

Fountain Creek Watershed District Board
Citizens Advisory Group
Meeting Minutes
February 12, 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 Introductions

The February 12, 2010, meeting of the Fountain Creek Watershed Citizens Advisory Group (“CAG”) was called to order by Chairperson, Ms Ferris Frost, at approximately 9:35am. In attendance were the following designated members of the CAG:

Ferris Frost – Chairperson	Juniper Katz
Terry Hart	Eva Montoya
Mary Barber	Irene Kornelly
Kevin Walker	Tom Evans
Dan Henrichs	David Kinnischtzke
Ross Vincent	Carol Baker (arrived approximately 10:05am)

Members not present:

Jay Winner – Vice Chairperson
Dennis Maroney
Tom Ready
Richard Skorman
Jack Johnston

A quorum was noted.

Ms Frost introduced Mr Terry Hart, newly appointed Citizen-at-Large. Mr Gary Barber, Interim Executive Director, Fountain Creek Watershed District (“District”) was also introduced and made a few remarks.

2. Approve Agenda of February 12, 2010

Upon motion duly made, seconded and unanimously carried, the agenda for the February 12, 2010 meeting was approved.

3. Approve Minutes of Prior Meeting(s)

Upon motion duly made, seconded and unanimously carried, the minutes for January 8, 2010 were approved with clarification that a recording was not available due to technical failure.

Mr Dan Kogovsek, Legal Counsel, clarified that the written meeting summary becomes the minutes when no recording is available.

4. Election of Officers

All previous members of the CAG were reappointed by the District Board.

[Mr Hart stepped out of the meeting and did not participate in the elections.]

Ms Katz announced her resignation from the CAG effective next month because she is leaving the area. She introduced Mr Chris Yuan-Farrell, Colorado Open Lands, and recommended he be considered as her replacement representing conservation organizations. Upon motion duly made, seconded and unanimously carried (10 For, 0 Against), Mr Yuan-Farrell will be recommended to the District Board as a replacement for Ms Katz.

Chairperson

Ms Frost stated that she was willing to accept the nomination for Chairperson. Upon motion duly made, seconded and unanimously carried (10 For, 0 Against), Ms Frost was re-elected CAG Chairperson.

Vice Chairperson

Mr Tom Evans and Mr Jay Winner were nominated for Vice Chairperson. Upon motions duly made, seconded and voting completed, Mr Evans was elected Vice Chairperson unanimously (10 For, 0 Against).

Secretary

Ms Barber stated that she was willing to accept the nomination of Secretary. Upon motion duly made, seconded and unanimously carried (10 For, 0 Against), Ms Barber was re-elected Secretary.

5. Discuss Member Alternates

[Mr Hart returned to the meeting. Ms Baker arrived to the meeting.]

Members discussed the topic of permissive alternates for those individuals representing a specific constituency on the CAG (not a citizen-at-large).

Mr Barber distributed copies of the statute specific to the CAG. Each member of the CAG, including alternates, must be appointed by the District Board per the statute.

The subject of appointment terms was raised. Terms were established by the Board as recommended by the CAG during the most recent appointment (two and three year terms).

Representatives wishing to have an alternate appointed were asked to submit their nominees. The alternates will be considered for recommendation to the Board at a future CAG meeting.

Discussion continued concerning the status of the Intergovernmental Agreement (“IGA”) in relation to the statute. Also, other comments, questions and concerns about CAG membership were discussed.

- The IGA remains operative.

- Where there is conflict between the statute and the IGA, the statute prevails.

-Mr Vincent commented we should post the IGA on the web site for public access along with a link to the statute. Mr Barber stated the Board intends to have the IGA recorded in the land records. We can recommend to the Board to post the IGA on the web site.

-Exhibit C of the IGA states that the CAG will not exceed 15 members. As the statute has no limitation on the number of members, the CAG may have as many members as desired by the Board.

- Mr Barber clarified that the membership limit in the present IGA was recommended by Fountain Creek Vision Task Force (“FCVTF”) representatives in order to keep the size of the CAG manageable. Mr Barber pointed out that the main goal of the IGA was to empower the signatories to continue sending their staff in supporting the initiative.

