

**Fountain Creek Watershed, Flood Control and Greenway District
BOARD OF DIRECTORS MEETING MINUTES
January 23, 2015**

This meeting was held at: City of Pueblo City Hall
City Council Chambers, 3rd Floor, 1 City Hall Place
Pueblo, CO 81003

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Chair Snider called the meeting to order at 1:15 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
Jane Rhodes	Fountain Creek Land Owner
Melissa Esquibel	Lower Arkansas
Coreen Toll	EPC Small Municipalities

Excused:

Eva Montoya	City of Pueblo
Gabriel Ortega	City of Fountain

A quorum was noted. Also present was Larry Small, Executive Director and Cole Emmons, Attorney.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF THE MINUTES OF DECEMBER 12, 2014 BOARD MEETING

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

4. PRESENTATION - PUEBLO CHEMICAL AGENT DESTRUCTION PILOT PLANT

Carla Hendrickson presented the briefing on the Pueblo Chemical Agent Destruction Pilot Program (PCAPP). PCAPP will perform a variety of function including chemical munitions disassembly, chemical agent processing, biotreatment of wastewater and control and management of hazardous wastes and materials. The selected technology for destruction of the stockpile is neutralization followed by biotreatment. She stated that PCAPP has been built to safely and efficiently destroy a stockpile of mustard agent chemical weapons stored at the U.S. Army Pueblo Chemical Depot since the 1950s. The Bechtel Pueblo Team is the contractor

responsible for the design, construct, systemize, pilot test, operate and close PCAPP. The U.S. Army's Explosive Destruction System (EDS) will augment the pilot plant and destroy munitions that cannot go through the normal process of the plant, such as rejects or leaking munitions.

5. BOARD MEMBER COMMENTS

Chair Snider introduced Coreen Toll who is the newly appointed Small Municipalities Representative on the Board.

Chair Snider asked Allison Plute to report on the issue raised at the last meeting by Ms. Jane Green concerning the diversion of the creek flow at Ms. Green's property for construction of the fish passage. Ms. Plute responded that she had discussed this with the CSU Project Manager and he reported that the diversion was temporary to allow construction of the fish passage and that CSU had taken care to make sure the diverted flow was not injurious to adjacent properties. She reported that the diversion would be removed in the near future. Ms. Green reported that the diversion had been removed January 22 and the creek was back in its normal channel. Chair Snider asked that CSU brief the Board on the Fish Passage project at the February Board meeting.

6. PUBLIC COMMENT - None

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

John Chavez reported that the TAC cancelled its January 7, 2015 meeting because of weather.

The next TAC meeting is scheduled for February 4, 2015 at 1:00 PM at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP REPORT

Irene Kornelly reported that the CAG met January 20, 2015 at 9:30 am the Fountain City Hall. She reported that the CAG received a briefing from Elaine Kleckner on the Maxwell Trail and Hansen Trail restoration projects. She reported that the CAG updated its membership list and elected officers for 2015 and approved the Sunshine Law Compliance requirements. She reported that the CAG established its meeting dates for 2015 and was planning two field trips in 2015.

Ms. Kornelly reported that the CAG Outreach Subcommittee met January 12, 2015 and was ordering supplies and equipment funded from the CDPHE Communications Grant. She reported that the CAG was preparing a series of briefings about the District that anyone could give. She reported that the committee had established a list of fifteen events the CAG would participate in in 2015 in Pueblo and El Paso Counties. She reported that the schedule would be placed on the web site. She reported that the first planning meeting for Creek Week was scheduled for January 28, 2015 at 9:00 am at Fountain City Hall. Director Rhodes asked when Creek Week was scheduled and Ms. Kornelly responded that it is the last week of September and the first week of

October. She reported that the CAG had \$5000 in the bank carried over from 2014 Creek Week to be used for the 2015 event. Director Hart commended the CAG for its energetic support of the District and said he was very impressed with the commitment to promote the District to the citizens of Pueblo and El Paso Counties.

The next CAG meeting will be February 13, 2015 at 9:30 am at the Fountain City Hall.

