

Fountain Creek Watershed, Flood Control and Greenway District
BOARD OF DIRECTORS
MINUTES
February 26, 2010

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 Jeff Chostner called the meeting to order at 1:00 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
Gabriel Ortega	City of Fountain
Larry Atencio	City of Pueblo
Max Stafford	EPC Small Municipalities
Jane Rhodes	Fountain Creek Land Owner
Leroy Mauch	Lower Arkansas Water Conservancy District

A quorum was noted. Also present were Cole Emmons, Legal Counsel, and Gary Barber, Interim Executive Director.

2. APPROVAL OF AGENDA:

Upon motion duly made, seconded, and unanimously carried, the agenda for the February 26, 2010 meeting was approved.

3. APPROVE MINUTES OF PRIOR BOARD MEETING

Upon motion duly made, seconded, and unanimously carried, the minutes of the Board meetings of December 4, 2009 and January 22, 2010 were approved.

4. PUBLIC COMMENT - none

5. REGULAR REPORTS:

5A. Technical Advisory Committee – Ken Sampley – report attached.

The last TAC meeting was held February 3rd. Action taken at that meeting included electing officers. Dennis Maroney was elected Chairperson. Ken Sampley will be Vice-Chairperson, Duane Greenwood will be Secretary. To date, no candidate has expressed interest to serve as the

Lower Arkansas Rep to the TAC. Leroy Mauch will follow this up, and will report back at the March meeting.

Upon motion made, seconded, and unanimously carried, the report was accepted and will be placed on file with the District.

5B. Citizens Advisory Group – Ferris Frost

The CAG met in February and had elections. Ferris Frost is Chair, Vice-Chair is Tom Evans, and Secretary is Mary Barber. Juniper Katz has resigned. The CAG suggests Chris Yuan-Farrell from Colorado Open Lands, as her replacement. Jeff suggested that Chris submit an application and resume and the board will take action at the next board meeting.

Carol Baker provided a list of projects to the CAG. Their plan is to go over that list and decide on some items to pursue.

5C. Financials and Approval of Invoices – Gary Barber

Upon motion made, seconded, and unanimously carried, Elise Bergsten was approved to be Bookkeeper for the District.

Upon motion made, seconded, and unanimously carried, payment of the following invoices was approved:

Master Plan Fund		
THK	\$ 1,737.20	
General Fund		
Garald Barber	\$ 5,000.00	Inv # 2010-02
Elise Bergsten	\$ 312.50	Inv 2/1 – 2/25/10
Garald Barber	\$ 6,612.90	Inv 1/22/10 – 2/28/10

Mr. Barber described financial statements for 2009 and for January 2010. Upon motion made, seconded, and unanimously carried, the financial report was approved.

There will need to be an audit or exemption of audit for 2009. Mr. Barber recommends and Mr. Emmons concurs that an exemption would be fine. Upon motion made, seconded, and unanimously carried, filing for exemption of audit for 2009 was approved. This exemption must be filed by March 31st, and will be on March's agenda.

5D. Legal Report – Cole Emmons

Mr. Emmons had nothing additional to what has been discussed in the meeting.

5E. Executive Director's Report – Gary Barber – see printout of slideshow.

Overview

- What is the Fountain Creek Watershed Flood Control and Greenway District
- A Common Vocabulary
- Some Big Picture Ideas
- Priorities

Gary then went over a proposed meeting schedule for the year, recommending a meeting in Pueblo next month.

6. OLD BUSINESS

6A1. Land Use Application Fee Structure

Upon motion made, seconded, and unanimously carried, the District adopted a policy of contracting with El Paso and Pueblo County land-use officials as a way to process land-use applications until the District develops its own criteria and procedures. Mr. Barber recommends that the District mimic county fees, plus add 10% to cover District costs, along with the ability to waive the fee. Motion is contingent upon each County agreeing to do the work.

6A2. Nelson Property – introductory presentation

The Nelson property lies in its entirety within the 100-year floodplain. The property owner made a presentation proposing the creation of a Fountain Creek Motorsports Recreational Park. The property is zoned as A5, and is accessed from Old Pueblo Road, at the I-25 exit south of the racetrack (south of Fountain).

Discussion of the presentation followed, with an opinion expressed by the Directors that the District would be more likely to support a more natural type of property use within the 100-year floodplain.

6B. RESOLUTION Re: Southern Delivery System Location Approvals

Upon motion duly made, seconded, and unanimously carried, a Resolution was approved recommending that the El Paso County Planning Commission approve applications by Colorado Springs Utilities and on behalf of the Project Participants for location approvals for the Southern Delivery System located within the Fountain Creek Watershed Management Area and approving those portions of the Southern Delivery System located within the Fountain Creek Corridor. This resolution ratifies the action taken at the meeting of January 22, 2010 and includes the conditions of the TAC and CAG.

6C. BYLAWS FOR THE DISTRICT

Mr. Barber's recommendation is that he visit the CAG and TAC meetings and discuss the draft By-laws with them at that time. By-laws are included in the packet for all to review.

6D. CONTRACTS WITH VENDORS

Policy Evaluation and Workshop Scope of Work

Included in the board packet is a description of the Scope of Work for a project regarding the Fountain Creek Watershed. The project will build on the 2003 Fountain Creek Watershed Management Plan, Summary of Technical and Policy Management Strategies. A contract and P.O. will be presented to the District in March.

7. NEW BUSINESS

7A. Grant Facilitation: Detention Basin and Bedload/Sediment Collection and Removal Technology

Jay Winner discussed three existing grants that he would like request the District facilitate.

1. \$225,000 from CWCB to City of Pueblo last fall.
2. \$250,000 from Colorado Department of Health to City of Pueblo
3. \$500,000 from NRCS to LAVWCD

Both the City of Pueblo and LAVWCD would like to ask the Fountain Creek Watershed, Flood Control and Greenway District to facilitate the above-mentioned grants. Mr. Winner's suggestion is to let the grants lie with the Grantees, but make the District the Administrative entity.

After discussion, and upon motion made by Mr. Atencio, seconded by Ms. Rhodes, and unanimously carried, the concept was approved to move forward. Mr. Barber was authorized to create an MOU between involved entities, with the intent to ratify the MOU at the next meeting.

7B. TOURS OF THE FOUNTAIN CREEK WATERSHED

Mr. Barber will pursue the scheduling of tours and a board retreat.

7C. NO CAMPING ORDINANCE – Larry Small

The City of Colorado Springs passed a No-Camping Ordinance in public right-aways and revised the Public Parks Ordinance to include no camping in public parks. The ordinance will go into affect March 3rd. Most of the camping was along the shores of Fountain Creek.

8. OTHER BUSINESS

9. EXECUTIVE SESSION (if required)

10. CONFIRM NEXT MEETING TIME AND LOCATION

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, March 26, 2010, at the Pueblo County Courthouse, Commissioner's Chambers, 215 West 10th Street, Pueblo, CO 81003.

11. ADJOURNMENT

The meeting adjourned at 3:00 p.m.

Larry Small, Secretary