

**Fountain Creek Watershed, Flood Control, and Greenway District
Board of Directors
MEETING MINUTES
December 9, 2016**

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 Hart called the meeting to order at 1:27 pm. In attendance were the following duly designated members of the Board of Directors of the District:

Name:

Richard Skorman	CAG Liaison
Dennis Hisey	El Paso County
Larry Atencio	City of Pueblo
Terry Hart	Pueblo County
Jane Rhodes	Fountain Creek Land Owner
Jill Gaebler	City of Colorado Springs

Excused:

Melissa Esquibel	Lower Arkansas
Coreen Toll	EPC Small Municipalities
Greg Lauer	City of Fountain

A quorum was noted. Also present was Larry Small, Executive Director and Cole Emmons, Attorney.

2. APPROVAL OF AGENDA

Larry Small requested that the agenda be amended to add item 11. B Authorization of Signature Authority for General Fund bank account.

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

3. APPROVAL OF THE MINUTES OF THE OCTOBER 28, 2016 BOARD MEETING

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

4. INTRODUCTION OF GUESTS

5. NEW BUSINESS (Board Action Required)

5. A PUBLIC HEARING FOR CONSOLIDATED 2017 BUDGET

Director Toll joined the meeting by telephone making seven Directors present.

Chair Hart 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 Consolidated 2017 Budget. He stated that the District 2016 balance forward was projected to be \$67,280 and 2017 revenues were projected to be \$750,525, General and Administrative expenses were projected to be \$474,949, and Grant performance expenses were projected to be \$246,025. Income versus expenses for 2017 was projected to be \$29,551 and the District would have a projected cash balance of \$96,831 at the end of 2017 of which \$14,400 would be held in TABOR reserve. He stated that the Water Activity Enterprise 2016 balance forward was projected to be \$11,471,476 and 2017 revenues were projected to be \$12,000,000, General and Administrative Management Fees paid to the District were projected to be \$399,959, and Project performance expenses were projected to be \$10,500,000. Income versus expenses for 2017 was projected to be \$1,100,041 and the Enterprise would have a projected cash balance of \$12,571,517 at the end of 2017.

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

Chair Hart closed the Public Hearing.

5. B CONSIDERATION OF RESOLUTION 2016-8 FOR 2017 BUDGET

Larry Small presented Resolution 2016-8 which stipulated that the appropriated expenditures for the District 2017 would be: General Fund - \$474,949 and Grants Received Fund - \$246,025, for a total 2016 expenditure of \$720,974. For the Water Activity Enterprise 2017 would be: Management Fees - \$399,959 and Projects - \$10,500,000, for a total 2017 expenditure of \$10,899,959. He stated that Resolution 2016-8 would require a super majority vote of seven affirmative votes to pass.

Upon motion duly made, seconded, and unanimously carried, Resolution 2016-8 for the 2017 budget was approved by a supermajority of seven affirmative votes and no dissenting votes.

Director Toll was excused.

5. C EXTENSION OF MATRIX DESIGN GROUP TECHNICAL SERVICES CONTRACT

Larry Small stated that the Matrix Design Group Technical Services Contract would expire December 31, 2016 unless extended. The proposed extension would continue the contract through December 31, 2017 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, 2017.

5. D AMMENDMENT TO MONETARY MITIGATION FUND ADVISORY COMMITTEE BYLAWS

Larry Small stated that the Bylaws were change to require the Monetary Mitigation Fund Advisory Board to advise the Fountain Creek Watershed Water Activity Enterprise Board rather than the District Board since the decisions on use of the Monetary Mitigation funds would be made by the Enterprise Board.

Upon motion duly made, seconded, and unanimously carried, the Amended Monetary Mitigation Fund Advisory Committee Bylaws were approved.

6. PRESENTATION - CREEK WEEK 2016

Allison Plute gave the presentation on Creek Week 2016. She stated that the event was held September 24 through October 1, 2016. She stated that twenty-four organizations served on the Steering Committee. She stated that 2400 citizens participated and collected over 16 tons of refuse, compared to 1550 collecting 9.44 tons in 2015. 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 23 through September 30, 2017 and that the Steering Committee would start meeting in January 2017 to begin planning the event. She acknowledged the many groups that participated and encouraged even broader participation in 2017 by the TAC, CAG and Board members.

7. BOARD MEMBER COMMENTS - None

8. PUBLIC COMMENT - None

9. REGULAR REPORTS

9. A TECHNICAL ADVISORY COMMITTEE REPORT

Dennis Maroney reported that the TAC met December 7, 2016 at 1:00 pm at the Fountain City Hall. He reported that the TAC received a presentation on the CSU Frost Ranch Diversion Land Use Application and voted to recommend approval to the Board. He also reported that the Greenhorn Valley participated in Creek Week.

The next TAC meeting will be January 4, 2017 at 1:00 pm at the Fountain City Hall.

9. B CITIZENS ADVISORY GROUP REPORT

Irene Kornelly reported that the CAG met November 18, 2016 at 9:30 am at Fountain City Hall and that the meeting scheduled for December 9, 2016 was the same day as the Board meeting so the CAG meeting was cancelled. She reported that the CAG received a presentation on the CSU Frost Ranch Diversion Land Use Application and voted to recommend approval to the Board. She reported that the CAG Outreach Committee consisted of six CAG members and supported 31 events in 2016. She reported that the Outreach Committee is looking for volunteers to help with events. Chair hart asked that she send him an e-mail detailing the events planned for 2017 and he would circulate it to other groups that he worked with to see if some would volunteer to help.

