

**Fountain Creek Watershed, Flood Control and Greenway District
BOARD OF DIRECTORS MEETING MINUTES
December 14, 2012**

The meeting was held at: Pueblo County Building, Commissioners Meeting Room
215 West 10th Street, Pueblo, CO 81003

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Chair Chostner called the meeting to order at 1:20 pm. In attendance were the following duly designated members of the Board of Directors of the District:

Name:

Jeff Chostner	Pueblo County
Richard Skorman	CAG Liaison
Gabe Ortega	City of Fountain
Brandy Williams	City of Colorado Springs
Dennis Hisey (Arrived 2:10 pm)	El Paso County
Jane Rhodes	Fountain Creek Land Owner
Eva Montoya	City of Pueblo

Excused:

Michael Maddox	EPC Small Municipalities
Melissa Esquibel	Lower Arkansas

A quorum was noted. Also present were Cole Emmons, Legal Counsel and Larry Small, Executive Director.

2. APPROVAL OF AGENDA

Upon motion duly made, seconded, and unanimously carried, the agenda was approved.

3. APPROVAL OF THE MINUTES OF OCTOBER 2012 BOARD MEETING

Upon motion duly made, seconded, and unanimously carried, the minutes were approved.

4. PRESENTATION – SDS UPDATE, ALLISON MOSER

Ms. Moser reported that the connection to Pueblo Dam was completed and will be turned over to the Bureau of Reclamation in early 2013. The entire pipeline in Pueblo County is completed. Revegetation is under way. El Paso County treated water line is complete and ready to connect to the water treatment plant which has 100% design complete and construction will begin first quarter of 2014. Three pump stations have 90% design complete. The pipeline at the Pueblo County/El Paso County line is under construction. All pipeline will be completed by the end of 2013. The overall project is a little ahead of schedule and moving forward to deliver water in first quarter of 2016.

The Fountain Creek realignment at Clear Spring Ranch is moving forward. Design is 60% complete. Construction is scheduled to begin late fall 2013.

Future projects requiring Board land use approval are the pipeline crossing and the Williams Creek Pump Station power line crossing.

Jane Rhodes expressed that more projects need to be done on Fountain Creek south of the El Paso County/Pueblo County line. Farmers and Ranchers are losing land to the creek and need support.

5. PUBLIC COMMENTS

Ron Cerna stated that he felt Pueblo County was getting the short end of mitigation efforts on Fountain Creek and believed Colorado Springs should do more. Chair Chostner responded that board members would be happy to discuss this with him outside the meeting.

6. BOARD MEMBER COMMENTS

Director Rhodes stated she had been working on the District from the beginning of the Task Force and more needs to be done on the creek in terms of projects to mitigate the problems, not just studies.

Director Skorman agreed and stated we have to do more projects and that the CAG has also discussed this issue. He stated that a Grants presentation is scheduled for this meeting for projects on Fountain Creek.

Director Williams stated that the Regional Stormwater Task Force will report results of the needs assessment on January 10, 2013 at 1:00 pm, Colorado Springs City Administration Building. She recommended that the district receive a briefing on the results in the future. Chair Costner asked the Executive Director to look into setting up the future briefing.

Director Montoya stated that the Council approved the GOCO Grant and work would start in early spring 2013 on the skate park adjacent to the creek

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

Larry Small stated that Elaine Kleckner could not attend the Board meeting and asked him to give the TAC report. He stated that the TAC did not meet in November. The TAC met on October 3, 2012. He stated that the TAC reviewed the USGS Flood Control Study at a meeting with USGS October 25, 2012 at 10:00 am at PPACG and would have a follow-up meeting on January 9, 2013 at 9:30 am just prior to the regular TAC meeting to discuss open items. He reported the study is progressing as planned. He reported that the TAC continued deliberations on the Drainage Criteria Manual and prioritizing opportunities for the District implementation of the workshop recommendations. He reported that the TAC continued discussion on the Waldo

Canyon fire impact on the Watershed and was exploring opportunities for the District to participate in the assessment and mitigation of damage. He reported that the TAC continued to discuss stormwater management and was looking at what the District's jurisdiction would be. He stated that this would require a legal assessment of the Districts role and powers.

