

Fountain Creek Watershed District Board
Technical Advisory Committee
Meeting Minutes
January 6, 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

Ken Sampley called the meeting to order at 1:05 p.m.

A quorum was present for the meeting.

In attendance were the following designated members of the Fountain Creek Watershed Technical Advisory Committee:

<u>Name</u>	<u>Organization</u>
Rich Muzzy	PPACG
Carol Baker	Colorado Springs Utilities
Duane Greenwood	City of Fountain
Jim Houk	Thomas and Thomas
Dennis Maroney	City of Pueblo
Kim Headley	Pueblo County
Ken Sampley	Colorado Springs
Jim McGannon	Forestry/Landscape Consultant
Elaine Kleckner	El Paso County
Nancy Keller	City of Pueblo
Greg Langer	Natural Resource Conservation Service

Also in attendance were: Cole Emmons, Keith Riley, Mark Shea, Janet Rummel, John Fredell, Lisa Sigler, Mark Glidden, Bruce Spiller, Tad Foster, Roger Sams, Ferris Frost, Carole Lange, Michael Fink, John Macarthur.

2. Approve Agenda of January 6, 2010

Upon motion duly made, seconded and unanimously carried, the agenda for the January 6, 2010 meeting was approved.

3 and 4. Approve October 7, 2009 and December 2, 2009 TAC Meeting Minutes

Upon motion duly made, seconded and unanimously carried, the minutes for both the October 7, 2009 and December 2, 2009 TAC Meetings were approved.

5. **Colorado Sunshine Law Compliance**
 - A. **Designate place where meeting notices will be posted**
 - B. **Fix the time and place of regular meetings**
 - C. **Designate Secretary as the custodian of the records**
 - D. **Designate where minutes and records will be maintained**
 - E. **Designate the audio recording as the official record of meetings**
 - F. **Order the audio recording of executive sessions (except attorney/client communications)**
 - G. **Designation of Official Newspapers for publication of required notices (if necessary):**
 - (1) **El Paso County**
 - (2) **Pueblo County**

Cole Emmons stated that according to State Statute that at the first regular meeting of every year the committee must approve the requirements for the Sunshine Law Compliance Act. 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 Technical Advisory Committee meetings will be the first Wednesday of every month at 1:00 pm or on an as needed basis at the Fountain City Hall.
- c. **Designated the District Secretary as the custodian of the records:** The current Secretary (Rich Muzzy) was designated as custodian of the records.
- d. **Designated where minutes and records will be maintained:** Minutes and records will be maintained with the current Secretary with copies to be maintained by legal counsel.
- e. **Designated the audio recording as the official record of the meetings.**
- f. **Order the audio recording of executive sessions (except attorney/client communications)**
- g. **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.

6. Review, Discussion and Recommendation to District Board Concerning the Following:

- A. Request by Colorado Springs Utilities (Applicant) on behalf of the City of Colorado Springs, City of Fountain, Security Water District, and Pueblo West Metropolitan District (Project Participants) for approval of the Southern Delivery System (SDS) Project in response to the requirements of Colorado Senate Bill 09-141, which gives the Fountain Creek Watershed, Flood Control and Greenway District land use authority within the Fountain Creek Corridor, defined as the FEMA 100-Year Floodplain boundaries between the City of Fountain and the City of Pueblo, and recommending authority for areas outside of the Fountain Creek Corridor and within the Fountain Creek Watershed. The project is designed to avoid and minimize impacts and includes extensive commitments by the Project Participants to significant, long-term mitigation measures. The application package describes the SDS Project and SDS Project impact avoidance and minimization efforts. The submittal also details proposed mitigation activities and their consistency with Fountain Creek Watershed, Flood Control and Greenway District goals and the U.S. Army Corps of Engineer's recommendations for the Fountain Creek Watershed.**

Ken Sampley disclosed that he does work for the City of Colorado Springs as the Stormwater Manager but based on his knowledge of the project there does not appear to be a conflict of interest and therefore does not need to recuse himself and will continue to sit as chairperson for the TAC. Duane Greenwood stated that due a potential conflict of interest associated with the City of Fountain Utilities Department being a minority member/participant with Southern Delivery and that his salary is partially funded by City of Fountain Utilities Department he would recuse himself from the discussion. Carol Baker also disclosed that she works for Colorado Springs Utilities (CSU) but does not believe there is a conflict of interest and does not need to recuse herself from the meeting.

