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TRANSCRIPT OF VIDEOTAPED PROCEEDINGS

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OF

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COLORADO SPRINGS CITY COUNCIL MEETING

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April 14, 2009

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1 MAYOR RIVERA: Item 7.

2 UNIDENTIFIED FEMALE SPEAKER: A resolution
3 concerning the terms and conditions of the Pueblo County
4 1041 Permit for the Southern Delivery System and related
5 commitments to Fremont County.

6 MAYOR RIVERA: And we -- as Mr. Forte comes
7 up here I would also like to recognize our colleagues
8 from Pueblo, Pueblo County Commissioners, Chair Jeff
9 Chostner, members John Cordova and Anthony Nunez, thank
10 you gentlemen for coming up here for this part of our
11 meeting.

12 MR. FORTE: Mayor Rivera, Vice Mayor Small
13 and Council Members, thank you for taking time to hear
14 this request today.

15 In many respects the history of Colorado
16 Springs is the history of water. Because we're not
17 located on a major river we've always had to go to extra
18 lengths to be able to bring water to this community, and
19 in many ways we have probably what would be the most
20 complex water system in the state of Colorado. A full
21 70 percent of our water comes from the Western Slope,
22 we're fortunate that we own the water rights for this
23 water and we also own the water rights for the proposed
24 Southern Delivery System, a lot of other communities
25 aren't in that same position.

1 Our challenge, though, has always been
2 getting the water from where we own it up to Colorado
3 Springs, so where we are right now, today, is the
4 culmination of over a decade of work by a whole bunch of
5 people, a lot of hard work by you all at the dais right
6 now and some that have come before you, work by many in
7 this room and work by many that are not in this room
8 which we owe a huge debt of gratitude towards.

9 With our current economic climate some people
10 have said maybe we don't need Southern Delivery. Is the
11 water demand down due to the economy? Yes, it is. Will
12 it remain down once the economy picks up? No, it won't.
13 Colorado Springs' long-term planning decisions have not
14 been based on short-term types of issues like cyclical,
15 economic conditions.

16 Projects of this size, such as Southern
17 Delivery, don't happen overnight, and very few projects
18 like Southern Delivery are even built any more in the
19 state of Colorado, and really in the Western United
20 States.

21 Southern Delivery will provide critical
22 backup to our exis -- for our existing residents, and it
23 will provide us with water for decades to come for those
24 that are going to come after us. We're fortunate to
25 have the opportunity to be able to build the preferred

1 alternative. We're in an enviable position right where
2 we had planned and wanted to be, but I also want to
3 noted that we're fortunate to have a backup plan to
4 build a pipeline through Fremont County, and I wanted to
5 gratefully acknowledge and thank the Fremont County of
6 Board of County Commissioners, the government and
7 business leaders for their willingness to also support
8 our land-use permit in their county.

9 So the issue before Council today is the
10 Pueblo County 1041 Permit and the Pueblo County
11 Commissioners' request that our City Council recognize
12 the commitments in the terms and conditions put forth by
13 Pueblo County.

14 Our staff is here today with a
15 recommendation, and I would like to introduce Bruce
16 McCormick, our Water Services Officer, who will review
17 our staff's recommendation.

18 MAYOR RIVERA: Thank you, Jerry.

19 MR. MCCORMICK: Thank you, Jerry.

20 Good afternoon, Mr. Mayor, Mr. Vice Mayor and
21 Council Members. As you know, planning for SDS began
22 over a decade ago, we have studied hundreds of options
23 and had public input every step of the way; our staff
24 has spent months discussing these terms and conditions
25 with Pueblo County staff in a process that began a year

1 ago with the submittal of our permit application.

2 We provided you an overview of the terms and
3 commit -- conditions and mitigation in a presentation at
4 your April 9th public hearing. As we stated, we believe
5 we have arrived at terms and conditions that provide
6 Pueblo County assurances that SDS impacts will be
7 mitigated, we also believe the terms and conditions are
8 reasonable for our community.

9 Fountain Creek is part of our water system
10 and it must be maintained, but beyond that there's a
11 tremendous opportunity to make it an amenity for the
12 region.

13 We have reviewed the public comments
14 submitted in the last two weeks, as well as the oral
15 remarks made at the April 9th public hearing, the vast
16 majority of those comments were supportive of the terms
17 and conditions for SDS; in addition, our staff has
18 prepared written remarks and answers to questions and
19 concerns raised, and they have been posted on our
20 website and provided to you as well.

