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TRANSCRIPT OF VIDEOTAPED PROCEEDINGS
OF
COLORADO SPRINGS CITY COUNCIL MEETING

April 9, 2009

1 MAYOR RIVERA: Well, good evening everyone,
2 and thank you all for coming tonight.

3 Before we begin my explanation of our agenda
4 and how we're going to work this I want to recognize
5 some special guests in attendance tonight. We have from
6 our -- to the south, our neighbors, our County
7 Commissioner Chair -- Pueblo County Commissioner Chair
8 Cheff(sic) -- Jeff Chostner, Commissioner Anthony Nunez
9 and Commissioner John Cordova. Thank you for coming,
10 gentlemen, appreciate it.

11 Greg Severance, the Director of Public Works
12 for the -- Pueblo County.

13 We have, from the City of Fountain, Gabriel
14 Ortega, Mayor Pro-Tem. Thank you, Gabe.

15 Larry Pat -- Patterson, the Utilities
16 Director.

17 From Pueblo West we have Steve Harrison,
18 Director of Utilities from Pueblo West Metropolitan
19 District; Stan Hren, President of the Board of Pueblo
20 West.

21 From Security we have Roy Heald, the General
22 Manager of Security Water District; Dick Gilham, Board
23 Vice President; Jerry Drake, board member; Connie
24 Michael, District Assistant Manager; and Rick Davis,
25 District Superintendent.

1 From the City of Pueblo we have City
2 Councilwoman Barb Vidmar; and from the Pueblo Board of
3 Water Works, Alan Hamel, Executive Director.

4 And I believe we have one of our own County
5 Commissioners, Sallie Clark, here, but I haven't seen
6 her. Well, I'm assuming she's here somewhere.

7 UNIDENTIFIED FEMALE VOICE: She'll be here
8 soon.

9 MAYOR RIVERA: She'll be here soon.

10 Well, just to give you a brief history, over
11 the last several years many of us have made trips down
12 to Pueblo -- "many of us" meaning this City Council --
13 and except for Councilwoman Jan Martin, almost all of us
14 have been through this process from pretty near the
15 beginning. It's been a lot of hard work by a lot of
16 individuals -- our own city staff, our utilities staff,
17 our council members -- and to me this is truly a
18 historic evening, this is something that -- as Mayor of
19 Colorado Springs, shortly after being elected in 2003,
20 one of my first major duties was to head down to Pueblo
21 and get to know the folks on the city council and,
22 eventually, the county commissioners.

23 Margaret Radford was my partner in doing
24 that, in establishing those relationships with the
25 Pueblo City Council, I want to thank her for all her

1 hard work.

2 And many of you already know this, but this
3 coming Tuesday is Margaret's last day as a councilwoman
4 for the City of Colorado Springs, so I think it's
5 appropriate that we are wrapping this up before she
6 leaves the dais.

7 We have scheduled this special public
8 information and comment session to give our public an
9 opportunity to hear an overview of the terms and
10 conditions associated with the Pueblo County 1041
11 Land-Use Permit for the Southern Delivery System
12 Preferred Alternative -- and that's a pipeline from
13 Pueblo Reservoir -- and from the public -- and for the
14 public to offer its comments related to the permit.

15 I want to emphasize that the sole purpose of
16 the meeting tonight is to hear comments from our
17 community about the Pueblo County 1041 Permits for the
18 Southern Delivery System, and we want, of course, to
19 hear your views on what the County Commissioners have
20 laid out for us.

21 I need to remind you that the City Council is
22 scheduled to take formal action on the 104 -- 1041
23 Permit requirements at our city council meeting on
24 Tuesday because the Pueblo County Commissioners'
25 requirements state that we must take formal action to

1 recognize the requirements of the 1041 Permit in order
2 for them to be effective and for us to move forward.

3 And if any of you have not seen those, I just
4 want to point out that we have copies of the Pueblo
5 County Permit conditions at the desk as you come into
6 our council chambers, and they're also posted on the
7 City of Colorado Springs Utilities' website.

8 The way we're going to run the meeting
9 tonight is we'll start with a presentation from the
10 Colorado Springs Utilities staff, and they will
11 summarize the major terms and conditions of -- of the
12 permit, we can't go into all the details, that would
13 just, frankly, take too much time; and we -- we did that
14 a lot down in Pueblo, and we appreciate the opportunity
15 to do that.

16 Following that presentation we'll hear
17 comments from our project partners on the Southern
18 Delivery System, and we'll take comments from the public
19 specifically on the Pueblo County Permit terms and
20 conditions.

21 And if you wish to comment and you haven't
22 signed in, we should have a sign-up sheet there at the
23 desk as you come into the city council chambers
24 (indicating).

25 And I want to point out that -- I will state

1 this again -- but we have a lot of folks here, and
2 the -- the way we normally run our public hearings for
3 our budget is we allow folks three minutes to make
4 comments on the permit, so we ask you to do that, and
5 I'll repeat this again once we get to that point.

6 And there will be lots of folks probably
7 making some of the same comments, and in -- in order to
8 give everyone an opportunity to speak, if someone's
9 covered some of your comments and you can kind of
10 summarize, agree with that person, and maybe some make
11 others; but we want to give everyone an opportunity to
12 speak, and, of course, we do want to get done at a
13 reasonable time this evening.

14 So I will turn the meeting over now to Jerry
15 Forte, the CEO of Colorado Springs Utilities.

16 MR. FORTE: Thank you, Mr. Mayor, Mr. Vice
17 Mayor, Council Members.

18 This has certainly been a long road that
19 we've been on and a lot of work by so many individuals.
20 One thing I'm grateful for is that we're here tonight
21 and not across the street at the city auditorium, where
22 there's some kind of a fight going on.

23 But I do want to very much thank you for
24 taking the time tonight to consider the terms and
25 conditions proposed by Pueblo County for a 1041 Permit.

1 As the Mayor stated, reaching this point is huge, it's a
2 huge accomplishment for Colorado Springs, it's a huge
3 accomplishment for our partners, and there's so many
4 people that have worked so hard, and probably one of the
5 real benefits of this beyond a water project is the way
6 communities have come together, communities have come
7 together to solve problems, and I'm particularly excited
8 about the opportunities that we have even beyond this
9 project to solve many problems together.

10 So many people have worked so hard that it
11 would be impossible for me to recognize all of them,
12 and, Mr. Mayor, you had a list of a lot of folks that
13 are really -- have been really crucial to this project
14 and I want to thank all those folks, I want to thank the
15 staff and I want to thank so many others.

16 As you know, we came two years ago to lay out
17 our plan to you around moving forward with this very,
18 very important project for Colorado Springs, we have
19 executed that plan and now we're very close to being
20 able to build a pipeline in Pueblo County, we're where
21 we want to be right now, and your recognition of these
22 terms and conditions for the 1041 Permit are a
23 greenlight to be able to build Southern Delivery System
24 from Pueblo Dam should we choose to do so.

25 There's a lot of advantages as we see them to

1 be able to build the preferred alternative from Pueblo
2 Reservoir. The alignment is the preferred alternative
3 for a number of reasons. There's significant
4 operational advantages to be able to connect to a
5 reservoir as opposed to a river, because a reservoir is
6 essentially a giant bucket of water, it's a more stable
7 source of water and really allows us to use our water
8 more efficiently; water in reservoirs contains less
9 sediment than water in rivers, that means less
10 treatment, less wear and tear on pumps, less operational
11 issues associated with transporting that water to
12 Colorado Springs; it's the most effective project and
13 the least expensive to build and operate and maintain
14 for the future.

15 Finally, using Pueblo Reservoir leverages
16 about \$65 million of investment that the citizens of
17 Colorado Springs have made in the Fry-Ark facilities and
18 in Pueblo Reservoir, and in its Record of Decision that
19 the Bureau signed on March 20th the Bureau of
20 Reclamation identifies this alignment as the preferred
21 alternative, so . . .

22 Let me see here. There we go.

23 Pueblo County has requested that our Council
24 recognize the terms and conditions associated with the
25 1041 Permit, they can't be altered, it's really a yes or

1 a no vote. By recognizing these conditions it preserves
2 our ability to build the preferred alternative, but
3 before making that decision on March 24th you all voted
4 to set this public hearing to open up a public comment
5 period and, then, to consider the possibility of a vote
6 next Tuesday.

7 The staff is here tonight to review what
8 these terms and conditions mean, we believe they're
9 reasonable and they are appropriate; we believe these
10 conditions give us an opportunity to be responsible to
11 the environment, to our customers, to our neighbors and
12 to our customers and -- and to all of the citizens in
13 Colorado Springs and in Pueblo.

14 It's very important reason why we're here
15 tonight, is to listen to what others have to say about
16 these conditions as part of a public hearing. We'll
17 listen to this feedback, and we did not receive any
18 written comments as part of this two-week period, so
19 we'll come back to Council next week with responses to
20 any feedback that we hear tonight.

