

City of Fayetteville Staff Review Form

2018-0604

Legistar File ID

11/8/2018

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Connie Edmonston

10/16/2018

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Check presentation by Fayetteville Natural Heritage Association for their generous donation of \$52,747 towards their commitment of \$300,000 of funds and services for the purchase and preservation of Kessler Mountain. The City wishes to extend our gratitude for their continued commitment to the preservation of greenspace in Fayetteville.

Budget Impact:

n/a

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>No</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>No</u>	Budget Adjustment
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # 209-14

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments: Presentation of a check from FNHA for \$52,747 towards the purchase of Kessler Mountain.



TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Connie Edmonston, Parks and Recreation Director
DATE: October 18, 2018
SUBJECT: **FNHA Donation**

RECOMMENDATION:

Check presentation by Fayetteville Natural Heritage Association for their generous donation of \$52,747 towards their commitment of \$300,000 of funds and services for the purchase and preservation of Kessler Mountain. The City wishes to extend our gratitude for their continued commitment to the preservation of greenspace in Fayetteville.

BACKGROUND:

Fayetteville Natural Heritage Association (FNHA) was established in 2003 to “identify and protect Fayetteville’s most significant natural areas.” FNHA has partnered with the City on the purchase of several pristine property acquisitions including Mt. Sequoyah Woods, Brooks-Hummel Nature Reserve and most recently with Kessler Mountain. On December 2, 2014, City Council approved Resolution 209-14 to accept FNHA’s generous offer and commitment to contribute at least \$300,000 of funds and services towards the purchase and preservation of Kessler Mountain. The purpose of this commitment is to “help retain Kessler’s unique qualities into the future”. (See the attached Resolution 209-14.)

DISCUSSION:

To date, FNHA has provided the following funding and services:

Cash Contributions	\$ 164,594.00
Conservation Easement	50,309.00
Biological & Other Natural Asset – Ecological Assessment	<u>9,850.00</u>
Subtotal:	\$ 224,753.00
Check Presentation at November 8, 2018 City Council Meeting	<u>\$ 52,747.00</u>
Total to Date:	\$ 277,500.00
Remaining Commitment to \$300,000:	-\$ 22,500.00

Remaining services in the amount of \$22,500.00 to be provided by FNHA will consist of the following:

\$10,000.00 Natural Asset Inventories - Options include mammal survey, geological inventories, aquatic invertebrates, fungi and slim molds, bryophytes, reptiles and amphibians, bats, insects, birds. A mammal survey will be conducted November

	1 – December 31, 2018 with a written survey report by March 1, 2019. Other inventories will continue into 2019.
\$10,000.00	Habitat Management Plan – To be completed by July 1, 2019 with an interim update available at the end of March 2019.
<u>\$ 2,500.00</u>	Education signage to be completed soon.
\$25,000.00	Total Future Commitment Value of Services

The original agreement included approximately \$20,000 towards a pavilion or similar structure if the idea is viable. It was determined it was not viable at this time and FNHA fulfilled this commitment within their monetary check of \$52,747.

BUDGET/STAFF IMPACT:

This \$52,747 check presented to City Council on November 8, 2018 will be the last payment to fulfill the monetary commitment for this agreement. Studies will be completed in 2019 to fulfill FNHA’s total commitment in providing \$300,000 of services and funding for Kessler Mountain. The City is very fortunate to have an organization such as FNHA that is dedicated to preserving greenspace and making a remarkable impact on our City’s beauty and quality of life. FNHA has done an extraordinary job to preserve valuable lands, improve conservation value, and utilize recreational and educational opportunities for future generations to enjoy. Thank you Fayetteville Natural Heritage Association for your contribution to Kessler Mountain and we hope to continue our partnership with you on future projects.

Attachments:

Resolution 209-14

RESOLUTION NO. 209-14

A RESOLUTION TO AGREE TO THE TERMS OF THE FAYETTEVILLE NATURAL HERITAGE ASSOCIATION'S LETTER OF OCTOBER 9, 2014, PROPOSING HOW IT WILL INVEST AND PAY TO THE CITY \$300,000.00 FOR THE PURCHASE AND PRESERVATION OF MOUNT KESSLER RESERVE

WHEREAS, the City Council through Resolution No. 40-14 agreed to purchase 376 acres of Mount Kessler contiguous to other City parkland to create Mount Kessler Reserve with the help from the Walton Family Foundation (\$1.5 million) and the Fayetteville Natural Heritage Association (\$300,000.00); and

WHEREAS, the Fayetteville Natural Heritage Association has proposed reasonable ways to fulfill its \$300,000.00 pledge in its October 9, 2014 letter attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby agrees to the terms of the October 9, 2014 letter from the Fayetteville Natural Heritage Association and authorizes Mayor Jordan to sign any agreement or other documents necessary to formalize such an agreement with the Fayetteville Natural Heritage Association.

