

Fountain Creek Watershed District Board
Citizens Advisory Group
Meeting Minutes
January 8, 2010

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

Note: A recording of this meeting is not available due to technology failure.

1. Call to Order and Introductions

The January 8, 2010, meeting of the Fountain Creek Watershed Citizens Advisory Group (“CAG”) was called to order by Chairperson, Ms Ferris Frost, at approximately 9:35am. In attendance were the following designated members of the CAG:

Ferris Frost – Chairperson	Juniper Katz
Jay Winner – Vice Chairperson	Jack Johnston
Mary Barber	Irene Kornelly
Carol Baker	Kevin Walker
Dennis Maroney	Dan Henrichs
Ross Vincent	Tom Ready
Tom Evans	Richard Skorman
David Kinnischtzke	

Members not present:
Eva Montoya

A quorum was noted.

2. Approve Agenda of January 8, 2010

Upon motion duly made, seconded and unanimously carried, the agenda for the January 8, 2010 meeting was approved.

3. Approve Minutes of Prior Meeting(s)

Upon motion duly made, seconded and unanimously carried, the minutes for December 11, 2009 were approved.

4. Colorado Sunshine Law Compliance

A. Designate place where meeting notices will be posted

- B. Fix the time and place of regular meetings**
- C. Designate Secretary as the custodian of the records**
- D. Designate where minutes and records will be maintained**
- E. Designate the audio recording as the official record of meetings**
- F. Order the audio recording of executive sessions (except attorney/client communications)**
- G. Designation of Official Newspapers for publication of required notices (if necessary):**
 - (1) El Paso County**
 - (2) Pueblo County**

Mr Dan Kogovsek, Legal Counsel, stated according to State Statute that at the first regular meeting of every year the committee must approve the requirements for the Sunshine Law Compliance Act.

Following a discussion, upon motion duly made, seconded and unanimously carried, the CAG approved/ratified and reaffirmed its prior (2009) resolution on Colorado Sunshine Law compliance.

The CAG members requested clarification on proper communications among members. Mr Kogovsek clarified as follows:

- Communications related to procedural items such as the agenda, distribution of minutes and so forth are acceptable.
- One to one communications between members are acceptable.
- Substantive communications related to actions or proposals before the CAG are not acceptable.
- Substantive discussions may not be held and decisions may not be made prior to public meeting.
- Members Kinnischtzke and Winner will work with Mr Kogovsek to further clarify communication procedures.

5. Report regarding the 1-6-10 Technical Advisory Committee Meeting

Member Maroney reported the Technical Advisory Committee (“TAC”) addressed the following:

- Colorado Sunshine Law Compliance
- Voted to recommend approval of the Southern Delivery System (“SDS”) project with conditions (9 For, 1 Against). Conditions of approval related to submittal of detailed site development plans to the District for review of the two areas of the Fountain Creek floodplain that are directly impacted by construction; and; submittal of the Integrated Adaptive Management Plan (IAMP) to the District for review, with periodic reports on water quality and quantity.

6. Review, Discussion and Recommendation to the District Board Concerning the Following:

Request by Colorado Springs Utilities (Applicant) on behalf of the City of Colorado Springs, City of Fountain, Security Water District, and Pueblo West Metropolitan District (Project Participants) for approval of the Southern Delivery System (SDS) Project in response to the requirements of Colorado Senate Bill 09-141, which gives the Fountain Creek Watershed, Flood Control and Greenway District land use authority within the Fountain Creek Corridor, defined as the FEMA 100-Year Floodplain boundaries between the City of Fountain and the City of Pueblo, and recommending authority for areas outside of the Fountain Creek Corridor and within the Fountain Creek Watershed.

Keith Riley provided a brief overview and recap of the presentation made to the TAC and CAG meetings in December, overview of the SDS project, timing of the application review and permitting, regulatory requirements. Keith stated that the application package for SDS was submitted to the District, TAC and CAG on December 11 and is a summary of the 5 location approval applications that were submitted to El Paso County Planning Department. Also included in the application package was a summary of how the project complies with the Goals and Objectives of the Fountain Creek Watershed Strategic Plan and Army Corps Watershed Study. The District Board will be requested to make a recommendation at their January 22nd meeting. The request of the SDS project team to the District is that they provide land use approval for the sections of the project within the fountain creek corridor and also that they provide a recommendation to the El Paso County Planning Commission in support of the facilities within El Paso County.

