

**Fountain Creek Watershed, Flood Control and Greenway District
BOARD OF DIRECTORS MEETING MINUTES**

August 24, 2012

The meeting was held at:

Pueblo County Building, Commissioners Meeting Room, 215 West 10th Street
Pueblo, CO 81003

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Vice Chair Ortega called the meeting to order at 1:00 pm. In attendance were the following duly designated members of the Board of Directors of the District:

Name:

Ferris Frost	CAG Liaison Alternate
Gabe Ortega	City of Fountain
Brandy Williams	City of Colorado Springs
Sallie Clark	El Paso County Alternate
Jane Rhodes	Fountain Creek Land Owner
Eva Montoya	City of Pueblo

Excused:

Jeff Chostner	Pueblo County
Melissa Esquibel	Lower Arkansas
Vacant	EPC Small Municipalities

A quorum was noted. Also present were Cole Emmons, Legal Counsel and Larry Small, Executive Director.

2. APPROVAL OF AGENDA

Upon motion duly made, seconded, and unanimously carried, the agenda was approved.

3. APPROVAL OF THE MINUTES OF JUNE 22, 2012 BOARD MEETING

Upon motion duly made, seconded, and unanimously carried, the minutes were approved.

4. APPROVAL OF THE MINUTES OF JULY 20, 2012 BOARD MEETING

Upon motion duly made, seconded, and unanimously carried, the minutes were approved.

5. BOARD MEMBER COMMENTS

Director Montoya stated that the work on trail and park improvements under the GOCO Grant was progressing and there was a public meeting on August 4, 2012. We will have two small shelters, BBQ grills and picnic tables at the park.

Director Williams stated that the City of Colorado Springs held a Sand Creek Summit on the banks of Sand Creek at Airport Drive. This was a kickoff for the El Paso County Task Force that will be addressing Stormwater issues as a result of the Summit Economics Study. The Task Force will have its first meeting in late September. The Task Force consists of all municipalities in El Paso County and El Paso County. Pueblo County and the City of Pueblo have been invited to participate. The task Force will complete a validation of the drainage infrastructure needs of all participants by the end of December 2012.

Director Montoya stated that she was happy to see that all the communities were working together and that the communications were open to all.

Director Ortega stated that the City of Fountain had representation at the Sand Creek Summit and would be working with El Paso County to review their requirements in conjunction with El Paso County requirements in their area.

6. PUBLIC COMMENTS

Jane Green, a citizen property owner on Fountain Creek, stated that she had experienced an additional eighteen linear inches of erosion of her property as a result of the storm following the Waldo Canyon fire. She asked who she could contact to get assistance in obtaining rip rap and assistance.

Director Williams suggested that she contact her County Commissioner. Ms. Green responded that she had done that. Larry Small recommended that she contact the Corp of Engineers to get permission to put rip rap in the creek and NRCS for funding assistance. Ms. Green responded that she had contacted both agencies.

Director Ortega recommend she contact Colorado Springs Utilities about obtaining some of the dirt made excess by the digging of the SDS pipeline.

Mark Shea, Colorado Springs Utilities, stated that Utilities had been working with the U.S. Forest Service BEAR Team. September 13 there will be a coalition meeting to address restoration planning and was inviting the District to participate in the meeting.

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

Julie Ann Woods reported that the TAC met on August 1, 2012. Ms. Woods stated that the TAC met with the CAG Oil & Gas subcommittee and reviewed their draft findings.

Ms. Woods reported that the TAC continued deliberations on the Drainage Criteria Public Policy workshop and looked at opportunities for District participation in the implementation of the workshop recommendations. She provided the Board a draft matrix of prioritized recommendations for criteria applicable to the District and stated that the TAC had not voted on

the draft but would at next meeting. The final recommendations would be presented at the next Board meeting.

Ms. Woods reported that the TAC received a briefing on the Waldo Canyon fire concerning the FEMA floodplain modifications.

