

**Fountain Creek Watershed, Flood Control and Greenway District  
Citizens Advisory Group  
Meeting Minutes  
February 10, 2012**

The meeting was held at:  
City of Fountain, City Hall  
116 S. Main Street, 2<sup>nd</sup> Floor  
Fountain, CO

**1. Call to Order, Establish Quorum and Introductions**

The February 10, 2012 meeting of the Fountain Creek Watershed Citizens Advisory Group (“CAG”) was called to order by Chairperson, Mr Terry Hart, at approximately 9:35am. In attendance were the following designated members of the CAG:

Terry Hart – Chairperson	Vice Chairperson – Irene Kornelly
Mary Barber	Dan Henrichs
Ross Vincent	Elaine Kleckner
Ferris Frost – Alternate CAG Representative to the FCWD Governing Board	
Richard Skorman – CAG Representative to the Fountain Creek Watershed, Flood Control and Greenway District (“FCWD”) Governing Board	

Members not present:

Carol Baker	Dieter Erdmann
Tom Ready	Vance Clifton (proposed)
Yvette Valdez-Trujillo (proposed)	

Mr Larry Small, Executive Director and Mr Jack Wallick, interested citizen, also attended.

A quorum was noted.

**2. Approve Agenda of February 10, 2012 Meeting**

*Upon motion duly made, seconded and unanimously carried, the February 10, 2012 agenda was approved.*

**3. Approve Minutes of Prior Meeting(s)**

*Upon motion duly made, seconded and unanimously carried, the January 13, 2012 minutes were approved.*

Members discussed whether or not to identify who made and seconded motions. Consensus was to include names on a motion-by-motion basis.

**4. Reports**

- a. **Governing Board Meeting.** Mr Small gave the following report:
  - Actions taken at the annual meeting of the Governing Board included adoption of Sunshine Law administrative items; appointment of committees (with the CAG membership

recommendations postponed until February 24<sup>th</sup>); and election of Officers (Chairperson – Mr Chostner; Vice Chairperson, Mr Ortega; Secretary, Mr Skorman; and Treasurer to be seated at the next meeting).

-Items from the regular meeting:

-Technical Advisory Committee (“TAC”) and CAG reports - CAG items are of interest and informative to the Board.

-Website report – Mr Jeff Besse is administering the site.

-Approved payment of bills.

-Financial report – closing out 2011.

-Amendment to the Summit Economics contract – Colorado Springs Utilities (“CSU”) agreed to fund additional content for the report (adding stormwater management information from other regions and action plan recommendations). Timeline for completion was extended to April 30<sup>th</sup>. Presentations will be made to the TAC and CAG in the March timeframe.

-Great Outdoors Colorado (“GOCO”) grant application – A stakeholder meeting will be held on Monday to scrub the project list. A GOCO member visit to proposed project sites is currently scheduled for March 29<sup>th</sup>, starting in Pueblo at 10:00am and moving northward to Fountain and Colorado Springs. The final application will be submitted by March 16<sup>th</sup>. Planning grant and additional applications may be submitted later in the year.

-Meeting announcements:

--February 13, 1:00pm, Outreach Committee, Fountain City Hall

--February 17, 10:00am, TAC with U.S. Geological Survey (“USGS”), Pikes

Peak Area Council of Governments (“PPACG”)

--February 21, 2:00pm, Review drainage criteria public policy grant, PPACG

--February 24, 1:00pm, Board meeting, Colorado Springs City Council Chambers

--February 28, 6:00pm, Fountain, District progress report to City Council

--March, Colorado Neighborhood Organizations (“CONO”)

-The Board has expressed an interest in moving forward with a ballot issue in 2013. CAG involvement and recommendations as representatives of citizens will be very important. Mr Hart will add the topic to future agendas.

**b. CAG Member Appointment Recommendation (added).** During the course of the Governing Board report, Mr Jack Wallick was introduced to the members by the Executive Director. Mr Wallick expressed an interest in serving on the committee. A brief discussion between the CAG and Mr Wallick ensued and a motion was made to recommend his appointment.

