

Fountain Creek Watershed Governing Board
MINUTES
March 20, 2009

The meeting was held at:
City of Fountain, City Hall
116 S. Main Street, 2nd Floor
Fountain, CO 80817

1. CALL TO ORDER AND INTRODUCTIONS:

El Paso County Commissioner Dennis Hisey called the meeting to order at 12:10 p.m.

2. ATTENDANCE AND QUORUM:

In attendance were the following duly elected members of the Governing Board:

<u>Name</u>	<u>Appointing Authority</u>
Dennis Hisey	El Paso County
J. E. Chostner	Pueblo County
Larry Small	City of Colorado Springs
Jeri Howells	City of Fountain
Larry Atencio	City of Pueblo

A quorum was noted.

3. APPROVAL OF MINUTES OF PRIOR MEETINGS:

Upon motion duly made, seconded and unanimously carried, the minutes of the Board meetings of February 6, 2009 and February 27, 2009 were approved.

4. APPROVAL OF AGENDA:

Upon motion duly made, seconded and unanimously carried, the agenda for the March 20, 2009 meeting was approved.

5. ELECTION OF CHAIR AND SECRETARY OF THE GOVERNING

BOARD: Upon motion made, duly seconded and unanimously carried, the following officers were elected by the Governing Board for a term of office until August 1, 2009 or until the Board of the Fountain Creek Watershed District elected officers, whichever occurs first:

Dennis Hisey	Chairman
J.E. Chostner	Secretary

6. **TASKS AND SCHEDULE FOR 1ST QUARTER 2009:**

A. Approval of a Resolution for Adoption of the Fountain Creek Strategic Plan:

Upon motion made, duly seconded and unanimously carried, the following Resolution was adopted by the Board:

Resolution No. 09-006

WHEREAS, the Fountain Creek Watershed Governing Board (hereinafter “Board”) is a separate governmental entity organized pursuant to § 29-1-203, C.R.S., and authorized to act pursuant to the Intergovernmental Agreement dated December 15, 2008; and

WHEREAS, the 100 year flood of April 30, and May 1 & 2 1999, caused significant damage throughout the entire watershed; and

WHEREAS, the Pueblo Area Council of Governments and the Pikes Peak Area Council of Governments organized a Watershed Study by the U.S. Army Corp of Engineers (hereinafter “COE”); and

WHEREAS, the COE study focused on flood mitigation, erosion and sedimentation control and recommended certain projects; and

WHEREAS, the Board of County Commissioners of Pueblo County and El Paso County recognized other significant attributes of the Fountain Creek Watershed, such as open space, riparian habitat and recreational opportunities and organized the Fountain Creek Vision Task Force; and

WHEREAS, the Arkansas Basin Roundtable, organized by the General Assembly in 2005, identified projects and methods to meet the needs of the Arkansas Basin, recognized the significance of the effort, and provided a grant to facilitate the Vision Task Force. The grant required matching funds and matching funds were provided by: see the table below; and

<u>Entity</u>	<u>Original</u>	<u>Fall '07</u>	<u>Total</u>
City of Colorado Springs	\$3,000	\$1,050	\$4,050
City of Pueblo	\$2,500	\$761	\$3,261
City of Pueblo Stormwater Utility	\$1,000	\$304	\$1,304
Colorado Open Lands	\$1,000	\$0	\$1,000
Colorado Springs Utilities	\$6,500	\$2,500	\$9,000
Colorado State Parks	\$5,000	\$0	\$5,000
El Paso County	\$7,500	\$2,500	\$10,000
El Paso County Water Authority	\$2,500	\$0	\$2,500
Fort Carson	\$3,500	\$1,065	\$4,565
Fountain Utilities	\$5,000	\$1,522	\$6,522

Individual 1 @ \$150		\$150	\$150
Individuals 4 @ \$50 each		\$200	\$200
Lower Arkansas Valley Cons. Dist.	\$3,500	\$0	\$3,500
Pueblo Board of Waterworks	\$2,500	\$761	\$3,261
Pueblo County	\$2,500	\$761	\$3,261
Town of Palmer Lake		\$500	\$500
	\$46,000	\$12,074	\$58,074