21 What's important to remember is that your
22 recognition of these terms and conditions preserves our
23 ability to build SDS from Pueblo Reservoir -- Reservoir
24 should we choose to do so. It's the -- it's that
25 opportunity that we have worked, alongside you, so hard

1 to achieve over the past five yea -- five years, and it
2 will permit this city to build SDS in the most efficient
3 and cost-effective manner. Today is not a decision on
4 the timing of construction, it's not a decision even on
5 the alignment, today is a decision about whether Council
6 supports and approves the terms and conditions of this
7 permit.

8 We are in the process of a business review
9 that refines project costs and looks at updated
10 forecasting and other variables, and -- and this
11 analysis will guide project timing.

12 Therefore, the staff of Colorado Springs
13 Utility asks that the City Council adopt a resolution
14 which, number one, recognizes and approves all of the
15 specific commitments contained in the Pueblo County
16 Resolution of March 18th; which also approves the terms
17 and -- of two MOUs, one covering the Low Flow Program
18 for the Arkansas River through Pueblo to protect
19 fisheries and recreation, and another MOU that outlines
20 the cooperative use of the Outlet Works of Pueblo Dam
21 for municipal purposes; three, ratifies the proposal to
22 satisfy certain mitigation requirements by contract --
23 constructing two mitigation projects, one at the
24 confluence of the Fountain and the Arkansas, and one on
25 Clear Spring Ranch; and, finally, number four, ratifies

1 the agreement between Colorado Springs Utilities and
2 Gary Walker, the owner of -- of Walker Ranch, to permit
3 any disagreements concerning pipeline right-of-way
4 issues on his property to be resolved through the dis --
5 dispute resolution process.

6 A proposed resolution that accomplishes these
7 purposes has been prepared for your consideration, and
8 we would request that Council adopt that resolution
9 today.

10 With that I would op -- be -- be here to
11 respond to any questions.

12 MAYOR RIVERA: Are there any questions for
13 Bruce?

14 Darryl.

15 CITY COUNCILMAN GLENN: I know it's been
16 stated in -- in other forums, but since this is the
17 forum that we're actually voting on this, can you please
18 clarify the ability for northern partners to be able to
19 be included with the terms and conditions? For example,
20 Monument, Palmer Lake, Tri-Lakes, those particular
21 areas.

22 MR. McCORMICK: Certainly will.

23 The provisions of the terms and conditions do
24 allow future participants in this project. The
25 limitations of that participation are only around

1 commitment to the same conditions essentially that
2 Colorado Springs is committing to with regard to
3 stormwater, with regard to keeping that water in the
4 Arkansas River Basin, and those sorts of things. So,
5 yes, that is -- the potential is there to do that.

6 CITY COUNCILMAN GLENN: Okay.

7 MAYOR RIVERA: Okay. Thank you, Bruce.

8 And we had a -- an extension -- an -- an
9 extensive presentation at our public hearing, and, as
10 all formal motions that we are going to consider, we
11 take public comment, so I would like to hear from anyone
12 in the audience who would like to comment on -- on this
13 item.

14 I think Walter's coming up, Sallie.

15 Mr. Lawson, come on up.

16 MR. LAWSON: Walter Lawson.

17 Is this on?

18 MAYOR RIVERA: It's on.

19 MR. LAWSON: Well, this is the front page of
20 your resolution request, I want to speak to the part of
21 it that addresses financial implications, the costs of
22 performing the terms and conditions included in the
23 Pueblo County 1041 Permit.

24 The first question is the hundred 25 million
25 a top-set maximum that we would be obligated for? Are

1 there additional costs, such as the 6.1 million road
2 rehab number mentioned in the text, but doesn't seem to
3 be included in other categories? Are there any other
4 liabilities?

5 To citizen PowerPoint here. Are the total
6 costs really unknown and unlimited relative to the
7 District?

8 Section 6 speaks to the District as having
9 power to tax and levy, so the question is why would we
10 contribute \$50 million to a District that already has
11 its own taxing power and has also the -- the power to
12 impose fees for the same purposes? Those are enumerated
13 as flood control, erosion, sedimentation control,
14 studies and, apparently, construction, on page 5,
15 Section 6. There seems to be no limit to what could be
16 our obligation, and taxes and fees over time means -- as
17 I said before, we seem to pay twice, maybe three times
18 with taxes, fees and a \$50 million contribution.