-Mr Hart disagreed with limiting membership of the CAG since we are a citizen advisory group. He would be more worried about a large membership if the CAG were an action board.

-Mr Kinnischtzke expressed concern that given the ebbs and flows of Boards how convenient it would be to add members to the CAG to fit the dynamic of the majority perspective of the Board; he likes boundaries. He is more concerned that there are so few people on the CAG directly attached to Fountain Creek and/or the Arkansas River.

-Ms Montoya also expressed concern about CAG representation by landowners on the creek. Citizens who live on the Creek need to have input. Expertise by others on the CAG can help citizens learn about what is important on the Creek.

-Mr Evans asked if we have any guidelines as to membership representation currently. Guidelines concerning fair representation among groups might be in order.

-Mr Kogovsek recommended the CAG make recommendations concerning membership in the by-laws, of which a working copy is currently under review. The by-laws may address fair representation, number of members, etc.

-Mr Kogovsek will email the working draft of the by-laws to members for further discussion and recommendations at the next CAG meeting.

6. Project Priorities

Ms Carol Baker provided a draft spreadsheet she created for the Technical Advisory Committee (“TAC”). The spreadsheet identifies the FCVTF strategic plan goals and Army Corps of Engineers study recommendations; shows who would likely be responsible for addressing the goal; and includes other comments. The big “X” identifies those considered to have a primary role in implementing the goal; the little “x” suggests a secondary role in implementation. The spreadsheet could be used when reviewing projects.

Comments from the members:

-Several members expressed appreciation and commented that the spreadsheet would be helpful as a guide.

-Mr Vincent noted the CAG is not really an implementing body, so maybe we need to get clarification from the Board as to our role.

-The big “X” under the heading “Other” means someone other than the TAC, CAG, Local Government or Drainage Criteria Manual. Where “Other” is checked, the responsible party(ies) is indicated in the “Comments” section, such as Colorado Department of Public Health and Environment would have responsibility for establishing discharge permit requirements in terms of the water quality goal.

-With regard to the strategic plan goal “Preserve and protect agricultural land,” “Other” is marked as having the primary role. As noted in the comments section for this goal, “Other” means “Local agricultural producers and landowners will determine what is best for their land, the CAG can assist, as requested & appropriate.”

-Mr Kinnischtzke expressed concern that landowners don't get engaged in the process. The landowners need to be brought into the vision. They have to be participants.

-Ms Baker clarified a meeting was held with landowners about a year ago in regard to the Corridor Master Plan and their comments were incorporated into the planning. The Master Plan work has been focused on putting things on the ground that demonstrate techniques that might work for others so that they can see them and possibly incorporate them in their own operations.

-Mr Kinnischtzke stated that we need to look for ways to consider a landowner's perspective, look for ways to accommodate their perspective and engage and partner with them. He used the Sundance proposal as an example of his concern. His opinion is that we did not engage them enough to get their perspectives. We didn't give them a chance to partner or look for solutions. This is a concern for him as we move forward.

-Mr Henrichs thinks positive results came from our comments on the Sundance project. He hopes that we can think long-term, more than 10 years, in regard to the vision for the Creek and the projects that come before us.

-Mr Evans suggested we reach out to some groups over time to talk about their interests in the watershed, perhaps starting with landowners. We can learn a lot from other groups as well. Landowners might be a good group to start with because they are so diverse and have a significant interest.

A motion was made to include on the agenda each month an outside interest regarding Fountain Creek for discussion, seconded and following additional discussion, unanimously carried (12 For, 0 Against).

-A suggestion was made to limit presentations to 15 minutes.

-Presentations should include interests in the entire watershed, not just the Creek itself. The Board has an advisory role outside the current designated area of land use responsibility by the District. The District supports the Drainage Criteria Manual, which involves the entire watershed.

-Ms Kornelly would like to see a map of landownership along the Creek as she thinks it would be helpful. The Manitou project has experience using a Geographic Information System ("GIS") and other experiences that might be helpful to CAG endeavors. Members suggested Mr Evans should seek a Manitou restoration project presentation for the next or a future meeting.