WHEREAS, the Vision Task Force organized a Consensus Committee and Working Groups who documented the current conditions and proposed goals and strategies for the rehabilitation of the Fountain Creek Watershed, all of which are referred to as the Fountain Creek Strategic Plan; and

WHEREAS, the Strategic Plan and the COE study called for creation of an entity to carry forward the recommendations of those efforts; and

WHEREAS, by Intergovernmental Agreement Fountain Creek Watershed Governing Board (hereinafter “Board”) was created in December 2008. The Fountain Creek Vision Task Force adopted the Fountain Creek Strategic Plan in December 2008. The Board desires to adopt the Fountain Creek Strategic Plan as the Board’s strategy for improving the Fountain Creek Watershed.

NOW, THEREFORE, BE IT RESOLVED, that this Governing Board, created for the purpose of advocating for the conservation and preservation of the attributes of the Fountain Creek Watershed for all the citizens of Pueblo County and El Paso County does hereby adopt the Fountain Creek Strategic Plan as the Board’s strategy for improving the Fountain Creek Watershed.

BE IT FURTHER RESOLVED that Dennis Hisey, Chairman of the Fountain Creek Watershed Board, be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

B. Initial Review Hearing on Sundance Resources Mining and Batch Plant.

This item came to the Board under both its primary and recommending land use jurisdiction under Paragraph 5.3 of the IGA. Sundance Resources (LaFarge) has submitted land use applications with the El Paso County Development Services Department for both a Use Subject to Special Review for its sand and gravel mining operations and a Variance of Use for a batch plant. A portion of the proposed project—two gravel mining cells—lie within the corridor as defined in the IGA in the unincorporated area of El Paso County; therefore, the Board has primary jurisdiction over that portion of the project. The hearing addressed both the Use Subject to Special Review and the Variance of Use.

Instructions and procedural direction were provided by the attorneys representing the Board. The Board determined that the hearing would be an initial hearing, that no

decision would be made today, and that the hearing would be continued to April 17, 2009, for the purposes of receiving additional testimony and evidence, and then either further continuing for additional proceedings or making a decision.

Elaine Kleckner, El Paso County Development Services Department (“DSD”), presented DSD’s background information for the project and the applications. Gary Barber also provided information and provided a map showing the location of the project in relation to the corridor. Alex Schatz of Banks and Gesso, LLC, land planner for the applicant, presented the project and the applications for the applicant and answered questions. Mr. Schatz agreed that El Paso County’s land use regulations are more than adequate to guide the Board in considering these applications. Public comments were provided by Ms. Annie Oatman-Gardner, who suggested that the Board include in its consideration the Fountain Creek Master Plan; however, further discussion indicated that Plan has not been finalized yet.

The Board adopted and incorporated by reference the posting and notices by El Paso County. The Board agreed to use the El Paso County Land Development Code, applicable El Paso County master plan elements, and the Fountain Creek Strategic Plan to evaluate the applications. The Board accepted into the record documents referenced and submitted as exhibits. No decisions were made. The hearing was continued to April 17, 2009.

C. Proposed Bylaws:

There followed a general discussion regarding the proposed draft of the Board’s bylaws. The Board gave direction to legal counsel regarding the content of the bylaws. The Board requested that a revised draft of the proposed bylaws be presented at the next Board meeting.

7. REVIEW OF LEGISLATION FOR FORMATION OF THE DISTRICT:

There followed a discussion of the status of SB 90-141. The legislation was reported favorably, by a unanimous vote, out of the House Agriculture and Natural Resources Committee on March 18, 2009. It was anticipated that Second Reading of the bill before the House would occur in the near future, perhaps as early as March 23, 2009.

8. OTHER BUSINESS:

None.

9. PUBLIC COMMENT:

None.

10. **EXECUTIVE SESSION:**

None.

11. **DATE, TIME, AND LOCATION OF NEXT MEETING:**

Upon motion made, duly seconded and unanimously carried, it was resolved that the next meeting of the Governing Board would be 2:00 p.m. on Friday, April 17, 2009, at the Fountain City Hall, 116 S. Main Street, 2nd Floor, Fountain, CO 80817.

12. **ADJOURN:**

Upon motion made, duly seconded and unanimously carried, the meeting adjourned at 2:20 p.m.

J. E. Chostner, Secretary