

**Fountain Creek Watershed, Flood Control, and Greenway District
Board of Directors
MEETING MINUTES
September 16, 2016**

This 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 Hart called the meeting to order at 1:08 pm. In attendance were the following duly designated members of the Board of Directors of the District:

Name:

Dennis Hisey
Terry Hart
Greg Lauer
Coreen Toll
Jill Gaebler
Richard Skorman
Larry Atencio

El Paso County
Pueblo County
City of Fountain
EPC Small Municipalities
City of Colorado Springs
CAG Liaison
City of Pueblo

Absent

Melissa Esquibel
Jane Rhodes

Lower Arkansas
Fountain Creek Land Owner

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 THE AUGUST 26, 2016 BOARD MEETING

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

4. INTRODUCTION OF GUESTS

Chair Hart asked the guests in the audience to introduce themselves.

5. PRESENTATION - SDS CREEK REALIGNMENT PROJECT

Allison Moser presented the SDS Creek Realignment Project and discussed the recovery from the storms of May and June 2015 that caused damage to the project. She stated that the project wetlands suffered damage from excessive sediment deposits and that the keyways between the

wetlands were damaged by the excessive flows. She stated that the flow on June 15 2015 was near 20,000 cfs. She stated that the Koriwrap had been lifted and displaced and that many of the plants had been washed out. She stated that the primary bank behind the project was not damaged. She stated that the project has been rebuilt with additional riprap along the bank and a redesign of the wetlands to allow them to have better drainage. She invited the Board to visit the site to see the changes that were made. The Board agreed to a site visit in October 2016 and asked the executive Director to coordinate with CSU and schedule the visit.

6. BOARD MEMBER COMMENTS - None

7. PUBLIC COMMENT

Elise Bergsten stated the Pikes Peak Rural Water Authority supports the development of the District's Drainage Criteria Manual and believes a regional manual is necessary. She stated that the 2017 Arkansas River Basin Water forum will be held in El Paso County in April 2017 and that the planning committee's next meeting will be September 27 at 10:00 am at the CSU environmental facility on Mesa Road in Colorado Springs. She encouraged the District to participate.

8. REGULAR REPORTS

8. A TECHNICAL ADVISORY COMMITTEE REPORT

Larry Small, in the absence of Dennis Maroney, reported that the TAC met September 7, 2016 at 1:00 pm at the Fountain City Hall. He reported that the TAC received a presentation from Allison Moser on the Fountain Creek Realignment Project and the Frost ranch Diversion Land Use Application. The TAC also received a presentation from Jim Heckman and Roger Sams on the sewer line relocation on Fountain Creek. The creek bank eroded about 120 feet and was within 30 feet of the sewer line. The sewer line was relocated to be 100 feet from the new bank location and the new bank was stabilized to prevent future erosion.

The next TAC meeting will be October 5, 2016 at 1:00 pm at the Fountain City Hall.

8. B CITIZENS ADVISORY GROUP REPORT

Irene Kornelly reported that the CAG met September 9, 2016 at 9:30 am at Fountain City Hall. She reported that the CAG received a presentation from Allison Moser on the Fountain Creek Realignment Project and the Frost ranch Diversion Land Use Application. The CAG also received an update on the District's RCPP application. She reported that the Outreach Committee published a list of upcoming public events. She reported that over 1500 people had signed up for Creek Week that will occur from September 24 to October 3, 2016.

The next CAG meeting will be October 14, 2016 at 9:30 am at the Fountain City Hall.

8. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of August 31, 2016. The District had total assets of \$154,798.16 and no liabilities. Profit and Loss Budget vs. Actual report for the period January 1, 2016 through August 31, 2016 indicated total revenues were \$350,705.78 and total expenses were \$513,801.16 for a net negative income of \$163,095.38 resulting in a District total equity of \$154,798.16. The General Fund cash on hand as of August 31, 2016 was \$157,687 and the Restricted Fund cash on hand was \$160. The total cash on hand was \$157,847.

8. D LEGAL REPORT - None

8. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he attended a meeting with the Department of Justice, CDPHE and the City of Colorado Springs on August 31, 2016 to discuss the District and its role in drainage and stormwater management as it relates to member governments in the District.