The next CAG meeting will be January 13, 2017 at 9:30 am at the Fountain City Hall.

9. 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.

9. D LEGAL REPORT - None

9. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he attended the Arkansas Basin Roundtable meeting in Pueblo on November 9, 2016. He reported that he met with CDOT to discuss the HY 47 bridge erosion issue and discussed how the District, CDOT and the City of Pueblo would need to participate in the solution to the problem. He reported that the Monument Watershed Restoration master Plan was delivered to DOLA on November 1, 2016 and to the United States Air Force Academy on November 16, 2016, completing both contracts. He reported that he met with Tom Katers, DOLA Program Manager on November 2, November 15, November 18 and November 21, 2016 to complete the Grant Closeout Checklists and provide backup data to show compliance with HUD requirements. He reported that he conducted a meeting and gave a presentation on the Evaluation of Flood Control Alternatives Preliminary Final Report to a group of 47 interested Stakeholders in the Lower Arkansas basin on November 21, 2016 at the Southeastern Colorado

Water Conservancy District office in Pueblo. He reported that he gave the presentation on the Evaluation of Flood Control Alternatives Preliminary Final Report to the Arkansas River Compact Administration Technical Committee on December 8, 2016 in Lamar, Colorado. He reported that he gave a presentation on the Monument Creek Watershed Restoration Master Plan to both the Joint Land Use Study Technical Committee and the JLUS Policy Committee. He reported that the Technical Committee recommended adoption of the Master Plan to the Policy Committee and the Policy Committee adopted the Master Plan as the JLUS Master Plan for the Monument Creek Watershed.

10. OLD BUSINESS (Board Action May Be Required)

10. A RESOLUTION NO 2016-09 - LAND USE

Colorado Springs Utilities presented the 100% design for the Frost Ranch Diversion project on Fountain Creek. The project lies within the Districts statutory authority for land use within the Corridor as defined by §§32-11.5-101 C.R.S. The Project includes the installation of a diversion structure approximately 240 feet downstream of the Old Pueblo Road bridge on Fountain Creek, a fish passage structure and an open conveyance ditch that continues approximately 3800 feet downstream roughly paralleling the creek on the adjacent upper bank on Hanna Ranches Inc. property, parcel no. 5700000005, terminating at an existing irrigation ditch that continues to Frost Livestock Company agricultural land, located within the Fountain Creek floodplain and within the District’s Corridor. The District Board, by Resolution 2016-05-Land Use, conditionally approved the Colorado Springs Utilities Fountain Creek Diversion Project located within the Corridor subject to the condition that Colorado Springs Utilities will present to the TAC and Board a 90% design for the Project at their respective meetings in December 2016 and to the CAG at its November 2016 meeting for final action on the land use application and no construction may begin until final action is taken by all bodies. CSU complied with the conditions. The TAC and CAG recommended final approval of the land use application.

Upon motion duly made, seconded, and unanimously carried, Resolution 2016-09 was approved and the Land Use was granted.

11. OTHER BUSINESS

11. A APPROVAL OF INVOICES

Presented for Payment 12/9/2016

General Fund				
Vendor	Date	Num	Amount	For
Larry Small				
	11/27/16	165	\$7,000.00	Executive Director - November
			\$7,000.00	Executive Director - December
Matrix Design Group				
	11/10/16	19358	\$19,356.29	Monument Creek MP Enginee
Larry Small				
	10/13/16	166	\$141.47	District Expenses - Septembe
Matrix Design Group				

	11/18/16	19409	\$11,543.07	Fountain Ck WARSSS Grant
MWH				
	10/13/16	1727584	\$20,741.25	Eval of Flood Ctrl Grant
Colo Spec Dist Prop & Lia Pool				
	10/25/16	30C28004-216	\$1,685.28	2017 insurance
Special District Assoc of Colo				
	11/14/16	2016111423552850000	\$770.80	SDA Membership Dues
Harland Clark				
	11/10.2016		\$26.79	General Fund Checks
Colorado Tribune				
	12/03/16	16 FC 1203	\$49.00	Public Notice - 2017 Budget
TOTAL - General Fund			\$68,313.95	

Master Plan Fund				
Vendor	Date	Num	Amount	For
CAG				
			\$1,067.06	Creek Week Contrib. from Co Springs
TOTAL - Master Plan Fund			\$1,067.06	

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

11. B AUTHORIZATION OF SIGNATURE AUTHORITY FOR GENERAL FUND BANK ACCOUNT

Larry Small stated that Director Dennis Hisey was leaving the Board and Gabe Ortega was now an alternate Board member so both would need to be replaced as signatory on the District General Fund bank account. He recommended that to be consistent with the Enterprise bank account Director Terry Hart and Director Richard Skorman be appointed to replace Director Dennis Hisey and Gabe Ortega.

Upon motion duly made, seconded, and unanimously carried, Director Terry Hart and Director Richard Skorman were authorized signatory to the District General Fund bank account to replace Director Dennis Hisey and Gabe Ortega.

12. EXECUTIVE SESSION (IF REQUIRED) - None

13. CONFIRM NEXT MEETING TIME AND LOCATION

The next Board meeting will be held January 27, 2017 at 1:00 pm at the City of Fountain City Hall, 116 S. Main Street, 2nd Floor, Fountain, CO 80817

14. ADJOURN

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