Ms. Woods reported that discussions were held with USGS concerning the status of the Flood Control Study and a meeting was scheduled with USGS in October to review progress and findings to date.

Ms. Woods reported that the TAC was working on a check list for land Use Review applications based on Pueblo County, El Paso County and Colorado Springs practices.

The next TAC meeting is scheduled September 5, 2012 at 1:00 PM at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP

Irene Kornelly reported that the CAG met August 10, 2012 at the Pueblo District Attorney Office. The CAG discussed the Waldo Canyon Fire and its potential impact on Fountain Creek to determine the District's potential role in dealing with the fire impact and restoration efforts. The topic was how will the CAG share information with the public.

The CAG discussed the Outreach Subcommittee and the need to get direction on how to proceed in addressing the public on District activities. The CAG wants to continue the "Adopt a Creek" program, have an interaction with public schools concerning the creek and continue with the College and University Consortium, and how to interact with community organizations in delivering messages about the creek.

The CAG discussed the Oil & Gas Subcommittee draft report submitted for legal review. Director Williams asked when the legal review would be complete. Cole Emmons responded it was not scheduled. Director Williams asked if it could be completed by the Colorado Springs City Council meeting in late September. Mr. Emmons replied he would try.

The next CAG meeting will be September 14, 2012 and will be held at the Clear Spring Ranch.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of July 31, 2012. The District has total assets of \$369,643.98 and total liabilities of \$54,887.25. Profit and Loss Budget vs. Actual report for the period January – July 2012 indicated total revenues were \$57,564.57 and total expenses were \$273,238.25 for a net negative income of \$215,673.68 resulting in a District total equity of \$314,756.73. The General Fund cash on hand as of July 31, 2012 was \$100,603 and the Restricted Fund cash on hand was \$165,587. The Flood Control Study 12-month CD value was \$103,454. The total cash on hand was \$369,644.

7. D LEGAL REPORT

Cole Emmons stated the Initiatives 3 and 45 had been withdrawn and could possibly be brought back next year. He stated there were a number of farm and environmental groups who still wanted to pursue changes in Colorado Water Law and the future form of those initiatives was in question.

7. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he met with the Arkansas Valley Ditch Association to discuss the Side Detention Facility. After the AVDA heard the facts about the facility they had no objection with this one facility but expressed concerns about numerous facilities affecting their water rights. The City of Pueblo will need to submit a revised Substitute Water Supply plan to the State Engineer for continuing operation of the facility. After completion of the Flood Control Study we will have another meeting with the AVDA to discuss any future detention facilities.

8. 0 OLD BUSINESS (BOARD ACTION MAY BE REQUIRED REQUIRED)

8. A MIL LEVY DISCUSSION

Larry Small and Richard Skorman met with representatives from Trust for Public Land in Denver on June 27, 2012 to advise them of our intention to pursue the mil levy election and see if there would be a possibility of having their support in the pre-election activities to include polling and public outreach. He stated that TPL was excited about the prospects of helping the District because of the overlap between the organizations' missions in land conservation. TPL requested a letter from the District supported by hopefully a unanimous vote of the Board for their support.

Larry Small presented the proposed letter to the Board for review and approval. Considerable discussion followed concerning the letter and the request to the TPL for support. Director Clark proposed that the term "related mil levy" in the letter be replaced with "related funding source" to give latitude of options to be considered for funding the District. After discussion a motion was made to approve the letter with the proposed change.

Upon motion duly made, seconded, and unanimously carried, the letter was approved with the incorporation of the proposed change to replace the term "related mil levy" with the term "related funding source".

9. NEW BUSINESS (BOARD ACTION REQUIRED)

9. A MEMBERSHIP IN SPECIAL DISTRICT ASSOCIATION OF COLORADO

Larry Small stated that the Board had asked him to look into liability insurance for the District. With the help of the Auditor Mr. Small found that the District could be insured through the Colorado Special District Property and Liability Pool if the District was a member of the Colorado Special District Association of Colorado. Mr. Small stated that the annual membership dues would be \$940 per year and we would pay half that, or \$470, for this year. Mr. Small stated

that we had funds in this year's budget to pay the dues and he would budget the dues for future years as a line item.