He reported he prepared a draft Water Activity Service Agreement for the DCM add-ons and delivered it to Colorado Springs Stormwater Department for coordination.

He reported that the District's Regional Conservation Partnership Program application was submitted on September 15, 2016 and awards are expected to be made by the Department of Agriculture in December 2016.

He reported that the Evaluation of Flood Control Alternatives project focused examined side detention facilities as well as on the dam alternative. He reported that location data for the USGS facilities and detention basins had been delineated in GIS using contours and LIDAR data.

The Fountain Creek Corridor WARSSS project had developed stream reach bank heights for the entire fifty-one miles of the corridor and identified and scores 215 issues in the 102 miles of creek bank..

He reported that the Monument Creek Watershed Restoration Master Plan Stakeholders meeting would be held on September 22, 2016. He reported that the project is on schedule and budget for completion in November 2016.

He reported that the Massantonio Trust Bank Restoration Project had identified a reference reach to evaluate and determine design characteristics to compare to the design alternatives being evaluated and that a field survey of the reach would be done in October.

He reported he attended all the member Government meetings in September to present Creek Week and hear their proclamations of support. He reported that there were three counties and eight municipalities participating in Creek Week in 2016.

8. F MONETARY MITIGATION FUND ADVISORY COMMITTEE REPORT

Irene Kornelly reported that the Monetary Mitigation Fund Advisory Committee met September 15, 2016 at 1:00 pm at the Pueblo County Public Works Facility. She reported that the Committee received a presentation from matrix on the progress of Massantonio Trust Bank Stabilization Project. The committee received and update from Larry Small on the DCM, WARSSS and Flood Control Alternatives projects.

The next Committee meeting will be October 20, 2016, 1:00 pm at the Pueblo County Public Works Facility, 33601 United Way, Pueblo, Co.

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

10. NEW BUSINESS (Board Action Required)

10. A PUBLIC HEARING ON COLORADO SPRINGS LAND USE APPLICATION

Chair Hart declared the public hearing opened.

Larry Small stated that the public hearing notice had been published in the Fountain Valley News on September 7, 2016 and the Colorado Tribune on September 3, 2016, as required by statute, that all application materials had been delivered to the District and were on file and that presentations had been given by the applicant to the TAC and CAG for their consideration.

Joseph Rassmusen, Colorado Springs Utilities, presented the land use application. He presented the 30% design package. He stated that the project is located on Fountain Creek 250 feet downstream of Old Pueblo Road bridge over Fountain Creek. He stated that the project is a project required to comply with the SDS Environmental Assessment for SDS Phase two. SDS Phase two will release return flows to Fountain Creek from Williams Creek Reservoir that will impact the Frost ranch diversion. He stated that the current Frost ranch diversion is an in-channel diversion that requires sand berms to direct the creek flow to the head gate, He stated that when flows in fountain creek exceed 3500 cfs the sand berms are washed out and become a sediment load downstream. He stated that the proposed diversion is a four foot high drop structure with fish passage incorporated in the structure. He stated that water will be diverted from the drop structure to a ditch that will run 3500 feet downstream parallel to the east bank of the creek to connect with the Frost ranch irrigation ditch. He stated that the drop structure will also act as a grade control structure for the creek that will level the creek and provide protection to Old pueblo Road bridge, the railroad bridge and the Clear Spring Ranch creek improvement project. Director Toll asked if this project was on private property and had the necessary USACOE permits. Mr. Rassmusen responded in the affirmative.

Chair Hart opened the floor to public comments.

Tracy Tolle, a farmer on Fountain Creek, stated he was not opposed to the project. He stated that he lost his diversion in the June 2015 storm and has not been able to restore it because the creek

dropped and moved east away from his ditch. He stated that downstream farmers also need help. Larry Small stated that he had visited Mr. Tolle's diversion and well understood his problems.

Vance Clifton, a farmer on Fountain Creek, stated that conditions on the creek were such that when flows reach 5000 cfs he loses his diversion. He stated that he also supports the project but agrees with Mr. Toll that other farmers need help.

Jay Frost, owner of Frost Ranch, stated that he understands the needs of the other farmers that he spent \$28,500 last year to keep his diversion operating.

Director Atencio stated that the District needs to find a way to help the farmers on the creek and mitigate these kinds of issues, that the creek is their livelihood.