19 So the question comes what would our rate
20 increase be? What our -- what would our rates be?
21 This is a pictures of the rates back at February '08,
22 taken from SDS EIS information, that's higher today, of
23 course, because of the 41 percent increase, now the
24 hundred 25 million and -- studies, which may be in
25 addition, plus the question is are there any others?

1 But this shows the yearly cost to be 933, and raises an
2 additional question, because we have repeatedly been
3 told that the Pueblo routing would be cheaper than any
4 other, including the Fremont routing, but the rates cost
5 shown here indicate that the rates would be higher in
6 2025, so that really asks for an answer and a
7 clarification.

8 The ratepayer impact of the 1041 terms and
9 conditions, a hundred 25 divided by just the current \$35
10 water bill indicates that it's going to take 3-1/2
11 million water bills to be paid just to pay this portion
12 of the SDS costs to -- to meet these terms and
13 conditions.

14 And this -- this moves us to a -- a question
15 of why we are paying so much in a time which is the
16 hardest economic period in our history for the last 80
17 years? We have the Pueblo costs, we have the two costs
18 turned down that -- both 1-As -- by the public, which
19 ought to be enough of an indicator; then we have the 40
20 percent water rate increase on top of all this, plus the
21 Fountain Creek District taxes and fees which may be 250
22 million, who knows what that's going to be since there
23 seems to be no limit.

24 And there's not a question and not an answer
25 how the mechanics and how vote goes, it's where are the

1 limits in all of this? So the total the -- of all of
2 this is a heavy burden in, as I said, the worst economic
3 period in our history.

4 So as a result of all this I ask you to defer
5 the vote, to disclose all the tax and the
6 implications -- financial implications in the wording of
7 the text at the front, disclose all impacts and
8 liabilities of the Peblo -- Pueblo 1041 terms and
9 conditions, and do that by an objective audit in a
10 written report, which we don't have now, and there seems
11 to be a lot of open-ended opportunities for cost
12 increases in this matter in meeting all of these costs.

13 Thank you.

14 MAYOR RIVERA: Thank you, Mr. Lawson.

15 You know, I will actually address some of
16 your questions. Number one, Fountain Creek Watershed
17 Authority is not part of the Southern Delivery System.
18 Yes, it's true that the \$50 million 1041 requirement
19 will be deposited with the Fountain Creek Watershed
20 Authority to do projects determined by that board, that
21 board does not have taxing power unless it's given to it
22 by the people who are in the District who have to vote
23 on that, so they cannot assess taxes. Any fees that
24 that District may want to impose has to be agreed upon
25 by a supermajority of the board, seven out of the nine,

1 so I believe that's good protection.

2 The rates in the EIS, I do not believe they
3 reflect the current status of the project today. When
4 that EIS was done I do not believe it was anticipated
5 that other members of El Paso County would be able to
6 participate in the project, now the cost of Southern
7 Delivery can be spread over a much larger community than
8 Colorado Springs, could be some of the other communities
9 in El Paso County.

10 In terms of paying for the Southern Delivery
11 System and your calculation of the number of customers
12 divided into a hundred \$25 million, these kinds of
13 projects are typically paid for by bonds, long-term
14 bonds, and that way not only do our citizens who
15 currently live here pay for that, but that it's spread
16 over maybe a 40-year time period for the residents who
17 are going to live here in the future, and the increasing
18 number of residents, so that kind of -- kind of balances
19 out the cost for existing residents.

20 Now, in terms of total cost for the projects,
21 I think Mr. McCormick said that the 1041 conditions that
22 we are about to vote on today what -- really only gives
23 them the greenlight to move forward and analyze the
24 detailed costs of the project, comparisons to the
25 Fremont County alternative, it doesn't give them the

1 greenlight to go out and start building the project
2 tomorrow, it gives them the greenlight to move forward
3 and look at all the details to do that. That decision
4 to build a project in Pueblo -- through Pueblo County or
5 through Fremont County will be made at -- at a later
6 time with a recommendation from staff to City Council.

7 So I will ask staff to get you the best
8 estimates of the total cost of the project based on what
9 we know today as soon as they work out the details.

10 MR. LAWSON: Thank you.

11 MAYOR RIVERA: Thank you.

12 Miss Clark. Commissioner Clark, excuse me.

13 COMMISSIONER CLARK: Thank you, Mr. Mayor,
14 Mr. Vice Mayor and Members of City Council. We'll see a
15 new city council here next -- next week, so we will
16 definitely miss your presence, Councilwoman Radford.

