

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

July 26, 2013

The 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 Ortega called the meeting to order at 1:05 pm. In attendance were the following duly designated members of the Board of Directors of the District:

Name:

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

Excused:

Michael Maddox	EPC Small Municipalities
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A quorum was noted. Also present was Larry Small, Executive Director and Marci Day, Attorney.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF THE MINUTES OF JUNE 28, 2013 BOARD MEETING

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

4. PRESENTATION – DRAFT FLOOD CONTROL STUDY, DAVID MAU, USGS

David Mau presented the results of the draft Flood Control Study conducted by USGS under contract with the District. The study is titled “Remediation Scenarios for Attenuating Peak Flows and Reducing Sediment Transport in Fountain Creek, Colorado”. The study focuses on the Fountain Creek Watershed. It used the U.S. Army Corps of Engineers modeling system HEC-HMS 3.5 to simulate runoff in the Fountain Creek watershed associated with storms of varying magnitude and duration and modeled fourteen remediation scenarios, numbered 0 through 13, located throughout the Fountain Creek watershed to evaluate the impacts of unsteady discharges associated with a 24-hour, 100-year NOAA Type II precipitation event. 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 located on Fountain Creek and its major tributaries to reduce peak flows and sediment transport. Scenario 9 assumes a diversion channel between Fountain Creek and the Chico basin, and scenario 10 includes a reservoir on Fountain Creek approximately 10 miles north of Pueblo. Scenarios 11 and 13 incorporate channel armoring and channel widening, respectively. Scenarios 8 and 10, the scenario with the most side detention facilities and the scenario with the reservoir, respectively, were the most effective at reducing sediment transport and the peak flow at the Pueblo stream gage near the confluence of Fountain Creek and the Arkansas River. Scenarios 8 and 10 reduced the peak flow by 58.9% and 56.4%, respectively. In turn scenarios 8 and 10 reduced the sediment transport by 17.7% and 62.1% respectively. The modeling scenarios only evaluated the effectiveness of the various methods in attenuating peak flows and reducing sediment transport. The modeling did not consider economic factors, land use considerations, water rights, permit requirements, or design considerations other than the side detention basin area and depth (352 surface acres and 10 feet deep, each).

Director Skorman asked if this study would be helpful to the El Paso County Stormwater Task Force activities. Mr. Mau stated it could be useful if side detention facilities were part of the strategy for controlling stormwater, but stated that the study will not be available for public release until it is finalized and approved by USGS. That is expected to occur in December 2013 at the completion of the contract.

The Board was specifically interested in scenario 12 which includes four side detention basins along Fountain Creek in El Paso County below the confluence with Jimmy Camp Creek and six detention basins along Fountain Creek in Pueblo County above Pueblo for a total of 10. This scenario achieved the best reduction in stream flow and sediment transport at the Pueblo gauge with the fewest side detention basins. The Board asked what the probable cost estimate for a side detention basin would be. Mr. Mau stated he could not estimate such a cost because it depended on too many factors and each basin would likely be different. Mr. Small stated that the Pueblo Side Detention Demonstration Project had a cost of about \$1 million but was construction costs only since Pueblo owned the 21 acre land parcel and it was already enclosed by the levy, only requiring some grading and a hole punched through the levy for intake/outtake.

Mr. Mau said the final study would be delivered in December 2013 and the document would be available for public release at that time. Until then, he asked that the draft document be used only by the District Board, the TAC and the CAG for District planning purposes and review and comment back to USGS.

5. BOARD MEMBER COMMENTS

Chair Ortega stated that the Fountain Creek Nature Center was close to getting the funding for its exhibits that would be installed in the new exhibit space constructed with the GOCO Grant.

Director Esquibel presented the Board with copies of newspaper articles concerning the District and Fountain Creek from inception of the District. She recommended that the district look into documenting the history of the District, possibly using a college student who would do it as a

paper in support of a degree program, and then keep it current as time evolves. She stated it would be good to have the documented history for future reference.

Director Montoya stated that work continues on the Pueblo Skate Park and the improvements around the park that were funded by the GOCO grant. She stated that construction would start later this year.

Director Hart introduced Marci Day, a Pueblo County Attorney, and stated that Ms. Day would be attending future Board meetings to provide legal support to the District, replacing Mr. Kogovsek.

