

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

April 24, 2015

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 1:15 pm after celebrating the District's sixth birthday. 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
Dennis Flores	City of Pueblo
Greg Lauer	City of Fountain

Excused:

Melissa Esquibel	Lower Arkansas
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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 MARCH 27, 2015 BOARD MEETING

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

4. PRESENTATION - COLORADO SPRINGS UTILITIES FISH PASSAGE

David Longry and Brian McCormick presented the report on the fish passage constructed by Colorado Springs Utilities at the diversion on the north end of Clear Spring ranch. The passage is a project in the District's Fountain Creek Corridor Restoration Master Plan. It was funded by grants from CWCB and Fish and Wildlife. The passage permits the Arkansas Darter and Flat Head Chub to navigate over the six foot high drop structure on Fountain Creek and continue upstream. The Arkansas Darter is approximately two inches long at maturity and the Flat Head Chub grows to between 3 ½ inches to 12 inches. The design of the passage incorporated a number of switch backs so that the grade was maintained at a two degree slope. A number of rocks were placed along the switchbacks to permit the fish to have a resting place as they

climbed the passage. This is a demonstration project to determine the feasibility and effectiveness of installing other passages at other upstream diversions. The design of the passage considered water velocity, slope, switchback grade, survivability and maintenance. The structure was built off site and set in place by cranes. It is a three sided structure resting on its own foundation. The structure is placed in a pool at the base of the diversion and is generally centered on the diversion.

5. BOARD MEMBER COMMENTS

Director Toll stated that there was a CDBG-DR meeting held by DOLA in Manitou Springs on April 13, 2015 to seek input on the next round of CDBG-DR Funding. At that meeting Jason, Wells, Manitou Springs City Administrator, asked if there would continue to be maintenance money for sediment removal. Manitou Springs is having an issue with sediment. DOLA responded that Manitou Springs should seek grants through the District for funding. Director Toll asked if the District would support Manitou's grant requests. Larry Small responded that the District was the Executive Agent for the Upper Fountain Creek/Cheyenne Creek Coalition, of which Manitou Springs is a member, and would be happy to help Manitou Springs.

Director Hart stated that he attended the Arkansas River Basin Water Forum and was impressed with the quality and content of the presentations at the Tuesday evening dinner and the Thursday morning session. He stated that the entire forum was very informative about water issues in the Arkansas Basin. He stated that he was pleased with the presentation of the District's position on water rights protection.

6. PUBLIC COMMENT

Director Flores introduced Gene Michael, Waste Water Director for the City of Pueblo. Mr. Michael spoke on the City of Pueblo's filing of a request for a variance from CDPHE for the selenium standard dealing with selenium discharge in waste water.

Mr. Michael stated that Pueblo has been aware of the selenium issue and has been collecting data for more than 20 years, studying the sources of selenium in Fountain Creek and the Arkansas River around Pueblo. The City has produced two major studies on this subject, and has shown that selenium comes from natural sources, specifically the Pierre Shale bedrock that underlies theregion. Mr. Michael stated that naturally-derived selenium concentrations are so high that the State's Table Value Standard is exceeded by a factor of three or more. He stated that it would be very difficult to meet even an effluent limit based on the ambient standard, but that Pueblo has been successful in removing at least fifty percent of the selenium that enters the waste water through infiltration.

Mr. Michael stated that he has become aware of several statements that appear to be circulating that are not correct. One is that there is natural removal of selenium occurring as groundwater moves toward Fountain Creek in the northern part of Pueblo. This is apparently based on a misinterpretation of data from one of Pueblo's studies. Several groundwater wells were monitored on a transect line, and the well closer to Fountain Creek has a lower concentration of selenium than the well farther away. This was attributed to riparian vegetation removing selenium from the groundwater. But if you look at the rest of

the chemistry in the same sample, you find that there is also nitrate present. Biological removal of selenium requires that the selenium first be converted to a chemically reduced form, and that will not happen if nitrate is present because the nitrate would be reduced first. The chemistry of the well samples also shows chloride and total dissolved solids are lower closer to the creek. These factors show that lower selenium is simply a result of dilution, not biological removal. The selenium in the groundwater still reaches Fountain Creek and the Arkansas River.

Mr. Michael said that another statement he has heard is that high selenium concentrations must be human-caused rather than natural, because there probably was not as much selenium in the river 100 years ago as there is today, and that is probably a result of increased urbanization. Mr. Michael stated that there are no records of water chemistry from 100 years ago. The earliest records he knows of are from the U.S. Geological Survey, beginning in 1981. He stated that the selenium concentration in Fountain Creek from 1981 were actually higher than today. He said that if increasing urbanization causes selenium concentrations in streams to increase, then urbanization in the Fountain Creek Basin must have decreased since 1981 to fit the data, but that has not happened.

Mr. Michael stated that he wanted the Board to be aware of Pueblo's efforts and their request for the variance, and to be sure the record on selenium is correct.

Sean Chambers, General Manager of the Cherokee Metropolitan District, introduced himself to the Board and stated he was there because he saw a future working relationship between The Cherokee Metropolitan District the Fountain Creek District and wanted to establish that relationship.

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

Nancy Keller reported that the TAC met April 1, 2015. She reported that Rich Muzzy gave a presentation on the AFCURE water quality data collection and reporting by the eleven AFCURE members. She reported that Rich Muzzy also gave a presentation on the USGS post-fire water quality sampling funded by the District and stated that Rich would be doing a comparison between post fire and pre fire conditions that he would present at a future meeting. She reported that Abby Ortega gave a presentation on the District's Water Rights Protection Task to advise the TAC of the progress of that task. She reported that the TAC was reviewing the Corridor Restoration Master Plan so they could start work on technical guidelines to facilitate projects in the plan.

