and the ERI situation. He had talked with Tobin on November 14<sup>th</sup> and was advised to submit a list of concerns and questions for the SLB and the committee for discussion.

### **Approval of November 7<sup>th</sup> minutes**

Kalen moved to approve the minutes, Mike 2<sup>nd</sup> the motion. Motion carried.

### **Old Business**

**Meeting Date:** December meetings will be on the 5<sup>th</sup> and 19<sup>th</sup> from 4-6 pm. Dates for 2012 meeting dates in January and February were tentatively set for Jan 9<sup>th</sup>, Jan 23<sup>rd</sup>, Feb 6<sup>th</sup> and Feb 20<sup>th</sup>. Both Tobin and Kalen may have a conflict on Jan 9<sup>th</sup> but will update us at the next meeting. Beth will send out a meeting request for these dates.

**Old Fort Website:** [www.fortlewis.edu/oldfort](http://www.fortlewis.edu/oldfort)

The committee viewed the new website. It currently contains member's names, agendas, approved minutes and approved resource material (Reports from two previous Old Fort committees). **Update: Beth has added the ERI and Cugnini grazing lease to the website.**

**Proposal for Non-Academic Use.**

Beth has not received any additional information from Valerie Borge, Controller concerning the use of credit cards for securing a deposit. **Update: Beth received an email from Valerie on 12/1 with guidelines for using credit cards.**

Heidi agreed to draft a copy of a written agreement that could be used for non-academic use. The committee would like to have the proposal ready for distribution in January.

Beth confirmed with Tobin that academic uses would be granted in the proposed memorandum of agreement with the SLB. There were questions about potential damage to property and facilities by academic use. Beth will contact Terry Richardson, Risk Management to confirm that academic and college uses (RSOs, athletics) would be covered by FLC's insurance.

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

Amy Stengel provided the committee with a draft memorandum of agreement for the committee to review. As a committee, we talked through each page of the document with the following comments:

We need to distinguish between the Hesperus property and the premise because of the ERI lease

Page1: Exhibit A: This will clarify who owns what (water, land, buildings, equipment, mineral rights, etc). It should include copies of all important documents to verify ownership. Documents should include Water Quit Claim Deed, Building Survey, CSU-FLC equipment lease and amendment.

Page 2: 4A. Beth questioned the list of pre-approved use for the Four Corners Draft Horse Club since they haven't used the property since 2010. This led to an update on the leases with Southwest Conservation Corp (approved at November SLB meeting so we'll get it on the web), Fort Lewis Fire Department (have not been contacted) and Mesa Verde Helitac. Tobin will get an update from Kit Page on these leases. **Update: Fort Lewis Fire Department has not been contacted and Kit is working on the Mesa Verde Helitac lease.**

Page 3:D. Since FLC owns the water rights, the section will be very different than for other SLB properties. The SLB's concern is that water benefits the property so the value of the land would greatly decrease if water was removed. Language making reference to the SLB's ownership of the water should be removed but "without prior notification of the Board" should be added to the end of the paragraph.

Page 3:E. Who owns the buildings? Is there a deed for improvements? Amy is working with Jason Johnson, CSU Counsel on this topic. Tobin and Amy will draft an email to try and close this matter.

Page 4:B. Tobin reiterated that the monies that the SLB has agreed to provide for the water system (\$30,000) were voluntary and at the discretion of the Board.

Page 4:D. Committee would like to see the statement "Board shall give consideration to any objections by FLC" in this paragraph as well.

Page 5: 8A&B. The amount of insurance required is standard and is the same amount as listed in the current access permit. Relative to the insurance requirements for non-academic use of the property, while they should have the same insurance provisions, it should not be burdensome.

Student, Bobby Abshire expressed concern about requiring Native American students to have insurance to access the property. He referenced the Sand Creek property that does not require permission or insurance for access. In response, we believe that students who are on the property as part of a RSO activity would be covered by FLC's insurance and would not be required to have their own insurance. Tobin explained that Sand Creek is part of the National Park Service and there is SLB land next to the property. The part of Sand Creek that is open to free access is not on State Land. Additionally, Karen Wilde, FLC Board of Trustee member is the liaison to the NPS for Sand Creek so Heidi will contact her for clarification.