17 And, you know, it's interesting when we talk
18 about water, and that's your subject today -- and maybe
19 I'll take a little bit of liberties as a County
20 Commissioner -- but water has always been something that
21 I know Councilwoman Radford has been involved and had a
22 interest in, there aren't many people who take an
23 interest in drainage, it's not a very exciting thing to
24 talk about, but whether it's water lines to Red Rock
25 Canyon, which eventually became an open space, whether

1 it came to dealing with the Monterey drainage problems
2 as -- as you mentioned, Mr. Mayor, or whether it's
3 dealing with rearranging deck chairs on the Titanic,
4 which I believe was -- is one of your favorite
5 expressions, let's remember that the Titanic floated in
6 water, and, so, it all comes back to what we have in our
7 community, and this huge opportunity that's before us.

8 A couple of things I would like to mention is
9 that for every cause there's an effect, and downstream,
10 our partners to the south, whether it's in the Lower
11 Arkansas or whether it's in Pueblo County, those that
12 are downhill do suffer from things that happen uphill,
13 and, so, being involved in the Fountain Creek Visioning
14 process with the Vice Mayor, and I know Councilman
15 Heimlicher also took a great interest in that as well,
16 today you just appointed a couple of new board
17 members -- Max Stafford, who's a Councilman in Palmer
18 Lake, and Donna Ford, who's a Councilwoman in Manitou
19 Springs -- to the new Fountain Creek Watershed, Flood
20 Control and Greenway District -- and I know that's a
21 mouthful, thank goodness I have it written down for
22 me -- but we have been working very long and hard with
23 members of Pueblo, Commissioner Jeff Chostner,
24 Commissioner Loretta Kennedy prior to Jeff coming on
25 board, and this is, I think, the next and final step

1 that allows us to move forward with necessary
2 improvements (indicating).

3 As someone who has been very committed to
4 Fountain Creek -- it gen -- generally runs through my
5 District and goes downhill from there into Commissioner
6 Hisey's District and down beyond -- we are at a historic
7 moment and please don't -- don't miss this opportunity,
8 it is way too important.

9 And when you look at how long Councilwoman
10 Radford has been on this board, and -- and you, Mr.
11 Mayor, and others who -- who have come and gone,
12 actually been here before, I know that Southern Delivery
13 has been on the radar screen for many, many years, way
14 before any of us were ever really involved in -- in
15 politics, and it's important today that Pueblo and El
16 Paso Counties come together, and the cities of Pueblo
17 and Colorado Springs come together to pass this today.

18 This is extremely important as we mor -- move
19 forward in making this creek something that benefits all
20 of us, and being able to use the dollars that you are
21 providing today through this 1041 Permit to be able to
22 use them in El Paso County so that we truly can be good
23 neighbors downstream.

24 This is the impetus for -- for funding that
25 really is important for Fountain Creek, and you have

1 done an amazing job in shepherding this through, in
2 trying to work through the cooperative efforts, and I
3 know those of us in El Paso County will reap the
4 benefits from that as well.

5 As I mentioned in the public hearing last
6 week, it is so important for our county residents to
7 understand how important this is for the city, but it
8 flows like everything, it -- it drains into creeks
9 and -- and eddies and places where it has impact on all
10 of us, and we in the county struggle every day with
11 water issues, mainly from water as it relates to well
12 water, water quality, water quantity, and septic
13 systems -- which many of our residents in the county are
14 on -- and our city residents need to thank their lucky
15 stars that they have a city utilities who has some of
16 the lowest -- although it always seems expensive -- has
17 some of the lowest rates in the country, and when you
18 turn on the tap clean water comes out and you don't have
19 to worry about the same things that you would if you
20 were on well water.

21 This is an opportunity to really show
22 cooperative efforts, to approve the dollars that need to
23 be spent on Fountain Creek to make this not only an
24 asset as it relates to water quality, but also as an
25 amenity for us to be proud that we could be a part of.

1 I ask for your support of this today on
2 behalf of -- of the County, but also on behalf of so
3 many residents who will benefit both upstream and
4 downstream; and I thank County Commissioners from Pueblo
5 for being here -- for being here today, as well as those
6 who are here from the Pueblo City Council. It's been a
7 long time coming, and it goes how -- it shows you how
8 long it takes for things to get -- get done in
9 government, and I'm -- I'm just proud that today that
10 can be the case, and that Councilwoman Radford ends her
11 time on City Council with this very important decision
12 that so many who have come before us would be proud of
13 as well.