Upon motion duly made, seconded, and unanimously carried, membership in the Special District Association of Colorado was approved.

9. B MEMBERSHIP IN COLORADO SPECIAL DISTRICTS PROPERTY AND LIABILITY POOL

Larry Small presented the proposal for insurance from the Colorado Special Districts Property and liability Pool. He stated that the annual cost of insurance would be \$3528.83. For the period beginning September 1, 2012 through December 31, 2012 the premium would be \$1176.28. He stated that the premium was included in the 2012 budget. He stated that the premium would be budgeted as a line item in future budgets. Mr. Small stated that the coverage would include General Liability, Public Officials Liability (for board Members), Non-owned/Hired Auto liability, Hired Auto Physical Damage and Comprehensive Crime and ID Recovery. He stated that these are the items recommended by the Pool Administrators as necessary coverage given the state of the District at this time. He stated that in the future when the District is mature other coverage would be required. Mr. Small stated that two things are required from the Board to obtain coverage, the first being a membership application resolution and the second being an intergovernmental agreement for membership. He stated that the pool had a standard form for the resolution and IGA which were being presented to the Board as agenda items 9.B.1 and 9.B.2. After considerable discussion the Board agreed to become insured under the Colorado Special Districts Property and Liability Pool.

Upon motion duly made, seconded, and unanimously carried, the application to the Colorado Special Districts Property and Liability Pool for insurance was approved.

9. B. 1 RESOLUTION 2012-2 – MEMBERSHIP APPLICATION RESOLUTION

Mr. Small presented the resolution for membership in the Colorado Special Districts Property and liability Pool. He stated that the resolution stipulates the desire of the Board to have the District become a member of the pool and stipulates what coverage is desired and the desired effective date of coverage.

Upon motion by Director Clark and second by Director Williams, the resolution was unanimously passed.

9. B. 2 INTERGOVERNMENTAL AGREEMENT FOR MEMBERSHIP

Mr. Small presented the IGA for membership in the Colorado Special Districts Property and liability Pool. Mr. Small stated that this IGA is a standard IGA used by the Pool and it stipulates the structure of the Governing Body of the Pool and its authority and stipulates the District's rights to participate in the governing of the Pool. Cole Emmons stated that he had reviewed the IGA and found no issues associated with the execution of the IGA.

Upon motion duly made, seconded, and unanimously carried, the Intergovernmental Agreement between the District and the Colorado Special Districts Property and Liability Pool was approved.

10. OTHER BUSINESS

10. A APPROVAL OF INVOICES

The following invoices were presented for approval to pay:

General Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
Larry Small				
	08/10/12	43	\$2,500.00	Executive Director
Special District Assoc. of CO				
	07/28/12		\$470.66	2012 Membership Dues
Matrix Engineering				Completion of Public Policy Grant contract
	03/20/12	11424	\$996.25	
	04/30/12	11560	\$6,708.90	
	05/30/12	11676	\$3,878.50	
	06/14/12	11741	\$3,226.25	
	06/25/12	11835	\$5,121.35	
		TOTAL	\$19,931.25	
TOTAL - General Fund			\$22,901.91	

Upon motion duly made, seconded, and unanimously carried, the invoices were approved for payment as presented.

11. EXECUTIVE SESSION (IF REQUIRED) - None

12. CONFIRM NEXT MEETING TIME AND LOCATION

The next Board Meeting will be held at the Fountain City Hall, 116 South Main Street, Second Floor, Pueblo, CO 80817 at 1:00 PM on September 28, 2012

13. ADJOURN

Upon motion duly made, seconded, and unanimously carried, the meeting was adjourned.