Ken Sampley read the agenda item into the record. Ken stated that at the December 2, 2009 meeting CSU made a presentation and additional notebooks are available for TAC members which provide an overview of the project and presentation from the last meeting.

Cole Emmons discussed the jurisdictional authority of the Watershed District and clarified that the District according to the State Statute has full land use authority for projects in the floodplain corridor as defined in the enabling legislation (SB09-141). Two

of the five projects associated with the SDS project are within this corridor. The District also has recommending authority for projects that are outside of the floodplain corridor. The remaining three projects are outside of the corridor. The District's authority is divided; it has full land use authority over some and recommending authority over others.

Keith Riley provided a brief overview and recap of the presentation made to the TAC and CAG meetings in December, overview of the SDS project, timing of the application review and permitting, regulatory requirements. Keith stated that the application package for SDS was submitted to the District, TAC and CAG on December 11 and is a summary of the 5 location approval applications that were submitted to El Paso County Planning Department. Also included in the application package was a summary of how the project complies with the Goals and Objectives of the Fountain Creek Watershed Strategic Plan and Army Corps Watershed Study. The District Board will be requested to make a recommendation at their January 22nd meeting. The request of the SDS project team to the District is that they provide land use approval for the sections of the project within the fountain creek corridor and also that they provide a recommendation to the El Paso County Planning Commission in support of the facilities within El Paso County.

Following the presentation, committee members asked questions of the applicant regarding: impacts to the floodplain from the proposed crossing; environmental mitigation and impacts to wetlands, wildlife and vegetation; status of federal regulations (401 and 404 permits); the proposed Integrated Adoptive Management Plan ; stormwater regulations and policies; impacts to Fountain Creek associated with the elimination of the City of Colorado Springs' Stormwater Enterprise and its funding for stormwater projects and no mechanism or funding in place to address the backlog of stormwater projects; stormwater runoff volume and peak flows; stormwater quality issues and concerns (especially selenium); sediment issues and concerns; grade control structures; and the 1041 permit and its conditions.

Following considerable questions, responses and discussion by committee members and meeting attendees, and upon motion duly made, seconded and passed by a 9 to 1 vote, TAC members recommended approval to the District Board of the Southern Delivery System (SDS) Project with the following conditions:

1. Detailed site development plans shall be submitted to the District for review of the two areas of the Fountain Creek floodplain that are directly impacted by construction: Raw Water Pipeline and Exchange Flow Pipeline crossings.

2. The Integrated Adaptive Management Plan (IAMP) shall be submitted to the District for review, and periodic reports on water quality and quantity shall be provided to the District.

The Integrated Adaptive Management Plan (IAMP) will include how mitigation will be performed in case there are problems that were not anticipated during the project. This will include means and methods to address impacts from the project and specific triggers to initiate the process. Once the IAMP is finalized there will be an opportunity for comment.

The District Board will be acting on the recommendation at their January 22 meeting.

7. Review, discussion and recommendations regarding the Fountain Creek Watershed, Flood Control and Greenway District – Technical Advisory Committee (TAC) draft review criteria, review procedures and review process flowchart

Due to the amount of time spent on the previous agenda item, committee members decided that the discussion of the flowchart should be tabled until next month.

8. Other Business:

Elaine Kleckner announced that LaFarge Gravel requested a date of January 28, 2010 for the El Paso County Board of County Commissioners.

Rich Muzzy announce that Dennis Maroney would be retiring the end of this week and thanked Dennis Maroney for his service on the District TAC and other watershed efforts. Dennis stated that he will be working for the City of Pueblo on a contract basis and would probably still serve as the City of Pueblo representative.

9. Public Comment: None

10. Executive Session (If Required): None

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

The next regularly scheduled TAC meeting will be on Wednesday, February 3, 2010 at 1:00 pm at Fountain City Hall.

12. Adjourn: The meeting was adjourned at 3:10 pm