14 So thank you, I ask for your support today,
15 this truly is a monumental task ahead. We're not done
16 yet, but you have started the ball rolling here and I
17 thank all of those who have come to the table to work
18 through this very difficult issue. Thank you.

19 MAYOR RIVERA: Thank you, Commissioner Clark.

20 Is there anyone else in the audience who
21 would like to comment on this item?

22 (No response.)

23 MAYOR RIVERA: Okay, well, I bring it up to
24 the -- the dais for a -- a motion and a second, and,
25 then, we'll have further discussion.

1 Margaret?

2 CITY COUNCILWOMAN RADFORD: Mr. Mayor, in
3 honor -- in honor of all of the people of Southern
4 Colorado who have put aside their differences to find a
5 common ground, who have set aside lies and uplifted the
6 truth, who have hon -- who have honored hard work and
7 due diligence, who have held the course and persevered
8 against tremendous odds, I do now honor and uphold good
9 faith and do now step into the future hand-in-hand,
10 united, pursuing and sharing our needs and goals, I move
11 for approval of the motion, calling upon us to recognize
12 the conditions for the 1041 Permit for Southern Delivery
13 placed on us by the Pueblo County Commissioners, and I
14 would like to make it clear that we're voting to accept
15 and approve each of the conditions contained in the
16 Pueblo County Commissioners' March 18 Resolution which
17 are numbered 1 through 30.

18 MAYOR RIVERA: Larry?

19 VICE MAYOR SMALL: Mr. Mayor, I'm honored to
20 second Councilwoman Radford's motion, but I have to tell
21 you I'm seconding this on behalf of Mayor Rivera, who,
22 by our rules, cannot make a motion nor can he second a
23 motion.

24 I think that if we look back on the history
25 of this project, the two council members who are sitting

1 up here who have had the most to do with the success of
2 getting to where we are at this time has been Mayor
3 Rivera and Councilwoman Radford; and we've all played a
4 part in it, every one of our roles have been very
5 important to this and everyone's roles of prior
6 councils; Commissioner Clark, who was a council member,
7 worked on this project when she sat up here.

8 This is a long time coming, but it's
9 something that is very important that we do and move
10 forward.

11 And with respect to Fountain Creek and the
12 discussion we've had on Fountain Creek, it -- it reminds
13 me of the role of America in international affairs, and
14 the fact that with size and power and might comes
15 responsibility, and if you exercise that size and power
16 and might without exercising that responsibility bad
17 things happen.

18 We have not been as diligent in the
19 protection of Fountain Creek in the past as we should
20 have, there's no question about that, but, then, if you
21 look back on the history people weren't particularly
22 concerned about environmental problems in those days and
23 the environ -- environmental effects. We are today, and
24 we have to recognize that we have a responsibility to
25 take action not only to Colorado Springs, but all of our

1 region to protect this very valuable resource that we
2 have in Fountain Creek.

3 These mitigations support that protection,
4 but they don't -- they don't fully meet the needs of
5 Fountain Creek moving into the future, that's why the
6 \$50 million is important, but the \$50 million is not the
7 total solution.

8 I have not had a responsibility to represent
9 people in Pueblo, but that doesn't mean I'm not
10 concerned about the people in Pueblo, and I find it very
11 dissatisfying to see the people of Pueblo East who have
12 really suffered in their community because of the flows
13 in Fountain Creek at the confluence with the Arkansas.
14 If you look at the huge sand bar that's built up there,
15 you look at the impeded flow in the channel, you look at
16 the risks that are put on the levees by a hundred-year
17 storm in that area, those people do not deserve to live
18 in those conditions, so I feel that we all have a
19 responsibility to make this a better place in Southern
20 Colorado.

21 There were over 300 citizens who came
22 together to work on the Fountain Creek Visioning Task
23 Force, that was phenomenal to see that kind of interest
24 and cooperation and dedication and commitment to solving
25 a problem, and here we have an opportunity to be a part

1 of that, which we should.

2 So I want to thank this Council for all
3 that -- that it has done, it's been a great, great group
4 of people who have -- who have worked to bring this
5 together, but I particularly want to thank our staff,
6 our utilities staff, and our city staff, too, played a
7 role in this, the Stormwater Enterprise plays a great
8 role in resolving the problem that we have before us.

