

**Fountain Creek Watershed, Flood Control and Greenway District**  
**BOARD OF DIRECTORS**  
**MINUTES**  
April 23, 2010

The meeting was held at:  
Manitou Springs City Hall, 606 Manitou Avenue, Manitou Springs, CO 80927

**1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM:**

El Paso County Commissioner Jeff Chostner called the meeting to order at 1:00 p.m.

In attendance were the following duly designated members of the Board of Directors of the District:

<u>Name</u>	<u>Appointing Authority</u>
Dennis Hisey	El Paso County
Jeff Chostner	Pueblo County
Larry Atencio	City of Pueblo
Gabriel Ortega	City of Fountain
Max Stafford	EPC Small Municipalities
<u>Excused</u>	
Richard Skorman	Citizens Advisory Group
Jane Rhodes	Fountain Creek Land Owner
Leroy Mauch	Lower Arkansas Water Conservancy District
Larry Small	City of Colorado Springs

A quorum was noted. Also present were Dan Kogovsek and Cole Emmons, Legal Counsel, and Gary Barber, Interim Executive Director.

**2. APPROVE MINUTES OF PRIOR BOARD MEETING**

Upon motion duly made, seconded, and unanimously carried, the minutes of the Board meeting of March 26<sup>th</sup>, 2010 were approved.

**3. PUBLIC COMMENT – none**

**4. DIRECTOR COMMENTS**

**Max Stafford** welcomed visitors and thanked them for coming.

**Larry Atencio** announced a Steering Committee meeting for the Fountain Creek Greenway project. The meeting will be held next Friday at East High School. Public participation is welcomed.

**Dennis Hisey** attended the Creek Connections Symposium on April 21, 2010 at Colorado College. He had been invited to attend by the Fourth Grade class of Eagleside Elementary School. Students had written 19 individual letters to Mr. Hisey. Those letters have been entered into the official records of the District. Students have been engaging in a year-long study of Jimmy Camp Creek and its place in the Fountain Creek Watershed.

**5. REGULAR REPORTS:**

**5A. Technical Advisory Committee – Gary Barber**

At the TAC meeting, Land Use procedures were discussed in some detail. A decision was made to reconvene the sub-committee that had met to establish that procedure, and to do some outreach to the land use authorities that we will be working with. The sub-committee will be prioritizing watershed areas within the watershed as a whole.

**5B. Citizens Advisory Group – Gary Barber**

Gary discussed two documents, the first of which is a letter from Tom Evans requesting the support of the Governing Board of the Fountain Creek Watershed District for the Rainbow Falls restoration project. The second letter is a draft congratulating the people of El Paso County for recent approval by County Commissioners to accept ownership of Rainbow Falls. Mr. Barber would like to re-work that letter, and will bring it back to the Directors in May.

**5C. Financial Reports and Approval of Invoices – Gary Barber**

Upon motion duly made, seconded, and unanimously carried, payment of the following invoices was approved:

Master Plan Fund	
THK	\$ 17,527.20
General Fund	
Garald Barber	\$ 5,000.00
Elise Bergsten	\$ 250.00

Mr. Barber presented financial statements through March, 2010. Upon motion duly made, seconded, and unanimously carried, the financial report was approved.

**5D. Legal Report – nothing to report**

**5E. Executive Director’s Report – Gary Barber (see reported attached to agenda)**

The Grant MOU has been approved by three of four entities; expecting approval by City of Pueblo by next Monday.

Work has begun to coordinate the first three grants that will be facilitated by the District. These grants, from the CWCB, CDPHE/EPA, and NRCS, are for the Off-Channel Detention Basin and Filtration System, the Bedload Sediment Collector/Removal System, and Monitoring Water Quality and Sediments.

In Colorado Springs, the largest area of undeveloped property which will add impervious surface to the watershed once developed is in the Jimmy Camp Creek and Sand Creek Basins, and is the Banning-Lewis Ranch property. There is a single landowner there that owns about 22,000 acres of land. Gary met with their local representative to describe and encourage opportunities to work with the District and got a very favorable response from them. Part of our land use strategy is to be proactive in focusing on areas where a large change in impervious surface is expected.

