

Organizational Meeting
Fountain Creek Watershed, Flood Control and Greenway District
MINUTES
June 26, 2009

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:

El Paso County Commissioner Dennis Hisey called the meeting to order at 1:05 p.m.

In attendance were the following duly designated members of the Board of Directors of the District:

<u>Name</u>	<u>Appointing Authority</u>
Dennis Hisey	El Paso County
Jeff Chostner	Pueblo County
Larry Small	City of Colorado Springs
Gabe Ortega	City of Fountain
Larry Atencio	City of Pueblo
Max Stafford	EPC Small Municipalities
Leroy Mauch	Lower Arkansas Valley Water Conservancy District

Also in attendance, El Paso County Commissioner Sallie Clark. A quorum was noted.

2. APPROVAL OF AGENDA:

Upon motion duly made, seconded and unanimously carried, the agenda for the June 26, 2009 meeting was approved.

3. INITIAL GOVERNANCE TASKS

Following a discussion, upon motions duly made, seconded and unanimously carried, the following persons were elected as officers of the District with terms expiring on January 31, 2010:

- a. Chairperson: Dennis Hisey
- b. Vice Chairperson: Jeff Chostner
- c. Secretary: Larry Small
- d. Treasurer: Gabe Ortega
- e. Executive Committee: Dennis Hisey; Jeff Chostner; Larry Small and Gabe Ortega

4. COLORADO SUNSHINE LAW COMPLIANCE

Following a discussion, upon motions duly made, seconded and unanimously carried, the following actions were taken in compliance with the Colorado Sunshine Law, C.R.S. 24-6-101, *et seq.*:

a. Designated place where meeting notices will be posted: In the same locations as notices of meetings of the El Paso County and Pueblo County Boards of County Commissioners are posted.

b. Fixed the time and place of regular meetings: The dates, times and locations of Board meetings are to be set by the Board of Directors on an as needed basis. The Board expressed a desire to regularly meet at 1:00 p.m. on the fourth Friday of every month. It was the consensus of the Board that the meetings of the Board would take place at the Fountain City Hall with every third monthly meeting to be held at various locations in the District or in Southeastern Colorado.

c. Designated the District Secretary as the custodian of the records.

d. Designated where minutes and records will be maintained: With the District Secretary with copies to be maintained by legal counsel.

e. Ordered the audio recording of executive sessions (except attorney/client communications).

f. Designated Official Newspapers for publication of required notices: The same newspapers selected by the El Paso County and Pueblo County Boards of County Commissioners for the publication of County notices.

5. INTERIM STAFF SUPPORT BY APPOINTING BODIES

Following a discussion, upon motions duly made, seconded and unanimously carried, the following actions were taken:

a. Legal Counsel: Assistant County Attorney Cole Emmons of El Paso County was appointed as the District's primary legal counsel. County Attorney Dan Kogovsek of Pueblo County was appointed as the District's secondary legal counsel.

b. Hosting the meetings: District Treasurer Gabe Ortega offered the use of the Fountain City Hall. Other Directors offered to facilitate the hosting of meetings in other locations in the District or in Southeastern Colorado.

c. Preparing the Agenda: Dan Kogovsek offered to assist the District Secretary with this task.

d. Distribution the Minutes and Other Records: Dan Kogovsek offered to assist the District Secretary with this task.

6. APPOINTMENT OF CITIZENS ADVISORY GROUP

Following a discussion, upon motions duly made, seconded and unanimously carried, the following persons were appointed as members of the District's Citizens Advisory Group with terms expiring on January 31, 2010:

a. Property Owners on Fountain Creek (south of Fountain):

Ferris Frost

b. City of Pueblo Resident (East Side):

Eva Montoya

c. Arkansas Basin Ranchers/Farmers/Ag Water Interests:

Dan Henrich

d. Land Conservation Non-Profit Organizations:

Juniper Katz

e. Recreation Interests:

Tom Ready

f. Environmental Groups:

Ross Vincent

g. Technical Advisory Committee Liaison:

Dennis Maroney

h. Business Stake Holder:

Kevin Walker

i. Citizens at Large:

Irene Kornelly

Mary Barber

Richard Skorman

Dave Kinnischtzke

Carol Baker

Jack Johnson

Thomas Evans

Jay Winner

Upon motion made, duly seconded and unanimously carried, it was resolved that the first meeting of the District's Citizens Advisory Group would take place at 2:00 p.m. on Friday, July 10, 2009, at the Fountain City Hall, 116 S. Main Street, 2nd Floor, Fountain, CO 80817.

7. APPOINTMENT OF TECHNICAL ADVISORY COMMITTEE

Following a discussion, upon motions duly made, seconded and unanimously carried, the following persons were appointed as members of the District's Technical Advisory Committee with terms expiring on January 31, 2010:

Ken Sampley
Dennis Maroney
Rich Muzzy
Kim Headley
Tom Condit
Jim Houck
Elaine Kleckner

8. WAIVER:

Upon motion duly made, seconded and unanimously carried, the City of Fountain's requested impact report waiver for Confluence Vista Overall Development Plan was tabled.

9. DISCUSSION OF INTERIM FUNDING OF THE DISTRICT:

Jay Winner and Carol Baker suggested that the District sign the Fountain Creek Master Plan Intergovernmental Agreement. The Lower Arkansas Water Conservancy District and Colorado Springs Utilities were invited to submit an amended IGA for review by the District's legal counsel and consideration by the District's Board of Directors.

Mark D. Shea, Water Attorney for the City of Colorado Springs' City Attorney's Office, Utilities Division, stated that the Southern Delivery System ("SDS") Applicants were ready to make their first annual payment of \$100,000.00 to the District, as required by Condition No. 6 of Pueblo County's 1041 Permit, for studies concerning the construction of flood control and sediment control facilities within the District. Upon motion duly made, seconded and unanimously carried, the District's Executive Committee was authorized to take the steps necessary to procure said funds.

10. DISCUSSION OF SELECTION OF AN EXECUTIVE DIRECTOR

Upon motion duly made, seconded and unanimously carried, this agenda item was tabled.

11. PRESENTATION

Lisa Cochrun, Economic Development Director of the City of Fountain made a brief presentation regarding the redevelopment of the I-25, Exit 128 Gateway.

12. OTHER BUSINESS: None

13. PUBLIC COMMENT: None

14. EXECUTIVE SESSION (IF REQUIRED): None

15. DATE, TIME, AND LOCATION OF NEXT MEETING:

Upon motion made, duly seconded and unanimously carried, it was resolved that the next meeting of the District Board of Directors would take place at 1:00 p.m. on Friday, July 31, 2009, at the Fountain City Hall, 116 S. Main Street, 2nd Floor, Fountain, CO 80817.

16. **ADJOURN:**

The meeting adjourned at 3:35 p.m.

Larry Small, Secretary