9 I think these conditions are reasonable, they
10 are not onerous when you think of it, they are 30
11 conditions -- they have subparts, but there are 30
12 conditions on a project of this magnitude.

13 I thank the Pueblo staff -- Pueblo County
14 staff for what they have done, it's been a collaborative
15 effort to get here; and I thank the Commissioners for
16 what you have done on your side of the -- of -- of the
17 government process to bring your community to an
18 understanding of where we are going, the leadership you
19 have shown. I -- I have been very impressed by the
20 meetings that I've attended down there and your
21 leadership, and -- so thank you all, thank everyone,
22 this is, I think, a -- a great moment for all of our
23 communities, a great moment for Colorado.

24 MAYOR RIVERA: Any other comments?

25 Darryl?

1 CITY COUNCILMAN GLENN: I think the Vice
2 Mayor ad -- adequately summarized a lot of the hard work
3 that's been done on this project.

4 As far as the terms and condition, the most
5 central condition for me was the ability to recognize
6 and be able to have regional partners. As a
7 representative for the northeast I cannot sit here
8 and -- and ignore the concerns in Monument, Palmer Lake,
9 surrounding areas and the east, we have to change the
10 way we view water management, we need to manage water
11 and the impacts of water on a regional basis, and I do
12 believe that this is a solid step forward.

13 MAYOR RIVERA: Anybody else?

14 Tom?

15 COUNCILMAN GALLAGHER: Okay, to be consistent
16 with my previous votes, I'm not going to support this,
17 and it's not that I begrudge the concessions to -- to
18 Pueblo, they were well won and they address some
19 significant issues that have been long ignored, but this
20 is a -- a permanent request, we have already made the
21 application, the permit has been conditionally granted
22 subject to our accepting these conditions, issuance of
23 that permit locks these conditions in place, that means
24 that subsequent discussion of alternatives and business
25 decisions is just smoke because when you commit in

1 excess of a hundred \$25 million worth of assets to one
2 course of action you pretty much removed everything else
3 from the table.

4 My concerns with Southern Delivery is that
5 it's speculative in the source of water; and as to
6 meeting our needs in the year 2046, I believe that it is
7 detrimental to the communities in Southeastern Colorado,
8 I believe that we will -- it sets the stage for in 20
9 years we are at odds with each other again, where we
10 begin looking an at dry-and-bye, because this community
11 will grow.

12 I think that regional cooperation won't be
13 there 20, 25 years from now because the capacity in the
14 pipe is capped, and if we let early participants in that
15 capacity will not be there to satisfy them in the out
16 years and satisfy the needs of this community.

17 I commend the efforts that have gone this
18 far, I know that this is going to go down as an
19 eight/one vote. I really wish I could turn my brain
20 off, I really wish that I didn't know how water worked
21 in this state and water worked in the West, you know,
22 but I believe that this community will be here long
23 after the year 2046, and I don't believe that this
24 solution helps those future generations of people, and,
25 so, I remain consistent, I will be voting no.

1 MAYOR RIVERA: Is there anybody else that
2 would like to comment?

3 COUNCILWOMAN RADFORD: (Inaudible.)

4 MAYOR RIVERA: Did you want to say something?

5 COUNCILWOMAN RADFORD: Yes, I would just
6 like to echo the Vice Mayor on -- on a few points. We
7 couldn't have done this -- all of the visionaries, all
8 of the leaders of the world couldn't get anything done
9 without the staff people who make our dream their
10 reality. I've -- I've heard stories about thousands of
11 late-night phone calls and phrases like "city
12 (inaudible) city", and "the creek", and you made our
13 dream your reality, and all of Southern Colorado will be
14 better for it now and forever.

15 One point that hasn't been made is, yeah, we
16 need to be sensitive about the rates -- about our
17 utility rates going forward, but this is the way of
18 things. Utility systems don't get built by one
19 generation, they get built by one generation for the
20 next and the next and the next, and just as we have been
21 the recipients of the sacrifices that the people made
22 before us we, too, will need to pay our fair share into
23 this system.

