

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

**February 27, 2015**

**This meeting was postponed and held on March 4, 2015 due to inclement weather**

This 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 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
Jane Rhodes	Fountain Creek Land Owner
Coreen Toll	EPC Small Municipalities

**Excused:**

Dennis Flores	City of Pueblo
Gabriel Ortega	City of Fountain
Melissa Esquibel	Lower Arkansas

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 JANUARY 23, 2015 BOARD MEETING AND THE MINUTES OF THE JANUARY 23, 2015 ANNUAL MEETING**

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

**4. PRESENTATION - COLORADO SPRINGS UTILITIES FISH PASSAGE PROJECT**

The scheduled presentation was postponed to the March 27, 2015 Board meeting.

**5. BOARD MEMBER COMMENTS - None**

**6. PUBLIC COMMENT - None**

## **7. REGULAR REPORTS**

### **7. A TECHNICAL ADVISORY COMMITTEE REPORT**

Mark Shea reported that the TAC met February 4, 2015. He stated that the TAC would be focusing on the Drainage Criteria Manual to review the manual and make recommendation on which chapters of the manual should be adopted by the District for its projects and land use reviews. He stated that the TAC would also be reviewing water quality initiatives and studies to evaluate their applicability to support the District's water quality objectives. He discussed the various groups that were involved in discharge permit monitoring and how the TAC members were also members of those groups so that transfer on information was made easier.

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

### **7. B CITIZENS ADVISORY GROUP REPORT**

Irene Cornelly reported that the CAG met February 13, 2015 at 9:30 am the Fountain City Hall. She reported that the CAG received a presentation from Kathy Sturdevant, a history professor at Pikes Peak Community College, on the history of Fountain Creek.

Ms. Kornelly reported that the CAG Outreach Subcommittee was ordering supplies and equipment funded from the CDPHE Communications Grant and should have that completed by April 1, 2015. 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 held 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 September 26 through October 3, 2015. Director Rhodes asked why there were not more events in Pueblo and Ms. Kornelly responded that the first CAG outreach event will be at the Arkansas River Basin Water Forum, April 21 - 23, 2015 and the next event would be at the CSU Water Festival in May. She stated that a number of Pueblo groups participated in last year's Creek Week. Director Hart suggest that there be concurrent kickoff of Creek Week in both Counties and Ms. Kornelly responded that the committee would plan that to happen.

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

The next Outreach Subcommittee meeting will be March 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 January 31, 2015. The District had total assets of \$206,291.38 and no liabilities. Profit and Loss Budget vs. Actual report for the period January 1, 2015 through January 31, 2015 indicated total revenues were \$26.58 and total expenses were \$3948.73 for a net negative income of \$\$3,922.15 resulting in a

District total equity of \$206,291.38. The General Fund cash on hand as of January 31, 2015 was \$130,568 and the Restricted Fund cash on hand was \$76,353. The total cash on hand was \$206,921.

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

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

Larry Small reported that the Monument Creek Flood Restoration Master Plan grant application was submitted to DOLA on January 24, 2015 and DOLA visited us on February 18, 2015 to discuss the application. They stated that they had received sixty-seven applications and were in the processing of reviewing them and would likely have decisions by March 15, 2015 with contract start anticipated to be by May 15, 2015. Overall, our application was favorably received.

Larry Small presented the Stormwater Management and Post-Fire Debris Basin Legislation conceptual level language. He stated that the bill does not yet have a bill number and sponsors. He stated that the conceptual language defined a stormwater detention and infiltration facility and a post-wildland fire mitigation facility. He stated that the District's future flood control facilities, if operated in accordance with the proposed bill, would be determined to not cause injury to vested water rights. He stated that El Paso County had passed a resolution in support of the proposed bill and Colorado Springs was considering passing a similar resolution. He stated that he had been requested to ask the Board if the District would pass a similar resolution of support and recommended that the Board not pass a similar resolution because the District is currently working with water right holders under our Water Rights Protection Task to see if a mutually beneficial solution could be found that would satisfy the protection of water rights and provide for flood control facilities. He stated that he had hired Duane Helton, a well know and respected water engineer, to assist with the Task. After discussion, the Board agreed by consensus that it did not want to consider a resolution at this time.

Larry Small reported that he was continuing to work on the Arkansas River Basin Water Forum Planning Committee and Program Committee and that the forum was being held at Pueblo Community College on April 22 - 23, 2014. He stated that all Board members had received an invitation to the Tuesday, April 21 VIP dinner. He stated that Fountain Creek would be a featured discussion at the dinner and at a regular session on April 23. He encouraged everyone to attend both the dinner and the forum events.

Larry Small reported that the next round of CDBG-DR grant applications would be due March 16, 2015 for demonstration project implementation based on the Master Plans currently being developed. He stated that there were four candidate projects identified by our Coalition from our Upper Fountain Creek/Cheyenne Creek Flood Restoration Master Plan that were being considered and that one of those projects would be selected for an application. He stated that projects were limited to \$300,000 CDBG-DR funding and that he was in the process of identifying matching funds for the District's submittal. He stated that he would bring back to the Board at the March 27, 2015 Board meeting any application submitted for the CDBG-DR Watershed Resiliency funding.