The next TAC meeting is scheduled for January 9, 2013 at 1:00 PM at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP

Richard Skorman reported that the CAG met December 7, 2012 at Fountain City Hall. The CAG received a presentation on SDS progress. The CAG discussed the makeup of the 2013 membership and was recruiting more citizens to replace members who would not continue in 2013. The CAG will make a recommendation for CAG membership to the Board for the January 25, 2013 meeting.

Terry hart reported that the Outreach Subcommittee met December 10, 2012. The Subcommittee discussed the mil levy ballot initiative and what promotions could be done for public support. The Subcommittee also discussed how to get more public participation in District projects and what projects might be possible in the future.

The next CAG meeting will be January 11, 2013 at 9:00 am at the Fountain City Hall.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of November 30, 2012. The District has total assets of \$266,222.34 and no outstanding liabilities. Profit and Loss Budget vs. Actual report for the period January – November 2012 indicated total revenues were \$59,889.04 and total expenses were \$297,847.11 for a net negative income of \$237,958.07 resulting in a District total equity of \$266,222.34. The General Fund cash on hand as of November 30, 2012 was \$66,683 and the Restricted Fund cash on hand was \$197,789. The total cash on hand was \$264,472.

7. D LEGAL REPORT - None

7. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he attended the Stormwater Task Force meeting on October 30, 2012, the Waldo Canyon fire assessment meeting on November 30, 2012, the Stormwater Task Force Citizens Committee meeting on November 15, 2012, the Stormwater Task Force Business Committee meeting on November 19, 2012, attended Colorado Springs City Council meeting on November 27, 2012 with Chair Chostner, and attended the Stormwater Task Force meeting on November 29, 2012. He reported that the IGA Committee met November 29, 2012 to outline a plan to pursue grants for Fountain Creek improvements and would meet every third Thursday of each month in the future at the Matrix Engineering facility at 9:00 am. He reported that he, Carol Baker and Dieter Erdman met with Sarah Jack to discuss the Wedgewood Duck farm appraisal and see if there was a way forward to acquire this property.

8.0 OLD BUSINESS (BOARD ACTION MAY BE REQUIRED REQUIRED)

8.A MIL LEVY DISCUSSION

Larry Small stated that beginning January 2013 serious discussions will begin on the ballot question. TPL will attend the January meeting to present their assessment and begin work with the Board to develop a strategy for the ballot question. Chair Chostner stated that he attended a number of meetings, including the Colorado Springs City Council meeting, to promote awareness of the District and promote the need for a revenue stream. He stated that he had written an Op Ed in the Chieftain promoting the need for a mil levy to support District objectives. He encouraged all Board members to actively promote the District. He stated that he was aware of other ballot measures being considered for Pueblo County in the future and asked that El Paso County Board members keep an ear to the ground for possible measures in El Paso County. Director Skorman stated that he was encouraged by the fact that seven of nine tax questions were approved by the voters of El Paso County in November and hoped that this was a sign voters were becoming more aware of the financial needs of their communities.

9. NEW BUSINESS (BOARD ACTION REQUIRED)

9.A PUBLIC HEARING FOR 2012 AMMENDED BUDGET AND 2013 BUDGET.

Cole Emmons advised the Board that the Notice of Public Hearing had been appropriately advertised in Pueblo County and El Paso County as required by law.

Chair Chostner opened the Public Hearing. No Citizens comments were received and Chair Chostner closed the public Hearing.

9.B CONSIDERATION AND APPROVAL OF RESOLUTION FOR 2012 AMMENDED BUDGET

Larry small stated that the 2012 Budget was revised to reflect anticipated year end revenues of \$60,000 and expenditures of \$354,025. Revenues were lower than expected because of a lack of anticipated Grant funding and expenditures were lower than anticipated because of lower Grant expenditures.

Upon motion duly made by Director Montoya and seconded by Director Skorman, Resolution 2012-03 to Adopt Amended Budget for 2012, Recognize Additional Revenue, and Re-appropriate Sums of Money for the Year Beginning January 1, 2012 and ending December 31, 2012 unanimously passed by a super majority vote as required by State statute.

9. C CONSIDERATION AND APPROVAL OF RESOLUTION FOR 2013 BUDGET

Larry Small stated that the 2013 expenditures as stated in the proposed budget were: General Fund - \$39,000; Master Plan Fund - \$50,000; Flood Control Study Fund -\$40,000; and Grant Revenue Expenditures - \$95,000; Total Expenditures -\$224,000.