***Upon motion duly made, seconded and unanimously carried, the CAG recommends Mr Jack Wallick for appointment to the CAG.***

**c. TAC Meeting.** Ms Elaine Kleckner gave the following TAC report.

-The TAC will be monitoring and advising the Board on the USGS flood control study. A subcommittee will be working with the USGS to identify up to 14 flood control scenarios. The subcommittee set some goals, reviewed the materials available in developing the scenarios, and discussed modeling limitations and challenges. The subcommittee will meet with USGS to develop desired outputs and outcomes to help improve the study.

-Mr Dan Bare gave a status report on the Colorado Springs Storm Water Drainage Criteria Manual and the spin off projects of interest. The manual will be completed in May or June. The TAC discussed the approach and schedule for presenting the drainage criteria manual to other entities in the watershed for adoption. The storage chapter of the manual is available on the Colorado Springs website for comment.

-Ms Baker updated the group on the GOCO grant.

-Mr John Chavez, El Paso County Stormwater Manager, gave a presentation on several proposed U.S. Environmental Protection Agency (“EPA”) policies and regulations. He also talked about state activities.

-The group talked about their focus and direction in 2012, which included the potential upcoming ballot issue, water rights relative to stormwater projects, and land use review responsibilities and procedures. The fee structure for land use items will be looked into more in the future.

-The next TAC meeting will be March 7<sup>th</sup> in Fountain.

**d. Outreach Group.** Ms Kornelly reported the Group has not met since the last CAG meeting, but they will be meeting Monday February 13<sup>th</sup> at 1:00pm.

**e. Oil and Gas Exploration Subcommittee.** Ms Kornelly and Ms Frost provided the report, which included:

-Report on El Paso County activities

-The County revisited their proposed oil and gas regulations based on a letter from the State. The State expressed concerns about the county’s attempt to regulate particular aspects of exploration and drilling that fall under the purview of the Colorado Oil and Gas Conservation Commission (“COGCC”). The County Commissioners addressed the State’s letter by deleting all but requirements concerning transportation, noxious weeds, water quality monitoring and emergency response. In a follow up letter from the State, the County was told that they cannot regulate water monitoring. As of today’s CAG meeting, the County has not acted on the latest letter. The COGCC has been granted regulatory authority for most land use and operations related to drilling and “fracking” by the State Legislature. The primary legal issue is whether a county can implement more stringent regulations than the COGCC.

-Report on State activities: The subcommittee looked into what the State does that may affect the watershed. Four bills are at the State Legislature. Two bills in the House will not leave committee. One proposal pertained to additional setbacks and the other dealt with putting product water in pits. The bills did not leave committee because enough people in the House said the actions would negatively affect the industry, jobs and the economy. Two additional Senate bills still in committee address protection of water and water in waterways. At least one additional bill (subject unknown) has not been introduced.

-Report on City of Colorado Springs activities: A City committee has been learning about the state of the industry. Colorado Springs is a home rule city and not an arm of the state, which gives it regulatory authority to impose more stringent regulations, if desired. No action has been taken to date.

-Other relevant issues/activities:

-There are no oil and gas requests within the Fountain Creek 100-year floodplain, but requests have been made within the watershed.

-The courts have not decided the validity of the terms of the Banning Lewis annexation agreement. Since the Ranch is in the City of Colorado Springs, the property owners would have to petition to de-annex. The request would likely go to court if the City disapproved the petition. If the City accepts the request, the de-annexation would be decided by an election of the people in the area to be de-annexed. If the petition were to be approved by the electorate, the property would revert to the county and drilling on the applicable portions of the Banning Lewis Ranch would fall under the COGCC rules. Ultra Petroleum may prefer this result as they would then be regulated by the State.

-The source of water for the drilling operation has not been addressed.

-The CAG and subcommittee will continue to maintain awareness of the situation and explore if/how the District should be involved, which may include educating and advocating for the health and welfare of the watershed.

