

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

**March 28, 2014**

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

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

Chair Montoya called the meeting to order at 1:07 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
Gabriel Ortega	City of Fountain
Val Snider	City of Colorado Springs
Jane Rhodes	Fountain Creek Land Owner
Eva Montoya	City of Pueblo

**Excused:**

Michael Maddox	EPC Small Municipalities
Melissa Esquibel	Lower Arkansas

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 FEBRUARY 28, 2014 BOARD**

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

**4. PRESENTATION**

**4. A FRONT RANGE TRAIL AND FISH PASSAGE PROJECTS AT CLEAR SPRING RANCH**

Dave Laugren of Colorado Springs Utilities presented a progress report on the two projects being done by Colorado Springs Utilities under grants sponsored by the District. The Fish Passage Project will build a ladder at the Clear Springs Ranch diversion of Fountain Creek to allow migration of the Flat Head Chub and Arkansas Darter beyond the diversion structure, which is about six feet tall. The ladder will be a serpentine path with rest points that will allow the small fish to pass over the diversion structure. Design is complete and construction will be completed in 2015. The Front Range Trail thru Clear Spring Ranch is being built under a GOCO Grant

awarded in 2012 sponsored by the District. The trail extension will be approximately 4.5 miles long and will be used by hikers, bikers and equestrian riders. There will be parking lots and picnic structures provided as well as creek overlook areas. Trail construction is scheduled to be completed in 2015.

#### **4. B FLOOD CONTROL STUDY FINAL REPORT**

Dave Mau, USGS, presented the final Flood Control Study report prepared by USGS. Fourteen remediation scenarios located throughout the Fountain Creek watershed were used to evaluate the impacts of unsteady discharges associated with a 24-hr, 100-year NOAA Type II precipitation event at USGS streamgauge station Fountain Creek at Pueblo (07106500) .

- Scenario 0 represents the baseline or current conditions in the watershed and was used to compare the remaining 13 scenarios
- Scenarios 1-8 and 12 rely on side-detention facilities to reduce peak flows and sediment transport.
- Scenario 9 assumes a diversion channel at the El Paso/Pueblo County line from Fountain Creek to Chico Creek
- Scenario 10 includes a dam and reservoir
- Scenarios 11 and 13 incorporate channel armoring and channel widening, respectively.

Mr. Mau stated that Scenario 8 (the scenario with the most side detention facilities), Scenario 9 (the Chico Basin Diversion), Scenario 10 (the dam) and Scenario 12 (10 side detention facilities on the corridor) were the most effective at reducing sediment transport and peak flow at the Pueblo streamgauge. Director Rhodes asked if the modeling demonstrated results at the Pinion Streamgauge and Mr. Mau stated that there were tabulated results at each streamgauge but the report only focused on the Pueblo Streamgauge.

Director Hart asked about the next steps in using the results of the study. Larry Small responded that he would bring recommendations to the Board at the April 25, 2014 meeting on the next steps.

#### **5. BOARD MEMBER COMMENTS**

Director Montoya reported on the Pueblo Wheelpark Project. She stated that four public meetings had been held with good community support and the project was moving forward with City and GOCO Grant funding. She stated that it will be a world-class facility on the bank of Fountain Creek complete with sandy beaches.

Director Hisey stated that the Regional Stormwater Taskforce follow-on work has transitioned to a citizens committee that will work toward public awareness in preparation for a November ballot question. Director Hart stated that he had heard about the ideas of creating another entity in El Paso County that would essentially replicate the District and was concerned about the impact on the future of the District. After considerable discussion it was the consensus of the Board that representatives from the Citizen's Committee be invited to present the status of the Task Force work and how the new entity, if created, would work with the District. Larry Small stated that he would put the presentation on the April 25, 2014 agenda.

**6. PUBLIC COMMENT - None**

**7. REGULAR REPORTS**

**7. A TECHNICAL ADVISORY COMMITTEE REPORT**

John Chavez reported that the TAC met March 5, 2014 at Fountain City Hall. He reported that the TAC received the final Flood Control Study briefing from Dave Mau. He reported that the TAC discussed the need for alternate members and wanted to know the status of that request. Larry Small responded that he had drafted an amendment to the District Bylaws to permit alternate members for both the TAC and CAG and would present it to the Board for consideration at the April 25, 2014 meeting.

John Chavez reported that the TAC would be reviewing responses to TAC comments on the Flood Control Study received from USGS at the next meeting.

The next TAC meeting is scheduled for April 2, 2014 at 1:00 PM at Fountain City Hall.