The next TAC meeting will be May 6, 2015 at 1:00 pm at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP REPORT

Irene Cornelly reported that the CAG met April 10, 2015 at 9:30 am at the Fountain City Hall. She reported that Jeff Bailey gave a presentation on the future annexation of Pueblo Springs

Ranch. She stated that the District needs to be involved in that annexation agreement because the development of that property will have an impact on Fountain Creek.

The next CAG meeting will be May 8, 2015 at 9:30 am at the Fountain City Hall. The CAG will go to Frost Ranch to see the demonstration project.

She reported that the Outreach Subcommittee supported the Arkansas River Basin Water Forum with an exhibit. She reported that the next outreach events would be the Fountain Nature Center Family Fun Day on May 2, 2015 and the Pueblo Children's Water Festival on May 5, 2015.

Allison Plute presented the new District Powerpoint presentation and encouraged all members of the CAG, TAC and Board to use the presentation in addressing public groups.

The next Outreach Subcommittee meeting will be May 13, 2015 at 2:00 pm at Fountain City Hall.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of March 31, 2015. The District had total assets of \$111,111.47 and no liabilities. Profit and Loss Budget vs. Actual report for the period January 1, 2015 through March 31, 2015 indicated total revenues were \$29,312.83 and total expenses were 128,414.89 for a net negative income of \$99,102.06 resulting in a District total equity of \$111,111.47. The General Fund cash on hand as of March 31, 2015 was \$95,122 and the Restricted Fund cash on hand was \$51,365. The total cash on hand was \$146,487.

Larry Small presented a General Fund Cash Flow Analysis for the balance of 2015 and 2016. The analysis showed that after mandatory expenses were paid for 2015 the District would have a deficit of \$6,867 that would be offset by anticipated earnings of \$11,250 for a projected net surplus of \$4,383 at year end. For 2016 the District would have anticipated revenues of \$38,133 and anticipated expenses of \$41,090 for a projected net deficit of \$2,957. He stated that the analysis did not forecast future grants but there was opportunity for a number of grants in 2016.

7. D LEGAL REPORT - None

7. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he had participated in a tour of the Greenview Trust property with GOCO representatives on April 3, 2015. He reported that the tour was successful in demonstrating to GOCO the value of securing the property for future use as an open space, nature center and as an agricultural demonstration center. Opportunities for improvements to Fountain Creek were also discussed.

Larry Small presented the Stormwater Management and Post-Fire Debris Basin Legislation language passed by the Senate AG Committee. He stated that the bill is Senate Bill 15-212 and the Senate sponsor is Sonnenberg and the House sponsor is Winter. He stated that the language

defined a stormwater detention and infiltration facility and a post-wild land fire mitigation facility. He stated that the bill now had language concerning a rebuttable presumption that stormwater detention and infiltration facilities and post-wild land fire facilities constructed after the effective date of the Act do not injure water rights. He stated the bill now contains language allowing any person to bring an action to determine if injury had been sustained but the burden of proof had been amended to require the operator to prove no harm to water rights versus the complainant. He stated that an amendment three excluded detention facilities in the Fountain Creek watershed that are not for wildland debris management and are also not required by municipal stormwater discharge permits, which effectively excludes future District stormwater management facilities. He stated that the Fountain Creek watershed was the only watershed in the state that was excluded.

He reported that he was continuing to work on the Arkansas River Basin Water Forum Planning Committee and Program Committee and that the forum was held at Pueblo Community College on April 22 - 23, 2015. He stated that Fountain Creek was a featured discussion at the dinner and at the regular session on April 23, 2015.

He reported that he met with DOLA representatives on April 13, 2015 to review the CDBG-DR grant application for the Cheyenne Boulevard Drainage Improvement Project. He reported that the representatives were given a tour of the project as well as the entire Cheyenne Creek.

He reported that there was a Water Rights protection task meeting on April 21, 2015 and that the draft analysis report was reviewed with the water right holders in the Lower Arkansas Basin.

7. F IGA COMMITTEE REPORT

Director Hart reported that the IGA Committee did not meet.

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 names of three nominations to the TAC recommended by the TAC. They were Suzanne Rohrs, Stormwater Program Manager at Fort Carson; Shelly Cobau, Manitou Springs Flood Control Manager; and Kevin Niles, General Manager of the Arkansas Groundwater Users Association.

Upon motion duly made, seconded, and unanimously carried, the appointments were approved as presented.

10. OTHER BUSINESS

10. A APPROVAL OF INVOICES

Presented for Payment
4/24/2015

General Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
Larry Small				
	04/08/15	140	\$975.00	Executive Director
			\$1,525.00	UFC/CC Project Mgmt
TOTAL - General Fund			\$2,500.00	

Upon motion duly made, seconded, and unanimously carried, the invoices were approved for payment as presented.

10. B ELECTION OF BOARD CHAIR FOR THE REMAINDER OF CALENDAR YEAR 2015

Val Snider did not seek reelection to the Colorado Springs City Council and was required to leave the Board. Nominations were opened for election of the Board Chair for the remainder of Calendar year 2015. Dennis Hisey was nominated. Hearing no other nominations, nominations were closed.

Upon motion duly made, seconded, and unanimously carried, Dennis Hisey was elected Board Chair for the remainder of Calendar Year 2015.

11. EXECUTIVE SESSION (IF REQUIRED) - None

12. CONFIRM NEXT MEETING TIME AND LOCATION

The next Board meeting will be held May 22, 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.