

**Fountain Creek Watershed District Board
Citizens Advisory Group
Meeting Minutes
April 9, 2010**

The meeting was held at:
Fountain City Hall
116 S. Main Street, 2nd Floor
Fountain, CO 80817

1. Call to Order and Introductions

The April 9, 2010, meeting of the Fountain Creek Watershed Citizens Advisory Group (“CAG”) was called to order by Vice Chairperson, Mr Tom Evans, at approximately 9:30am. In attendance were the following designated members of the CAG:

Tom Evans – Vice Chairperson	Ross Vincent
Irene Kornelly	Jack Johnston
Terry Hart	Eva Montoya
Jay Winner	Carol Baker
Chris Yuan-Farrell	David Kinnischtzke
Richard Skorman	Dan Henrichs
Kevin Walker	

Members not present:

Ferris Frost – Chairperson	Mary Barber
Dennis Maroney	Tom Ready

A quorum was noted at approximately 0935.

2. Approve Agenda of April 9, 2010

Upon motion duly made, seconded and unanimously carried, the agenda for the April 9, 2010 meeting was approved.

3. Approve Minutes of Prior Meeting(s)

No minutes were available for approval.

4. Report - Fountain Creek Watershed, Flood Control and Greenway District Board Meeting

Mr Richard Skorman reported the Fountain Creek Watershed, Flood Control and Greenway District (“District”) Board:

- Completed some general housekeeping.
- Mr Gary Barber, Interim Executive Director, gave a presentation on the background of the District similar to the one he presented to the CAG.
- Toured the East Pueblo Old Historic Neighborhood and discussed the possibility of work being done there as a pilot project.
- The Fountain Creek Foundation, in partnership with Rocky Mountain PBS, is creating a

documentary on the Fountain Creek Watershed.

-THK made a presentation on what they are doing relative to the Fountain Creek Corridor Master Plan.

-The District is now managing the grants that were formally held by the Lower Arkansas Water Conservancy District under an approved Memorandum of Understanding (“MOU”). In particular they looked at a grant for the sedimentation removal project, previously with the City of Pueblo.

Ms Elise Bergsten, on behalf of Mr Gary Barber, Interim Executive Director for the Fountain Creek Watershed District, requested to distribute a District Board proposed meeting schedule and some other material.

5. Report - Technical Advisory Committee Meeting (Discussion delayed until Ms Baker arrived)

Ms Carol Baker reported the following:

Discussed the bylaws.

Received a presentation from the City of Colorado Springs concerning the on-going storm water management assessment. Jim McGannon, no affiliation with any of the entities, volunteered to be the Technical Advisory Committee (“TAC”) representative to review the documents. Several TAC members are also participating. There should be a draft for review by the end of November. There are seven subcommittees reviewing various aspects.

Discussed a proposed flow chart and criteria drafted by a TAC subcommittee concerning what submittals would be referred to the Board. If the property or part of the property is in the corridor, it should be referred to the Board for review. Also, the TAC subcommittee recommends a project also come to the Board if any of the following criteria are met. The project is:

- adjacent to the corridor within one mile
- within the 100-year floodplain
- a master plan or comprehensive plan amendment
- within a high priority HUC (hydraulic unit code), e.g. watershed unit (probably Jimmy Camp, Sand Creek and there may be others)

Once the criteria are finalized, it will be important to educate city and county staff about when to refer projects to the District. According to Ms Bergsten, Mr Barber would like agreement on the general concept and input on the proposed approach.

-Mr Walker commented reference the requirement that “agencies provide public notice of all land use submissions to the District as a courtesy” (pg 2, flow chart). The issue always is when you submit project documentation you’d rather submit everything needed all at once. So he would like entities to know when to request a drainage report, extra plan or package of extra plans rather than requesting them a few weeks later. The District will need to work with review agencies on when to request the applicable reports/plans on land use matter submissions.