6. PUBLIC COMMENTS

Mark Shea, Colorado Springs Utilities, stated that CSU was discussing the feasibility of contracting with the USGS to perform a water quality study of Fountain Creek to evaluate impacts to water quality as a result of runoff from the Waldo Canyon and Black Forest burn scars. Mr. Shea stated that USGS could provide \$6000 of the needed \$15,000 and CSU would provide some funding if a coalition of interested parties could be put together to share in the funding. Mr. Shea asked if the District would be interested in joining the study and providing funding. Director Rhodes asked why the study was focused on the northern part of Fountain Creek and did not have measurements being taken in the southern part of the Creek as well. Mr. Shea responded that the study was starting at the source and could be extended further south if funding became available. He stated that the funding requirement was \$3000 for each sampling site. Director Esquibel asked what would be gleaned from a one-time study, why would it not require continuous monitoring. Mr. Shea responded that the initial study would establish baseline conditions after the fires and could be compared to past conditions to determine the impact of the fires on water quality. He stated that future monitoring could be done to see if the effects were being mitigated over time. It was the consensus of the Board that further information would be needed as to the scope of the study and the participants before a decision could be made. The Executive Director was instructed to follow up with Mr. Shea to explore Mr. Shea's suggestion.

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

John Chavez reported that the TAC met July 3, 2013 at the Fountain City Hall. He stated the TAC discussed the process for reviewing the Draft Flood Control Study Report from USGS. He stated that the subcommittee would convene when members returned from vacations to review the study and prepare comments.

The next TAC meeting is scheduled for August 7, 2013 at 1:00 PM at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP REPORT

Irene Kornelly reported that the CAG met July 12, 2013 at Fountain City Hall. She stated that the CAG discussed the Draft Flood Control Study Report from USGS and had questions

concerning water quality, costs, water rights, and other issues related to flood control but not part of the study. She stated that CAG members had copies of the report and would discuss specific comments at the next meeting. She stated that the CAG received an update on the El Paso County Stormwater Task Force.

Ms. Kornelly reported that the Outreach Committee met July 25, 2013 to create a plan for outreach activities in 2014. She stated that the committee determined that funding would be necessary for materials and events in 2014 and that the Executive Director agreed to put \$5000 in the 2014 General Fund budget to support outreach. She stated that the District funds would be augmented by small grants to further fund the activities. She stated that the mission of outreach would be to raise public visibility of the District and start branding the district. She stated that the plan would be presented to the full CAG in August and to the Board at the August meeting.

The next CAG meeting will be August 9, 2013 at 9:30 am at the Fountain City Hall. The next Outreach Subcommittee meeting will be August 19, 2013 at 10:00 am at the fountain City Hall.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of June 30, 2013. The District has total assets of \$194,863.92 and no liabilities. Profit and Loss Budget vs. Actual report for the period January through June indicated total revenues were \$238.19 and total expenses were \$62,588.24 for a net negative income of \$62,350.35 resulting in a District total equity of \$194,863.92. The General Fund cash on hand as of June 30, 2013 was \$44,993 and the Restricted Fund cash on hand was \$152,962. The total cash on hand was \$197,955.

7. D LEGAL REPORT - None

Director Snider was excused from the meeting at this point because of a prior commitment.

7. E EXECUTIVE DIRECTOR'S REPORT

Mr. Small presented letters to the Board advising the Represented Governments of the Board's Resolution seeking financial contributions to the District's operations in 2014 and letters to the Pueblo County Commissioners and Colorado Springs Utilities asking discussions be held concerning the Indexed Revenue payments defined in the SDS 1041 Permit. Mr. Small asked how the Board would like to have these letters with attached Resolutions delivered. The Fountain, El Paso County and Colorado Springs Utilities representatives took their respective letters for delivery. The others, except Director Snider, requested that the Executive Director attend their respective Governing Body meeting and present the letters and Resolutions (Mr. Small will confer with Director Snider at a later time). Chair Ortega stated that he would also be willing to attend the meetings.

Mr. Small presented an e-mail received from Corinne O'Hare, U.S.A. Corps of Engineers concerning the status of requested \$3.5 million funding for the Pueblo Flood Control Project. The e-mail stated that the funding request is in Committee and is being considered as part of the FY 2014 Federal Budget.

Mr. Small presented an analysis of the Flood Control Study funding requirements. The analysis indicated that the Flood Control Study was funded at \$300,000 but the USGS initial contract of December 2010 was in the amount of \$370,630. The USGS contract was amended in April 2012 to increase USGS funding by \$57,020 and reduce the District obligation by the same amount, leaving a funding deficit of \$13,610. Interest earned on the Flood Control Study CD was \$3,848.67, leaving a deficit of \$9,761.33. Mr. Small recommended that the deficit be covered by the interest earned on the Restricted Fund and a transfer from the General Fund when the final payment to USGS is made in December, both subject to Board action at that time. Director Hisey asked if the Restricted Project Fund could be used instead of the General Fund. Mr. Small responded that the Flood Control Study was not a project in support of the Corridor Restoration Master Plan and did not qualify for funding from that fund. It was the consensus of the Board to fund the deficit as recommended by Mr. Small and for Mr. Small to bring the appropriate appropriation request to the Board when the funds were needed.