Larry Small gave a brief summary of the current District projects underway to assess the sedimentation and erosion and flood control needs as well as what issues are affecting diversions. He also discussed the actions Colorado Springs and Pueblo County are taking under the recently implemented Stormwater Management IGA that will help in the future.

Chair Hart asked if there were any other Board comments. He stated that he was concerned that the Board was not seeing a complete design for the project and asked when the Board could expect to see a complete design. Mr. Rasmussen stated that CSU would present a 90% design package to the the CAG at its November 18, 2016 meeting, to the TAC at its December 7, 2016 meeting, and to the Board at its December 9, 2016 meeting. Chair Hart asked if construction would not start before the Board's action on December 9, 2016 and Mr. Rasmussen replied that it would not.

Chair Hart asked for the recommendations from the TAC and CAG. Larry Small, in the absence of Dennis Maroney, stated that the TAC recommended conditional approval by a vote of four aye's and three no's with two abstentions with the condition that the complete design be brought back to the TAC at its November 2, 2016 meeting. Irene Kornelly stated that the CAG voted unanimously to recommend conditional approval with the condition that the complete design be brought back to the CAG at its November 18, 2016 meeting.

Chair Hart asked for a motion from the Board.

Motion to conditionally approve 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, made by Director Skorman, properly seconded by Director Toll, and approved by a vote of 6 to 0 of the 6 Directors of the District Board present and voting.

10. B RESOLUTION 2016-05-LAND USE, A RESOLUTION APPROVING/RATIFYING THE DISTRICT BOARD’S APPROVAL OF THE LAND USE APPLICATION BY COLORADO SPRINGS UTILITIES FOR THE FOUNTAIN CREEK DIVERSION PROJECT LOCATED WITHIN THE FOUNTAIN CREEK CORRIDOR

Larry Small presented Resolution 2016-05 to the Board with all details of the resolution stated for the benefit of the public, stipulating that the resolution was conditional approval of the application conditioned on the 90% design being presented to the CAG at its November 2016 meeting and to the TAC and Board at their respective December 2016 meetings and that no construction could begin prior to the Board’s action on December 9, 2016

Upon motion duly made, seconded, and unanimously carried, Resolution 2016-05 was approved.

10. C PROPOSED 2017 DISTRICT BUDGET

Larry Small presented the proposed 2017 budget for the District and the Water Activity Enterprise. The proposed District budget stated a 2016 fund balance of \$67,280, revenues of \$350,566, District operating expenses of \$74,990, District project expenses of \$246,025, TABOR reserve of \$14,400, and a 2017 year end fund balance of \$96,831. The proposed Water Activity Enterprise budget stated 2016 fund balance of 10,566,958, revenues of \$12,000,000, Enterprise operating expenses of \$399,959, Enterprise project expenses of \$10,500,000, and a 2017 year end fund balance of \$11,666,999.

The Board discussed the proposed budget and based on the proposed budget directed that a final 2017 budget be brought to the Board for a public hearing and action at its December 2016 meeting.

11. OTHER BUSINESS

11. A APPROVAL OF INVOICES

Presented for Payment 9/16/2016

General Fund	Date	Num	Amount	For
Larry Small				
	09/05/16	161	\$1,500.00	Monument Ck Grant Proj Mgmt
			\$5,500.00	Executive Director
Matrix Design Group				
	09/12/16	18956	\$45,823.44	Monument Creek MP Engineering
Larry Small				
	09/05/16	162	\$69.51	District Expenses - August 2016
City of Colorado Springs				
	09/09/16	OS6331	\$140.00	CAG Brochure Printing
Matrix Design Group				
	09/12/16	18958	\$9,859.25	Fountain Ck WARSSS Grant Engineering

Colorado Tribune				
	09/03/16		\$47.60	CSU Land Use Application Pub Notice
Shopper Press				
	09/07/16	1387	\$37.44	CSU Land Use Application Pub Notice
TOTAL - General Fund			\$62,977.24	

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

12. EXECUTIVE SESSION (IF REQUIRED) - None

13. CONFIRM NEXT MEETING TIME AND LOCATION

The next Board meeting will be held October 28, 2016 at 1:00 pm at 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.