-Mr Walker also commented on pg 3 of the flow chart. He likes the criteria except for “a master plan or comprehensive plan amendment”. Many entities require minor amendments that might not be particularly relevant to the District. He thinks the group might wish to consider some sort of threshold.

-Ms Baker pointed out they had considerable discussion on number one on the front page of the flow chart. Until everybody is educated on what we want, this would apply, which means basically everything submitted would be sent to the District. If possible, the plan would be to skip to #2. Training and discussions with the agencies about the projects that would be of interest hopefully will preclude everything coming to the District for review.

6. Strategic/Master Plan project priorities: Discussion (Discussion delayed until Ms Baker arrived)

Vice Chair Evans asked whether the CAG reviewed the spreadsheet and was prepared to discuss it. Several members requested a copy to be re-sent electronically for review. Ms Kornelly submitted several written comments. Ms Baker will make the updates including clarifying the big 'X' and little 'x' and send to Ms Frost for distribution, future discussion and approval. Mr Hart stated that he understands the spreadsheet is a tool to help us with our thought process. Ms Baker clarified the spreadsheet consolidates the recommendations of the Fountain Creek Vision Task Force and U.S. Army Corps of Engineers and identifies the entity(ies) considered responsible for implementation (CAG, TAC, etc). The list of recommended actions can be categorized, organized and prioritized as to which to tackle first. Mr Evans commented that the spreadsheet is a great start; it should help us manage specific issues, responsibilities, association with the strategic plan and keep track of what is going on.

7. District bylaws: Discussion regarding purpose, vision, and function of CAG as part of the bylaws. Make recommendations to Governing Board.

Mr Evans requested input from the members:

Mr Vincent expressed concern about the provisions dealing with minimum 24 hour notice for public meetings. If the District hopes to attract votes for a reliable funding stream, it is critical to be able to show the public that this District is different; that we are working to connect with people in the community, listening to what they have to say, and caring about their concerns. He thinks public notice has a lot to do with sending such message. He proposes in the by-laws or somewhere significant that the District commit to maintaining mail and email notice lists; publishing a meeting schedule kept current for at least six months in advance, keeping it up and posting it on the web site; providing prompt notice of changes or deviations from the published schedule with minimum of two week notice to the lists with details including time, place, draft agenda, etc; giving at least three days notice for emergency meetings with details including the nature of the emergency, providing clear criteria as to what constitutes an emergency, and limiting the agenda to discussion and resolution of the emergency for which the meeting was called.

Mr Hart agreed with Mr Vincent's concern and the criteria he outlined. He believes what has been drafted into the current bylaws is the minimum requirement for open meetings. He would like to have the criteria Mr Vincent has outlined included in the bylaws.

Ms Bergsten stated on behalf of Mr Barber that he is hoping to keep the bylaws simple since it would take a quorum to change them. He suggests that the Board could adopt official policies with more detail.

Members who commented generally agreed with this concept, but Mr Hart feels that more detail on public notice in the bylaws is appropriate. He likes the idea of not only having a requirement that separates what an emergency meeting is compared to a regular meeting, but also making a requirement that notice of regular meetings be made public well in advance (Mr Vincent suggested two weeks) with notice sent out in some fashion via posting on the web site, email, etc so that the public always knows the schedule and

meeting topics. Mr Hart would like to also see more than the minimum statutory requirement (24 hours) for emergency meeting notices as well.

Ms Kornelly added that she would like to see the web site listed so that people are made aware of where to go to get the meeting schedules and other information.

Upon question raised about whether we are commenting or making recommendations on the bylaws, Mr Evans clarified that the purpose of the meeting is to review and collect comments from the group for consideration and inclusion in the bylaws. Mr Evans commented that if Mr Barber wants to partition bylaws from policies then we should have the bylaws as a draft upon which to make recommendations and an outline of the policies for consideration so that we are sure to cover everything.

Ms Kornelly added that the bylaws and policies should be passed at the same time and a determination should be made as to what kind of vote would be needed to change bylaws versus changing policies. She would like to see all of this at the same time.