21 So, now, I want to turn it over to John
22 Fredell, who -- our -- our Project Director, who will
23 provide the highlights.

24 MAYOR RIVERA: Jerry, before you do that,
25 there are three pieces of correspondence that City

1 Council received, one from the Quality Community Group
2 Resolution, HBA Board Resolution; and a letter from Dr.
3 Pam Shockley, the Chancellor at UCCS; I will give you
4 these and you can add those to the record (indicating).

5 MR. FORTE: Thank you.

6 Now, John Fredell.

7 MR. FREDELL: Good evening, I'm John Fredell,
8 I'm the Project Director for Southern Delivery.

9 I want to start off with a brief history of
10 the 1041 permitting process. We initiated the process
11 in March of 2008, so approximately a year ago, and an
12 application was submitted by utilities to Pueblo County
13 on August 20th of '08. We've had a number of
14 interactions with Pueblo County staff throughout the
15 period from September through March to actually discuss
16 the details of the project and, then, later potential
17 terms and conditions.

18 There were actually four public meetings in
19 Pueblo County -- the first one was at Lake Pueblo State
20 Park, then there were two in Pueblo West, and finally
21 one in the City of Pueblo -- pertaining to Fountain
22 Creek.

23 The Board of County Commissioners held five
24 hearings December through March to consider this project
25 and the permit, and proposed permit conditions were

1 approved on March 18th of 2009.

2 I want to talk real briefly about the scope
3 of the 1041 Permit -- this is kind of a small slide --
4 but the permit actually includes a connection to the
5 reservoir right there, one pump station, the Juniper
6 Pump Station, and, then, 19 miles of underground pipe
7 through Pueblo County. And we basically asked for a
8 permit for a pipeline that will carry 78 million gallons
9 in terms of capacity.

10 The terms and conditions that we're talking
11 about tonight fall into several broad categories. Bruce
12 McCormick, the Chief Water Services Offi -- Officer for
13 our utilities, and I are going to go through some of the
14 highlights. As the Mayor said, we're not going to go
15 into all of the detail, but we have provided copies of
16 the entire permit conditions section for the public to
17 review, and I believe that you have them at your dais as
18 well.

19 The terms and conditions really break down as
20 follows. There's a section on construction impacts,
21 another on property owner interaction, one on
22 protections for the Arkansas River flows and Pueblo
23 Reservoir levels, there's another for Fountain Creek
24 mitigation, a section that covers stormwater management,
25 and, then, another piece, a condition that really

1 applies to future participants in SDS.

2 As we expected from the beginning, we're
3 required to mitigate construction impacts of the
4 project, that's no surprise. These mitigation
5 requirements are broad and include how we'll protect the
6 environment, control noise and dust during construction,
7 and restore roads and land among other things. The
8 details of these mitigation requirements are covered
9 specifically in the Mitigation Index that you have a
10 copy of as well, and, again, copies are over here for
11 the public.

12 The terms and conditions also require us to
13 begin construction on the project within 36 months.

14 Our commitments to property owners are
15 simple, there are really three categories, treat
16 property owners fairly, no landowner should have
17 out-of-pocket expenses, and we'll use eminent domain
18 only as a last resort. As part of our standard
19 operating procedure we'll follow the requirements of the
20 Colorado Springs Real Estate Manual.

21 And we made these commitments very early on
22 in the process, they didn't wait -- we didn't wait until
23 the drafting of these conditions, we've talked about
24 these from the very initial presentations that we have
25 made related to our 1041 Permit, so there are no

1 surprises here.

2 To this point what I have reviewed for you
3 are terms and conditions that apply specifically to
4 con -- construction of SDS, next Bruce McCormick and I
5 are going to talk about the terms and conditions that
6 relate to our water operations and the Southern Delivery
7 System.

8 A number of provisions in the permit
9 conditions protect flow in the Arkansas River -- River
10 and lake levels in Pueblo Reservoir. There are actually
11 two Arkansas River flow programs referenced as part of
12 the permit conditions. As part of 1041 the conditions
13 require the partners in the project to participate in
14 the Pueblo Flow Management Program -- Fountain and
15 Colorado Springs have actually participated in that
16 program since 2004 -- in addition, the conditions
17 contain what is called a "Low Flow Program". Both of
18 these Arkansas River flow programs protect the flows in
19 the Arkansas River below Pueblo Dam for recreation and
20 to protect the Arkansas River corridor Legacy Project.

21 There's also an MOU with the Pueblo Board of
22 Water Works that covers the management of the outlet
23 works of the dam to deliver water to all of our
24 communities. The Bureau of Reclamation will review and
25 accept the design that we are in the process of

1 developing for our connection to the outlet works before
2 we begin construction.

3 Additionally, Colorado Springs Utilities will
4 participate -- will participate with other water
5 providers in the region to develop a voluntary
6 management plan for protecting the levels in Pueblo
7 Reservoir.

8 At this point I'm going to turn it over to
9 Bruce McCormick, Bruce is going to describe the
10 mitigation provisions that address Fountain Creek and
11 conditions for new SDS project participants.

12 MR. McCORMICK: Good evening, I'm Bruce
13 McCormick, Water Services Officer for the utilities, and
14 no surprise we -- Fountain Creek has been a major focus
15 of the terms and conditions. There will be a --
16 mitigation required to address erosion, sediment flood
17 control and water quality. The term and condition here
18 is a \$50 million commitment to the -- paid to the
19 newly-formed Fountain Creek District. That District was
20 recently enacted through the House and Senate of the
21 Colorado Legislature, and is awaiting signature of the
22 Governor.

23 Initially \$300,000, paid in \$100,000 annual
24 installments starting in 2009, would be contributed to
25 the District to -- to study methods and projects and

1 prioritizations to stu -- study flood control and
2 sediment control facilities, and may include feasibility
3 studies of -- of a dam or dams on Fountain Creek.
4 Beyond that 300,000 there will be no payments until
5 water deliveries begin from the Southern Delivery
6 System, and we have -- if this -- this amount would be
7 paid in \$10 million essentially increments, minus the
8 300,000, annually for five years, again after water
9 deliv -- deliveries begin from the Southern Delivery
10 System. If construction is not completed within a
11 42-month time period based on our choice not to do that,
12 then these payments would be indexed to inflation with a
13 cap of no more than three-and-a-half percent annually.

14 We've always expected we'd -- we would need
15 to pay for improvements on Fountain Creek as part of
16 SDS, and as a protection, as I said, for our community,
17 all but 300,000 will not be paid until water is coming
18 out of the pipe.

19 Fountain Creek is an essential part of our
20 water system, we use it daily to convey our -- convey
21 our return flows, and we do have a responsibility to do
22 our part to ensure that it's maintained.

23 The Army Corps of Engineers and the Fountain
24 Creek Master Plan have identified projects in excess of
25 \$300 million that need to be accomplished on Fountain

1 Creek. This money, again, will allow the District to do
2 critical projects and, also, leverage funding -- other
3 funding sources in the future.

4 An additional commitment in the terms and
5 condition is continued spending at the level of \$75
6 million over the next 15 years to our wastewater and
7 re-use system improvements. This reaffirms a commitment
8 we've already made in our long-term plans for our
9 wastewater system, and it's money we already plan to
10 invest.

11 These two conditions essentially reference
12 commitments we have through our federal permit with the
13 Bureau of Reclamation, and they are around sediment
14 removal and control, and wetlands creation. We will
15 dredge within the levees in Pueblo to return those
16 levees to the hundred-year flood level -- protection
17 level, and -- and after that we will install sediment
18 remov -- removal devices at those locations to, again,
19 manage sediment going forward.

20 And, finally, we will create wetlands and
21 creek improvements on our Clear Spring Ranch property,
22 and, again, this will help the creek to manage sediment
23 and erosion and will be, again, part of our federal
24 permit requirements.

25 There's a condition that requires us to

1 maintain stormwater controls and other regulations
2 intended to en -- to ensure that Fountain Creek peak
3 flows resulting from new development served by SDS are
4 no greater than existing conditions, and this will apply
5 to other project participants who have the legal
6 authority to regulate in this manner.

7 In terms of the use of this project to
8 benefit others in the future, the permit conditions do
9 allow that others could join as participants under these
10 conditions. Number one, that the water would be only
11 used within the Arkansas River Basin. You see a -- a
12 map here, and the blue is a portion of the Arkansas
13 River Basin with Fountain Creek running down the center
14 of it. So, as you can see, it covers almost all of El
15 Paso County and a good portion of our neighboring
16 counties as well.

