

City of Fayetteville Item Review Form

2014-0244

Legistar File Number

June 17, 2014

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

Connie Edmonston

Submitted By

Parks & Recreation

Department

Action Required:

Approval of a resolution to establish the "Fayetteville Natural Areas Preservation Account" and to recognize the receipt of \$4,700 distribution this year and the distributions for the two succeeding years to be used to help complete the \$300,000 commitment from the Fayetteville Natural Heritage Association towards the purchase of Mt. Kessler.

Does this item have a cost?  No

Cost of this request	Category or Project Budget	Fayetteville Natural Areas Preservation Program or Project Name
1010.1537.00		
Account Number	Funds Used to Date	Program or Project Category
	\$0.00	General
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/> No	Budget Adjustment Attached? <input type="checkbox"/> No	

V20130812

Previous Ordinance or Resolution # 40-14

Original Contract Number: \_\_\_\_\_

Comments:

*K. Kessler* 6-2-14

*Paul A. Buhner* 6-3-2014

*Ray [unclear]* 6-3-2014  
*[unclear]*





## CITY COUNCIL AGENDA MEMO

**VOID**  
This memo was revised  
in the Final Agenda.

**MEETING OF JUNE 17, 2014**

**TO:** Mayor and City Council  
**THRU:** Don Marr, Chief of Staff   
**FROM:** Connie Edmonston, Parks and Recreation Director  
**DATE:** May 30, 2014

**SUBJECT:** Approval of a resolution to establish the "Fayetteville Natural Areas Preservation Account" and to recognize the receipt of \$4,700 distribution this year and the distributions for the two succeeding years to be used to help complete the \$300,000 commitment from the Fayetteville Natural Heritage Association towards the purchase of Mt. Kessler.

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### RECOMMENDATION:

Approval of a resolution to establish the "Fayetteville Natural Areas Preservation Account" and to recognize the receipt of \$4,700 distribution this year and the distributions for the two succeeding years to be used to help complete the \$300,000 commitment from the Fayetteville Natural Heritage Association towards the purchase of Mt. Kessler.

### BACKGROUND:

The Fayetteville Natural Areas Foundation was created by Dr. and Mrs. Pete Heinzemann, and Duane and Judy Woltgen. The mission of the foundation is as follows:

"Dedication to conserving the natural areas of Fayetteville and its environs for the benefit of present and future generations."

This foundation is managed by the Endeavor Foundation. The foundation's distributions will be paid into the City of Fayetteville's account named as Fayetteville Natural Areas Preservation Account. These funds may only be used by our City to purchase land appropriate for nature preserves and/or conservation easements. The land must be used for "passive recreation such as nature study, biking, hiking, walking, and boating, which may include areas along rivers and streams or lakes such as Lake Fayetteville." In addition, the funding may be used for onsite kiosks and signage. These funds may not be used for organized sport recreational areas or support facilities such as bathrooms or parking lots. Support facilities such as public access points and /or trailheads with restroom/parking may be constructed on the property utilizing other funding sources.

The Fayetteville Natural Areas Foundation funds may only be used for up to one-third of the cost of the land. The City's two-thirds funding match required by the foundation may only be used for the cost of land or conservation easement. The City must pay for all surveying and appraisal costs. See the attached Designated Fund Agreement - Statement of Donor's Intent, as included as Exhibit B in the resolution.

**VOID**  
This memo was revised  
in the Final Agenda.

**DISCUSSION:**

The Fayetteville Natural Areas Foundation requests that their \$4,700 distribution to the City of Fayetteville for this year and the distributions for the two succeeding years be used to help complete the \$300,000 commitment from the Fayetteville Natural Heritage Association (FNHA) toward the purchase of Mt. Kessler. The \$4,700 check from the foundation has been received by the City for the 2014 distribution. The 2015 and 2016 distribution amounts are unknown at this time. The Foundation accepts donations from citizens who wish to contribute to the mission of conserving natural areas in Fayetteville.

**BUDGET/STAFF IMPACT:**

This funding will help in the purchase of Mt. Kessler and with other land purchases in the future. As land is added into our parks system, there will be an impact on staff, maintenance and other operational expenses for the Parks and Recreation Department.

