



**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>**

**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:**

Tamara Estes  
David Leinweber  
*Stan VanderWerf*  
Terry Hart  
Daneya Esgar  
Jessica Mills  
Dr. Bob Barr  
Larry Atencio  
James Romanello  
Alli Schuch

**Representing:**

Chair, City of Fountain  
City of Colorado Springs  
*El Paso County*  
CAG Representative  
Pueblo County  
Lower Arkansas Valley  
Land Owner  
City of Pueblo  
  
Executive Director

**2. 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.

**3. 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.

**4. Consent Calendar**

Director Mills made a motion to approve the consent agenda, Director Esgar seconded and the Consent Calendar was unanimously approved.

## **5. Presentations**

### **A. GEI - Phase II of In Lieu Fee Study, Lucy Harrington**

- i. Report will be sent for reference.
- ii. 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%)
    - a. Fountain North: levee development = \$7M or \$116K/acre
    - b. Frost: streams, fisheries, vegetation management = \$18M or \$100K/credit
    - c. BJ Ranches: enhancing riparian corridor (rather than reestablishment for wetland credits), modify ditches, site for sale = \$3.7M or \$40K/credit
    - d. Tee Cross: restore ag fields into wetland, vegetation management = \$58M or \$152K/credit
    - e. 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.
    - f. 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.

### **B. Matrix - District Project Updates**

- i. Project Effectiveness & Southmoor Drive Channel Stabilization (ready to go to bid for contractor) - Tori Mack
- ii. Wood Valley Ditch Focus Area: low feasibility for side detention and floodplain reconnection; cut bank stabilization most viable option; budget used 61%.
- iii. Frost Focus Area: low feasibility for side detention and channel realignment; cut bank stabilization most viable option; budget used 50%.
- iv. 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.
- v. Budget remaining to assist with modifications.

## **6. Executive Session**

- A. 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.
- B. Director Atencio made a motion to enter executive session, Director Mills seconded and there was unanimous approval to begin.
- C. Executive Session began at 10:30am per Section 24-6-402 (4)(B). No action taken. Executive Session ended at 10:47am.

## **7. Old Business**

None

## **8. New Business**

- A. Eagleridge Change Order #2 - Director Atencio made a motion to approve change order; Director

Barr seconded; change order was unanimously approved.

- B. Hwy 47 Special Meeting - after MMF meets on Sept 20, 2023: Special Board Meeting to be after Sept 20, prior to October Board Meeting.
- C. Resolutions
  - i. Public comment for the public meetings of WAE - Resolution 2023-3
  - ii. Public comment for the public hearings of WAE - Resolution 2023-4
  - iii. Director Atencio made a motion to approve change order; Director Romanello seconded; Resolutions were unanimously approved.

**9. Public Comments**

None.

**10. Confirm Next Meetings - ALL MEETINGS NOW HYBRID!**

**Via Zoom or in person at Fountain City Hall (116 S. Main St. Fountain, CO 80817)**

- A. Fri Oct 13, 8am-1pm – District Tour
- B. Fri Oct 20, 9am
- C. Fri Nov 17, 9am – Annual Budget Meeting
- D. Fri Dec 15, 9am – tentative

**11. Adjourn WAE Meeting**

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