Mr. Small stated that the district was working with El Paso County to submit an Open Space Grant Application to GOCO for the Wedgewood Farms Preserve properties on Fountain Creek. Mr. Small stated that Grant request would be in an approximate amount of \$487,500 and matching funds would be in the approximate amount of \$162,500 (actual amounts are still being determined based on the full transaction costs of the expected land purchase based on a purchase price of \$650,000 for the 60.69 acres and water rights). Mr. Small stated that El Paso County had requested that the District be a Partner on the application and commit \$25,000 of the matching funds. Mr. Small stated that this would strengthen the application because of the regional aspect which was so successful in the Rivers Corridor Grant Application submitted by the District in 2011. Mr. Small requested that the Board agree to be a Partner and pledge \$25,000 matching subject to appropriation when the funds are needed, estimated to be in the next 18 months. The Board agreed by consensus to be a Partner on the application and pledge the requested matching funds of \$25,000 subject to future appropriation.

8.0 OLD BUSINESS (BOARD ACTION MAY BE REQUIRED) - None

9. NEW BUSINESS (BOARD ACTION REQUIRED)

9.A EL PASO COUNTY 1041 PERMIT AMMENDMENTS

Larry Small presented an e-mail from Cole Emmons, El Paso County Attorney, outlining the amendments to the El Paso County 1041 Regulations and asked if the Board would like to take a position on any of the amendments.

Director Esquibel stated that she thought the amendment to Section 2.105 Judicial Review should be objected to in that actions seeking judicial review should be open to any party desiring to seek such action and not limited to the Applicant. The Board concurred with this objection by consensus.

The Board held a discussion on the provision in the El Paso County 1041 Regulations adopted on June 6, 2013 by the El Paso County Commissioners overriding the District statutory authority for full land use authority in the "Corridor" as defined in C.R.S. Those regulations would remove

utility land use approval in the Fountain Creek Corridor as defined by the District establishing legislation from District approval to El Paso County Approval. The Directors objected to El Paso County's taking land use authority from the District for utility land use applications without discussions with the District. It was the consensus of the Board that this objection should be stated.

It was the consensus of the Board to have the Executive Director represent the District at the August 6, 2013 meeting of the El Paso County Commissioners and present these objections.

9. B APPOINTMENT OF BOARD CHAIR AS DISTRICT REPRESENTATIVE ON IGA STEERING COMMITTEE

Mr. Small presented a recommendation to the Board that the position of Board Chair be designated the Board representative on the IGA Steering Committee rather than the Executive Director so that the Board membership rotated each year as the chair changed, giving more Board members an active role on Steering Committee activities until the Master Plan funds were depleted and the IGA Steering Committee dissolved.

Upon motion duly made, seconded, and unanimously carried, the position of Board Chair was appointed as District Representative on the IGA Steering Committee replacing the Executive Director.

9. C APPOINTMENT OF JORDAN VANA TO REPLACE DIETER ERDMANN AS LAND TRUST REPRESENTATIVE ON CAG

Irene Kornelly, Chair of the CAG, stated that the CAG had voted to recommend to the Board the appointment of Jordan Vana to replace Dieter Erdmann as the Land Trust Representative on the CAG. She stated that Mr. Erdmann had resigned because of a change in employment.

Upon motion duly made, seconded, and unanimously carried, Jordan Vana was appointed as Land Trust Representative on the CAG replacing Dieter Erdmann.

9. D APPOINTMENT OF LOIS ILLICK (NEW APPOINTMENT) AS PUEBLO REPRESENTATIVE ON CAG

Irene Kornelly, Chair of the CAG, stated that the CAG had voted to recommend to the Board the appointment of Lois Illick as the Pueblo Representative on the CAG. She stated that Ms. Illick was employed by CSU Extension in Pueblo and was a resident of Pueblo. She stated that this seat had been vacant since Director Montoya moved from the CAG to the Board and would fill the last vacant seat on the CAG of the 15 seats authorized.

Upon motion duly made, seconded, and unanimously carried, Lois Illick was appointed as Pueblo Representative on the CAG .

10. OTHER BUSINESS

10. A APPROVAL OF INVOICES

The following invoices were presented for approval to pay.

Flood Control Study Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
USGS				
	07/12/13	90183466	\$13,816.50	Flood Control Study
TOTAL – Flood Control Study Fund			\$13,816.50	

General Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
Larry Small				
	07/09/13	77	\$2,500.00	Executive Director
TOTAL - General Fund			\$2,500.00	

Master Plan Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
Matrix Design Group				
	07/11/13	13476	\$525.00	Grant Preparation
TOTAL – Master Plan Fund			\$525.00	

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

11. EXECUTIVE SESSION - None

12. CONFIRM NEXT MEETING TIME AND LOCATION

The next Board meeting will be held August 23, 2013 at 1:00 pm in Pueblo. The location of the meeting will be determined before the next meeting. It will be either the City Council meeting room or the County Commissioners meeting room, depending on availability. Director Montoya will advise the Executive Director as to which location is available.

13. ADJOURN

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