

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

August 23, 2013

The meeting was held at the Pueblo County Building, Commissioners Meeting Room
215 West 10th Street
Pueblo, CO 81003

1. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Chair Ortega called the meeting to order at 1:10 pm. In attendance were the following duly designated members of the Board of Directors of the District:

Name:

Terry Hart	Pueblo County
Val Snider	City of Colorado Springs
Dennis Hisey	El Paso County
Jane Rhodes	Fountain Creek Land Owner
Gabe Ortega	City of Fountain
Melissa Esquibel	Lower Arkansas
Ferris Frost	CAG Liaison (Alternate)
Eva Montoya	City of Pueblo

Excused:

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

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 JULY 26, 2013 BOARD MEETING

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

4. PRESENTATION – None

5. BOARD MEMBER COMMENTS

Director Montoya stated that work continues on the Pueblo Skate Park and the improvements around the park that were funded by the GOCO grant. She stated that construction would start later this year. She stated that the East Side Library groundbreaking would be Saturday August 24 at 10:00 am and that the Library was looking for pictures of Pueblo prior to 1950. The library was also looking for volunteers to work in schools for one to two hours each month. She stated that the Fiesta Day parade would be Sunday September 1 at 10:00 am.

Director Hart stated that the storms throughout Pueblo were stunning in their lightning and rain fall. He stated that he reviewed the plans for El Quinto Sol Park and was impressed with the improvements that are being made. He stated that he wants to be sure water quality in the creek is safe and monitored. He stated he also looked at Plaza Verde Park and the trail extension thru the park. He stated that the fires and storms are presenting a challenge to all the Front Range communities. He stated that Larry small had appeared before the Pueblo County Board of County Commissioners and presented the resolution for contributions to the District. He stated that it was well received. He said Mr. Small also presented the resolution for SDS Indexed Revenue and it was being considered by the Pueblo Board of County Commissioners.

Director Hisey stated that the El Paso County Board of County Commissioners and the Colorado Springs City Council met in a joint session to review the work done by the Storm Water Task Force. He said the effort was moving forward and was optimistic about finding a regional solution.

6. PUBLIC COMMENTS - None

7. REGULAR REPORTS

7. A TECHNICAL ADVISORY COMMITTEE REPORT

Larry Small reported that the TAC met August 7, 2013 at the Fountain City Hall. He stated the TAC discussed comments for the Draft Flood Control Study Report from USGS. He stated that the Final comments would be ready for review at the next TAC meeting. He stated that the TAC received a briefing from Colorado Springs Utilities for the Creek Realignment and Sediment Mitigation Project Land Use Application and voted unanimously to recommend approval of the application to the Board.

The next TAC meeting is scheduled for September 4, 2013 at 1:00 PM at Fountain City Hall.

7. B CITIZENS ADVISORY GROUP REPORT

Irene Kornelly reported that the CAG met August 9, 2013 at Fountain City Hall. She stated that the CAG discussed the Draft Flood Control Study Report from USGS and decided to not submit comments on the draft report. Ms. Kornelly reported that the Outreach Committee met August 19, 2013 to create a plan for outreach activities in 2014. She stated that the committee discussed making two 3-D models of Fountain Creek and putting one on permanent display at the Fountain Nature Center and having one for touring events. She stated the committee discussed making a series of brochures featuring the purposes of the District. She said that the committee would develop display boards for showing at events. She said the committee discussed making a video flyover of the creek to emphasize areas for improvement.

Director Esquibel stated the committee should consider making coloring books featuring the creek to pass out at schools.

The next CAG meeting will be September 13, 2013 at 9:30 am at the Fountain City Hall. The next Outreach Subcommittee meeting will be September 16, 2013 at 10:00 am at the Fountain City Hall.

7. C FINANCIAL REPORT

Larry Small presented the Fountain Creek District Balance Sheet as of July 31, 2013. The District has total assets of \$179,800.67 and no liabilities. Profit and Loss Budget vs. Actual report for the period January through July indicated total revenues were \$2016.44 and total expenses were \$79,430.04 for a net negative income of \$77,413.60 resulting in a District total equity of \$179,800.67. The General Fund cash on hand as of July 31, 2013 was \$39,405 and the Restricted Fund cash on hand was \$139,170. The total cash on hand was \$178,575.