Upon motion duly made by Director Rhodes and seconded by Director Hisey, Resolution 2012-04 to Adopt 2013 Budget, Recognize Revenue, and Appropriate Sums of Money for the Year Beginning January 1, 2013 and ending December 31, 2013 unanimously passed by a super majority vote as required by State statute.

9. D CONSIDERATION AND APPROVAL TO PURSUE CERTAIN 2013 GRANTS

Carol Baker presented the recommendations of the IGA Committee to submit three grant applications – one \$25,000 CWCB Healthy Rivers grant for a sediment transport study that would be matched by our expenditures on the USGS Flood Control Study; one \$50,000 CWCB Healthy Rivers grant for bank restoration that would require \$5,000 District cash match; and one \$150,000 Arkansas Basin Round Table grant for bank restoration that would require \$7,500 District cash match. Director Williams asked what the total value of the grants would be and what would our total match requirement be. Larry Small responded that the total amount of the grants would be \$225,000 and our cash match would be \$12,500. The matching funds would come from the Master Plan Fund and the Board approved a budget for \$25,000 matching funds in the 2013 budget. Matrix Engineering and THK would provide grant writing services for these three grants under a Time and Material Contract not to exceed \$25,000 that would also be paid from the Master Plan Fund under the 2013 approved budget.

Chair Chostner stated that these grants would show the District's commitment to restoring Fountain Creek and would substantially help our public image in both counties.

Upon motion duly made, seconded, and unanimously carried, the request to submit three grant applications was approved.

9. E CONSIDERATION AND APPROVAL OF CONTRACT WITH MATRIX ENGINEERING TO SUPPORT 2013 GRANTS PREPARATION

Larry Small presented the proposal from Matrix Engineering to support preparation of the 2013 grants. He stated that the contract would be a Time and Material Contract not to exceed \$25,000 and would have a term from December 17, 2012 to December 31, 2013. He stated that the contract would be an amendment to the existing Technical Support Contract with Matrix Engineering and would be a task order under that contract. He stated that the contract would provide for the writing of three grants and support to other grant opportunities if funds were available after the three grant application were submitted. He stated that the \$25,000 would come from the Master Plan Fund in accordance with the approved 2013 budget.

Upon motion duly made, seconded, and unanimously carried, the \$25,000 Time and Material Contract with Matrix Engineering for grant preparation support was approved.

9. F CONSIDERATION AND APPROVAL OF 2012 AUDIT ENGAGEMENT LETTER

Larry Small presented the Audit Engagement Letter from Logan and Associates to support the 2012 Audit. He stated that the Engagement Letter was the same as that presented for the 2011 audit and was for a not to exceed amount of \$5,000. Kyle Logan, the principle of Logan and Associates would perform the audit as he had for 2011. The District may be eligible for an audit exemption for 2012 based on district revenues and expenditures. If so, Logan and Associates would prepare the exemption request rather than a complete audit

Upon motion duly made, seconded, and unanimously carried, the 2012 Audit Engagement Letter with Logan and Associates was approved.

10. OTHER BUSINESS

10. A APPROVAL OF INVOICES

The following invoices were presented for approval to pay.

General Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
Larry Small				
	12/05/12	57	\$5,000.00	Executive Director
Shopper Press Inc				
	11/30/12		\$30.42	2013 Budget Notice
Colorado Tribune				
	11/03/12		\$42.21	2013 Budget Notice
Colo Spec Dist Prop & Lia Pool				
	12/05/12	26C28004-138	\$3,528.72	Insurance Jan 1 – Dec 31, 2013
Special District Association				
	12/06/12	2.01E+018	\$463.13	Dues Jan 1 – Dec 31, 2013
TOTAL - General Fund			\$9,064.48	

Upon motion duly made, seconded, and unanimously carried, the invoices were approved for payment as presented.

11. EXECUTIVE SESSION (IF REQUIRED) - None

12. CONFIRM NEXT MEETING TIME AND LOCATION

The next Board meeting will be held January 25, 2013 at 1:00 pm at the City of Fountain City Hall, 116 S. Main Street, 2nd Floor, Fountain, CO 80817

13. ADJOURN

Upon motion duly made, seconded, and unanimously carried, the meeting was adjourned.