17 Another requirement is a clear
18 acknowledgement in support for the Fountain Creek
19 District and to participate in funding of that District,
20 a mechanism similar to Colorado Springs Stormwater
21 Enterprise to manage stormwater runoff to comply with
22 the Pueblo Flow Management Program and to participate in
23 water quality monitoring and/or studies, and to support
24 studies of flood control dams on Fountain Creek.

25 As Jerry mentioned earlier, the terms and

1 conditions are unalterable and require you to take
2 formal action to recognize the commitments contained in
3 the terms and conditions, and this retains our ability
4 to construct the preferred alternative.

5 Let me back up.

6 I do again want to thank Council for your
7 time to hear these conditions, we would like to thank
8 the public for being here to provide comments; and as we
9 have stated, the terms and conditions are set, we ask
10 the Council to formally recognize these commitments on
11 April 14th and that will preserve our right to pursue
12 this option in the future, and we will come back to you
13 at a later date with recommendations on the next steps
14 regarding the route and schedule for construction, and
15 we appreciate your time.

16 At this point I will turn it over to our
17 project partners to provide their comments, beginning
18 with Gabe Ortega, Mayor Pro-Tem for the City of
19 Fountain.

20 MAYOR PRO-TEM ORTEGA: Good evening, Mayor
21 and Vice Mayor and Council, thanks for inviting me up
22 here this evening to talk about the -- the Southern
23 Delivery System.

24 Again -- once again, I'm Gabriel Ortega,
25 Mayor Pro-Tem for the City of Fountain, and -- and --

1 Mayor Howells did want to be here tonight but she had
2 prior commitments with her family that she couldn't turn
3 down, so . . .

4 First of all, we are pleased to be a partner
5 with Colorado Springs Ut -- Colorado Springs, Security
6 and Pueblo West on the Southern Delivery System. Our
7 utilities serves a community of about 23,000 people,
8 which is obviously growing quite a bit with -- with the
9 movement going on at Ft. Carson, and with the expansion
10 expected to happen any time soon we -- we're expected to
11 grow significantly in the -- over the next decade.

12 We also have a growing population of
13 retirees, particularly from the military, who have been
14 much like us, found out that this place is a beautiful
15 place to live and want to be here as well, and, so, they
16 wanted to settle their roots here.

17 Southern Delivery will help us fulfill the
18 needs of our community. We currently rely on the
19 balance of surface water and groundwater, and -- and our
20 ultimate goal is to have 50 percent each for the -- the
21 citizens.

22 Southern Delivery will give us a tremendous
23 operational advantage of drawing water from a reservoir,
24 as Bruce was just talking about.

25 Fountain supports the terms and conditions of

1 the Pueblo County 1041 Permit, we believe these
2 conditions are reasonable, and the \$50 million of
3 mitigation and other enhancements in the permit greatly
4 enhances the stewardship of the Fountain Creek for all
5 of the communities.

6 The Army Corps and the Corridor Master Plan
7 have identified many projects that could help improve
8 Fountain Creek along with the -- the new Fountain Creek
9 District. The mitigation as part of the Pueblo County
10 permit will help address sedimentation, flood control
11 and water quality that Fountain's prepared to be a part
12 of. All the communities located on the Fountain share
13 the responsibility to maintain the water way and -- and
14 give it its attention that it finally deserves.

15 Many of the improvements required in the
16 Pueblo County conditions, as was spoken about earlier --
17 the dredging of bank improvements, the new wetlands, and
18 Clear Springs Ranch is right on the south side of our
19 border -- will also help enhance the creek for all,
20 again, communities to enjoy, especially those of us down
21 in Fountain, we're really looking forward to that.

22 The water we transport through SDS will help
23 the City of Fountain to continue to fulfill our mission
24 as -- to our residents to provide the highest quality of
25 water at the most reasonable price.

1 And as Mayor Pro-Tem I can tell you the
2 opportunities like this don't come around too often, and
3 we're -- we're looking forward to this endeavor and we
4 encourage your Council to recognize these conditions,
5 and thank you for having me here tonight.

6 MAYOR RIVERA: Thank you, Gabe.

7 I know we're going to hear from another
8 project partner, I think. Security?

9 MR. HEALD: Good evening, Mayor, Vice Mayor,
10 Members of the Council, my name is Roy Heald, and I'm
11 the General Manager of the Security Water District.

12 As one of the four SDS participants we also
13 appreciate your staff's work on this application and the
14 leadership role that Colorado Springs has taken in this
15 effort in managing the pro -- permitting process. As
16 Jerry said, so many people have put in so much effort
17 in -- into this it's really been amazing to watch it.

18 We appreciate the leadership of Mayor Rivera
19 and Members of the Council, we also appreciate the
20 leadership and -- of the management of Colorado Springs
21 Utilities.

22 Most of my day-to-day dealings have been with
23 the SDS Project Director, John Fredell, and I would like
24 to say a special thanks to John and his staff for
25 leading this effort, we really appreciate the work that

1 he's done. I personally think John deserves a nice
2 vacation.

3 Did I get that right?

4 This decision to recognize these conditions
5 is of great import -- importance to the Security Water
6 District. SDS is a sig -- a significant commitment for
7 our community as it is for all of the participants'
8 communities, and these 1041 conditions and the financial
9 obligations associated with them are a significant
10 commitment as well, however, our community needs SDS.
11 We project that our population will increase from the
12 current population of about 18,000 people to
13 approximately 27,000 people by the year 2030, SDS will
14 provide the water we need for this added population, as
15 well as for redundancy for our current system.

16 Our board has reviewed these conditions and
17 recognizes them, we intend to cooperate and comply with
18 the Pueblo Flow Management Program, we recognize the
19 importance of these agreements to Pueblo.

20 We believe the improvements to Fountain Creek
21 are imperative and will benefit many, we believe the
22 conditions are comprehensive and adequately address the
23 impacts of SDS, therefore, we ask that the Colorado
24 Springs City Council vote in favor of these conditions.
25 Thank you.

1 MAYOR RIVERA: Thank you, Roy.

2 Does anyone from Pueblo West want to comment?

3 MR. HREN: Good evening, Mayor Rivera and
4 Vice Mayor and Honorable Members of the City Council, I
5 am Stan Hren, I am Chairman of the Board of Pueblo West
6 Metropolitan District. First and foremost I want to
7 thank you for the opportunity to be here this evening
8 and to share some comments with you from Pueblo West.

9 We are a sleepy little community nestled
10 between our sister city of Pueblo and the Front Range,
11 about 35,000 residents, we anticipate buildout to take
12 us to about 60,000 residents, so we're -- currently we
13 offer very nominal water rates to our residents -- water
14 and sewer rates -- compared to most Front Range
15 communities, and we have fought hard to keep those rates
16 where they are. We have a sparse density in our
17 community compared to most, we have 50 square miles of
18 territory and 400 miles of roads, so there are fewer
19 people to pay those water bills, and we try to keep them
20 where they are.

21 First of all, I want to thank your community,
22 the community of Colorado Springs, everyone in the
23 community, for leadership in this project and the hard
24 work which has brought us to this evening, I know it
25 didn't happen by accident.

1 I would second the comments of my predecessor
2 that John Fredell has done a marvelous job in keeping us
3 informed, he's made several visits to our board
4 meetings, and, as a result, our board members have
5 become more knowledgeable about -- about the project at
6 large.

7 As you are well aware, the preferred
8 alternative is the only alternative that Pueblo West can
9 participate in. We are hopeful that we will be able to --
10 we will be able to reach a successful resolution of the
11 concerns we have over participation in the Flow
12 Management Program as a condition of the Pueblo County
13 1041 process in a timely fashion, and it's being
14 discussed every hour of every day as I speak.

15 The SDS provides a valuable opportunity for
16 Pueblo West to convey water rights we own to serve our
17 customers, it will allow our community to expand its wa
18 rater(sic) -- excuse me -- raw water transmission
19 capacity by a hundred fifty percent, which is fantastic.
20 I mean, just doesn't happen every day. It would
21 guarantee we'll have sufficient water resources at
22 buildout of our community.

23 By hooking into the SDS pipeline to deliver
24 up to 18 million gallons per day we would pay about a
25 million dollars compared to up to \$8 million if we would

1 attempt to build our own reservoir outlet, which is a
2 good way to keep those water bills down, so you can say
3 the project really benefits our ratepayers.

4 Pueblo West is also the community in which
5 the majority of the construction impacts in Pueblo
6 County will occur, the construction will have the
7 greatest impact on our residents, which is why we are
8 strong supporters of the comprehensive mitigation
9 conditions in the 1041 Permit related to construction.

10 To depart from that a little bit, as a board
11 we are very, very much committed to regional cooperation
12 on water issues, and the \$50 million mitigation effort
13 on the Fountain Creek project is just as important to us
14 out there as it is to the City of Pueblo and -- and all
15 of us, and you are being commended to make that kind of
16 a commitment. Also, we have attempted to educate our
17 people about the ongoing effort to improve your
18 discharge efforts up here, you know, 75 million
19 long-term commitment, but it hasn't been recognized the
20 effort that has happened to date, an awful lot has
21 happened and you are to be commended.

