

**Fountain Creek Watershed, Flood Control and Greenway District
BOARD OF DIRECTORS MEETING MINUTES
January 25, 2013**

The meeting was held at: City of Fountain City Hall, 116 S. Main Street, and 2nd Floor
Fountain, CO 80817

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Chair Ortega called the meeting to order at 1:30 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
Gabe Ortega	City of Fountain
Brandy Williams	City of Colorado Springs
Dennis Hisey	El Paso County
Jane Rhodes	Fountain Creek Land Owner
Eva Montoya	City of Pueblo
Melissa Esquibel	Lower Arkansas

Excused:

Michael Maddox	EPC Small Municipalities
----------------	--------------------------

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 DECEMBER 2012 BOARD MEETING

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

4. PRESENTATION – None

5. BOARD MEMBER COMMENTS

Chair Ortega stated that he was happy to see the District moving forward to implement Mr. Salazar's Crown Jewell vision for Fountain Creek and has been happy to be a part of that effort. He is looking forward to 2013 as being a positive year for change on the creek.

Director Williams reported that the final Stormwater Task Force meeting was held on January 10, 2013. She stated that the results of the assessment of need revealed \$906 million of unmet capital projects in the region. She stated that the Task Force would be moving to Phase 2 as soon

as El Paso County Commissioners and Colorado Springs City Council pass resolutions. The next Task Force briefing will be to the Colorado Springs City Council on February 11, 2013.

Director Montoya reported that there is a lot of activity on the Pueblo Skate Park funded by the GOGO Grant. Pueblo is also working on the trails connecting the parks to the creek.

Director Rhodes asked suggested that all Board members should wear their name tag to meetings. Larry Small stated that he would get name tags for Board members who do not have one.

6. PUBLIC COMMENTS - None

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

Rich Muzy reported that the TAC met January 9, 2013. He stated that the TAC approved a recommended list of members to be presented to the Board for approval at the January 25, 2013 annual meeting. He stated that the TAC is still in the process of electing officers for 2013 and would complete the elections at the next meeting. He reported that the TAC had reviewed the SDS land use Application and had voted unanimously to recommend approval to the Board with no conditions. He reported that two subgroups were formed – one to review what portions of the Drainage Criteria Manual would be used in Land Use Application review and another sub-group to start reviewing the District's authority for drainage control in conjunction with member Governments. He reported that the Flood Control Study sub-group had met with USGS to review progress and evaluate the scenarios for sediment transport modeling.

The next TAC meeting is scheduled for February 6, 2013 at 1:00 PM at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP

Richard Skorman reported that the CAG met January 11, 2013 at Fountain City Hall. The CAG received a presentation on the SDS Land Use Application and voted unanimously to recommend approval to the Board. The CAG discussed the makeup of the 2013 membership and elected officers for 2013. The CAG made a recommendation for CAG membership to the Board for the January 25, 2013 annual meeting. He reported that the CAG discussed the Martin Marietta gravel pit at the Sundance property as a result of the El Paso BoCC approving an extension to the date of starting operation of the pit. The delay was needed to allow Martin Marietta to get approval from CDOT for the I-25 interchange design and construct the interchange

The next CAG meeting will be February 8, 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 December 31, 2012. The District has total assets of \$257,214.27 and no outstanding liabilities. Profit and Loss Budget vs.

Actual report for the period January – December 2012 indicated total revenues were \$59,945.45 and total expenses were \$306,911.51 for a net negative income of \$246,966.14 resulting in a District total equity of \$257,214.27. The General Fund cash on hand as of November 30, 2012 was \$57,626 and the Restricted Fund cash on hand was \$197,838. The total cash on hand was \$255,464.

7. D LEGAL REPORT - None

7. E EXECUTIVE DIRECTOR’S REPORT

Larry Small reported that he attended the Stormwater Task Force presentation to the El Paso BoCC on January 17, 2013 and the Martin Marietta Gravel Pit extension hearing at the El Paso BoCC meeting on January 10, 2013. He reported that he met with El Paso County representatives and Sarah Jack to discuss the Wedgewood Duck farm and see if there was a way forward for El Paso County to acquire this property. He reported that he met with the Arkansas Basin Roundtable Needs Assessment Sub-committee on January 2, 2013 to review the Grant Application prior to taking it to the Roundtable. He reported that he presented the Grant Application to the Roundtable on January 9, 2013 to get approval for funding. He reported that the IGA Committee met on January 17, 2013 with a representative of NRCS to explore future grant funding opportunities. The IGA committee also discussed developing a strategy to obtain project funding for future projects, consisting of grants and CWCB loans.

