

**Fountain Creek Watershed, Flood Control and Greenway District
BOARD OF DIRECTORS MEETING MINUTES
December 12, 2014**

The meeting was held at: Pueblo County Court House, Commissioners Meeting Room
215 West 10th Street, Pueblo, CO 81003

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Vice Chair Snider called the meeting to order at 2:00 pm. In attendance were the following duly designated members of the Board of Directors of the District:

Name:

Terry Hart	Pueblo County
Dennis Hisey	El Paso County
Richard Skorman	CAG Liaison
Val Snider	City of Colorado Springs
Greg Lauer	City of Fountain
Jane Rhodes	Fountain Creek Land Owner
Melissa Esquibel	Lower Arkansas

Excused:

Vacant	EPC Small Municipalities
Eva Montoya	City of Pueblo

A quorum was noted. Also present was 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 OCTOBER 24, 2014 BOARD MEETING

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

4. PRESENTATION - EL PASO COUNTY FOUNTAIN CREEK TRAILS PROJECT

Elaine Kleckner presented the status of the Maxwell Trail and Hansen Trail restoration projects. She reported that the projects were under construction by a team of Matrix Design Group, the engineer, and Sun Construction, the construction contractor. She reported that the contract was awarded in November 2014 and would be completed in March 2015. She reported that the goal of the Maxwell project was to provide bank protection and prevent future erosion, provide protection for the parking area and trail realignment, provide for potential future USACOE improvement project, and be consistent with the District's Strategic Plan and the Corridor Restoration Master Plan. She reported that the Hanson project goals were to reconstruct 700 feet of trail destroyed by the August 2013 storms, provide bank protection, address the bridge abutment failure, remove 6000 cubic yards of debris, provide an opportunity for a future wetland project, and be consistent with the District's Strategic Plan and the Corridor Restoration Master

Plan. She presented the design drawings for both projects. She stated that the budget for the projects was a combined \$1.2 million and that the work being done was consistent with the District's proposal to El Paso County for the two projects.

5. BOARD MEMBER COMMENTS

Director Skorman stated that the El Paso County Regional Stormwater Authority ballot question failed in the November election and that the entities supporting the question were now looking for alternatives to continue the effort. Director Hart expressed his disappointment with the voter's decision and hoped that there would be a near-term solution to continuing the effort since stormwater and flood control was a serious concern in Pueblo County.

6. PUBLIC COMMENT

Jane Green, a resident on Fountain Creek in El Paso County stated that she had received three bids for bank reconstruction on her property. She stated that Sun Construction had bid \$164,000, Mallot Construction had bid \$152,377 and Denco Construction had bid \$88,500 with reduced scope. She stated that NRCS had approved \$62,612 for the full project but would only provide \$46,000 for the reduced scope. Director Hart asked that the bids be reviewed to see if they were reasonable because of the big difference between the high and low bids. Ms. Green also stated that Colorado Springs Utilities had diverted the creek flow to her side of the creek for construction of the fish ladder and she was concerned that more of her property would be eroded from the diversion. Mark Shea, Colorado Springs Utilities said he would look into it and see when CSU would remove the diversion.

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

John Chavez reported that the TAC met December 3, 2014 at 1:00 pm at the Fountain City Hall. He reported that the TAC received the briefing from Elaine Kleckner on the Maxwell and Hansen Trail restoration project and had minor comments, one concerning the impact of the bridge on future flows and also the retention of surface water behind the berm that would be built to house the reconstructed Hansen Trail. He reported that the drainage Criteria Subcommittee had arranged for a briefing on the approved Drainage Criteria Manual to be given by Colorado Springs on January 22, 2015 at the HBA office in Colorado Springs. He reported that the TAC was establishing its 2015 membership recommendations to the Board.

The next TAC meeting is scheduled for January 7, 2015 at 1:00 PM at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP REPORT

Irene Cornelly reported that the CAG did not meet in December 2014, but did meet November 14, 2014 at 9:30 am the Fountain City Hall. She reported that the CAG received a briefing on the Upper Fountain Creek/Cheyenne Creek Flood Restoration Master Plan work and a briefing from Dr. Del Nimo on his fish study. Ms. Kornelly reported that the CAG Outreach

Subcommittee met November 10, 2014 to discuss the use of funds from the CDPHE Communications Grant. She stated that the Grant must be completed by the end of March 2015.

The next CAG meeting will be January 9, 2015 at 9:30 am at the Fountain City Hall.

The next Outreach Subcommittee meeting will be January 12, 2015 at 10:00 am at Fountain City Hall.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of November 30, 2014. The District had total assets of \$244,024.94 and liabilities of \$2,877.73. Profit and Loss Budget vs. Actual report for the period January 1, 2014 through November 30, 2014 indicated total revenues were \$394,486.93 and total expenses were \$376,753.06 for a net income of \$17,733.87 resulting in a District total equity of \$241,147.21. The General Fund cash on hand as of November 30, 2014 was \$167,689 and the Restricted Fund cash on hand was \$76,336. The total cash on hand was \$244,025.