22 We are confident the project partners will
23 follow through on commitments to protect our residents
24 and really minimize disruption to our community, and
25 I've talked to a lot of neighbors about that. We

1 support the construction conditions and we ask the
2 Colorado Springs City Council to vote yes on recognizing
3 these conditions, and we thank you very much.

4 MAYOR RIVERA: Thank you, sir.

5 Well, we're going to begin public comments,
6 and I just want to remind you of what I stated earlier,
7 if you haven't had a chance to sign in and you want to
8 comment, then we have a sign-in sheet over there in the
9 corner (indicating). We ask you to, of course, listen
10 to what some of the other folks are saying, try not to
11 repeat some of the same things, you can tell us you
12 agree with those.

13 We want you to try to limit your comments to
14 three minutes. Normally we have our city clerk here
15 with a little timer that operates the podium, but it
16 doesn't look like Jerry has a replacement for me, do we?
17 So I am going to rely on my stopwatch on my -- on my
18 phone, so you may not hear it beep, but I'll ask you to
19 wrap up your comments when we get close to three minutes
20 (indicating).

21 And we're going to treat this public hearing
22 like we do our budget public hearing, we want to hear
23 from the public, we want to hear their comments, we try
24 not to engage in any debates. If you have questions
25 that need to be answered, we're going to record those,

1 and we will, after all the public comments are -- are
2 made -- if we have some questions that we really think
3 we need to address immediately tonight, we will; if we
4 hear some outrageous comments that we know are not true,
5 we are going to take a break and we are going to address
6 those and point the facts out.

7 But other than that we're going to listen to
8 your comments, and if you have questions then we're
9 going to follow up -- we're going to get your contact
10 information and we're going to get those questions
11 answered back to you.

12 So we don't, again, want to engage in any
13 kind of a debate with folks at the podium who disagree
14 with some of the conditions. If you have valid points,
15 believe me, we'll get an answer back to you; and, of
16 course, we want to make sure that the facts are clear,
17 and if we hear something that we think is just too
18 outrageous to leave out hanging, then we will address
19 those.

20 And I will start the public comment -- and,
21 also, we will be recording all the comments. We have a
22 court reporter here in the corner that's going to get
23 everything down, and we'll also have Christian Flannery
24 making notes for us, keeping track of the questions that
25 we need answered on a break if we have to come back and

1 do that (indicating).

2 I'll start the public comment period with
3 Dave Csintyan, the CEO of Colorado Springs Chamber of
4 Commerce.

5 MR. CSINTYAN: Well, good evening, Mayor
6 Rivera and Members of Council. Again, I'm Dave
7 Csintyan, the President and CEO of the Greater Colorado
8 Springs Chamber of Commerce, and it's -- it's a delight
9 to be here tonight to address you.

10 Colorado Springs Utilities has engaged and
11 involved the Chamber of Commerce in SDS from its
12 inception, so we join them in celebrating key milestone
13 and progress made over the last year, these include the
14 Draft and Final Environmental Impact Statements, a
15 Record of Decision signed a few weeks ago, a permit in
16 Fremont County and, now, a pending permit in Pueblo
17 County. This is like winning the Triple Crown,
18 congratulations.

19 Very few water projects this size are being
20 built, are even considered today. With a project of
21 this size we recognize there are terms and conditions
22 and expectations to be met, we need to be good neighbors
23 to Pueblo, and we believe the conditions outlined by the
24 Pueblo County Commissioners ensure that will happen.

25 Many of the -- the conditions are also direct

1 benefits to our community. The improvements that will
2 be made at Clear Spring Ranch and other areas along
3 Fountain Creek will make the creek an amenity for
4 residents and another tourism draw for Colorado Springs
5 and the region.

6 The Upper Williams Creek Reservoir will be
7 larger than Cherry Creek Reservoir in Denver, and 11
8 times the size of Prospect Lake in our Memorial Park,
9 that will offer tremendous recreational opportunities.

10 As an association representing many
11 businesses, we are interested in ensuring prudent fiscal
12 management for our community resources and that of our
13 member businesses and organizations, we are pleased to
14 see that the majority of the money required for the
15 mitigation for Fountain Creek will not be paid until the
16 SDS is completed.

17 With the water being the precious commodity
18 that it is today, we are fortunate to be in a position
19 to build a pipeline that will benefit us today and for
20 generations to come.

21 Colorado Springs is an envious position, we
22 own the water rights and, with the approval of the
23 Record of Decision in this permit, we have a viable way
24 to make it happen. Many communities along the Front
25 Range would no doubt be very happy to trade places with

1 us. We have positive momentum now with SDS and we need
2 to keep it going. There are many local businesses that
3 would benefit from SDS construction and the commensurate
4 purchase of goods and services.

5 We have reviewed the conditions and recognize
6 they are significant, yet for a project the size of SDS
7 they are also reasonable. We look forward to the board
8 making sure this is fair to our ratepayers and supports
9 you in a yes vote.

10 Thank you very much for this opportunity to
11 comment.

12 MAYOR RIVERA: Thank you, Dave.

13 MR. CSINTYAN: You're welcome, sir.

14 MAYOR RIVERA: Alan Hamel.

15 MR. HAMEL: Good evening, Mayor Rivera, Vice
16 Mayor Small, Council Members, I am Alan Hamel, Executive
17 Director of the Board of Water Works of Pueblo. I come
18 before you this evening to speak in support of Pueblo
19 County's 1041 rates(sic). I compliment you, your
20 staffs; the partners, their staffs; our County
21 Commissioners, their staffs; Greg Severance, Kim Headley
22 and others who have worked so hard to bring us to where
23 we are tonight, the decision you will have before you.

24 I thought I would just take one minute to
25 talk about history. I've had over 40 years of working

1 with particularly Colorado Springs Utilities and your
2 quality staff, you have an all-star team aboard today
3 looking forward to Colorado Springs' future, and I think
4 we have great opportunities this evening. They date
5 back to an agreement we made in 1969, that was the first
6 formal agreement between the Board of Water Works and
7 Colorado Springs Utilities, out of that became one of
8 our most valuable transmountain assets, and I believe
9 yours, our Twin Lakes share.

10 On through the '80s we worked on court
11 stipulations awaiting to go to trial, one in 1985
12 particularly was monumental in -- in moving us forward,
13 1991 another agreement that allowed us to -- to better
14 manage our systems. Go forward to 2000, another
15 agreement that worked on capacity and use and oversizing
16 of our new intake -- and I'd like to come back and talk
17 about that just briefly -- and on to the agreements in
18 2004, IGAs that created the flow program, but also
19 brought commitments from the City of Pueblo and the
20 Board of Water Works to support SDS out of Pueblo Dam;
21 and, then, we move forward to the agreements before you
22 today. Two parts of that agreement deal with MOUs. Our
23 board has already approved those MOUs, one on how we
24 operate together with both our delivery systems --
25 municipal delivery systems on how we might work with

1 each other during times of maybe catastrophic failure or
2 need for major maintenance where we can alternate so
3 that we assure our customers water delivery; and the
4 other is a supplemental flow program that benefits all
5 the parties involved and provides mitigation for SDS but
6 brings benefits to our community in maintaining the
7 fishery and the aesthetics through Pueblo. Again, ask
8 for your support.

9 I'm going to just vary for a little bit and I
10 am going to repeat for a little if it's okay, Mayor, and
11 go back to some opening comments of Jerry's, and that's
12 the advantages. I know you -- you first have to
13 consider this and, then, you have to make your final
14 choice, whether it be Fremont County or Pueblo
15 Reservoir, a little sales pitch for you to consider
16 Pueblo Reservoir and the utilization of -- of a -- of a
17 dam versus a river intake. We've been connected to
18 Pueblo Dam now with a direct inlet to our treatment
19 planted since 2002, all of the advantages that Jerry
20 talked about on delivering water from a reservoir are
21 true and now proven, better water quality, better
22 operational cost, more protection of your system and
23 better efficiency on your supply, and for the hundred 28
24 years before that Pueblo used river intakes and there
25 was such a marked difference when you moved to the

1 municipal outlet.

2 So, again, urge your support of these 1041
3 Permit and its required mitigations. I think what we're
4 doing is opening another chapter in this long
5 relationship as we go forward in meeting our customers,
6 Colorado Springs' customers, Pueblo West, Fountain and
7 Security 40 and 50 years out.