**Attachments:**

Resolution including Exhibit B: Designated Fund Agreement – Statement of Donor's Intent  
Donor's Request  
Resolution No. 40.14 – Mt. Kessler Acquisition



OFFICE OF THE  
CITY ATTORNEY

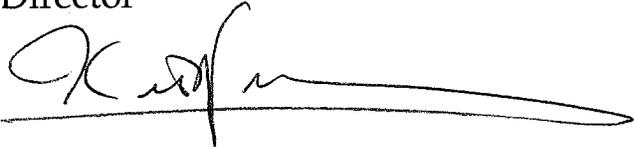
DEPARTMENTAL CORRESPONDENCE



C. 1  
Fayetteville Natural Areas  
Preservation Account  
0  
Kit Williams  
City Attorney  
Blake Pennington  
Assistant City Attorney  
Patti Mulford  
Paralegal

TO: **Mayor Jordan**  
**City Council**

CC: **Don Marr**, Chief of Staff  
**Paul Becker**, Finance Director  
**Jeremy Pate**, Development Services Director  
**Connie Edmonston**, Parks & Recreation Director  
**Marsha Hertweck**, Accounting Director

FROM: **Kit Williams**, City Attorney 

DATE: **May 14, 2014**

RE: **Resolution to establish Fayetteville Natural Areas Preservation Account**

Dr. and Mrs. Pete Heinzelmann (and probably other generous citizens) wish to have the City establish a Fayetteville Natural Areas Preservation Account into which they and others can donate. The purposes and limited possible uses of the Preservation Account are described on Exhibit B "Statement of Donor's Intent" which is attached.

I have drafted a Resolution to establish this account to which I also propose to attach Exhibit B. This account will likely become very substantial in the future and provide vital funds that could be used by the City to partially acquire and preserve Fayetteville Natural Areas. Since these would be most likely to be used to acquire natural park areas, I suggest Connie begin an Agenda Item recommending that the City Council approve the attached Resolution.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO ESTABLISH THE "FAYETTEVILLE NATURAL AREAS PRESERVATION ACCOUNT" AND TO ESTABLISH REQUIREMENTS FOR DISBURSALS THEREFROM

**WHEREAS**, generous Fayetteville area citizens wish to help the City preserve natural areas within Fayetteville for the use and enjoyment of future generations; and

**WHEREAS**, these donors wish to direct their donations into a specific "Fayetteville Natural Areas Preservation Account" which is only accessible under specified conditions for specified purposes.

**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 establishes the "Fayetteville Natural Areas Preservation Account" within the General Fund and agrees that such funds may only be used by the City of Fayetteville as specified on Exhibit B **Statement of Donor's Intent** (attached).

**PASSED** and **APPROVED** this 17<sup>th</sup> day of June 2014.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

 COPY

**DESIGNATED FUND AGREEMENT  
EXHIBIT B  
STATEMENT OF DONOR'S INTENT  
Revised 05/13/2014**

**Mission of the Fayetteville Natural Areas Foundation ("the Foundation"):**  
Dedicated to conserving the natural areas of Fayetteville and its environs for the benefit of present and future generations.

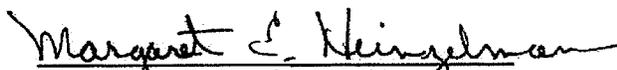
**Land Usage:** It is the donors' intent that the grant distributions be used by the City of Fayetteville to purchase land appropriate for nature preserves and/or conservation easements on similar types of land. This land would be used for passive recreation such as nature study, biking, hiking, walking, and boating, which may include areas along rivers and streams or lake areas such as Lake Fayetteville. Other uses may include onsite informational kiosks and other onsite signage. Grant distributions shall not be used for organized sport recreational areas or support facilities such as bathrooms or parking lots. Support facilities such as public access points and/or trailheads with restroom/parking may be constructed by the City with other funding.

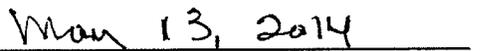
**Grant Amount and Matching Calculations:** The grant distributions may only be used for up to one-third (33.33%) of the cost of the land. The City must bear the cost of surveying and appraisal. Only land cost or the cost of conservation easements are considered as part of the City's match; all other project costs are precluded from match considerations.

**Operation:** Distributions from the Foundation should go to the Fayetteville Natural Areas Preservation Account, which is held by the City of Fayetteville. Distributions should go to the attention of the City of Fayetteville's Accounting Director.