7. D LEGAL REPORT - None

7. E EXECUTIVE DIRECTOR'S REPORT

Larry Small reported that he met with the Regional Stormwater Task Force Engineering Subcommittee on July 29 to discuss the prior City of Colorado Springs Stormwater Enterprise. He reported he met with Tad Foster, a Palmer Land Trust Director, on July 31 to discuss the District and future relations with the Trust. He reported that he attended the El Paso County Board of County Commissioners meeting on August 6 and presented the District's objections to the El Paso County 1041 Permit Regulations. He stated that the Commissioners accepted the recommended change to remove the restriction on third party recourse to judicial review and would consider how to work with the District on its land use authority in the Corridor. He stated that he met with Colorado Springs Utilities officials on August 8 to discuss the Resolution concerning SDS Indexed Revenue. He stated that he attended the El Paso County Board of County Commissioners meeting on August 13 to support the approval to submit the GOCO Grant Application for the Wedgewood Reserve properties. He stated that the GOCO Grant Application was submitted to GOCO on August 15. The grant request was in the amount of \$519,750 matched by \$156,500 from El Paso County and \$25,000 from the District. He stated he attended the Red Rock Canyon Open Space 10th Anniversary celebration in Colorado Springs on August 17 and discussed the District with the many organizations in attendance. He stated that he attended the Pueblo Board of County Commissioners meeting on August 19 to present the resolutions for contributions to the District and for SDS Indexed Revenue. He stated that the Commissioners endorsed the resolution for contributions and would take the SDS indexed revenue request under consideration. He stated that he met with Matrix Design Group on August 20 to begin contract discussions for the Bank Restoration at Frost Ranch. He stated that he received the GOCO Grant contract and Authorization to Proceed on August 14.

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

9. NEW BUSINESS (BOARD ACTION REQUIRED)

9. A PUBLIC HEARING FOR COLORADO SPRINGS UTILITIES SDS LAND USE APPLICATION FOR FOUNTAIN CREEK STREAM REALIGNMENT PROJECT

Larry Small stated that the SDS Land Use Application had been advertised for Public Notice in the El Paso County Advertiser and News on August 14, 2013. He stated that the TAC had reviewed the Application on August 7, 2013 and the CAG had reviewed the Application on August 9, 2013. He stated that the Applicant had paid the Land Use Application Fee. He stated that the order of proceeding would be to have the Applicant present the Land Use Application and have public and board comments on the Application, close the Public Hearing, and have board action on the Application.

Allison Moiser presented the Application on behalf of Colorado Springs Utilities. The PowerPoint Presentation described the location of the project, the construction of the project showing installation of structures in the floodplain of Fountain Creek, the vegetation plan, the project contractors and permitting agencies, and the permits required for the project. She stated that all permits for the project had been obtained. She presented the project schedule, indicating the project would start construction on November 1, 2013 and would complete May 5, 2014. She stated that Colorado Springs Utilities would be responsible for maintenance of the project into the future and would monitor the wetlands for a period from three to five years to be sure the vegetation had taken.

Chair Ortega asked if anyone from the public wished to comment on the Application. Hearing none, Chair Ortega closed the Public Hearing and asked for a Board motion on the Application.

Upon motion duly made by Director Hisey, seconded by Director Montoya and approved by a vote of 8 to 0 of the 8 Directors of the District Board present, the Colorado Springs Utilities SDS Land Use Application for Fountain Creek Stream Realignment Project was approved.

9. B RESOLUTION 2013-05 CONFIRMING SDS LAND USE APPLICATION DECISION FOR THE FOUNTAIN CREEK STREAM REALIGNMENT MITIGATION PROJECT

Larry Small presented Resolution 2013-5 stating that the Public Hearing for Application had been advertised as required by law, that Public Hearings had been held by the TAC, the CAG and the Board, that the TAC and CAG had recommended to the Board approval of the Application by unanimous vote of both bodies and that the board had voted unanimously on August 23, 2013 to approve the Application.