8. 0 OLD BUSINESS (BOARD ACTION MAY BE REQUIRED REQUIRED)

8. A MIL LEVY DISCUSSION

Larry Small stated that Trust for Public Land would make a presentation to the Board at the February 22, 2013 meeting of their assessment of our mil levy opportunity and begin working with the Board to develop a strategy for the ballot question. Director Hisey stated that it was critical that we work this issue in earnest this year and also look at member entities providing funding by the end of this year to continue District operations in from 2014 through 2016. Director Hart stated that he and the CAG had a conversation about a strategy to stipulate what part of the mil levy funds could be used for administration and develop a list of specific projects that would be accomplished by the balance of the funding. He stated that El Paso County’s success with the RTA was a good model to be followed. The Board discussed the need to reconcile the District’s needs with the Regional Stormwater needs and try to avoid two ballot questions that might be confusing to the voters and result in failure of both. Chair Ortega stated that the City of Fountain just had a ballot question that was a single question to sunset a portion of the mil levy but retains another portion for in perpetuity for maintenance. Director Hart stated that he felt the District needed to carefully craft the question and allow enough time to educate the public and get support prior to going to an election. He stated that the Pikes Peak Regional Transportation Authority success was a model for that strategy.

8. B GRANT APPLICATION FOR FOUNTAIN CREEK BANK RESTORATION AT FROST RANCH (BOARD ACTION REQUIRED)

Larry Small stated that the Grant Application had been approved by the Arkansas Basin Round Table and that the Roundtable had sent a letter to CWCB so stating and advising that CWCB would receive the Grant Application in the near future. The funding approved by the Roundtable was less than requested and created a deficit between the funding and the project budget. The purpose of this item is to advise the Board of the content of the application and get Board approval to close the funding gap.

Graham Thompson presented the briefing of the grant Application. Larry Small presented the chart showing the funding deficit of \$45,800. He stated that the land owner would provide \$7,500 in-kind for vegetation and he recommended that the District provide additional funding above the \$10,000 authorized of \$35,300, bringing the District's total obligation for this project to \$45,300 (24% of the project budget). He stated that the funding would come from the Master Plan Fund, consistent with the purpose of that fund. Director Williams asked if the District funds were used last on the project and was there an opportunity to for efficiency that could save money on this project. Mr. Small and Mr. Thompson agreed that there was opportunity and that the CWCB funding was limited to the amount approved and all other costs were the responsibility of the district.

Upon motion duly made, seconded, and unanimously carried, the request to provide \$35,300 of additional funding for this project bringing the total District obligation to \$45,300 for this project, such funding to come from the master Plan Fund, was approved.

9. NEW BUSINESS (BOARD ACTION REQUIRED)

9. A COLORADO SPRINGS UTILITIES SDS LAND USE APPLICATION FOR THE WILLIAMS CREEK PUMP STATION POWER SUPPLY PROJECT

Larry Small stated that the Applicant, Colorado Springs Utilities had met all the requirement of the District's Land Use Application Policy, paid the required \$1750 application fee, obtained approval of the Application from the TAC and CAG and was now seeking Board approval. He stated that in addition to considering the application relative to the District's authority, the Board should also consider the application for a recommendation to El Paso County as a coordinating agency for land use applications to El Paso County.

Rich Muzy confirmed that the TAC had voted unanimously to recommend approval to the Board with no conditions of approval.

Richard Skorman confirmed that the CAG had voted unanimously to recommend approval to the Board with no conditions of approval.

Allison Moser, Colorado Springs Utilities SDS Project, presented the application. The application was for a power line crossing above Fountain Creek with two pole structures in the flood plain. The structures were double pole structures sufficiently constructed and enforced to be protected from wind or flood. The power line was a distribution line to the Williams Creek pump station for the SDS pipeline. The construction met all applicable requirements of State, County and Federal Law.

Director Rhodes asked for clarification that the power line and structures were sufficiently protected from creek flows. Ms. Moser so confirmed. Director Skorman asked clarification that the power lines would present no unusual hazard to migrating birds. Ms. Moser so confirmed.

Upon motion duly made, seconded, and unanimously carried, with Directors Hisey and Esquibel excused from the vote, the land use application within the District's jurisdiction and a recommendation of approval to El Paso County for that portion of the project outside the District's jurisdiction but within El Paso County's jurisdiction, was approved.

Mr. Emmons will bring a resolution for Board action on this item to the February 22, 2013 meeting so that the resolution can be forwarded to El Paso County.

9. B EXTENSION OF EXECUTIVE DIRECTOR CONTRACT FOR THE PERIOD 1 FEBRUARY 2013 THROUGH 31 JANUARY 2014

The Executive Director and the Board mutually agreed to extend the contract for a period of one year with no other changes to the contract.

Upon motion duly made, seconded, and unanimously carried, the contract extension was approved as presented.

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				
	01/08/13	63	\$2,500.00	Executive Director
TOTAL - General Fund			\$2,500.00	

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 February 22, 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.