  
\_\_\_\_\_  
Donor 1 Signature

  
\_\_\_\_\_  
Date Signed

  
\_\_\_\_\_  
Donor 2 Signature (if applicable)

  
\_\_\_\_\_  
Justin Fletcher  
Vice President, Programs and Development

City of Fayetteville  
ATT: Fayetteville Parks and Recreation Department  
113 West Mountain Street  
Fayetteville, AR 72701

May 28, 2014

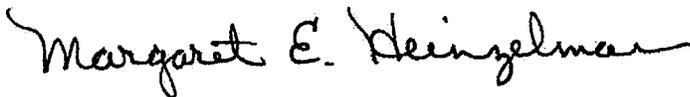
Dear Mrs. Edmonston,

The Fayetteville Natural Areas Foundation donors request that their \$4,700 distribution to the City of Fayetteville for this year and the distributions for the two succeeding years be used to help complete the \$300,000 commitment from the Fayetteville Natural Heritage Association (FNHA) toward the purchase of Mt. Kessler. We hope the creation of this foundation will encourage citizens to donate to conserve Mt. Kessler, as well as other natural areas of Fayetteville for our citizens to enjoy today, and to leave for future generations.

Sincerely,



Peter R. Heinzelmänn



Margaret E. Heinzelmänn

**RESOLUTION NO. 40-14**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO APPLY FOR AND ACCEPT A 50/50 MATCHING GRANT FROM THE WALTON FAMILY FOUNDATION IN THE AMOUNT OF \$1,500,000.00, TO USE THIS GRANT AND \$1,600,000.00 OUT OF RESERVES TO PURCHASE ABOUT 328 ACRES OF MT. KESSLER FROM CHAMBERS BANK AND TO BUILD A TRAILHEAD, TO APPROVE A LAND SWAP WITH CHAMBERS BANK, TO SUPPORT A PARKLAND DEDICATION OF ABOUT 48 ACRES FOR FUTURE PARKLAND CREDIT AND TO APPROVE THE ATTACHED BUDGET ADJUSTMENT

**WHEREAS**, the City of Fayetteville has a unique opportunity to work with the Walton Family Foundation, Fayetteville Natural Heritage Association and Chambers Bank to acquire and preserve 376 acres of Mt. Kessler for \$3,000,000.00 and parkland dedication so that the Regional Park will grow to almost 600 contiguous acres of amenities running the gamut from developed sports fields to mountain biking and nature trails; and

**WHEREAS**, the City will also need to spend about \$100,000.00 from reserves to develop a public trailhead for the many nature, hiking, biking and recreational trails already established and to be established and enhanced as part of the Regional Park.

**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 approves the City of Fayetteville application for the 50/50 matching grant with the Walton Family Foundation, extends its deepest appreciation and gratitude to the Walton Family Foundation for this grant, agrees to accept and match this \$1.5 million donation with City funds from reserves, agrees to use this Three Million Dollars to purchase about 328 acres from Chambers Bank, agrees to build the public trailhead for about \$100,000.00 from reserves and authorizes Mayor Jordan to sign all necessary documents and agreements necessary to accomplish this grant, purchase and project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby agrees to support and recommend that the Fayetteville Planning Commission accept a parkland dedication of about 48 acres by Chambers Bank to be used for future parkland credit.

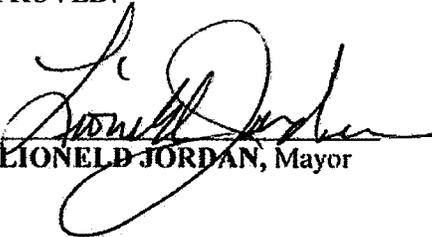
Section 3: That the City Council of the City of Fayetteville, Arkansas hereby agrees to swap those parcels of City land with Chambers Bank for the Chambers Bank parcels and trail easements all as identified on the map attached to this Resolution as Exhibit A.

**Page 2**  
**Resolution No. 40-14**

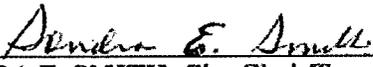
Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Budget Adjustment recognizing grant revenue of \$1.5 million from the Walton Family Foundation and expenditures of \$3.1 million for purchase of the Mt. Kessler property and construction on the trailhead.

**PASSED and APPROVED** this 18<sup>th</sup> day of February, 2014.

APPROVED:

By:   
LIONEL D. JORDAN, Mayor

ATTEST:

By:   
SONDRA E. SMITH, City Clerk/Treasurer





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<hr/>	<hr/>	<hr/>
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1010.1537.00		
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V20130812

Previous Ordinance or Resolution # 40-14

Original Contract Number: \_\_\_\_\_

Comments:

## CITY COUNCIL AGENDA MEMO

Revised Memo

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