

**Fountain Creek Watershed, Flood Control, and Greenway District
Board of Directors
MEETING MINUTES
December 11, 2015**

This meeting was held at: Pueblo County Court House, Commissioners Meeting Room,
215 West 10th Street, Pueblo, CO 81003

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Chair Hisey called the meeting to order at 1:05 pm. In attendance were the following duly designated members of the Board of Directors of the District:

Name:

Richard Skorman
Dennis Hisey
Melissa Esquibel
Coreen Toll
Dennis Flores
Terry Hart
Greg Lauer

CAG Liaison
El Paso County
Lower Arkansas
EPC Small Municipalities
City of Pueblo
Pueblo County
City of Fountain

Excused:

Jane Rhodes
Jill Gaebler

Fountain Creek Land Owner
City of Colorado Springs

A quorum was noted. Also present was 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 THE OCTOBER 23, 2015 BOARD MEETING

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

4. PRESENTATION - CREEK WEEK 2015

Allison Plute gave the presentation on Creek Week 2015. She stated that the event was held September 26 through October 4, 2015. She stated that eighteen organizations served on the Steering Committee, that \$8,600 was received in cash contributions, that \$5,785 was contributed by business as in-kind donations of materials and supplies and \$20,160 of in-kind labor was donated by the Steering Committee. She stated that expenses were \$5,882.58. She stated that 1550 citizens in 57 groups participated and collected 9.44 tons of refuse, compared to 625 citizens in 42 groups collecting 6.8 tons in 2014. She stated that the participation was from all communities in the Fountain Creek Watershed. She stated that the next Creek Week is scheduled for September 24 through October 4, 2016 and that the Steering Committee would start meeting in

January 2016 to begin planning the event. She acknowledged the many groups that participated and encouraged even broader participation in 2016.

5. BOARD MEMBER COMMENTS

Director Hart welcomed the Board to Pueblo. He recommended that in 2016 the District hold its meetings in more communities in the District to allow the Board to visit the other communities. Director Toll stated that she would support a 2016 meeting in Manitou Springs.

6. PUBLIC COMMENT - None

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

Nancy Keller reported that the TAC met December 2, 2015 at 1:00 pm at the Fountain City Hall. She reported that the TAC approved the Scope of Work for the Design Criteria Manual contract and provided it to the Executive Director to obtain a cost estimate to take to the Monetary Mitigation Fund Advisory for consideration. She reported that the TAC received a briefing on a study pertaining to mercury levels in birds along Fountain Creek. She reported that mercury levels in birds were found to be well below dangerous levels.

The next TAC meeting will be January 6, 2016 at 1:00 pm at the Fountain City Hall.

7. B CITIZENS ADVISORY GROUP REPORT

Irene Kornelly reported that the CAG meeting was scheduled for December 11, 2015, the same day as the Board meeting so the CAG meeting was cancelled.

The next CAG meeting will be January 8, 2016 at 9:30 am at the Fountain City Hall.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of November 30, 2015. The District had total assets of \$358,106.19 and liabilities of \$3,380.48. Profit and Loss Budget vs. Actual report for the period January 1, 2015 through November 30, 2015 indicated total revenues were \$441,907.52 and total expenses were \$297,395.34 for a net positive income of \$144,512.18 resulting in a District total equity of \$354,725.71. The General Fund cash on hand as of November 30, 2015 was \$284,010 and the Restricted Fund cash on hand was \$75,405. The total cash on hand was \$359,415. Funds available for District administration as of November 30, 2015 were \$7,025.55. After paying open commitments in December the balance forward to 2016 is anticipated to be \$3,745.07. The District will need to find revenues in 2016 to meet the administrative budget. Larry Small reported that it is his determination that the conditions for payment of the first Monetary Mitigation payment under condition 6 of the Pueblo County 1041 permit for construction of the Southern Delivery System components in Pueblo County has been met and the District should reasonably expect that payment to be made January 15, 2016. He

stated that the proposed 2016 budget is based on receipt of that payment. The Board discussed the payment and conditions and agreed that the conditions had been met and that the Executive Director should pursue receiving the payment.

7. D LEGAL REPORT - None

7. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he attended the Arkansas River Watershed Collaborative meeting in Pueblo on October 28, 2015 as well as the meeting in Salida on December 3, 2015. He reported that the Collaborative was created by the Arkansas River Basin Roundtable to coordinate watershed improvement activities in the basin and to support education and outreach amongst the communities in the basin. He reported that the District would be an active member of the Collaborative. He reported that he had interviews with both radio and television stations about Fountain Creek Watershed issues and activities underway to address the issues. He reported that he was participating in the El Paso County Watershed Collaborative and was a member of the Leadership Group that was the governing body of the Collaborative. He reported the Collaborative met November 16, 2015. He reported that work on the Monument Creek Watershed Master Plan was on schedule and that fifty one miles of creeks had been surveyed to identify issues that needed to be addressed. He reported that he presented the Evaluation of Flood Control Alternatives grant application to the Arkansas River Basin Roundtable Needs Assessment Committee on December 9, 2015 and received approval of the committee to present the application to the Roundtable on January 13, 2016.