-The members concluded that a presentation should be included on the agenda every month since outreach is so important. Presentations will not be time limited.

Mr Evans volunteered to coordinate presentations by groups suggested by the members. He will draft a guideline for presenters so they know CAG expectations for discussion at the next meeting.

Members suggested next steps concerning use of the spreadsheet. Following discussions about whether or not to narrow down the list and prioritizing goals, Ms Frost requested members review the spreadsheet and identify three top priorities. Members were asked to provide comments to Ms Baker before the end of the month on the document. Priorities and ideas will be discussed at a future meeting.

7. Report: Fountain Creek Watershed, Flood Control and Greenway District Board Meeting

Ms Frost reported that the District approved a budget; all CAG members were reappointed; and the Southern Delivery System was approved with recommendations from the CAG.

Mr Barber anticipates funding will be at a low level for the next couple of years. He wants to get to know the CAG. He thinks the CAG has the best opportunity to carry the vision forward.

8. Report: Technical Advisory Committee Meeting

Ms Baker reported that the TAC reviewed the same goal spreadsheet and recommended including a key to explain the primary and secondary “X” and “x”, respectively. The TAC will also be providing comments on the spreadsheet. Mr Dennis Maroney was elected Chairperson; he will continue to represent the TAC on the CAG. Mr Ken Sampley, City of Colorado Springs, was elected Deputy Chairperson.

9. Other Business:

Mr Evans reported a letter from Rainbow Falls was given to Mr Barber.

Ms Katz summarized the Front Range Trail project and status. A Preferred Trail Alignment – Preliminary map dated December 1, 2009, was handed out. The concept will change over time. The map shows three phases of proposed trail between the City of Fountain and City of Pueblo. Phase I includes potential near-term suggestions for trail on the east side of Fountain Creek. The trail would mainly follow existing roadways and might include safety improvements and parking areas, possibly during the next 1-3 years. Phase II would begin to add loops off the main trail as opportunities with willing landowners arise. Phase III represents a long-term, 20-year vision of the trail which puts trail on the west side of Fountain Creek. The east side trail could become commuter trail. More detailed information and recommendations for next steps have been given to State Parks. The Fountain Creek Foundation has an opportunity to champion the proposal with support from the District and State Parks. The CAG has not taken a formal position on the proposal.

Upon motion duly made, seconded, and unanimously carried (12 For, 0 Against), the CAG approves the Front Range Trail project and encourages its evolution and development; and, recommends the District Board and Fountain Creek Foundation list it as one of their priorities.

- Specific projects such as working with Colorado Department of Transportation (“CDOT”) to improve road safety may be worth pursuing quickly.
- The project definitely falls within the goals of recreation.

Ms Baker will be retiring from Colorado Springs Utilities (“CSU”); but she will continue to work for CSU part-time, working on the Fountain Creek project only. She will not be at the March meeting because of a mandatory one month wait time.

Mr Kinnischtzke handed out and presented information he obtained concerning the Colorado Sunshine Law, highlighting aspects of the law concerning meetings and communications.

-Mr Kogovsek stated that the rules are somewhat relaxed for the CAG as an advisory body. We have to be aware of what the law says. If the CAG had email or other discussions and then had 10 minutes meetings because everything had been discussed and decided in advance of the meeting, it would violate the spirit of the law.

-Mr Hart noted that the intent of the open meetings law is that when public officials work on and make decisions concerning public business it should be done in public. We just need to understand the intent of the law and try not to violate it.

-Mr Kogovsek pointed out that one-on-one conversations are fine. It is also permissible to share information. Reaching agreements or making decisions outside a public forum would not be advisable.

10. Public Comment: None

11. Executive Session (If Required): None

12. Setting Date, Time, and Location of Next Meeting:

The next regularly scheduled CAG meeting will be March 12, 2010 at 9:30am at Pueblo City Hall.

13. Adjourn: The meeting was adjourned at approximately 11:45am.