Upon motion duly made, seconded, and unanimously carried, Resolution 2013-05 was approved confirming the Board's August 23, 2013 SDS Land Use Application decision for the Fountain Creek Stream Realignment Project.

9. C AMMENDMENT 2 TO MATRIX DESIGN GROUP PROFESSIONAL SERVICES CONTRACT FOR TASK ORDER 2013-1, FOUNTAIN CREEK BANK RESTORATION PROJECT AT FROST RANCH

Larry Small stated that the CWCB Grant Contract for the Fountain Creek Bank Restoration at Frost Ranch had been signed by the State of Colorado and the contract and letter of Authority to

Proceed had been received effective August 8, 2013. He stated that Amendment 2 to the Matrix Design Group Professional Services Contract for Task Order 2013-1, Fountain Creek Bank Restoration at Frost Ranch, authorized Matrix Design Group to perform the design work associated with the project. He stated that that Amendment 2 extended the contract through December 31, 2014 and Task Order 2013-1 authorized \$37,125 for the work defined in the Statement of Work. He stated that all work under the Task Order must be completed by June 1, 2014.

Upon motion duly made, seconded, and unanimously carried, Amendment 2 to the Matrix Design Group Professional Services Contract for Task Order 2013-1, Fountain Creek Bank Restoration Project at Frost Ranch, was approved.

9. D AUTHORITY TO ENTER INTO CONTRACT WITH USGS FOR POST-BURN WATER QUALITY EVALUATION OF FOUNTAIN CREEK AND APPROPRIATE FUNDS THERETO

Larry Small presented the proposal from USGS for Post-Fire Water Quality Sampling at six selected sites in Fountain and Monument Creeks. He stated that the water quality sampling would occur immediately after a major storm or storms over the Waldo Canyon and Black Forest burn areas. The sampling would measure over two hundred elements of contamination associated with storm water runoff from the burn areas. He said the contract would be funded by a Joint Funding Agreement between USGS, which would provide \$6000, and the District, which would provide \$12,000. The District funding would be made up of funds from Colorado Springs Utilities (\$4000), Pikes Peak Area Council of Governments (\$3000), City of Colorado Springs (\$1000), El Paso County (\$1000) and the District (\$3000). He stated the Joint Funding Agreement would be from September 1, 2013 through December 31, 2014 because it was uncertain when a major storm would occur over the burn areas. Data collected will be provided to the District in a summary letter and associated tables.

Director Esquibel asked what value the project would have if no formal report was prepared. Mr. Small responded that the data would give the participants a reference point for future examination of the creek that would occur from future studies. He stated that he would ask USGS to provide a summary report if possible.

Irene Kornelly stated that the CAG had expressed concern that the level of contamination in Fountain Creek resulting from the fires was not being examined and believed this sampling would be consistent with the CAG desires to establish baseline data.

Mark Shea, Colorado Springs Utilities, stated that USGS had the ability to track the same water slug as it moved down the creeks, showing dissipation of the contaminants from their origin to the last measuring gage at Pinion, giving a good idea of what contaminants would reach the Arkansas River.

Director Montoya stated we need to know what effect stormwater runoff from the burn areas is having on the creeks and ultimately the Arkansas River.

Upon motion duly made, seconded, and unanimously carried, authority was given to enter into a contract with USGS for Post-Burn Water Quality Evaluation of Fountain Creek and \$3000 was appropriated thereto from the Restricted Fund.

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				
	08/06/13	79	\$2,500.00	Executive Director
Shopper Press Inc.				
	08/14/13	1230	\$30.42	Publish SDS Land Use Ap
TOTAL - General Fund			\$2,530.42	

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

11. EXECUTIVE SESSION - None

12. CONFIRM NEXT MEETING TIME AND LOCATION

The next Board meeting will be held September 20, 2013 at 1:00 pm at the 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.