Regarding the issue of stormwater drainage in El Paso County, the Stormwater Enterprise had started a process to review their Stormwater Manual. Rich Muzzy is working with CWCB to fund a Drainage Criteria Manual that would take a broader perspective.

## **6. OLD BUSINESS**

### **6A. LAND USE APPLICATION PROCEDURES**

The corridor as defined in the statute is “the Fountain Creek 100-year floodplain as defined by FEMA, south of the Fountain City limits and north of the Pueblo city limits. Our consultants are working on that map. The District will formally request information from FEMA, in order to avoid disputes regarding the area in which the District has Land Use Authority. When working on the original legislation, it was made clear that the District should have a third-party definition of the boundaries. Gary would like to make the FEMA map a part of the official records of the District.

### **6B. BYLAWS FOR THE DISTRICT – Gary Barber/Cole Emmons**

Packets include a redline and a clean version of the draft Bylaws. Gary met with the TAC and the CAG regarding bylaws, and the next step is to provide them with a draft of those. The discussion included the conclusion that the Board is probably best served having explicit bylaws, then additionally having policy statements and resolutions as to other items, rather than trying to build bylaws that anticipate every eventuality.

Today’s task is to discuss the bylaws, then take the draft to the TAC and CAG, get their feedback, get any proposed changes that can be discussed at the next District Board meeting, or if the bylaws are satisfactory as is, get approval at the next Board meeting.

Cole gave a brief overview of the bylaws, drawing member’s attention to some specific items. This is an updated draft since January. These bylaws are somewhat lengthy, because they include guidelines and procedures for the TAC and CAG, rather than producing separate bylaws for those entities.

There is some repetition in the bylaws as to what is in the legislation. That is because the legislation anticipated that it might take some time to formulate official bylaws for the District. Page 3, H. Conflict of Interest. This section needs more work. You will see some changes to this section when the bylaws come back in May.

ARTICLE V.A. Officers. Some changes were made here. The Chairperson and Vice Chairperson must be Directors. The wording was changed so that the Secretary and Treasurer positions may be held by a Directors or another person elected or appointed by the Board. This gives the Board some flexibility. Also, the position of Secretary and Treasurer may be held by the same person.

The Board was in consensus that only Directors from governmental entities should be eligible to serve as Chairperson and Vice Chairperson.

After discussion, it was decided to bring the bylaws back in May for review and approval.

### **6C. TOUR OF THE FOUNTAIN CREEK WATERSHED**

There will be a tour of the Fountain Creek Watershed on June 22<sup>nd</sup>. This tour will be organized by the Colorado Foundation for Water Education, along with the District. The target audience is Advanced Placement Environmental Science teachers from all over the state and the tour will provide teachers with educational credit. The draft agenda was included in the board packet. The tour will be funded by CFWE.

### **6D. MOU FOR GRANT ADMINISTRATION**

The MOU should be finalized before next month’s meeting.

**7. NEW BUSINESS**

**7A. PALMER LAND TRUST** – Scott Campbell, Kevin League ([www.palmerlandtrust.org](http://www.palmerlandtrust.org))  
Jeff Chostner introduced Scott, who handed out the most recent newsletter from the Palmer Land Trust and gave a general overview of the activities of the Palmer Land Trust. They are currently working to protect a large ranch in Teller County at the headwaters of Fountain Creek. Palmer Land Trust has been working to protect open spaces since 1977 - they've protected over 70,000 acres in total, making them the largest local land trust in the country. Their area of coverage includes the area from El Paso and Teller Counties south to the New Mexico border. Within that area their strategic focus lies in the Pikes Peak Region, the western Lower Arkansas Valley from Canon City to Rocky Ford, and the Fountain Creek corridor between Colorado Springs and Pueblo.

The two entities could work together on several types of projects, such as trail easements through private lands along the Fountain Creek corridor.

**8. OTHER BUSINESS**

**9. EXECUTIVE SESSION (if required)**

**10. CONFIRM NEXT MEETING TIME AND LOCATION**

Upon motion made, duly seconded and unanimously carried, it was resolved that the next meeting of the District Board of Directors would take place at 1:00 p.m. on Friday, May 21, 2010, at the Fountain City Hall, 116 S. Main Street, Fountain, CO 80817.

**11. ADJOURNMENT**

The meeting adjourned at 2:15 p.m.

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Larry Small, Secretary