7. D LEGAL REPORT - None

7. E EXECUTIVE DIRECTOR'S REPORT

Larry Small presented an update on the CDBG-DR Watershed Resilience Pilot Program. He stated that 80% of the funds (\$20 million) must be used in Boulder, Larimer and Weld Counties and 20% (\$5 million) were to be used in the other September 2013 flood affected Counties, of which El Paso County was one. He stated that DOLA opened grant applications for planning and staffing grants on November 15, 2014 with applications due January 30, 2015. Project implementation grant applications will open February 1, 2015 and will be due March 30, 2015, with a maximum grant of \$300,000 for small demonstration projects. He reported that the District would submit a planning grant application for a \$300,000 grant for Monument Creek Watershed Restoration Master Plan, supported by \$300,000 matching from Colorado Springs (\$150,000), Colorado Springs Utilities (\$50,000), El Paso County (\$50,000) and the United States Air Force Academy (\$50,000)

Larry Small reported that he had been invited to brief the Water Rights Protection Task at the Arkansas River Compact Administration annual meeting to be held in Lamar on December 17, 2015. He reported that he was a member of the Arkansas River Basin Water Forum planning committee and program committee. He reported that the district would be presenting a session on Fountain Creek on Thursday, April 23, 2015. He reported that two public meetings were scheduled for the Upper Fountain Creek/Cheyenne Creek Flood Restoration Master Plan - December 9, 2014 at 4:00 pm at the PEO facility on Cheyenne Creek and December 10, 2014 at 4:00 pm at the Ute Pass Elementary School in Cascade.

7. F IGA COMMITTEE REPORT

Director Hart reported that the next IGA Committee meeting was being scheduled. He reported that the committee was reviewing the Greenview Trust property on Overton Road north of Pueblo to see if there was a way for Pueblo County to acquire the property using a GOCO open space grant.

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

8. A. MONETARY MITIGATION FUND ADVISORY COMMITTEE (DISCUSSION)

Larry Small stated that in accordance with the Board's direction he had prepared Bylaws for a Monetary Mitigation Fund Advisory Committee to advise the Board on the use of the SDS 1041 permit Condition 6 funds. He stated that the Board had reviewed the proposed By-laws at the October 2014 Board Meeting and requested that they be further discussed at the December 2014 Board meeting. The purpose of discussions was to determine if the Board desired to create the Monetary Mitigation Fund Advisory Committee and if any changes were required to the proposed By-laws. After further discussion the Board agreed that the By-laws were acceptable as written with the addition of a clause that would permit remove and replacement of nominated members at the discretion of the nominating body. The Board requested that the Bylaws be placed on the January 2015 Board meeting agenda for action.

9. NEW BUSINESS (Board Action Required)

9. A PUBLIC HEARING FOR 2015 BUDGET

Vice Chair Snider opened the public Hearing.

Larry Small stated that the Public Hearing had been advertised in the Fountain Valley News and the Colorado Tribune as required and certified notices of publication were on file in the District's records.

Larry Small presented the proposed 2015 Budget. He stated that revenues were projected to be \$866,547, General and Administrative expenses were projected to be \$104,500, Master Plan Fund expenses were projected to be \$51,287, and Grant performance expenses were projected to be \$630,310. Income versus expenses for 2015 was projected to be a positive \$80,450 and the District would have a projected cash balance of \$249,529 at the end of 2015. Mr. Small stated that the proposed 2015 budget was the largest budget in the District's history since it was established in 2009.

Vice Chair Snider opened the floor to public comments. None were given.

Vice Chair Snider closed the Public Hearing.

9. B. CONSIDERATION OF RESOLUTION 2014-4 FOR 2015 BUDGET

Larry Small presented Resolution 2014-4 which stipulated that the appropriated expenditures for 2014 would be: General Fund - \$104,500; Master Plan Fund - \$51,287; and Grants Received Fund - \$630,310; for a total 2015 expenditure of \$786,097.

Upon motion duly made, seconded, and unanimously carried, Resolution 2014-4 was approved as presented.

9. C DR. DEL NIMO REQUEST FOR FUNDING TO SUPPORT FOUNTAIN CREEK WATER QUALITY RESEARCH

Larry Small stated that the TAC, CAG and Board had received a briefing from Dr. Del Nimo concerning his research on mercury in fish tissue found in fish taken from Fountain Creek. He had requested that the District support further research by funding his activities \$10,000 per year for two years commencing in 2015. Director Hart initiated the discussions on the request by stating that he was very concerned about water quality in Fountain Creek and believed that the District should be investigating all sources of contamination. Director Esquibel stated that the Lower Arkansas River Water Conservancy District had funded Dr. Nimo’s work over the past few years, including purchasing equipment for the CSU-Pueblo chemistry lab, at a level over \$400,000 and had decided that the Lower Ark would not provide any further funding because they saw no benefit from the prior work. Director Rhodes stated that she believed that significant studies of Fountain Creek water quality had been done by the Pikes Peak Area Council of Governments and that action, not studies should be considered. After much discussion by the Board, Larry Small stated that he would invite Rich Muzzy , Pikes Peak Area Council of Governments Environmental Manager, to attend the January 2015 Board meeting and give a presentation on Fountain Creek water quality studies.

10. OTHER BUSINESS

10. A APPROVAL OF INVOICES

**Presented for Payment
12/12/2014**

General Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
Larry Small	12/04/14	131	\$5,000.00	Executive Director
Matrix Design Group	12/05/14	15675	\$53,620.69	UFC/CK Watershed Rest Plan
Special District Association	11/18/14	1716	\$807.43	2015 Dues
Colo Special District Prop & Lia Pool	11/18/14	28C28004-170	\$1,997.88	2015 insurance
Colorado Tribune				

	11/08/14		\$42.00	Budget Public Hearing Advertisement
Shopper Press Inc				
	11/19/14	1277	\$30.42	Budget Public Hearing Advertisement
TOTAL - General Fund			\$61,498.42	

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 January 23, 2014 at 1:00 pm at the City of Pueblo City Hall, City Council Chambers, 3rd Floor, 1 City Hall Place, Pueblo, CO 81003.

13. ADJOURN

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