8 Thank you for the time.

9 MAYOR RIVERA: Thank you, Alan.

10 Scott Bryan.

11 MR. BRYAN: Good evening, Mr. Mayor, Vice
12 Mayor, ladies and gentlemen of the Council, my name is
13 Scott Bryan, and I am speaking to you tonight as the
14 board chairman of the Colorado Springs Regional
15 Economical Development Corporation and as a local
16 business owner, in my spare time I'm the President and
17 CEO of Bryan Construction, a commercial general
18 contractor and construction management firm based here
19 in Colorado Springs.

20 The Colorado Springs EDC recognizes the
21 importance of the Southern Colorado Delivery System
22 project and -- to the economy -- economy of our city and
23 this region. We think it's critical that our community
24 have the ability to transport the water we own the
25 wat -- rights to, we need it as a backup to our current

1 system and to make sure that we have water for our
2 future, and the EDC, of course, is concerned about both.

3 The project from Pueblo Dam Reservoir has
4 always been the community's preferred alternative as
5 mentioned it is far superior operationally to connect to
6 the reservoir, it is the most direct route, the most
7 cost effective, in which more -- most important to our
8 ratepayers, and allows our community to leverage
9 significant financial investments that we have made in
10 the Frying Pan Arkansas project, which includes Pueblo
11 Reservoir.

12 In wearing my EDC hat I'm also excited about
13 the recreational amenities that we could offer with the
14 new reservoir at Upper Williams Creek. This could bring
15 boating and fishing much closer to home, and would be
16 another draw to our lengthy list of tourism attractions
17 which also makes Colorado Springs a desirable travel
18 destination and a great place to do business.

19 I would also like to state that as a
20 contractor the economic benefits of SDS would be
21 significant to our community, it would mean jobs for
22 people building the project. Estimates show that El
23 Paso County could see investments of \$433 million in
24 material and labor to build the project, and that is
25 just in the first phase of construction alone.

1 In a recent article this week Colorado
2 expected to get -- expects to get about \$403 million for
3 road and bridge projects across the -- the state from
4 the federal stimulus bill. Well, construction for SDS
5 is expected to surpass \$600 million in Phase I, now
6 we're talking about a \$1.1 billion investment overall.
7 These are huge numbers, these are big numbers, may not
8 be for the folks in Washington, but it is for us here.

9 We are pleased that Colorado Springs
10 Utilities and their leadership has recently reached
11 the -- several critical milestones to make SDS a
12 reality. This project is very important to the future
13 of Colorado Springs and our city and our region, and we
14 have reviewed the conditions and terms and they seem
15 reasonable. We at EDC support the Council's review of
16 these conditions, and we encourage you to vote yes on
17 these conditions and terms.

18 Thank you very much for your time.

19 MAYOR RIVERA: Thank you, Scott.

20 Ralph Braden?

21 MR. BRADEN: Good evening, Mr. Mayor and Mr.
22 Vice Mayor, Members of Council, with a special thank you
23 for Margaret Radford who is leaving us soon, thank you
24 for your leadership over the years, and I know this has
25 been an important project and you have invested a lot of

1 time in it.

2 I'm here -- I'm Ralph Braden, I'm here today
3 on behalf of the Housing & Building Association, I'm the
4 President of that, of Colorado Springs; and I'm also
5 with Nor'wood Development Group.

6 Any project of this size requires a lot of
7 collaboration and -- and cooperation, and we will
8 certainly look back at the milestone events that have
9 occurred in our community and this truly is one of those
10 milestone events, but anything this big requires the
11 cooperation and collaboration, the leadership from you
12 on Council, the -- the leadership that has been provided
13 by our SDS partners.

14 Special thanks to Jerry Forte and his staff,
15 especially John Fredell and Bruce McCormick that have
16 worked with our water committee that was formed about
17 two years ago to provide guidance, to provide advice,
18 and John and Bruce have just been stellar in terms of
19 meeting with us, keeping us up to speed and at times
20 listening to our advice, whether it was taken or not --
21 don't know, maybe it wasn't that good of advice at
22 times -- but their openness to listen to what we --
23 input we had was just tremendous.

24 I would also like to give recognition and
25 thanks to the citizens of Pueblo and their

1 representatives from the Board of County Commissioners
2 that are here today because this, too, truly has been a
3 relationship-building experience for us and want to
4 thank all the folks in Pueblo for working with us to get
5 to the point where we are today.

6 We have reviewed the conditions. Are they
7 significant? Of course, they are. But they're
8 commensurate with a project of this size. And, so, the
9 board of the Housing & Building Association unanimously
10 adopted a resolution that's been made a part of the
11 record to encourage you to vote yes on the conditions
12 next Tuesday.

13 Thank you very much.

14 MAYOR RIVERA: Thank you, Ralph.

15 Dave Miller.

16 MR. MILLER: Thank you, Mayor. I'm Dave
17 Miller, President of Natural Energy Resources Company, I
18 appreciate the opportunity to say a few words.

19 As some of you know or may -- many of you may
20 know, I have been a proponent of a -- a better
21 alternative I think, it's called the "Central Colorado
22 Project". Unfortunately, we didn't have detailed
23 modeling information yet on how this project works and,
24 so, we're about a year behind in having a -- what we
25 think is a persuasive alternative and a better way of

1 going. It's actually an -- a concept where Colorado
2 Springs and any other participants along the Front
3 Range, in fact, throughout five major river basins, can
4 actually increase the productivity of their existing
5 water supply and energy supply systems, which means in
6 the future we could actually think in terms of reducing
7 utility rates. One of our hopes was that Colorado
8 Springs would get -- become one of the early leaders of
9 this project because you -- Colorado Springs has one of
10 the largest utilities in the area, also -- also has
11 expertise in the energy area, and that's one of the
12 strongest points.

13 Basically we're talking about a project that
14 can store water at high altitude -- and this is -- this
15 would be federal water rights from the Aspinall
16 Reservoir, the largest reservoir complex in Colorado,
17 use pump storage to get it up to high altitude and from
18 there it could distribute water when and wherever it's
19 needed, and by doing this -- and -- and wa -- and
20 piquing power at the same time, and by doing this you
21 can increase the productivity of limited water and
22 energy resources throughout five major river basins,
23 including down river states. The potential is un --
24 practically unbelievable.

25 We think that -- now -- now that it looks

1 like SDS is going to proceed we would like to consider
2 the SDS as an interim project and that the Central
3 Colorado Project will be coming online within a few
4 years, we think it'll help Colorado Springs, we would
5 like to stay in touch, we would like to be able to brief
6 the City Council and your staff and keep you posted. We
7 do have strong indication that within less than a year
8 we're going to have detailed modeling information on
9 this concept, this breakthrough solution for both water
10 and energy throughout the West. It's a patented concept
11 and it will surprise a lot of people when it comes
12 online.

13 So I would like to maintain good -- we've had
14 good relationships, we've -- we've discussed this with
15 several of the staff -- CSU staff members, and we would
16 like to continue that good relationship and we would
17 appreciate the opportunity of -- of when we have -- when
18 we're ready we'll come forward and I think you'll be
19 surprised with how we can work together for the future
20 of the -- not only the Front Range, but the whole
21 Southwestern region.

22 Thank you very much.

23 MAYOR RIVERA: Thank you, Dave.

24 Kevin Walker.

25 MR. WALKER: Mr. Mayor, Vice Mayor Small,

1 Members of Council, especially Councilwoman Radford, I
2 am here to speak on behalf of the Quality Community
3 Group and the Water Task Force of which I have been a
4 chair for the last several years, they have worked
5 closely with your staff and has also submitted a
6 resolution which is part of the record.

7 We would ask that you support and accept the
8 conditions of the 1041 Permit as presented by Pueblo
9 County, and feel that it would be a -- a proper and
10 prudent decision to make next week and, so, we would
11 encourage your support.

12 I'd also like to add my thanks and
13 congratulations to the staff of Colorado Springs
14 Utilities, Jerry Forte, Bruce McCormick, John Fredell
15 for wrestling all of this to the ground so that you can
16 have the opportunity to make this decision.

17 Any negotiations of this magnitude always
18 have to strike a balance, we think that this -- this
19 balance has been achieved, I think it's appropriate that
20 the -- a lot of the focus has been on Fountain Creek, I
21 think it does tie our communities together and,
22 hopefully, we'll continue in the future.

23 Tonight as I was driving in I -- I saw a
24 great Blue Heron flying up the creek heading north,
25 probably came through Pueblo, and I thought that was

1 a -- an appropriate harbinger of -- of the future and I
2 hope to see a lot more of that.

3 Today at lunch also I had the -- I had the
4 opportunity to run -- really I was walking -- but -- up
5 in Monument Valley Park where we saw -- where many years
6 ago I ran across a moose that had traveled from Pueblo
7 through Fountain Creek up Monument Creek, and hope to
8 see a lot more of that as well.