**Page 6: 11.** The Hesperus FLC coordinator shall be Beth LaShell; 1000 Rim Drive Durango, CO 81301, telephone 970-247-7189

Amy will incorporate all of these comments and re-send it to committee members for additional comments. The process for approval would be to develop a format to take to the SLB. This document would need to have all of the supporting evidence included.

**Infrastructure**

**Water and Sewer System**

Roy has not made contact with Rege Leach, Division of Water Resources. The committee would like to make a recommendation to the Old Fort Financial Feasibility Committee by January. **Update: Matt Wassam, FLC Board of Trustee has expressed an interest in assisting with this project. He has been provided with a copy of the Goff Engineering report and is doing research on alternative methods to complete the project with less of a financial burden.**

**Electrical System**

Beth contacted Mark Schwantes of LPEA and Jim Isgar from CO Rural Development inquiring about assistance with evaluating the electrical system on the North end of the headquarters. This old system services vital part of the property including domestic water, irrigation, livestock facilities and physics telescope. Mark has passed on the request to the Manager of Engineering at LPEA.

**Equipment Lease with CSU**

Kalen Elliott provided the committee with valuations on Exhibit A equipment in the CSU equipment lease. His valuation ranged from \$138,000 to \$192,400 but did not take into account the expense of locating and purchasing this equipment. Additionally, after reviewing Exhibit C, he believes there is equipment on this list that could be sold to help cover the expense of purchasing the primary equipment on exhibit A. After the 2012-12 lease payment, it would cost FLC approximately \$82,000 to purchase the items on Exhibit A. Per the agreement, FLC would receive the items on Exhibit C at no cost.

Description	Manufacturer	Model	CSU Valuation	Kalen's Valuation (Range)	
HYDRA TRACTOR	INTNL HARVESTER	F-656D	\$5,000	\$	\$ 8,900
TRACTOR	JOHN DEERE	7600	\$25,000		6,000
				\$	\$ 59,000

4WD TRACTOR	JOHN DEERE	7420	\$50,000	\$ 65,000	\$ 80,000	
MECH SELF-LEVELING LOADER	JOHN DEERE	741	\$7,000	\$ 15,500	\$ 15,500	
1972 BACKHOE/LOADER	JOHN DEERE	JD 410	\$6,000	\$ 6,000	\$ 6,000	Used CSU valuation
DOUBLE AUGER SNOWBLOWER	CIMARRON	SB97D EC	\$4,000	\$ 4,000	\$ 4,000	Used CSU valuation
BALE FEEDER	HAYBUSTER MANF	256 PLUS	\$2,500	\$ 5,000	\$ 11,500	
Tractor	Ford	5000	\$2,500	\$ 3,500	\$ 7,500	
<b>Totals:</b>			<b>\$102,000</b>	<b>\$138,000</b>	<b>\$192,400</b>	

**New Business:**

**Designating Special Use Areas**

Heidi initiated the discussion to consider designating special space on the property that would be open to all and would not require an application for use or need to be scheduled ahead of time. It could reflect some of the original uses of the property if used for prayer and meditation. While no structures would be needed, it should be easily accessed without interfering with other property users.

Student, Bobby Abshire would like to see sites on property designated for religious and cultural purposes for Native Americans.

Kalen expressed concern that this designation could be used to bypass other procedures put in place.

**Update: Heidi talked with Karen Wilde, FLC Board of Trustee, about this topic. An excerpt from her email that was circulated to committee members:**

**“I checked in with Karen about how to go about getting help from the Native American community in determining a good site at the Old Fort identified for purposes of prayer-meditation etc.. Karen suggested that we have Terry Knight help us in seeking out a site for this purpose and that because he so often is selected by the 47 tribes who have ties to Colorado to represent their collective interests that he would be our strongest candidate. Karen also agreed to make the initial ask of Terry. .... I would recommend that we have Karen speak with Terry and if he is willing to help us have him speak at a committee meeting in the near future so we can determine best next steps.”**

**Next Meeting topics. Continue discussion of topics**

**Adjourn 5:55 pm**