

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

July 25, 2014

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

Chair Montoya called the meeting to order at 3:04 pm. In attendance were the following duly designated members of the Board of Directors of the District:

Name:

Terry Hart	Pueblo County
Richard Skorman	CAG Liaison
Val Snider	City of Colorado Springs
Jane Rhodes	Fountain Creek Land Owner
Eva Montoya	City of Pueblo
Melissa Esquibel	Lower Arkansas
Michael Maddox	EPC Small Municipalities
Gabriel Ortega	City of Fountain

Excused:

Dennis Hisey	El Paso County
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A quorum was noted. Also present was Larry Small, Executive Director AND Cole Emmons, Attorney.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF THE MINUTES OF JUNE 27, 2014 BOARD MEETING

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

4. PRESENTATION

Larry Small showed pictures of the Fountain Creek Bank Restoration at Frost Ranch that were taken two days after a 5000 cfs flood event. The pictures showed that no damage to the restored bank occurred from the storm flows even though the bank over-topped its design capacity of 3300 cfs. The pictures showed that the vegetation had taken hold and grown to a mature height in the two months since planting. Mr. Small stated that nearly seventy-five percent of the willows that were planted had survived. Mr. Small stated that there was only one instance of damage to the Kouriwrap - a small hole apparently made by a small piece of woody debris. He stated that the project is performing as planned.

5. BOARD MEMBER COMMENTS

Director Montoya stated that she held a meeting in Pueblo on July 17, 2014 with all local emergency response entities to focus on emergencies that might be encountered by the East Side neighborhood, including Fountain Creek flooding. She stated that the meetings will continue monthly for the rest of the year. She stated that she had read an article in the Chieftain concerning the issues associated with flood control and water rights.

Director Rhodes said she had read the same article and had called Steve Witte, the State District 2 Engineer, who was quoted in the article and discussed what needs to be done to improve Fountain Creek, much like the improvements on the Upper Arkansas River near Leadville. She stated that Mr. Witte was very interested in the plans for Fountain Creek but acknowledged that the improvements would be very expensive.

6. PUBLIC COMMENT - None

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

The July meeting was cancelled. Director Hart expressed concern about the two consecutive meetings being canceled and stated that the TAC had a number of unfinished projects that required their attention.

The next TAC meeting is scheduled for August 6, 2014 at 1:00 PM at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP REPORT

Irene Cornelly reported that the CAG met July 11, 2014 at the Fountain City Hall. She reported that the CAG received a briefing from John Chavez on the Upper Fountain Creek restoration activities associated with the September 2013 storms.

Ms. Kornelly reported that the Outreach Subcommittee met July 14, 2014. Ms. Kornelly stated that the Outreach Subcommittee had made arrangements to share a booth with the Pueblo City/County Health Department at the State Fair. The booth would have a table for the District's boards and materials.

She stated that the Outreach Subcommittee wanted the Boards permission to purchased refrigerator magnets with the District logo and tips on how to keep waterways clean. She stated that the magnets would cost approximately \$200 for 500 magnets. The Board agreed by consensus that the CAG could purchase the magnets.

Ms. Kornelly stated that the Outreach subcommittee had a booth for one day at the El Paso County Fair that was donated to the District. She stated that the booth featured the City of Colorado Springs tabletop enviroscape model. She stated that they gave a number of demonstrations using the model.

Ms. Kornelly reported that planning for the District's Creek Week event scheduled for September 27 through October 5, 2014 was continuing. She stated that the event had received a \$1000 donation from CH2MHill.

The next CAG meeting will be August 8, 2014 at 9:30 am at the Fountain City Hall.

The next Outreach Subcommittee meeting will be August 11, 2014 at 10:00 am at Fountain City Hall.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of June 30, 2014. The District had total assets of \$190,267.63 and no liabilities. Profit and Loss Budget vs. Actual report for the period January 1, 2014 through June 30, 2014 indicated total revenues were \$165,312.22 and total expenses were \$167,488.28 for a net negative income of \$2,176.06 resulting in a District total equity of \$190,267.63. The General Fund cash on hand as of June 30, 2014 was \$140,971 and the Restricted Fund cash on hand was \$85,149. The total cash on hand was \$226,120.

