

**UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES**

October 3rd, 2023

The **October** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, October 3rd, 2023**, at 6:00 P.M., at 1500 8th Street (inside the conference room at Farmers State Bank, enter through the courtyard) & also Via Zoom. The meeting was open to the public.

Board Members in Attendance: President David Doran, Vice-President Dan Farmer, Secretary Darrel Nily, Treasurer Mitchell Baldwin via Zoom

Board Members Absent: NA

Others in Attendance: Dave Elliott, John Hill, Tracy Doran
On Zoom: Riley Hillen, Jeff Munger, Lisa Thompson, Brett Gracely, Luke O'Brien, Ken Huhn, Pete Johnson, Greg Panza, Joshua Watkins

PUBLIC NOTICE OF THE MEETING WAS POSTED AND OPEN TO THE PUBLIC

- 1. Call to Order/Roll Call:**
President Doran called the meeting to order and took roll call and determined a quorum was present.
- 2. Agenda for October 3rd, 2023:**
Director Baldwin motioned to approve the agenda for October 3, 2023 with the addition of Grandview Reserve under Visitor Input to discuss high ground water issues with the engineers of the subdivision, and #7 under El Paso County Review for Grandview Reserve PUD Filing 1. Director Nily seconded the motion. Motion carried (4-0)
- 3. Minutes for September 5th, 2023:**
Director Baldwin motioned to approve the September 5th, 2023 minutes. Director Nily seconded the motion. Motion carried (4-0)
- 4. Treasurer Report & Any Bills Needing Board Approval:**
Treasurer Baldwin reported on the income and expenditures for September 2023 and motioned to approve the treasurer report and pay the attorney bill for \$17,433.48 and Spronk engineering bill for \$9,930.00 and USGS bill for \$34,904.69. Director Nily seconded the motion. Motion carried (4-0)

5. 2024 Proposed Budget:

The board discussed the proposed budget and that the hearing will be a big expense for us next year.

The board discussed that we will need to do a full audit next year instead of an exemption of audit because we will exceed the amount that is allowed by the State for an exemption. We also may be looking at doing an amended budget for this year if we go over the amount originally budgeted due to engineering costs for the hearing and the AEM study.

Director Baldwin motioned to approve The Adams Group to be our accounting firm for the Audit. Director Nily seconded the motion. Motion carried (4-0)

6. Election:

Manager Doran updated the board on the dates for the election and when petitions will be available and which seats are up for election. The board discussed term limits and holding an election in 2025 specifically just for that.

VISITOR INPUT

1. Grandview Reserve-Discuss proposed issues with high ground water with engineers:

Riley Hillen via Zoom introduced himself as an engineer with D.R. Horton that is working on Grandview Reserve. He stated they are trying not to fall into the same challenges as other Metro Districts in the area have with high groundwater and underdrain issues. Discussion followed on drainage channels, rerouting, wanting to be respectful of water rights, high groundwater and the challenges that creates, best path forward & communication. Attorney Thompson advised what is required to get well permits and a replacement plan. The board thanked them for coming in proactively versus on the back end and that they really appreciated that. Attorney Thompson stated they should talk to the State and get the process initiated on well permits and a replacement plan and also look towards setting up a second call after they talk to the State. The board thanked them for coming to the meeting and that they appreciate them taking the initiative.

OLD BUSINESS

1. Cherokee Metro & Meridian Service Metro/Replacement Plan/Case No. 08GW71:

Attorney Thompson reported that the hearing is set for April/May 2024 and that they reviewed the expert disclosures from Cherokee and had an expert meeting. Supplemental disclosures are due on October 9th and objector expert disclosures are due in December. Discussion followed on engineering cost estimates for the remainder of the year.

Director Baldwin motioned to approve the amounts estimated for Spronk at \$40,000.00 and Wright Water for \$57,000.00 for the months of October through December. Director Nily seconded the motion. Motion carried (4-0)

2. District Violations/Enforcement Actions:

President Doran noted that Chris Grimes has been updating the board on the pond violations and has sent letters. Chris has also sent out letters to Falcon Highlands Metropolitan District and Woodmen Hills Metropolitan District on the underdrain issue. Discussion followed on the amount of water the district is losing because of this issue. Further discussion was on Springs East Airport and the damage done from the flooding this past summer and tire bales that were allowed in the 90's for stabilization of the creek, but are now considered illegal because they washed out and went downstream. It is going to be expensive to clean up for the airport and they are considering legal action to people upstream. If the tire bales stayed intact they would still be considered legal.

3. USGS Monitoring Program/Water Quality Study:

President Doran advised that Zach with USGS is currently out and doing water level monitoring and would like to get together with the board to give an overview and update them. Discussion followed on getting them to come to the November meeting to do that.

4. AEM Project/Aqua Geo Frameworks:

President Doran stated that Jared has been sending updates and is hard at it. The data has been compiled and mapped and they are in the process of finishing the final report and we should see a draft next month. President Doran noted that Jared would like to give a presentation to the board in December along with his summary.

5. Cherokee Change of Water Right Application-Poleson Well (Export):

There are no updates at this time.