PASSED and APPROVED this 2nd day of December 2014.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



October 9, 2014

Mayor Lionel Jordan
113 W Mountain Street
Fayetteville, AR 72701

Dear Mayor Jordan,

The City of Fayetteville and the Fayetteville Natural Heritage Association have a strong partnership and commitment to preserving valuable lands in our community. Properties like Brooks-Hummel Nature Reserve, Mt. Sequoyah Woods and the largest of these efforts, Kessler Mountain Reserve, are incredible examples of this.

FNHA has also learned lessons along the way as to how to improve the conservation value of these properties while unlocking the recreational and educational opportunities. This letter serves as a request to enact these lessons learned by allowing FNHA to use a portion of the \$300,000 that FNHA has committed to raising for the Kessler Mountain Reserve in the following ways.

Conservation Easement

FNHA and the City are having active discussions with the Northwest Arkansas Land Trust to place a conservation easement on Kessler Mountain Reserve. A conservation easement is a legal agreement between the landowner and the land trust that limits certain mutually agreed upon uses of the land in order to protect its conservation values. Such an easement will require an initial investment of \$10,309 to establish the easement, and a stewardship fund in the amount of \$40,000 to ensure the NWA Land Trust can monitor this land in perpetuity. With this in mind, FNHA formally requests that the Fayetteville City Council allow FNHA to allocate \$50,309 of our \$300,000 commitment towards a conservation easement and a stewardship fund to actively monitor the Kessler Mountain Reserve conservation easement in perpetuity.

Biological & Other Natural Asset Inventories

FNHA has already contracted Theo Witsell's rapid ecological assessment at Kessler Mountain. This information will prove valuable in developing the baseline for the conservation easement and during the master planning process for Kessler when identifying appropriate areas for new trail construction as well as those areas that need to be avoided. However, this rapid assessment is just the tip of the iceberg when truly understanding what is happening on the Reserve. A more comprehensive assessment of natural assets will fully inform the long-term plan for Kessler and provide valuable information that can be used for future educational purposes. With this in mind, FNHA is formally requesting to utilize up to \$20,000 for further asset inventories on the Reserve. A portion of these inventories could be conducted



by volunteers and we ask that their time, with proper documentation, be counted toward our commitment.

Habitat Management Plan

As development and continued population growth occur around Kessler Mountain, invasive species will continue to encroach upon the 376-acre area that has been purchased. While Theo Witsell and others have demonstrated an abundance of habitat on the Reserve, FNHA members are already seeing an assortment of noxious species that threaten the area as well. In order to stave off these threats and keep Kessler in its current state it is critical to develop a Habitat Management Plan for the area and set aside a small management fund to ensure funds are available for implementation of the Plan. FNHA formally requests that the Fayetteville City Council allow FNHA to allocate up to \$20,000 of the \$300,000 commitment towards a management fund to develop and implement a Habitat Management Plan for the Kessler Mountain Reserve. Per this letter, FNHA is also committing to raise additional matching funds and provide volunteer hours to match this amount for continued management of Kessler Mountain.

Educational Signage

The recreational opportunities on Kessler have been well documented and will be a valuable asset to Northwest Arkansas, but it is also anticipated that the biological and natural asset inventories will identify key areas on Kessler that are rich in both geological and cultural assets that are unique to the central region of the United States. It will be important to display this information in a way that can be translated to visitors on Kessler Mountain so they too understand the Reserve's ecological value. With this in mind, FNHA formally requests the City Council allow FNHA to use approximately \$10,000 for educational signage on Kessler Mountain to convey this message.

Outdoor Education Structure

One of Kessler Mountain's greatest characteristics is its close proximity to Fayetteville Public Schools and the University of Arkansas. In order to continue the community's passion for preserving natural spaces into the future it is critical that we take advantage of this location to educate Northwest Arkansas' younger generations. FNHA is also committed to this education and would like to partner with the City of Fayetteville to develop a concept and fundraising plan to make this happen. If it is shown that this idea is viable, FNHA requests to contribute approximately \$20,000 towards a pavilion or similar structure for this purpose.

Summary

FNHA is committed to raising \$300,000 to help cover a portion of the purchase price of Kessler Mountain Reserve. We also feel it is vital to address the needs as listed above to better manage Kessler Mountain Reserve into the future. Per this agreement FNHA would apply up to \$120,309 of FNHA's

\$300,000 commitment towards a conservation easement with NWA Land Trust and a stewardship fund for active monitoring, a Habitat Management Plan and a management fund for active management, and educational asset studies along with educational signage. The remaining \$179,691 would be allocated to the City of Fayetteville to meet FNHA's full commitment. It is our belief that allocating this funding now will help retain Kessler's unique qualities into the future.

Sincerely,

A handwritten signature in black ink, appearing to read "John Coleman", written over a horizontal line.

John Coleman, FNHA President