Following the presentation, committee members asked questions of the applicant regarding: outreach and tools for communicating the status of the project with the public; clarification as to where the project crosses the Fountain Creek and properties with easements; depth of the buried pipeline below the creek bed; dredging near Pueblo and the potential for installing sediment collectors upstream; the potential increase in current and future development as a result of SDS; salinity; increase in pH; 1041 agreement relative to storm water run-off; funding to the District; status of the Drainage Criteria Manual and drainage basin studies; pilot stream side collector system for bedload sediment; clearance surveys for wildlife; maintenance and emergency event impacts downstream; vegetation reclamation after construction; and return flow dissipation.

There were no comments from the public.

A motion by Member Vincent was made to include both of the conditions as approved by the TAC and including an additional condition for mitigation for abolition of Stormwater Enterprise as follows:

-As a condition of adding more flows to the Fountain Creek, operation of SDS pipeline shall be flow-restricted until satisfactory demonstration is made that the projects as intended by SWENT have been accomplished. Incremental increases of SDS water deliveries shall be pegged to completion of identified high-priority stormwater projects, per former SWENT commitments and schedules. These projects shall include

completion of drainage studies, enactment of implementing regulations to control and detain stormwater flows and volumes to no more than existing conditions, and construction and maintenance of high-priority improvements.

-Submission of a plan for management of fugitive wastewater.

Following considerable questions, responses and discussion by committee members, and upon subsequent motion duly made, seconded and passed (10 For, 4 Against, 1 Abstention), the CAG members recommended approval to the District Board of the Southern Delivery System (SDS) Project with the following conditions:

1. Detailed site development plans shall be submitted to the District for review of the two areas of the Fountain Creek floodplain that are directly impacted by construction: Raw Water Pipeline and Exchange Flow Pipeline crossings.
2. The Integrated Adaptive Management Plan (IAMP) shall be submitted to the District for review, and periodic reports on water quality and quantity shall be provided to the District.
3. The Applicant shall adhere to Condition 23, Stormwater Management, of the Recommended Terms and Conditions and Mitigation of Project Impacts: SDS 1041 Application, of March 18, 2009.

“The Applicant shall maintain stormwater controls and other regulations intended to ensure that Fountain Creek peak flows resulting from new development served by the SDS project within the Fountain Creek basin are no greater than existing conditions. This requirement can only apply to Project Participants who have the legal authority to regulate in this manner. Regulations shall comprehensively address peak flow conditions, runoff volumes, and flood hazards, incorporating at a minimum all relevant components of existing regulations of Colorado Springs and other Project Participants including: regional drainage planning for low-flow and major storm events; detention; erosion and sediment control for land disturbance, construction and similar activities; structural measures such as channel protection and engineered outfalls; prohibition of activities that infringe on the designated floodway; water quality controls, including water quality capture volume and determination of the need for permanent best management practices (BMPs); and adequate provision for maintenance of all drainage-related facilities so required. This condition shall not prevent Colorado Springs and other local jurisdictions subject to this condition from revising and improving stormwater regulations from time to time, to incorporate new technologies, management techniques, or otherwise modify regulations consistent with the intent of not exceeding historical peak flows. See Mitigation Appendix E-2.”

7. Review, discussion and recommendations regarding the CAG review criteria,

structure and review procedures for submittals presented for CAG consideration.

Member Frost requested clarification concerning the review criteria, structure and procedures approved at the December 2009 CAG meeting. A previous version of the document (and not the final CAG approved version was sent out with the minutes). The correct document clarifies that the CAG should receive all relevant information about a proposal a month prior to the CAG meeting but at least two weeks prior to the meeting. This resolved the issue of concern.

8. Review, discussion and recommendations regarding the appointment and reappointment of members and alternates to the CAG.

All current members of the CAG are interested in continuing to serve at the pleasure of the Board. The list and terms of appointment will be presented to the District Board at their January meeting. Additional members may be appointed as desired by the District Board.

9. Other Business:

Gary Barber has been announced as the District interim Executive Director and will hopefully attend future CAG meetings.

Suggestions for future meeting agenda items:

- Update on trails grant(s)
- Letter of support for Rainbow Falls
- Presentation of the spreadsheet or list of strategic goals, Army Corps of Engineers recommendations, and responsibilities being prepared for TAC consideration
- CAG alternates

10. Public Comment: None

11. Executive Session (If Required): None

12. Setting Date, Time, and Location of Next Meeting:

The next regularly scheduled CAG meeting will be February 12, 2010 at 9:30am at Fountain City Hall.

13. Adjourn: The meeting was adjourned at approximately 12:00pm.