6. Town of Bennett Determination of Water Right Objection:

Attorney Thompson reported that this is still set for a variance request hearing before the Ground Water Commission in November. Discussion followed on that Lost Creek is taking the lead as it is in their district and that Upper Black Squirrel Creek is taking more of a supporting role.

7. Paint Brush Hills Determination of Water Right Objection:

Attorney Thompson advised that they withdrew their variance request and we still really don't understand what they are trying to do with their application and would like to have a meeting to see if we can get more information. Ms. Thompson reported that there is a status conference on December 15th to continue in front of the Hearing Officer.

NEW BUSINESS:

Water Well Permit Applications:

1. Rocky Mtn. Bldg. & Loan:

The applicant is seeking a well permit for 1 home, 3,500 sq. feet of lawn and garden irrigation, with .5 acre-feet in the Arapahoe aquifer underlying 5.01 acres in the

Landings of Denmark. They are within the water supply letter requirements, and they will also be required to install a meter.

Director Baldwin motioned to approve the well permit application. Director Nily seconded the motion. Motion carried (4-0)

Determination of Water Rights:

1. School:

The applicants are applying for determination of water rights in the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying 38.78 acres. The beneficial uses the applicants are seeking are: domestic, irrigation (indoor and outdoor), stock watering, commercial, industrial, fire protection and replacement, either directly or after storage.

The board directed Attorney Thompson to send the State the language we approved for storage.

El Paso County Reviews:

1. CMD Ellicott Pump Station Site Development Plan:

The applicants are wanting to construct an approximately 1,200 square foot building that will house chemical storage tanks, chemical pumps, and process piping and valving. The existing 500,000-gallon storage tank will be converted to a potable water storage tank, an additional 500,000-gallon potable water storage tank will be constructed, and site pumping to and from the tanks and the existing pump station will be installed. Proposed to have less than 500 CY of fill/less than 1 acre land disturbance.

2. 11650 Eggar Dr, ALQ for Permanent Occupancy:

The applicants would like to build a modular home on a 29 acre parcel in RR-5 for immediate family member, not to be rented.

3. Stapleton-Briargate Corridor Master Plan:

The Department of Public Works proposed the Stapleton-Briargate Corridor be adopted as a component of the County Wide Master Plan. The corridor lies in the Falcon area, east of Powers Blvd. They say the Briargate Parkway-Stapleton Road (In some locations referred to as Stapleton Dr.) corridor is an integral part of a larger transportation system in the Pikes Peak Region. The corridor will ultimately connect 1-25 to US Hwy 24 on the north side of the greater Colorado Springs area. The portion of this corridor under construction as part of this study, between Black Forest Road and Meridian Road, is mostly undeveloped at this time, with some portions containing existing roadways of various types and phases of construction associated with adjacent development. The

4. Lot 1 Falcon Marketplace:

The proposed facility will consist of approximately 38,298 sq. foot commercial retail building, with associated parking & landscaping. The site will be accessed by one driveway entrance from Falcon Market Place, with connectivity to the east to Lot 2, coordinated with neighboring lot developers. Woodmen Hills Metro will provide the water and wastewater.

5. 21305 E Highway 24 Wholesale Nursery:

The applicants are seeking to have a wholesale nursery on 40 acres off Hwy 24 and will include two phases. First phase will consist of the construction of twelve (12) tree nurseries, and four (4) greenhouses in the second phase, thirty-three (33) tree nurseries and eleven (11) greenhouses. 12.33 acres of land will be disturbed as part of the project. Proposed flows are tributary to the Upper Brackett Creek-CHBR0600 drainage basin. Proposed flows will be captured in two proposed swales and will divert flows to a proposed private extended detention basin. The proposed private detention basin will detain flows and release them below historic rates. They have an existing well and plan on putting in water line to the tree nurseries and greenhouses.

6. Meadowlake Industrial Park Preliminary Plan:

This property is located northwestern corner of Curtis Road and Falcon Hwy intersection. The land consists of 254.7 acres, the preliminary plan is 51.3 acres and is zoned 1-2 (limited industrial). The request and purpose of this application is to get approval of a 27-lot preliminary plan with a delayed finding of water sufficiency until the time of the final plat. They also are requesting a waiver of sections 8.4.3A.1 and 8.4.3B.2.e of the Land Development Code, which requires lots have frontage onto a public road. The individual lots will be accessed by a private road to be owned and maintained by the Metropolitan District.

Director Doran motioned to approve 1,2, 3, 4 & 6 on consent and have Attorney Thompson follow up on #5, and review #7. Director Nily seconded the motion. Motion carried (4-0)

Any Other Business the Board May Have:

The board discussed the field trip and the need to purchase a drone to check on violations. Dave Elliott said he can put us in touch with someone and have him call Director Doran. Discussion continued on the regulations on drones, and getting somebody who is licensed to fly it.

Executive Session:

NA

Executive Session Report:

NA

Next Meeting Date: November 7th, 2023

Next Meeting Agenda: Add Budget Hearing, Zach from USGS

Adjournment:

President Doran called for the meeting to be adjourned.

Director Baldwin made a motion to adjourn the meeting. Director Farmer seconded the motion. Motion carried (3-0)

The meeting adjourned at 8:12 P.M.

Tracy Doran/Office Manager

Join Zoom Meeting

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