**f. Website Working Group.** The Outreach Group will provide a list of new and updated materials to be posted to the website directly to Jeff Besse.

## **5. Current Business**

**a. Monument Creek Improvement Projects – Downtown Colorado Springs.** Mr Small provided an overview of the four entities interacting to make improvements on Monument Creek within Colorado Springs and what they are working on.

-Colorado Springs Parks and Public Works Departments are involved representing the City.

-Downtown Development Authority (“DDA”) is a governmental body formed under State statute. The Authority’s boundary generally runs from north of Cache la Poudre west and along the west side of Cascade Ave, down to the intersection of I25 and South Nevada Ave where the boundary cuts across and comes up Shooks Run and back to Cache la Poudre. The DDA was authorized by the City and approved by the electorate in the defined area. It has a Board of Directors one of which must be a City Council member. Residents, business owners and property owners approved a 5 mill property tax that generates about \$1.0 million dollars per year. Plus they made an agreement with the city, the county and the school district to receive the property tax increment increase within the boundaries (virtually 0 since the DDA was formed). The purpose of the Authority is to make property and business improvements within the district [“...to provide programs and financial incentives to ‘encourage’ downtown development...” - <http://www.downtown80903.com/dda>].

-Downtown Business Improvement District (Greater Downtown Colorado Springs “BID”) has authority as a special district. It was organized to assess property taxes mainly on business in the downtown [“...in order to maintain streetscape improvements, undertake downtown marketing and improve parking and transportation.” - <http://www.downtown80903.com/bid>]. While Mr Small was not entirely certain, the district is thought to encompass the area from Boulder on the north, Cimarron on the south and the area between Cascade and Nevada. The Board is also appointed by City Council.

-Downtown Partnership is a private, non-profit, business membership organization. Their purpose is to support business activities in the downtown such as signage and events. [“Downtown Partnership is the lead organization planning, advocating and promoting a vibrant downtown Colorado Springs.” – <http://www.downtown80903.com/about-us>]

-The DDA is the primary organization that is working on amenities to attract people to the downtown and parks along the creek. The interest came from seeing river amenities in Oklahoma City that have been successful in attracting people to them. Some matching funds have been committed by the DDA. Mr David Lord is spearheading the effort.

-Concept/Project plans have been drawn up in the past, but archived. THK has been hired to bring past plans and current inputs together in a consolidated concept plan within the next month.

-The FCWD District can create special districts within the watershed with approval of voters like any special district.

- A presentation to the CAG on the concept plan was considered a good idea, possibly in April. DDA meetings are open to the public (2<sup>nd</sup> Tues of the month, 8:00am, Alamo Plaza building).

-NOTE: A map showing the boundaries of the DDA and BID was added for clarification as an attachment to the minutes.

**b. Sediment Removal Project Status.** According to Mr John McArthur, Project Lead, some additional equipment and improvements were installed the week of January 23<sup>rd</sup> with the

end result being that the collector was operating and working as designed. The unit was turned off temporarily, but it will soon be working continuously. The operational issues associated with the system seem to have been resolved, and the pilot project appears to be successful thus far. Sediment is intended for trail construction and other uses by the City of Pueblo. A substitution water plan to satisfy downstream water rights is in the process of development.

**c. 2012 CAG Meeting Schedule.** A revised draft schedule was updated. Mr Hart requested and CAG members will assist in finding locations, coordinating and announcing future meetings.

**d. CAG Membership.** Mr Wallick will be added to the updated CAG membership list and submitted for Board approval.

**6. Other Business:** None

**7. Public Comment:** None

**8. Executive Session:** None Required

**9. Next Meeting**

The next regularly scheduled CAG meeting will be March 9th, 9:30am, Fountain City Hall. (Update: This meeting was moved to Monument City Hall.)

**10. Adjourn**

The meeting was adjourned at approximately 12:00pm.

Attachment: Map of DDA and BID areas -

[http://www.downtown80903.com/library/DDA\\_BID\\_Map.pdf](http://www.downtown80903.com/library/DDA_BID_Map.pdf)