9 Thirty years ago on the first day that I came
10 to Colorado Springs, almost to the day, I -- before I
11 even slept a night in Colorado Springs I came to a city
12 council meeting -- I was young then and -- and excited
13 and a -- a energetic city planner, right? So before I
14 even started I came to a city council meeting, I don't
15 know what they talked about that day, but I know that 30
16 years ago the people that were sitting at this
17 council -- and they were, in fact, at this same dais --
18 were making decisions that led us to today, and I think
19 it's proper and I think it's fabulous that they made the
20 proper decisions that have led us to a successful
21 community today, and I hope that 30 years from now I'll
22 be watching on the Internet I hope -- or maybe I'll be
23 here, I don't know -- as councils wrestle with the
24 issues of those days, and I'm sure that you will make
25 the proper decision today that will allow us and allow

1 them to wrestle with their proper decision in 30 years.

2 Thank you, and, again, we heartily ask you to
3 ratify those conditions. Thank you.

4 MAYOR RIVERA: Thank you, Kevin.

5 Don Schley.

6 MR. SCHLEY: I'm Don Schley, I would like to
7 give a copy of the notes to the reporter, is that okay?

8 MAYOR RIVERA: Sure.

9 MR. SCHLEY: For the record.

10 I'll stay within my three minutes.

11 I want to address the cost of Southern
12 Delivery to this community, which have -- in my
13 experience as a project management professional and a
14 practitioner of project development, have not been
15 fairly represented to this Council, many of -- for many
16 of whom I've worked.

17 I would note that the day before the rate
18 increase that we just voted on that Gary Bostrum was in
19 Pueblo and announced that we had already spilled 26,000
20 acre-feet of our water in conformance with the Flow
21 Management Program put into place by the IGA in 2005 at
22 a cost of a thousand dollars an acre-foot, which is a
23 lease rate, we have to replace that water with -- that
24 would be \$26 million.

25 Huge amounts of time and energy were devoted

1 to developing the Jimmy Camp Creek alternative for the
2 Southern Delivery project, which was then declared
3 nonfeasible by the Bureau of Reclamation after a person
4 such as myself and Dr. Kirk Johnson, of the Museum of
5 Natural History in Denver, gave our input, input that
6 was based on public documentation. So one of the costs
7 is that we've invested a lot of money in developing a
8 project, and one of the largest elements and components
9 of that project has gone away, and the cost has not been
10 reduced.

11 We have to ask about our -- the long-term
12 impact on our water rights. It can be proven that with
13 the accession to the 1041 terms that Colorado Springs
14 will lose 17,500 acre-feet of water guaranteed under its
15 71-CW-179 water right, it's a unique and historic water
16 right, at a capital cost of \$20,000 an acre-foot, which
17 understates the cost. That means a capital loss of \$350
18 million just to get accession to this project. So how
19 are we going to replace 17,500 acre-feet of water when
20 it was purchased at a much -- much lower rate?

21 Another issue is the -- the drop in our Twin
22 Lakes take to gain the compliance of the Colorado River
23 District from 36,000 acre -- from 57,000 acre-feet to
24 36,000 acre-feet of water, represents a capital loss of
25 20,000 acre-feet of water costs of -- at a cost of at

1 least \$20,000 an acre-foot, which is \$400 million. All
2 of capital costs to this community.

3 Finally, we have the fact that was addressed
4 by the Sierra Club in Pueblo for the County
5 Commissioners, in the first hearing where I was in
6 attendance, that we are pumping water essentially 1700
7 feet uphill for 38 miles, we are now importing 40
8 percent of our power needs for Colorado Springs
9 Utilities off the grid of premium rates, this is what --
10 this need alone to pump water 1700 feet uphill to get to
11 the Colorado Springs basin is an unbearable cost for the
12 local ratepayers.

13 There are other fees and stipulations and
14 cash that has been talked about tonight, up to \$300
15 million, as a part of winning Pueblo's approval of this
16 project, and there are over 100 further stipulated costs
17 and mit -- mitigations.

18 As a citizen of this community, the community
19 cannot bear these costs, it's unrealistic to ask them to
20 bear these costs, and there are other alternatives --
21 not necessarily the one that Mr. Miller proposed -- but
22 there are other alternatives that are
23 operationally-sound, that produce more water, and that
24 in the end won't cost us our valuable water rights.

25 Thank you.

1 MAYOR RIVERA: Thank you, Mr. Schley.

2 Richard Skorman.

3 MR. SKORMAN: Well, hello, team -- team, I --
4 I'm hap -- really happy to be here today because I was a
5 part of a lot of these discussions earlier and -- and
6 with many people in this room. I am looking around the
7 room and I'm thinking about all the hours of meetings
8 that we all have been at and -- and the effort that we
9 have all made to get here today, and I -- I couldn't
10 resist it. I've been not wearing a suit very much
11 lately, mostly an apron, and -- but I had to dress up
12 tonight to come here to urge you to support this because
13 it -- it's an incredible process that we should all be
14 very proud of to have -- to -- to get here today and to
15 know where we were 4 or 5, even 10 years ago, and -- and
16 how we are working together as a region, and that -- and
17 that -- that process I think is the most important part
18 of all this.

19 I -- I -- I like that we're going to be
20 getting good quality water, you know, as a citizen of
21 Colorado Springs I -- I think it's a precious resource,
22 I -- I love it for my espresso bar, I don't have to
23 filter the cof -- the water for the coffee like I would
24 if I lived in other places, and -- but it's a privilege,
25 it really is. It -- I know it's a right -- it's a right

1 that we own that water right, but it's a privilege that
2 we drink such good quality water in our community, and
3 it's a privilege that we also put that water back into
4 Fountain Creek and it goes downstream and affects our
5 neighbors.

6 And it's a privilege that we are having to
7 build a pipe from the Pueblo Reservoir through a place
8 that's not us, that's another part of the -- of our
9 region, and a privilege that we have to -- to really
10 live up to, and -- and I think we are with this process.

11 I -- I am so proud that we are working
12 together to fix Fountain Creek and to turn it into an
13 amenity, and to fix our spills that we haven't
14 necessarily been responsible for in -- in the past that
15 we are very responsible for today.

16 And I am so proud that we are working
17 together as a region that -- it's not us, but Pueblo
18 West and Security and Fountain -- to do the right thing
19 for all of us. We're -- we're all in this together,
20 we're not -- we're not one, we're all, and to be here
21 today to see this moment, to know that the 1041 process
22 came from Pueblo, as it should have, the Pueblo County
23 Commissioners had every right to move forward in the
24 ways that they did and to make these requirements, and
25 we are doing our responsibility to them and to the

1 citizens of Colorado Springs in fulfilling them, so
2 thank you for all your hard work today. Just happy to
3 be here to celebrate it, really, and keep up the good
4 work.

5 MAYOR RIVERA: Thank you, Richard.

6 For those of you who aren't from our
7 community, Richard Skorman was a city council member
8 back -- in 1999 I think he came on, and, then, was on
9 for a number of years as this process started, so thank
10 you, Richard, for coming.

11 Barbara Vidmar.

12 PUEBLO CITY COUNCILWOMAN VIDMAR: Good
13 evening, Mayor Rivera, Vice Mayor, all of Council, my
14 name is Barbara Vidmar, and I serve on the City Council
15 in Pueblo.

16 The City of Colorado Springs and the City of
17 Pueblo had spent considerable time working through
18 concerns that our City had with the SDS project, this
19 culminated in two intergovernmental agreements in March
20 and May of 2004 at -- that largely addressed our
21 concerns by establishing an enforceable Flow Management
22 Program on the Arkansas River and thereby allow the City
23 of Pueblo to support the SDS project. Those IGAs also
24 established the first baby steps of cooperation between
25 two cities concerning Fountain Creek problems and

1 issues.

2 The March 2004 IGA recognized that Colorado
3 Springs would need approval from Pueblo County under its
4 1041 regulations, as well as other regulatory approvals;
5 it also required Pueblo not to take any actions to
6 impair or impede Colorado Springs' ability to obtain
7 these approvals, and limited Pueblo's involvement in
8 these regulatory proceedings. Consequently, the City of
9 Pueblo had stayed out of the 1041 process until now.

10 On behalf of the City of Pueblo I would like
11 to highly commend the Pueblo County Commissioners for
12 their careful consideration given to the SDS project in
13 the 1041 process, and for their adoption of terms and
14 conditions and mitigation of project imports -- impacts
15 which protect the residents of Pueblo County.

16 We are especially pleased with the
17 Commissioners' requirement that all SDS par --
18 participants comply with the Flow Management Program
19 established under the IGAs, and for requiring the
20 extensive mitigation measures concerning Fountain Creek.
21 Though we did not ask the County for these conditions,
22 we are, nonetheless, happy that the Commissioners
23 imposed them.

