

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

September 28, 2012

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

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Chair Chostner 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:

Jeff Chostner	Pueblo County
Richard Skorman	CAG Liaison
Gabe Ortega	City of Fountain
Brandy Williams	City of Colorado Springs
Dennis Hisey	El Paso County
Jane Rhodes	Fountain Creek Land Owner

Excused:

Eva Montoya	City of Pueblo
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 AUGUST 24, 2012 BOARD MEETING

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

**4. PRESENTATION – PIKES PEAK RURAL TRANSPORTATION AUTHORITY
NOVEMBER BALLOT QUESTION**

Rachael Beck and Sarah Jack, representing the Pikes Peak Rural Transportation Authority Business Alliance, gave the presentation concerning the ballot question that would be on the El Paso County ballot in November 2012 to extend the Capital Improvement portion (0.55 cents) of the one cent sales tax that will expire in 2014. The PPRTA, supported by the one cent sales tax, provides funding for transportation infrastructure capital improvements and maintenance as well as funding for the transit system to its member governments in El Paso County. The PPRTA has been successful in reducing traffic congestion, improving failing infrastructure and expanding the transit system. The presentation discussed future improvements that will be made to

continue infrastructure improvement, installation of trails, and improvement to drainage infrastructure associated with transportation assets. Ms. Beck stated that the PPRTA Business Alliance would appreciate the District's support of this ballot question.

Chair Chostner stated that Pueblo County had observed the success of the PPRTA and believed that Pueblo County could benefit from a similar activity. Ms. Beck stated that she would be happy to brief the Pueblo BoCC concerning the formation of the PPRTA, which is considered a model in the State.

5. BOARD MEMBER COMMENTS

Director Williams stated that the City of Colorado Springs held the second Stormwater Task Force meeting at the Colorado Springs City Administration Building on September 27, 2012. 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. The first phase will be the identification of needs and current budgets by all participants. The second phase will be the identification of discrepancies between needs and budgets.

Chair Chostner stated that Pueblo County staff had attended the Stormwater Task Force meeting. He stated the Summit Economics had presented the Stormwater Management Study to the Pueblo Board of County Commissioners. The Commissioners recognized there was a political will in El Paso County to deal with the issue and commended and thanked all involved.

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 stated that a representative from the Corps of Engineers was at her site when the water crested and agreed that something had to be done to protect the property. Ms. Green stated that the Corp had granted a permit to place rip rap on the banks and she was able to get asphalt tailings and road barriers to place on the banks. She stated that the permit would allow her to continue reinforcing the banks in the future as more materials became available. She stated that the banks held when subsequent rains come.

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

Rich Muzzy reported that the TAC met on September 5, 2012. He stated that the TAC met with the CAG concerning the USGS Flood Control Study and that a meeting was scheduled on October 25, 2012 at 10:00 am at PPACG. He reported that USGS had many of the base layers implemented in the model and were considering the impacts from the Waldo Canyon fire.

Mr. Muzzy reported that the TAC continued deliberations on the Drainage Criteria Public Policy criteria and prioritized opportunities for the District implementation of the workshop

recommendations. He provided the Board an updated matrix of prioritized recommendations for criteria applicable to the District and stated that the TAC would like the Board to allow the TAC to move forward in developing criteria to evaluate land use applications compliance with the criteria. The Board, by voice consensus, agreed the TAC should move forward.

Mr. Muzzy reported that the TAC continued discussion on the Waldo Canyon fire impact on the Watershed.

The next TAC meeting is scheduled October 3, 2012 at 1:00 PM at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP

Richard Skorman reported that the CAG met September 14, 2012 at Clear Springs Ranch. The CAG received a tour of the ranch to see the designed layout of Front Range Trail improvements.

The CAG received a briefing from the El Paso County staff concerning the expansion of the Fountain Nature Center that would be accomplished as a result of the recent GOCO Grant funding. It was recommended that the briefing be given to the Board at some future date.

The CAG continued discussion of the potential mil levy ballot measure.

The next CAG meeting will be October 12, 2012 at 9:00 am at the Fountain City Hall.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of August 31, 2012. The District has total assets of \$346,795.56 and total liabilities of \$34,956.00. Profit and Loss Budget vs. Actual report for the period January – August 2012 indicated total revenues were \$57,618 and total expenses were \$276,209 for a net negative income of \$218,591 resulting in a District total equity of \$311,840. The General Fund cash on hand as of August 31, 2012 was \$78,188 and the Restricted Fund cash on hand was \$162,990. The Flood Control Study 12-month CD value was \$103,454. The total cash on hand was \$344,632.