7. F MONETARY MITIGATION FUND ADVISORY COMMITTEE REPORT

Irene Kornelly reported that the Monetary Mitigation Fund Advisory Committee met November 19, 2015 at 1:00 pm at the Pueblo County Public Works Facility, 33601 United Way, Pueblo, Colorado. She reported that the Committee reviewed the proposed Statement of Work for the tailoring the Design Criteria Manual prepared by the TAC and evaluated the TAC request to fund the tailoring using Monetary Mitigation Funds. The committee discussed the recommendation and concluded while the DCM project was not a project that was in strict accordance with project selection criteria in the 1041 permit that it did serve to further the engineering activities associated with projects. Therefore the committee voted to recommend that the DCM project be funded from the Monetary Mitigation funds at a level not to exceed \$100,000. The Board discussed the recommendation and asked if a decision needed to be made today. Larry Small stated that no decision needed to be made until he obtained bids for the DCM project when funds were available and he would bring back a firm proposal to the Board.

Ms. Kornelly reported that the committee was developing project selection and prioritization criteria.

The next Committee meeting will be December 17, 2015, 1:00 pm at the Pueblo County Public Works Facility, 33601 United Way, Pueblo, Co.

8. OLD BUSINESS (Board Action May Be Required) - None

9. NEW BUSINESS (Board Action Required)

9. A PUBLIC HEARING FOR 2016 BUDGET

Chair Hisey opened the public Hearing.

Larry Small stated that the Public Hearing had been advertised in the Fountain Valley News and the Colorado Tribune as required and certified notices of publication were on file in the District's records.

Larry Small presented the proposed 2016 Budget. He stated that the 2015 balance forward was projected to be \$430,545 and 2016 revenues were projected to be \$746,694, General and Administrative expenses were projected to be \$434,605, Master Plan Fund expenses were projected to be \$50,428, and Grant performance expenses were projected to be \$658,906. Income versus expenses for 2016 was projected to be a negative \$397,245 and the District would have a projected cash balance of \$33,300 at the end of 2016 of which \$8,300 would be held in TABOR reserve. Mr. Small stated that the proposed 2016 budget was the largest budget in the District's history since it was established in 2009.

Chair Hisey opened the floor to public comments. None were given.

Chair Hisey closed the Public Hearing.

9. B CONSIDERATION OF RESOLUTION 2015-4 FOR 2016 BUDGET

Larry Small presented Resolution 2015-4 which stipulated that the appropriated expenditures for 2016 would be: General Fund - \$434,605; Master Plan Fund - \$50,428; and Grants Received Fund - \$658,906; for a total 2016 expenditure of \$1,143,939. He stated that Resolution 2015-4 would require a super majority vote of seven affirmative votes to pass.

Upon motion duly made, seconded, and unanimously carried, Resolution 2015-4 for the 2016 budget was approved by a supermajority of seven affirmative votes and no dissenting votes.

9. C EXTENSION OF MATRIX DESIGN GROUP TECHNICAL SERVICES CONTRACT

Larry Small stated that the Matrix Design Group Technical Services Contract would expire December 31, 2015 unless extended. The proposed extension would continue the contract through December 31, 2016 with no other changes in the terms of the contract. He stated that the contract was a task order contract and that no funds were being obligated to the contract by the extension.

Upon motion duly made, seconded, and unanimously carried, the Matrix Design Group Contract was extended to December 31, 2016.

9. D APPOINTMENT OF BRIAN MIHLBACHLER TO TAC REPRESENTING USAFA REPLACING FRED WILLIAMS AND APPOINTING FRED WILLIAMS ALTERNATE

Larry Small stated that the TAC voted to recommend to the Board the appointment of Brian Mihlbachler to the TAC representing the United States Air Force Academy and that Fred Williams be appointed the alternate.

Upon motion duly made, seconded, and unanimously carried, Brian Mihlbachler was appointed to the TAC representing the United States Air Force Academy and Fred Williams was appointed the alternate.

9. E GRANT APPLICATION FOR EVALUATION OF ALTERNATIVES FOR FLOOD CONTROL FACILITIES

Larry Small stated that the Arkansas Basin Roundtable Needs Assessment Committee recommend that the grant application be modified to request funding for the Phase 1 - Alternatives Evaluation and that Phase 2 - Feasibility Study be made a separate application for 2017 funding. This change was necessary because the Water Supply Reserve Account fund for 2016 had been reduced. This modification was acceptable to the District. The grant will now be funded by \$33,000 from State-wide funds, \$8,800 Basin funds, and \$25,500 District matching funds. The application will be submitted to the full Roundtable at its January 13, 2016 meeting.

Upon motion duly made, seconded, and unanimously carried, approval was granted to submit the grant application.

10. OTHER BUSINESS

10. A APPROVAL OF INVOICES

Presented for Payment 12/11/2015

General Fund					
<u>Vendor</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>		<u>For</u>
Larry Small					
Paid 11/24/15 Ck No. 445	11/11/15	147	\$2,500.00		Monument Ck Grant Proj Mgmt
	12/02/15	148	\$2,500.00		Monument Ck Grant Proj Mgmt
Matrix Design Group					
Paid 11/24/15 Ck No. 446	11/09/15	17314	\$33,652.84		Monument Creek Grant
Matrix Design Group					
	10/23/15	102315	\$455.60		Upper Fountain CK/CK MP Printing
Special District Association					
	11/18/15	850000	\$1,185.90		2016 Dues

Colo Special Dist Prop & Lia Pool				
	11/09/15	29C28004-174	\$1,666.56	2016 Insurance
Colorado Tribune				
	11/14/15		\$42.00	Public Notice - 2016 Budget
Shopper Press				
	11/18/15	1333	\$30.42	Public Notice - 2016 Budget
Matrix Design Group				
	12/08/15	17467	\$72,246.91	Monument Creek Grant
TOTAL - General Fund			\$114,280.23	

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 22, 2016 at 1:00 pm at 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.