24 We do understand that the Fountain Creek
25 mitigation involves some costs for Colorado Springs, and

1 we do appreciate it; however, billion dollar water
2 projects cannot be built like they were 50 years ago, in
3 the 21st century it is a given that the mitigation is
4 required for such large water projects. For the City of
5 Pueblo we believe that the mitigation measures required
6 by Pueblo County are both economically feasible and
7 objectively reasonable, and more importantly continue
8 the cooperative work started by the two cities in 2004.

9 I would encourage you to accept the terms and
10 conditions of the 1041 Permit, and we look forward to
11 working in the future cooperatively with Colorado
12 Springs on Fountain Creek in the years ahead.

13 Thank you so much for this opportunity to
14 speak before you this evening.

15 MAYOR RIVERA: Thank you, Barb.

16 Walter Lawson.

17 MR. LAWSON: Walter Lawson. The marquee
18 across the street says annihilation and the church to
19 the north deals in revelation, I'm here asking for a
20 little full disclosure about the impact of Pueblo
21 conditions, there are concerns that this may be a kind
22 of unlimited bailout of Pueblo's own responsibilities in
23 regard to flood control and similar things. In the push
24 for approval one could fairly ask the question whether
25 we have scrutinized all these conditions and their real

1 long-term impact on us. Have we really negotiated -- it
2 doesn't seem so -- for flood control costing, for
3 example? It would seem Pueblo should bear half those
4 costs at least. So one can ask what are the actual
5 total costs of this project, what are the hidden costs,
6 and what are the implicit costs that are buried in the
7 text, for example, for dams, for outlets, for Pueblo Dam
8 enlargement -- these are all things that could be very
9 expensive -- and they seem to be written -- woven in
10 here as a way that we are made to be responsible for all
11 of this. So what will be the cost of this in terms of
12 rate increase to the people of Colorado Springs? We
13 haven't heard anything about that.

14 And when you get into the text of the
15 language of this agreement it seems a little
16 heavy-handed. We are expected -- we build and pay for
17 the capital and operating costs of the conditions, but
18 Pueblo regulates and controls, 5.1 in the text; 5.2, we
19 support any -- any studies for flood control and dams
20 or -- dam or dams on the Fountain Creek.

21 In section 6 there's created a dis --
22 district to levy taxes and impose fees. It seems we're
23 going to pay twice because we pay a hundred 25 plus, and
24 we also are wide open to whatever taxes and fees that
25 come with this project. Not any of these costs bring us

1 more utility service, not one drop of water, not one
2 kilowatt hour of electricity.

3 Further, the money devoted to flow programs
4 and recreation are even farther away from providing
5 utility services.

6 In section 7, 75 million is required to pay
7 for projects not currently required -- what does that
8 mean, "not currently required" -- to be spent. That we
9 deserve an explanation of.

10 Finally, how do we pay for all this? Well, I
11 would ask that it be rolled into system development
12 charges or a fee perhaps or a fee per square foot for
13 houses and for COI projects, commercial, office,
14 industrial projects.

15 We are -- this project -- this whole project
16 is said to rest on need and demand, which really we know
17 isn't there now and won't be for years, so we go back to
18 those basic questions I -- I still call for and request
19 that you do answer because Colorado Springs citizens are
20 owed accountable answers to the concerns raised by these
21 Pueblo conditions.

22 Thank you.

23 MAYOR RIVERA: Thank you, Walter.

24 Sallie Clark.

25 COMMISSIONER CLARK: Good evening, Mr. Mayor

1 and Mr. Vice Mayor and Members of City Council, I sat in
2 the audience making a lot of notes, I don't know what
3 I'll get through, but I wanted to first recognize those
4 of the Fountain Creek Visioning Task Force, and I know
5 there's a lot in the audience, including Vice Mayor
6 Small, who was very involved. Would you please stand,
7 just so that everyone can see you? There's a number of
8 us here tonight.

9 Thank you, Charles.

10 (Applause.)

11 COMMISSIONER CLARK: You know, here in El
12 Paso County, as a County Commissioner, knowing that our
13 city residents sometimes take a lot for granted, today
14 we spent over two hours on one land-use issue for about
15 18 lots, and the major discussion revolved around water,
16 imagine that, water that comes out of the aquifers,
17 water that isn't on the central water system, water that
18 has qual -- quality issues, and primarily some fluoride
19 issues according to our El Paso County Health &
20 Environment Department, and I -- I think it's important
21 that our residents in Colorado Springs realize just how
22 lucky we are to have a central water system. But we
23 shouldn't take that for granted. Can we stop growth? I
24 don't think we can stop it. We're the largest county in
25 the state of Colorado population-wise, at 617,00 people.

1 Are people going to stop coming? Probably not, because
2 it's a beautiful place to live.

3 That being said, I want to talk a little bit
4 about why I'm here tonight, and that's cooperation.
5 First I would like to start by saying don't believe
6 everything you read in the paper, and, in fact, you'll
7 read something about -- tomorrow about El Paso County
8 and Colorado Springs Utilities, and I want to assure you
9 that when you read that article tomorrow that you know
10 that we are trying to work something out with the
11 sheriff and the detox facility and Colorado Springs
12 Utilities tap fees. That's about cooperation, and this
13 is about cooperation.

14 And basically as someone who's been committed
15 to Fountain Creek -- not committed in -- in -- in a
16 negative sense -- and seeing Richard Skorman -- who I
17 knew as Councilman Skorman -- is kind of like old home
18 week being here, we are at a historic moment.

19 Councilwoman Radford, I know you've been at
20 this a long time and we're definitely going to miss you
21 here on the City Council, and I know you have a -- a
22 great person who will be taking your place, but I know
23 how committed you have been to this project, as has all
24 of -- have all of you, those before this Council and
25 those who will be coming after this Council.

1 We have a bill before Governor Ritter, Senate
2 Bill 141, that recently passed legislature, and that is
3 the creation of the Fountain Creek Watershed, Flood
4 Control and Greenway District, two-and-a-half years of
5 work between Pueblo County, El Paso County, our partners
6 in -- in Pueblo city, and so many, including -- I heard
7 the Sierra Club's name come up, state parks, Colorado
8 Open Lands, many different partners at the table that I
9 don't even have the ability to mention them all -- but
10 two-and-a-half years of hard work are finally coming
11 together, and it's gratifying to see Pueblo and El Paso
12 County is working together on that important piece of
13 legislation and that piece fits right in perfectly with
14 the Southern Delivery System.

15 Now, with this agreement and -- and the
16 hopeful passage of -- this next week of the conditions
17 and going ahead with the -- the permitting process for
18 Southern Delivery we'll be able to see all those
19 improvements along Fountain Creek eventually become a
20 reality. I'm very pleased that I could be part of that,
21 maybe at the very beginning and hopefully at the very
22 end as well. This long-planned project is the key not
23 only to Colorado Springs, but to El Paso County
24 residents, to Pueblo city and Pueblo County as it
25 relates to the improvements along Fountain Creek,

1 because all of us want to be good partners, no matter
2 whether you live upstream or downstream it's important
3 for us to be good partners.

4 And we are ready, as the Fountain Creek
5 Watershed, Flood Control and Greenway District -- I
6 think I got that right -- as the board, and a member of
7 the board, to spending that money wisely as it relates
8 to Fountain Creek.

9 We have to provide sustainable water for this
10 community because unlike El Paso County you don't want
11 to be dependent on those aquifers, you want to make sure
12 that you can provide a central water system which is the
13 responsible thing to do, and provide good water quality
14 for all of the residents of Colorado Springs, which is
15 in El Paso County, and those other seven municipalities
16 that join us within the county also want to make sure
17 that water is secured for our region.

18 Some may make assumptions that Southern
19 Delivery could have been done cheaper, I don't think so.
20 Things are different today than they were when Mayor Bob
21 Isaac sat in Mayor Rivera's chair, and I have to think
22 that were Mayor Bob here -- and I can't do a great
23 imitation of Bob, but others can do a much better job --
24 but I have to think that he is looking down on us, and
25 although he might use more color -- colorful words than

1 I will, I bet he's saying, "What took you so darn long?"

2 It took cooperation and it took the ability
3 for us to work together, and I with all my heart thank
4 you for your work, for all of those who've come
5 together, and I ask you to support the decision that
6 will come before you on the 14th of April.

7 Congratulations, it's taken a long time, but
8 I'm proud to have been a part of this. Thank you.

9 MAYOR RIVERA: Thank you, Commissioner Clark.

10 Well, that is it for the folks who signed up
11 to make comments. What I am going to do now, I've asked
12 the Colorado Springs Utilities to address some of the
13 comments that were made, and I want to take a -- about a
14 15-minute break to allow them to wrap up their responses
15 and, then, I'm going to ask them to address those. So
16 we will take a 15-minute break to give utilities an
17 opportunity to have some responses to some comments that
18 were made.

19 (A break was taken.)