7. D LEGAL REPORT - None

7. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he had received a donation to the District from H&H Tire in Colorado through Perry Cabot from our Adopt a Creek Program. He reported that he had applied for and received assigned numbers under the State Public Deposit Protection Act for our interest bearing and non-interest bearing accounts that would give deposit protection for funds deposited in excess of the FDIC amount. He reported that he had received an invitation from the El Paso County Sheriff's Office to join the task force that will be updating the Emergency Management Plan to support future Federal funding, particularly with respect to the Waldo Canyon Fire impacts. He reported that he had met with Matric Engineering and THK to review Grant opportunities and had identified a number of CWCB grant opportunities that the District could

apply for subject to finding suitable matching funds. He reported that he had attended the Regional Stormwater task Force meeting on September 27, 2012.

8.0 OLD BUSINESS (BOARD ACTION MAY BE REQUIRED REQUIRED)

8.A MIL LEVY DISCUSSION

Larry Small stated that the letter had been sent to Trust for Public Lands requesting their support in developing a funding strategy for the District and assistance in preparing to take the strategy to the voters of the District.

Chair Costner stated that he thought it would be helpful if legal staff developed a draft ballot question to focus discussions. After considerable discussion, it was the consensus of the Board to get TPL's support in that effort because of their considerable experience with similar ballot questions.

Chair Costner stated he would like to see a matrix of what revenue would be generated by different mil levies, ranging from 0.5 mils to 5 mils to give the Board an idea of the range of possibilities. He stated that the previous Executive Director had used an example of generating \$10 per year on a residential property with market value of \$250,000. Mr. Small stated he would develop the matrix.

Chair Chostner stated that the district needs to start making significant progress on this issue beginning January 2013, considering the possibilities that other entities might also be looking for a tax increase in the near future.

Director Williams stated she agreed the District should move forward with a well-established strategy.

Mr. Small stated that the Board should also establish an operational concept for the district because that would drive the financial requirements.

9. NEW BUSINESS (BOARD ACTION REQUIRED)

9.A 2011 AUDIT PRESENTATION

Larry Small introduced Kyle Logan of Logan and Associates who performed the 2011 Audit for the District. Mr. Small stated that the audit was a very thorough and complete audit and he appreciated the work Mr. Logan did on behalf of the District.

Mr. Logan presented the audit including the management letter and the audit findings. He stated that the opinion presented was an unqualified opinion meaning that the financial statements are fairly presented and accurate. He stated that this is the best audit finding that can be achieved.

Mr. Logan discussed the financial statements and stated that the three funds of the District (General Fund, Master Plan Fund and Flood Control Study Fund) are appropriately accounted

for. Mr. Logan stated that there was an over expenditure in the General Fund that exceed budget because of adjustments required to be made as a result of the Fish Marking grant. He stated that this is not a big issue but the State may question it.

Mr. Logan stated that he received good cooperation from the District during the audit and all audit questions were answered satisfactorily. He appreciated the opportunity to perform the audit for the District and if there were any questions in the future please notify him.

Upon motion duly made, seconded, and unanimously carried, the 2011 Audit was accepted.

9. B AUTHORIZATION TO RELEASE 2013 DRAFT BUDGET FOR PUBLIC COMMENT

Larry Small presented the draft 2013 District Budget and requested permission to release it for public comment. Mr. Small stated that the final budget would be presented to the Board in December and sent to the state by January 1, 2013.

The draft budget indicated total revenues of \$103,900 and total expenses of \$219,000 for an operating deficit of \$115,100 which would be paid from funds carried forward from 2012. The projected ending cash balance for December 31, 2013 was \$138,319.

Upon motion duly made, seconded, and unanimously carried, the release of the 2013 draft budget for public review was approved.

9. C DISTRICT PARTICIPATION ON EL PASO COUNTY REGIONAL STORMWATER TASK FORCE

Larry Small stated the District had been invited to participate in the activities of the Regional Stormwater Task Force. He stated the Board needs to decide if the District wants to participate or only observe and if participation was the decision then the Board would need to determine which Board member would represent the District. After considerable discussion the Board determined to participate and decided that Director Skorman should represent the District.

Upon motion duly made, seconded, and unanimously carried, participation on the El Paso County Regional Stormwater Task Force was approved and Richard Skorman was appointed the Board Representative.

10. OTHER BUSINESS

10. A APPROVAL OF INVOICES

The following invoices were presented for approval to pay:

Flood Control Study Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
USGS				
	07/13/12	90104889	\$34,956.00	Flood Control Study
	09/14/12	90121065	\$36,711.92	Flood Control Study
TOTAL – Flood Control Study Fund			\$71,667.92	

General Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
Larry Small				
	09/10/12	46	\$2,500.00	Executive Director
CO Spec Dist Prop & Lia Pool				
	09/11/12		\$1,176.28	Insurance
TOTAL - General Fund			\$3,676.28	

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 October 26, 2012

13. ADJOURN

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