7. D LEGAL REPORT - None

7. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he attended the America the Beautiful Park Natural Playground ground breaking on June 23, 2014. He reported he attended the Arkansas Basin Roundtable meeting on July 9, 2014 and presented the Evaluation of Flood Control Alternatives Grant Application. He reported that the Roundtable turned down the application because of objections from water right holders. He reported that he conducted an open house on Cheyenne Creek on July 10, 2014 and an open house on Upper Fountain Creek on July 15, 2014 to get citizen input on the Upper Fountain Creek/Cheyenne Creek Flood Restoration Master Plan. He reported that he had a number of meetings with Colorado Springs Utilities to discuss a way forward to do a water rights evaluation related to the failed grant. He reported that he had been interviewed by two TV stations five times concerning the Flood Restoration Master Plan and issues about flooding resulting from stormwater. He reported that he attended the Colorado Watershed Symposium on July 18, 2014 held by CWCB and DOLA to report on the Flood Restoration Master Plan progress and receive information concerning Phase 2 grants that would be available next November as follow-on to the current grant. He reported that he attended a second meeting with State, DOLA and CWCB representatives on July 21, 2014 held in Colorado Springs to receive more information on the Phase 2 grants. He reported that he had been asked by El Paso County to tour two County trail restoration projects on Fountain Creek to assess necessary repairs to restore the trails to the pre-September 2013 condition. He stated that El Paso County was considering contracting with the District to have the District perform the necessary repairs. He reported that the District needed to develop a Procurement Policy based on the State Procurement Policy as stipulated in the District's establishing statute and that he and the attorney would develop it and bring it to the Board at the August 22, 2014 Board meeting. He reported

that he attended the El Paso County Regional Stormwater Task Force meeting on July 24, 2014 and received information on the Intergovernmental Agreement and the upcoming ballot question.

F. IGA COMMITTEE REPORT

Terry Hart reported that the IGA Committee met July 18, 2014 to discuss the letter from the Lower Ark concerning use of the Master Plan Funds. He stated that the purpose of the meeting was to get a good feel for the issues raised by the Lower Ark. In attendance were Mark Shea representing Colorado Springs Utilities, Jay Winner and Anthony Nunez representing the Lower Ark and Terry Hart and Eva Montoya representing the District. He reported that the committee agreed that all issues should be taken seriously, that each use of funds should be reviewed for appropriateness and that the future role of the IGA Steering Committee should be established. He stated that good progress was made and all items were discussed in some detail. He reported that the next IGA Steering Committee meeting was scheduled for August 1, 2014 where the committee expected to have resolution of all issues that could be reported to the Board at the August 22, 2014 Board meeting.

8. 0 OLD BUSINESS (BOARD ACTION MAY BE REQUIRED) - None

9. NEW BUSINESS (Board Action Required)

9. A MEMORANDUM OF AGREEMENT FOR COLORADO SPRINGS GRANT MATCHING FUNDS

Mr. Small presented the Memorandum of Agreement (MOA) for Colorado Springs Grant Matching Funds. Mr. Small stated that the MOA was generated by the City and approved by the City Council on July 8, 2014. Mr. Small stated that the MOA provided for the transfer of \$100,000 from the City of Colorado Springs to the District for the City's share of matching funds for the Upper Fountain Creek/Cheyenne Creek Flood Restoration Master Plan Grant received from CWCB in December 2013 and placed under contract in March 2014. Director Esquibel stated she did not feel comfortable acting on the item without time to review it and asked if the item could be postponed to the August meeting. Mr. Small stated that the MOA was only one page of text and it was necessary to act on the item at this meeting so that the Mayor could sign and return the MOA to the District so the District could invoice the City for payment before the end of August.

Upon motion duly made, seconded, and carried by a vote of seven ayes and one no, the MOA was approved as presented.

9. B. APPOINTMENT OF DIRECTOR TERRY HART AS THE DISTRICT REPRESENTATIVE ON THE IGA STEERING COMMITTEE

Upon motion duly made, seconded, and unanimously carried, Terry Hart was appointed the District Representative on the IGA Steering Committee replacing Chair Montoya.

10. OTHER BUSINESS

10. A APPROVAL OF INVOICES

Presented for Payment 7/25/2014

General Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
Larry Small				
	07/10/14	121	\$2,500.00	Frost Ranch Grant Project Mgmt
Matrix Design Group				
	06/30/14	14937	\$36,928.25	UF/C CK Rest Master Plan Eng
TOTAL - General Fund			\$39,428.25	

Post Burn Analysis Fund				
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>	<u>For</u>
USGS				
	7/11/2014	90271171	\$3,000.00	Post Burn Water Quality Sampling
TOTAL – Post Burn Analysis Fund			\$3,000.00	

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

10. B. LETTER FROM BERG HILL GREENLEAF & RUSCITTI LLP RE: INTERGOVERNMENTAL AGREEMENT OF AUGUST 28, 2009

Upon motion duly made, seconded, and unanimously carried, Item 10. B was postponed to the August 22, 2014 meeting of the Board of Directors.

11. EXECUTIVE SESSION (IF REQUIRED) - None

12. CONFIRM NEXT MEETING TIME AND LOCATION

The next Board meeting will be held August 22, 2014 at 1:00 pm at the City of Pueblo City Hall, City Council Chambers (3rd Floor), 1 City Hall Place, Pueblo, CO 81003

13. ADJOURN

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