The next Outreach Subcommittee meeting will be February 11, 2015 at 2:00 pm at Fountain City Hall.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of December 31, 2014. The District had total assets of \$210,213.53 and no liabilities. Profit and Loss Budget vs. Actual report for the period January 1, 2014 through December 31, 2014 indicated total revenues were \$394,522.90 and total expenses were \$376,753.06 for a net income of \$17,769.84 resulting in a District total equity of \$210,213.53. The General Fund cash on hand as of December 31, 2014 was \$182,490 and the Restricted Fund cash on hand was \$76,345. The total cash on hand was \$258,835.

7. D LEGAL REPORT - None

7. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he had continued developing the CDBG-DR Monument Creek Watershed Flood Restoration Master Plan Grant Application and it was ready for submission to DOLA. He reported that he attended an El Paso County Board of County Commissioners meeting on January 20 where the Commissioners passed a resolution committing \$50,000 matching funds to the project. He reported that he continued working on the Arkansas River Basin Water Forum planning committee and the program committee and attended committee meetings on January 5, January 7 and January 14. He reported that he participated in the Waldo Canyon Recovery meeting on January 12. He reported that he participated in the meeting and tour for the Greenview Trust property on January 13. He reported that he conducted a Stakeholders meeting on January 22 for the Upper Fountain Creek/Cheyenne Creek Flood Restoration Master Plan.

7. F IGA COMMITTEE REPORT

Director Hart reported that the IGA Committee meeting primarily focused on the Greenview Trust Property in preparation for a meeting with the Trustee and a tour of the property. He explained the origin and purpose of the IGA Committee in response to a question from Director Toll. 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

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, further discussed the By-laws at the December 2014 Board meeting and asked that the Bylaws be placed on the January 2015 Board meeting agenda for action. After further discussion the Board agreed that the By-laws were acceptable as written.

Upon motion duly made, seconded, and unanimously carried, the By-laws were approved and the Monetary Mitigation Fund Advisory Committee was established and made effective January 23, 2015.

8.B. FOUNTAIN CREEK WATER QUALITY PRESENTATION, RICH MUZZY

Larry Small stated that this presentation was requested by the Board at the December 12, 2015 meeting. He introduced Rich Muzzy, Environmental Program manager for PPACG and a member of the District TAC. Mr. Muzzy stated that the purpose of the briefing was to provide a general overview and understanding of water quality issues on Fountain Creek. He stated the discussions would reference the District's Strategic Plan, Corp of Engineers Studies, USGS studies and regulations and standards applicable to water quality as well as the monitoring plan. He stated the current areas of concern being monitored on Fountain Creek are e-coli, selenium and metals and that point source and non-point sources of contamination are considered, with non-point source being the most difficult to identify. He stated that the Fountain Creek Watershed is divided into 15 segments for water quality monitoring - nine stream segments and six lake and reservoir segments. He stated that standards and uses are established for water quality in stream and lake and reservoir segments and Fountain Creek is a stream segment. He stated that the Colorado Water Quality Control Commission establishes the standards and monitors compliance. Regulation 31 establishes the uses and standards for Fountain Creek. The standards are reviewed every three years. He stated that a number of studies of Fountain Creek Water Quality have been done since 2000, primarily by the Corp of Engineers and USGS. and does not including those required by Environmental Impact Statements and transportation projects. He stated that PPACG and PACOG both developed a 208 Water Quality Control Plan for their areas in 2010. He stated that if the Total Maximum Daily load required by the plans were in non-attainment then the responsible party must produce a corrective action plan for the impairment.

There were a number of questions from Board Members concerning the plans, standards and processes for monitoring Fountain Creek and what was being done to reduce the identified contaminates.

No Board action was taken in response to this presentation.

9. NEW BUSINESS (Board Action Required)

9. A MONUMENT CREEK WATERSHED FLOOD RESTORATION MASTER PLAN GRANT APPLICATION

Larry Small presented the proposed Monument Creek Watershed Flood Restoration Master Plan Grant Application. He stated that the work proposed under the application was to create an actionable restoration master plan for the Monument Creek Watershed similar to that being developed under the Upper Fountain Creek/Cheyenne Creek Flood Restoration Master Plan Grant. He stated that the grant request was for DOLA CDBG-DR funding of \$300,000 matched by funding from Colorado Springs (\$150,000), El Paso County (\$50,000), Colorado Springs Utilities (\$50,000) and the U.S. Air Force Academy (\$50,000). He stated that the application was due to DOLA by January 30, 2015 and he anticipated a grant contract in April 2015 and project completion by June 30, 2016. He requested Board permission to submit the Grant application to DOLA by January 30, 2015.