**7. B CITIZENS ADVISORY GROUP**

Irene Kornelly reported that the CAG met March 14, 2014 at Fountain City Hall. She reported that the CAG receive a presentation on the final Flood Control Study from Dave Mau.

Ms. Kornelly reported that the Outreach Subcommittee met March 17, 2014. She stated that the Outreach Subcommittee reviewed the CDPHE grant application prepared by Jerry Cordova, Rich Muzzy and Ferris Frost in preparation to present it to the Board at the March 28, 2014 meeting. She stated that the Subcommittee reviewed the draft brochure and gave final suggestions. She stated that the Subcommittee attended the Sand Creek High School Water Day and presented a Google Earth modeled flyover of the Fountain Creek Watershed prepared by Jerry Cordova showing District projects and explained how a watershed functions. She stated that the Subcommittee decided to support the Pikeview Reservoir cleanup sponsored by Colorado Springs Utilities on April 19, 2014 and the CSU Pueblo Water Festival on May 6, 2014 and will have a demonstration for third and fourth graders about how a watershed works.

Jerry Cordova gave a presentation to the Board demonstrating the Google Earth flyover of Fountain Creek showing the District projects

The next CAG meeting will be April 11, 2014 at 9:30 am at the Fountain Creek Nature Center in Fountain, CO..

The next Outreach Subcommittee meeting will be April 14, 2014 at 10:00 am at Fountain City Hall.

## **7. C FINANCIAL REPORT**

Larry Small presented the Fountain Creek District Balance Sheet as of February 28, 2014. The District has total assets of \$233,795.30 and no outstanding liabilities. Profit and Loss Budget vs. Actual report for the period January 1, 2014 through February 28, 2014 indicated total revenues were \$50,194.91 and total expenses were \$8,843.30 for a net income of \$41,351.61 resulting in a District total equity of \$233,795.30. The General Fund cash on hand as of February 28, 2014 was \$71,815 and the Restricted Fund cash on hand was \$129,282.83. The total cash on hand was \$201,097.83. Mr. Small reported that as of March 28, 2014 \$36,400 had been received as Represented Government Contributions and \$12,500 was still pending..

## **7. D LEGAL REPORT - None**

## **7. E EXECUTIVE DIRECTOR'S REPORT**

Larry Small reported that he attended a meeting on March 5, 2014 to discuss the Wedgewood farm Grant reapplication with the Colorado Springs TOPS Committee to get their support for the application. The committee agreed to recommend Colorado Springs contribute \$25,000 matching funds. He stated that he attended the Fountain Creek Nature Center reception on March 7, 2014 held to thank supporters of the expansion project. He stated that he attended a Waldo Canyon Recovery Group meeting on March 10, 2014 to review progress made in the recovery efforts. He reported that he attended CDOT Environmental/Aesthetics/Trails Committee meetings on March 20, 2014 to continue to develop criteria for the I-25/Cimarron Interchange. He reported that he conducted Project management reviews of the Frost Ranch Bank Restoration Project and met with construction contractors to on March 18, 2014 to review bids for the construction work.

## **8. 0 OLD BUSINESS (BOARD ACTION MAY BE REQUIRED) - None**

## **9. NEW BUSINESS (Board Action Required)**

### **9. A APPROVAL OF STATE OF COLORADO CONTRACT FOR UPPER FOUNTAIN CREEK AND CHEYENNE CREEK RESTORATION MASTER PLAN GRANT IN THE AMOUNT OF \$175,000**

Larry Small presented the State of Colorado Contract for Upper Fountain Creek and Cheyenne Creek Restoration Master Plan CWCB Grant in the amount of \$175,000. The contract will be effective on signing by the State and will complete June 30, 2015. The contract value will be matched by \$25,000 from the District, \$25,000 from Colorado Springs Utilities, \$25,000 from El Paso County and \$100,000 from the City of Colorado Springs. In kind services will be provided by Pikes Peak Regional Building Department, Manitou Springs, Green Mountain Falls, Woodland Park, Teller County and the Coalition for the Upper South Platte in the amount of \$87,500.

**Upon motion duly made, seconded, and unanimously carried, the contract was approved and accepted.**

**9. B APPROVAL OF MATRIX DESIGN GROUP CONTRACT AMENDMENT 3 FOR TECHNICAL SUPPORT TO UPPER FOUNTAIN CREEK AND CHEYENNE CREEK RESTORATION MASTER PLAN GRANT IN THE AMOUNT OF \$337,000**

Larry Small presented the Amendment 3 to the Matrix Design Group Professional Services Agreement dated August 27, 2010. Amendment 3 extends the effective date of the agreement to December 31, 2015 and incorporates Task Order 2014-1 into the agreement. Task Order 2014-1 is a Time and Material Task Order not to exceed \$337,000. The period of performance is March 24, 2014 thru June 30, 2015. Task Order 2014-1 provides technical services for performance of the State of Colorado Contract for Upper Fountain Creek and Cheyenne Creek Restoration Master Plan CWCB Grant. Mr. Small stated that Amendment 3 funding is in the 2014 District Budget and will be funded from the CWCB Grant Contract and matching funds.