Mr Henrichs asked how we are going to pay for all of the updating, posting and sending out emails. At some point, he believes this will fall out as a budget item. He doesn't think the District has the staff; we are running on a lot of volunteers. The Pikes Peak Area Council of Governments ("PPACG") is hosting the web site, and Mr Henrichs thinks it may be difficult to demand they get this information out in timely fashion when they are volunteering to do it for us.

Mr Evans referenced a previous discussion concerning responsibilities of volunteers and administrative staff. He believes it is something to watch and to balance requirements with resources. We need input from Mr Barber on this topic. Mr Hart thinks that this is a function of staff rather than volunteers and time should be minimal once it is set up; minimum public notice is a governmental responsibility. The importance of letting the public know when we are talking about things trumps any other conversations. Mr Evans stated that we need to make clear to Mr Barber our expectations. Mr Winner, regarding expectations for staff, thinks that we can load down Mr Barber with minutia or we can use available funds for opening up a whole new pot of money. Mr Evans said we need to help establish the priorities of the CAG, clarify requirements on the staff, and discuss a balance with Mr Barber.

Mr Henrichs thinks that Mr Vincent has made a good recommendation concerning public notice. Emergencies do happen that need to be dealt with in a timely manner. We should have a separation between notices for emergency and regular meetings.

Mr Vincent asked Mr Kogovsek, Pueblo County Attorney, whether the statute or draft bylaws currently allow telephone conferencing or email decision making. Telephonic meetings are permitted under the statute. Mr Kogovsek agrees that telephonic procedures would be appropriate for the bylaws, which he sees as largely procedural.

Mr Hart requested a discussion about a quorum. At the request of Ms Bergsten, Ms Baker reported the TAC meeting discussion. The TAC decided to wait until the next

bylaws draft rather than make a recommendation(s) at their meeting. She reported that they did discuss how many people are needed for conducting business. Mr Barber would like to change process to provide for a greater percentage of members to be present at the meeting and a majority or majority plus one at the meeting to pass a motion, rather than the current 2/3 majority required for making decisions/recommendations. A 2/3 majority has not been a problem thus far. Mr Hart recalled that the 2/3 issue was a serious debate and compromise at Board level so it may be opening a bit of Pandora's Box.

Mr Johnston agreed, but asked whether the idea was to change the number required for a quorum to hold a meeting and/or to make a decision. The statute specifies requirements for the Board. The procedures for the TAC and CAG are not clearly stated but should be in the bylaws. The CAG concluded that they would like to see Mr Barber's proposal in writing in order to make a recommendation.

Mr Kinnischtzke suggested we should also include in the bylaws a requirement for a minority opinion report or similar to be prepared for recommendations to the Board where applicable. Mr Evans suggested the minority report should also be made available in the public domain.

In regard to CAG, Exhibit B, Ms Kornelly made the following observations:

- The number of CAG members will need to be changed. The bylaws say 15, and this has already been exceeded (with 17).

- The terms for CAG members was agreed to by the Board in Jan/Feb this year with staggered appointment schedules, which should be reflected in the bylaws.

Mr Hart made the following additional observations/comments:

- Page 2, some typographical errors here and elsewhere concerning the statutory citation which should be corrected. There may not be a need to list the specific citations, but refer to the statute as "the Act".

- Paragraph C and D: Recommend combining both paragraphs concerning removal and vacancies.

- Paragraph 3: Statutory citation errors.

- Paragraph G concerning Alternate Directors: The bylaws could clarify that the Alternate reflect the same qualifications as the Primary on the Board.

- Conflicts of Interest, CRS 109 reference: May be a typo in referencing "non-financial interest" probably should be corrected as "financial interest".

- Suggests if members have desired changes to provide them in writing to the Chair and to Mr Barber, which could be coordinated as proposals for consideration at the next meeting.

