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**Fountain Creek Watershed, Flood Control, and Greenway District   
Board of Directors, Water Activity Enterprise Meeting Minutes   
September 15, 2023 9am**

**In Person at Fountain City Hall, 116 S. Main Street, Fountain, CO 80817, or**

**Via Zoom: Zoom Meeting link:** [**https://us06web.zoom.us/j/89493089235**](https://us06web.zoom.us/j/89493089235)

**Meetings are open to the public.**

1. **Call to order, roll call, and establishment of a quorum**

Chair Estes called the Fountain Creek Watershed District Water Activity Enterprise Meeting to order. In attendance were the following duly designated members of the District Board of Directors:

**Name: Representing:**

Tamara Estes Chair, City of Fountain

David Leinweber City of Colorado Springs

*Stan VanderWerf El Paso County*

Terry Hart CAG Representative

Daneya Esgar Pueblo County

Jessica Mills Lower Arkansas Valley

Dr. Bob Barr Land Owner

Larry Atencio City of Pueblo

James Romanello

Alli Schuch Executive Director

1. **Introduction of Guests**

Stephane Atencia, legal counsel

Duncan Bremmer,

Dan Bare, Matrix Design Group

Marci Day

Annie Berlemann

Lucy Harrington, GEI Consultants

Detra Duncan, Fountain alternate

Mark Shea, TAC Chair

A quorum was present.

1. **Approval of September WAE Agenda**

Director Barr made a motion to approve the agenda. Director Mills seconded, and the September WAE Agenda was unanimously approved.

1. **Consent Calendar**Director Mills made a motion to approve the consent agenda, Director Esgar seconded and the Consent Calendar was unanimously approved.
2. **Presentations**
   1. GEI - Phase II of In Lieu Fee Study, Lucy Harrington
      1. Report will be sent for reference.
      2. In Lieu Fee Program: Design & Costing
         1. Reviewed 4 sites suitable for mitigation - Fountain North, Frost, BJ Ranch, Tee Cross.
         2. Ability to develop credits (especially fish); additive benefits: flood resiliency, water quality, bank stabilization, recreation
         3. Water right attorney fees are incorporated into potential costs of each project + est. construction costs + est. mitigation costs + district overhead (20%)
            1. Fountain North: levee development = $7M or $116K/acre
            2. Frost: streams, fisheries, vegetation management = $18M or $100K/credit
            3. BJ Ranches: enhancing riparian corridor (rather than reestablishment for wetland credits), modify ditches, site for sale = $3.7M or $40K/credit
            4. Tee Cross: restore ag fields into wetland, vegetation management = $58M or $152K/credit
            5. CDOT could be a large participant of credit purchases from an in lieu fee program; looking to spend $79 to 300M in next 10 years.
            6. Plus Cities/Counties Public Works projects.
         4. Competition: El Paso (will only serve El Paso County projects), (inactive) Judge Orr, (inactive) Fountain Creek, (inactive) Cramer Creek, & (Wahlsenburg) Maria Lakes Mitigation Banks.
         5. USACE Orb data: rate of demand stats - in last 10 years, required an average of 3 acres/year with some increase.
         6. Next steps: need prospectus in order to sit and discuss potential with USACE. Phase III would be developing a prospectus.
   2. Matrix - District Project Updates
      1. Project Effectiveness & Southmoor Drive Channel Stabilization (ready to go to bid for contractor) - Tori Mack
      2. Wood Valley Ditch Focus Area: low feasibility for side detention and floodplain reconnection; cut bank stabilization most viable option; budget used 61%.
      3. Frost Focus Area: low feasibility for side detention and channel realignment; cut bank stabilization most viable option; budget used 50%.
      4. Eagleridge Channel Restoration w/ Hwy 47: original design impacted by high water in summer; alternative design and ways to integrate Eagleridge into Hwy 47 to be discussed at MMF meeting on Sept 20, 2023. Contract amendment provided, in today’s agenda.
      5. Budget remaining to assist with modifications.
3. **Executive Session**
   1. Greenview Trust - Council Atencio scheduled additional legal counsel during the executive session; he requested Dr. Barr not be present due to unresolved claims related to Barr Farm Project; Dr. Barr & guests excused themselves.
   2. Director Atencio made a motion to enter executive session, Director Mills seconded and there was unanimous approval to begin.
   3. Executive Session began at 10:30am per Section 24-6-402 (4)(B). No action taken. Executive Session ended at 10:47am.
4. **Old Business**

None

1. **New Business**
   1. Eagleridge Change Order #2 - Director Atencio made a motion to approve change order; Director Barr seconded; change order was unanimously approved.
   2. Hwy 47 Special Meeting - after MMF meets on Sept 20, 2023: Special Board Meeting to be after Sept 20, prior to October Board Meeting.
   3. Resolutions
      1. Public comment for the public meetings of WAE - Resolution 2023-3
      2. Public comment for the public hearings of WAE - Resolution 2023-4
      3. Director Atencio made a motion to approve change order; Director Romanello seconded; Resolutions were unanimously approved.
2. **Public Comments**

None.

1. **Confirm Next Meetings - ALL MEETINGS NOW HYBRID!  
     
   Via Zoom or in person at Fountain City Hall (116 S. Main St. Fountain, CO 80817)**
   1. Fri Oct 13, 8am-1pm – District Tour
   2. Fri Oct 20, 9am
   3. Fri Nov 17, 9am – Annual Budget Meeting
   4. Fri Dec 15, 9am – tentative
2. **Adjourn WAE Meeting**

Director Leinweber motioned to adjourn the meeting; Chair Estes adjourned the WAE Meeting.