Upon motion duly made, seconded, and unanimously carried, permission to submit the Grant Application to DOLA was approved.

9. B. FOUNTAIN CREEK WATERSHED WATER ACTIVITY ENTERPRISE

Larry Small presented Resolution No. 2015-1 General establishing the Fountain Creek Watershed Water Activity Enterprise pursuant to §§ 37-45.1-101, *et seq.*, C.R.S. The Enterprise is specifically established for the purpose of providing watershed, flood control and greenway services including but not limited to construction, operation, repair and replacement of water projects and facilities as defined in § 37-45.1-102(5), C.R.S., as well as any other water activity that is described in §§ 32-11.5-101, *et seq.*, C.R.S. (the District's enabling legislation), and shall have authority to perform all water activities authorized to such enterprises under §§ 37-45.1-101, *et seq.*, C.R.S. The Enterprise shall have no power to levy any tax or to enter into any general obligations of the District or to pledge any revenues or funds of the District. In accordance with § 37-45.1-103(3), the governing body of the Enterprise shall be the Board of Directors of the District, which shall also serve as the Board of Directors of the Enterprise. The Enterprise shall be a business wholly and solely owned by the District, and is authorized to issue its own revenue bonds and to incur other obligations to be repaid solely by or from Enterprise revenues. The Enterprise shall not receive ten percent (10%) or more of its annual revenue in "grants" (as defined in § 37-45.1-102(2), C.R.S.) from Colorado state and local governments combined. This limitation is not intended to, and shall not, restrict receipt of revenues or grants from other enterprises. The Enterprise may own, lease or use real and personal property, including but not limited to water, water rights and interests in water, to be used lawfully in the conduct of the duties and functions of the Enterprise. The Enterprise shall derive its revenues from any sources authorized by law. Such revenues shall be collected and deposited to the Fountain Creek Watershed Water Activity Enterprise Fund (the "Enterprise Fund"), which is hereby established, to be expended for activities and obligations of the Enterprise. Such activities and obligations may be funded by user fees and assessments, payments and grants from other enterprises, and other allowable non-District sources, so that the Enterprise shall comply with the restriction that less than ten percent (10%) of annual Enterprise revenues shall come from state and local government grants. All revenues, expenditures, assets and liabilities of the

Enterprise shall be accounted for in the Enterprise Fund, which shall be kept and maintained separately from general funds and reserve accounts of the District. The District's staff, attorneys, agents, and accountants are directed to implement and maintain accounting and budgeting procedures for the Enterprise, in accordance with generally accepted accounting and budgeting principles, which are necessary and proper to maintain and operate the Enterprise in a manner consistent with this Resolution and law. The Board of Directors of the District does not now authorize the transfer of any assets, liabilities and contractual rights to the Enterprise, but may do so by future resolution in accordance with Article 45.1 of Title 37, C.R.S. The Enterprise shall commence operation immediately upon adoption of this Resolution.

Cole Emmons stated that passage of the resolution and creation of the enterprise would require a super majority of at least seven affirmative votes as required by §§ 32-11.5-101, *et seq.*, C.R.S.

Upon motion duly made, seconded, and unanimously carried, Resolution No. 2015-01 - General was passed and the Fountain Creek Watershed Water Activity Enterprise was established and made effective January 23, 2015.

9. C EXTENSION OF EXECUTIVE DIRECTOR CONTRACT FOR THE PERIOD 1 FEBRUARY 2015 THROUGH 31 JANUARY 2016

The Executive Director and the Board mutually agreed to extend the contract for a period of one year with no other changes to the contract.

Upon motion duly made, seconded, and unanimously carried, the contract extension was approved as presented.

10. OTHER BUSINESS

10. A APPROVAL OF INVOICES

Presented for Payment 1/23/2015

General Fund					
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>-</u>	<u>For</u>
Larry Small					
	01/09/15	133	\$2,500.00		Executive Director
Lois Illick					
	01/20/15	1202015	\$628.75		Magnets for CAG Outreach
Computer Resources					
	01/08/15		\$819.98		Laptop and Projector for GAG Outreach
TOTAL - General Fund			\$3,948.73		

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 February 27, 2015 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.