Mr Vincent observed there is a source of confusion, which is the fact that we are operating under both the statute and the IGA. When there is conflict the statute prevails. Mr Vincent suggests eliminating the IGA if it is no longer needed. Mr Evans clarified the IGA, or memorandum of understanding if you will, was an agreement between the entities which committed communities to certain things along the Creek. He believes the Board continues to use the IGA operationally in order to reflect the commitments agreed

to by the signing entities. Perhaps the IGA needs to be updated as there are discrepancies between the statute and the IGA. It is Mr Evans's opinion that Mr Barber would like to continue the IGA for future reference when funding mechanisms need to be put together. Mr Vincent would like to better understand the continued need for the IGA.

Mr Henrichs commented on the issue of the quorum. He thinks the Board should keep the supermajority requirement for making financial decisions. Mr Vincent agreed, but he thinks the quorum requirements in the bylaws should reflect what is required for the TAC and the CAG in addition to the Board.

Mr Henrichs pointed out the number of CAG members has already been exceeded; if we're going to have a number we need to stick to it. If we keep expanding the number of people, he thinks we devalue the original people who were put there based on their area of interest. Mr Hart would like to continue this conversation as he has a different perspective. Whether or not there should be a cap on the number of members will be an agenda item next meeting for final resolution.

8. State Fair Booth: Discussion

Ms Bergsten reported that Mr Barber is conducting a tour prior to the State Fair, and he would like to see a good effort by the District at the Fair. Ms Baker noted it is a big time and volunteer commitment. Additional discussion was deferred to next meeting.

Ms Baker suggested that the Outreach Committee be reinstated to address the Fair, other outreach opportunities and to also plan how to best get the message out. She requested volunteers. Time commitment would generally be one meeting per month.

Mr Vincent suggested we need to find a way to get people who are not officially appointed to a position involved with the District. The Outreach Committee would be a good place to start.

Ms Kornelly and Mr Vincent volunteered to participate on the committee.

9. Other Business:

GIS Presentation in May, what information is available?

Mr Yuan-Farrell will be available to provide a presentation in the future.

Mr Evans will coordinate a 15 minute presentation by a commercial entity on a database management system for the May meeting.

Monthly stakeholder presentations to CAG: Discussion

Mr Evans previously proposed that the CAG host a 15 minute stakeholder presentation followed by questions and answers on a regular monthly basis. A summary of the presentation could then be posted on the web site. Over time, we would better understand stakeholder interests in the watershed, and it would give us a better ability to manage both technically and politically. It also shows that we are listening to our constituencies, and we would gather a lot of information. Mr Evans would create the initial list of stakeholders. We would get better at asking the right kinds

of questions and good word of mouth because we would be able to provide stakeholder feedback and educate them on the District.

Ms Kornelly thinks this is a good idea because she is not aware of a lot of projects in the watershed. We need to take 15-30 minutes every month to do this.

Ms Montoya agrees. We should know about stakeholders all along the Creek. Partnerships and education are important.

Mr Kinnischtzke thinks this opens the door to opportunities and building relationships.

Mr Evans will send the list of presenters for future review. Focus initially would be on what other organizations are planning to do or are doing along the Creek. Ms Baker thinks posting a schedule of all of the organizational meetings and events would be useful. Ms Bergsten suggested there may be grants available for outreach.

Ms Kornelly asked if the meetings on the schedule that was distributed are open to the CAG. Ms Bergsten said they are open to the public.

Mr Vincent noted he was designated the official CAG liaison with Mr Rich Muzzy, PPACG, on the web site. He asked folks to go to the web site, <http://www.fountain-crk.org>, and jot down your thoughts on how it could be improved. He will follow up with Rich.

Ms Montoya noted a June 11, 2010 regular CAG meeting, which will be held in Pueblo, will be followed by a tour of the greenway and presentation by the Fountain Creek Foundation.

Ms Bergsten pointed out the December meeting will be a joint meeting of the Board and CAG.

Gary Barber report on TAC meeting for procedures and criteria

Covered under item #7, District bylaws.

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 May 14, 2010 at 9:30am at Fountain City Hall.

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