## **7. F IGA COMMITTEE REPORT**

Director Hart reported that the IGA Committee met February 17, 2015 and primarily focused on how to fund the needs of the District. He stated that the committee's priority order for funding was 1) Greenview Trust Property, 2) Jane Green Property and 3) Wedgewood Farm Property. He stated that the committee recognized that there was only \$51,353 available to fund steering committee recommendations. He stated that the committee became aware that the Wedgewood Farm property was proceeding and that the obligation to fund the \$25,000 could not be changed. He stated that the committee believed that the District should find a way to hire a water engineer and find ways to fund the District's operating needs. Larry Small pointed out that he had given the Board a business plan in 2013 that defined the staffing and needs of the District when it received the SDS funding and that at this point the District was surviving on grant funding. He stated that the Board approved a 2015 budget that reflected the true operating needs of the district and it was understood when the budget was approved that revenues would be well short of the budget.

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

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

#### **9. A APPOINTMENTS TO THE TECHNICAL ADVISORY COMMITTEE FOR CALENDAR YEAR 2015**

Larry Small presented the list of TAC members recommended for appointment for calendar year 2015.

**Upon motion duly made, seconded, and unanimously carried, the TAC 2015 membership was approved as presented.**

#### **9. B. APPOINTMENTS TO THE MONETARY MITIGATION FUND ADVISORY COMMITTEE FOR CALENDAR YEAR 2015**

Larry Small stated that the Colorado Springs Utility Board passed a resolution nominating Keith Riley and Mark Shea to be the regular members to the committee and Janet Rummel and Kim Gortz to be the alternate members to the committee. He stated that the Pueblo County member nominations had not been received.

**Upon motion duly made, seconded, and unanimously carried, the Board appointed Keith Riley and Mark Shea to be regular members of the committee and Janet Rummel and Kim Gortz to be alternate members of the committee representing Colorado Springs Utilities.**

#### **9. C RESOLUTION REQUESTING PUEBLO COUNTY AND COLORADO SPRINGS TO REDIRECT PAYMENT OF THE 1041 PERMIT MONETARY MITIGATION FUND TO THE FOUNTAIN CREEK WATERSHED WATER ACTIVITY ENTERPRISE**

**Upon motion duly made, seconded, and unanimously carried, this item was postponed to the March 27, 2015 Board meeting because of lack of a super majority of the Board present.**

**9. D FINANCIAL SUPPORT TO THE PUEBLO COUNTY ACQUISITION OF THE GREENVIEW TRUST PROPERTY ON FOUNTAIN CREEK**

Larry Small presented the GOCO grant application for acquisition of the Greenview Trust property located along Fountain Creek on Overton Road in Pueblo County. He stated that the estimated value of the property and water rights was \$3,652,000. He stated that the grant application was for \$1,833,500 matched by \$14,200 from Pueblo County, \$500,000 from the Lower Arkansas River Water Conservancy District, \$55,250 from the Fountain Creek watershed, Flood Control and Greenway District, \$300,000 from a CWCB grant, and \$1,026,000 from the District’s Fountain Creek Watershed Water Activity Enterprise. He stated he was seeking approval of the \$55,200 that would be funded by \$51,352 from the IGA funds and \$3,848 from the General Fund. Upon discussion by the Board, it was determined that the General Fund did not have sufficient funds to cover the \$3,848 but that upon recommendation of the IGA Steering Committee the use of the \$51,352 was acceptable since it had been appropriated in the 2015 budget.

**Upon motion duly made, seconded, and unanimously carried, \$51,352 was obligated from the IGA fund to support the Greenview Trust GOCO grant application as requested.**

**10. OTHER BUSINESS**

**10. A APPROVAL OF INVOICES**

**Presented for Payment  
2/27/2015**

<b>General Fund</b>				
<b>Vendor</b>	<b>Date</b>	<b>Num</b>	<b>Amount</b>	<b>For</b>
Larry Small				
	02/13/15	135	\$2,500.00	Executive Director
Larry Small				
	02/13/15	136	\$300.00	Colorado Waterwise Council Mbship
Ferris Frost				
	01/22/15		\$119.08	CAG Outreach supplies
Matrix Design Group				
	02/03/15	15999	\$53,096.17	Upper Fountain Ck/Cheyenne Ck MP
Arkansas River Basin Water Forum				
	02/02/15		\$500.00	Sponsorship
<b>TOTAL - General Fund</b>			<b>\$56,515.25</b>	
<b>Master Plan Fund</b>				

<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>-</u>	<u>For</u>
El Paso County					
	02/03/15	15010094-RI	\$25,000.00		Wedgewood Farm Grant Match
<b>TOTAL - Master Plan Fund</b>			<b>\$25,000.00</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 March 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.**