20 MAYOR RIVERA: Jerry?

21 MR. FORTE: Thank you, Mr. Mayor and Council
22 Members, I am going to ask Bruce McCormick to lead in
23 terms of responses and documentation around follow-on
24 actions.

25 Bruce.

1 MR. McCORMICK: Thank you, Mr. Forte.

2 I would like to go through some of the claims
3 and allegations made around loss of water and costs of
4 mitigations, so if I could I will try to address those
5 one at a time and I'll quickly go through these. Again,
6 these are initial responses, we intend, between now and
7 Tuesday, to provide complete and final responses that we
8 will provide to those that asked the questions or made
9 the statements, and we will provide those answers to
10 Council as well, and post them on our website with --
11 with your direction.

12 MAYOR RIVERA: All right, that sounds good.

13 MR. McCORMICK: Okay.

14 Number one, Mr. Schley alleged that we had
15 lost 26,000 acre-feet due to the 2004 IGA. To the
16 contrary, our average exchangeable supplies during those
17 years was only 24,000 acre-feet on average, our losses
18 have averaged only 366 acre-feet or 1.5 percent of the
19 amount exchanged, which will be reduced with the
20 development of a recovery of yield storage in the
21 future.

22 Mr. Schley alleged 17,500 acre-feet of water
23 lost due to the 2004 IGAs, that value comes from the
24 winter water decree, actually case 84-CW-179, and his
25 statement is in error. This exchange is under the

1 winter water decree held by the Southeast District, our
2 actual experience is that we have zero losses during
3 this operation.

4 Number three, Mr. Schley alleges that our
5 agreements with the West Slope result in a loss
6 amounting to 20,000 acre-feet of water per year, we
7 strongly disagree. As a result of these agreements we
8 have experienced no loss in our Twin Lakes supplies, we
9 operate in accordance with our Twin Lakes decrees.

10 Number four, the claims of exorbitant
11 financial losses attributable to the SDS project cannot
12 be supported by the actual facts, Mr. Schley's claims
13 are incorrect and the citizens of our city should not be
14 misled by these statements.

15 We will address all of the costs of the --
16 that were raised around the conditions as -- as I stated
17 earlier, provide those responses to Mr. Schley, post
18 them to our website and provide them to Council.

19 And our website is www.csu.org.

20 Finally, Mr. Schley also alleges that the
21 proposed Jimmy Camp Creek Reservoir was deemed
22 nonfeasible by the Bureau of Reclamation, that statement
23 is in error. NEPA required comparison of alternatives,
24 and the Bureau of Reclamation selected Upper Williams
25 Creek Reservoir in its preferred alternative because it

1 has fewer environmental impacts than Jimmy Camp Creek
2 Reservoir, it did not find it to be nonfeasible.

3 So those are our response to the allegations
4 of Mr. Schley. As I stated earlier in terms of detailed
5 costs of all -- of the mitigations, we will provide
6 detailed responses prior to next Tuesday.

7 And are there other questions or issues that
8 you would direct us to address at this time?

9 MAYOR RIVERA: Yes, and -- and you can
10 provide detailed re -- responses to us, and Mr. Lawson
11 who brought these up, and also post them to the
12 website, he made the reference to cost of Pueblo Dam
13 enlargement, I don't think that has anything to do with
14 the Southern Delivery System, that is PSOP, that's going
15 to happen sometime in the future, but I think there is
16 clarification needed.

17 He talked about dam studies on Fountain Creek
18 and that we are going to support any kind of studies on
19 dams on Fountain Creek -- I don't know if that's
20 accurate, I don't think it is -- that needs
21 clarification.

22 He made a statement that we would be hit
23 twice from taxes from the Fountain Creek Watershed and
24 Greenway District -- I haven't got the full name down,
25 but I -- that's pretty close -- and I think there's an

1 explanation needed on how -- number one, how taxes have
2 to be put on the ballot and voted on by the citizens of
3 that district, and that any monies spent in that
4 district has to be by a supermajority of the members of
5 that district, and I believe that's seven, but I think
6 that needs to be posted and clarified on how that works.

7 And some clarification on what \$75 million of
8 wastewater system improvement not currently required
9 needs a little more detail on that, 'cause he brought
10 that up.

11 MR. McCORMICK: Okay.

12 MAYOR RIVERA: So those need to be posted and
13 answered.

14 MR. McCORMICK: All right, I'll take those
15 one by one.

16 PSOP, or the expansion of Pueblo Reservoir --
17 as you stated very correctly, Mr. Mayor -- is not part
18 of this project and not something that is required by
19 any means for SDS to -- to take place. As you said,
20 that is something that could be studied for feasibility
21 in the future by a number of parties, which may or may
22 not include us, we support that and -- being looked at
23 in the future, but, again, it's not part of this project
24 or part of the mitigation that's -- that are in these
25 conditions.

1 In -- in terms of any dam studies or
2 responsibility for those, again, the -- the mitigation
3 funding of 300,000 that will go to the District, the
4 District will determine how that money will be spent
5 with regard to studies. The District has broad
6 representation across the region and they will make
7 those determinations about how that money is spent.

8 Again, you -- you provided a better
9 explanation probably than -- than I could on the -- on
10 the District and how taxes and fees can or cannot be
11 levied. Again, the District will manage this money with
12 balanced representation, it's not any means by a -- by
13 any means a full or total funding of everything needs to
14 happen on Fountain Creek, it's a portion, and there will
15 be many participants in funding that District, including
16 Pueblo entities, so it will be a shared responsibility
17 in there. As -- as we said earlier, the money will
18 leverage other funding into the District. Tax takes can
19 only occur by a vote of the people on a ballot, and
20 fees, again, could only be implemented by a
21 supermajority on the broadly represented board of the
22 District.

23 In terms of the \$75 million for wastewater
24 projects not required, that mitigation actually is
25 addressing the fact that anything that is not mandated

1 at this point would in -- would be part of that \$75
2 million. As we stated earlier, this is money we would
3 intend to spend regardless, we believe it's the
4 appropriate thing to do on our wastewater system, it
5 will continue to improve and maintain a very good
6 wastewater system, and this is money that we would
7 commit regardless of the conditions.

8 MAYOR RIVERA: Okay. Thank you.

9 And, now, we can talk about following on
10 actions for our meeting on Tuesday.

11 MR. MCCORMICK: Yeah, it would be our intent
12 for Tuesday to come back, a -- again, with responses,
13 post those responses, and bring a resolution to Council
14 for -- for vote of acceptance of the 1041 terms and
15 conditions.

16 MAYOR RIVERA: And that's a formal item on
17 our council agenda on Tuesday, so, again, it's going to
18 be open for citizens to comment to us and for Council to
19 debate the issues or discuss the issues with staff and
20 engage citizens at that time as we would normally do on
21 any formal item we are going to take a vote on.

22 Well, thanks again for -- everyone for
23 coming, and this is truly a historic night, one that we
24 all have been working on for quite a long time.

25 And, again, I want to thank my colleagues,

1 the Pueblo County Commissioners, for you traveling up
2 here, and your hard work in -- in all your public
3 hearings, we sat through a few of those and they were
4 very interesting, you have some very energized citizens
5 that are willing to provide you input, like every
6 community.

7 And also thanks to the Pueblo County staff
8 for all the hard work they did, our own Colorado Springs
9 Utilities staff and everything they did, our partners,
10 and all the citizens who provided input.

11 I think from my point of view this has been
12 the kind of process -- it has been open, it's been one
13 of cooperation between El Paso County and Pueblo County,
14 the City of Colorado Springs, the City of Fountain,
15 Security Water District, the City of Pueblo also and
16 their support of first the intergovernmental agreement
17 and, then, everything that has gone on, so this truly
18 has been a very cooperative deal, and there really is
19 life south of Monument Hill, right? Even though the
20 folks up in Denver sometimes forget that there is
21 Southern Colorado, I really think that this is a start
22 of a tremendous cooperation and the long-term future for
23 Southern Colorado is very bright based on everything we
24 have been through over the last six years since I've
25 been the Mayor. So congratulations to everyone to get

1 us to this point, and we'll take it up on Tuesday and
2 vote on whether or not to accept these conditions.

3 So thanks again, and have a good evening.

4 (The videotaped proceedings concluded.)

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C E R T I F I C A T E

1
2 STATE OF COLORADO)
3 COUNTY OF PUEBLO) ss.

4 I, Priscilla Naff Medina, a Registered
5 Professional Reporter and Notary Public within and for
6 the State of Colorado, do hereby certify that said
videotaped recording was reduced to typewritten form
under my supervision;

7 That I am neither attorney nor counsel, nor in
8 any way connected with any attorney or counsel for any
9 of the parties to said action, nor otherwise interested
10 in the outcome of this litigation.


Priscilla Naff Medina

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