**Upon motion duly made, seconded, and unanimously carried, Amendment 3 to the August 27, 2010 Matrix Design Group Professional Services Agreement was approved.**

**9. C APPROVAL TO AWARD FROST RANCH BANK RESTORATION CONSTRUCTION CONTRACT TO AZTEC GENERAL CONTRACTORS, LLC IN THE AMOUNT OF \$107,175**

Larry Small presented the Frost Ranch Bank Restoration Construction Contract. He stated that bids were solicited from three contractors. Two bids were received. Aztec General Contractors, LLC was the low, fully compliant bid, in the amount of \$107,175. He stated that the period of performance for the contract is March 28, 2014 thru June 1, 2014. He stated that funding for the contract is in the 2014 District Budget and will come from the CWCB Grant and District matching funds. He stated that the contract is in full compliance with the State of Colorado CWCB Grant Contract for the Fountain Creek Bank Restoration at Frost Ranch.

**Upon motion duly made, seconded, and unanimously carried, award of the contract in the amount of \$107,175 for Bank Restoration on Fountain Creek at Frost Ranch to Aztec General Contractors, LLC dated March 28, 2014 was approved.**

**9. D REQUEST BY PALMER LAKE FOR FINANCIAL SUPPORT FOR WILDFIRE NITIGATION GRANT APPLICATION**

Larry Small stated that a presentation was given to the Board at its February 28, 2014 meeting by Judith Harrington from Palmer Lake requesting financial support from the District for a Colorado Department of natural Resources Wildfire Risk Reduction Grant. At that meeting the Board directed that the request be put on the March 28, 2014 Board Meeting Agenda for consideration. After discussion, the Board decided that a commitment could not be made to provide funding at this time but would allow Palmer Lake to come back to the Board for future consideration if they received the grant.

**Upon motion duly made, seconded, and unanimously carried, the request for funding was tabled.**

**9. E RESOLUTION 2014-02 REQUESTING EXEMPTION FROM AUDIT FOR FISCAL YEAR 2013**

Larry Small presented Resolution 2014-02 requesting exemption from audit from the State of Colorado Office of the State Auditor. The exemption is available to Statutory Districts if income and expenses for the fiscal year were less than \$500,000. The request for exemption was prepared by Kyle Logan, CPA, of Logan & Associates and complied with the directions provided by the State of Colorado Office of the State Auditor. The request was prepared from the District financial records and no discrepancies were noted. The request must be approved by a majority vote of the Board and filed by March 31, 2014.

**Upon motion duly made, seconded, and unanimously carried, Resolution 2014-02 was passed and the Request for Exemption from Audit for Fiscal Year 2013 was authorized to be filed with the State of Colorado Office of the State Auditor.**

**9. F APPROVAL TO SUBMIT GRANT APPLICATION TO CDPHE FOR OUTREACH EDUCATION**

Irene Kornelly presented the grant application in the amount of \$5000 that had been prepared by the Citizens Advisory Group for submission to the Colorado Department of Public Health and Environment for funding to support a community outreach and education program. The grant funding will be matched by PPACG in the amount of \$2000 donation to the District. The grant, if awarded, will provide funds to be used this fiscal year for materials and equipment for outreach and education in support of the CAG Outreach Subcommittee planned activities.

**Upon motion duly made, seconded, and unanimously carried, authorization was given to the Executive Director to submit the grant application.**

**10. OTHER BUSINESS**

**10. A APPROVAL OF INVOICES**

Invoices Presented for Payment 3/28/2014

<b>General Fund</b>				
<b>Vendor</b>	<b>Date</b>	<b>Num</b>	<b>Amount</b>	<b>For</b>
Larry Small	03/11/14	107	\$2,500.00	Executive Director
Logan & Associates	03/22/14	211	\$1,900.00	2013 Audit Exemption Preparation
<b>TOTAL - General Fund</b>			<b>\$4,400.00</b>	

**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 April 25, 2014 at 1:00 pm at the City of Fountain City Hall, 116 S. Main Street, 2nd Floor, Fountain, CO 80817

**13. ADJOURN**

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