24 On a personal note -- as if this whole day
25 hasn't been a personal note -- you -- you've all been

1 very kind paying tribute to me for my efforts on
2 Southern Delivery, but I have to tell you this victory
3 be -- belongs to all of us, all of us up here, all of
4 you out there, all of our two communities, and what's
5 most gratifying is that the dream of a few became --
6 became the heart's desire of so many, and that's what
7 made this work. We could never have gotten it done
8 without the work that we need rightfully to do on the
9 Fountain, and, so, when the water comes out of the
10 pipeline someday I'm sure we'll all be happy, but I'll
11 be thrilled about the work that we're doing on Fountain
12 Creek.

13 So, again, please accept my gratitude for
14 today and -- as we all, I hope, join in voting yes.

15 MAYOR RIVERA: Well, it has been a -- a long
16 time. I can remember being on city council in 1997 and
17 we had just recently -- the previous council approved
18 the -- the water services plant in 1996, and work
19 started I think even before then, but there are many,
20 many people to thank in this process. There's members
21 of the staff who have been working on it since day one,
22 Gary Bostrum is the one who comes to mind; there's
23 others who joined the fray later on, John Fredell, who
24 was brought on as a -- the Director of the project, who
25 made tremendous efforts bringing everyone together;

1 there's three County Commissioners who weren't on the
2 Pueblo County Commission when this whole thing started
3 and, then, took the charge from their community to make
4 sure it was fair and beneficial to their community.

5 And I -- I have to tell you something,
6 Commissioner Cordova, I have never paid attention to a
7 Democratic County Commission race primary in Pueblo
8 County until last fall, and you were ahead, you were
9 behind, you were ahead, and you won, thank goodness,
10 'cause you have been a -- a tremen -- tremendous asset
11 to your community and to everything that's happened in
12 this process.

13 There are many, many people who are
14 responsible for bringing this altogether, the -- the
15 Pueblo community, Greg Severance and the work that he
16 did working with our staff; members on the City Council,
17 it was a -- Council Member Glenn, who is always
18 championing for those communities in Northern El Paso
19 County, Eastern El Paso -- Northeastern El Paso County,
20 making sure that they had an opportunity to participate
21 if that opportunity was there, and it happened. So,
22 Darryl, thanks for your diligence in that.

23 Jerry for sitting in on the Fountain Creek
24 Visioning Task Force and being a part of that; Vice
25 Mayor Small for being not only a part of that Visioning

1 Task Force, but really being a leader -- an out leader
2 in the Fountain Creek District.

3 And Tom Gallagher for challenging the
4 utilities staff, questioning their numbers at times, and
5 sometimes their justification wasn't as strong as it
6 should have been and he sent them back to do their
7 homework; for making sure that we looked at Fremont
8 County to make sure we had an alternative in case things
9 didn't work out in Pueblo, so, Tom, thank you, you know,
10 for making sure you held everyone to task, making sure
11 that we looked at a backup plan and that we had an
12 opportunity to benefit our community.

13 Council Member Ente(phon) for going down and
14 visiting with his Air Force colleague, Commissioner
15 Chostner, even before he was a county commissioner, back
16 when he was a city council member.

17 So there's been lots of work done by lots of
18 folks to make sure that we all worked hard together.

19 I remember the meeting with Commissioner
20 Hisner and Commissioner Clark at the utility, one of our
21 board rooms, saying that, you know what, we need some
22 help on working on Fountain Creek and we think it would
23 be better if the County Commissioners of El Paso County
24 took the lead rather than the City or CSU, because
25 really it's a county-wide issue not just the City of

1 Colorado Springs. So thank you, Commissioner Clark,
2 thanks to Commissioner Hisner for taking the lead and
3 working with Commissioner Kennedy in Pueblo to make sure
4 that all happened.

5 And for Randy Thurston back there, as the
6 former Vice President of the City Council and, then,
7 President, who worked very closely with us to make sure
8 we had an Intergovernmental Agreement back in 2004, and,
9 then, supported us. He even appeared on a public
10 service announcement for our Stormwater Enterprise here
11 in Colorado Springs when we were facing that issue. So
12 he's been with it for many, many years, too.

13 And, of course, everyone on the Colorado
14 Springs Utilities staff for making this work; Jerry for
15 his leadership; Pat, our City Attorney, to make sure all
16 the Is were dotted and Ts were crossed in all these
17 agreement; Dave Robbins for being our point man and
18 outside attorney for helping bring this altogether.

19 I'll even thank Ken Sampling for the
20 Stormwater Enterprise management, because that's an
21 important part of what it -- goes down Fountain Creek.

22 So there's lots of people to thank, lots of
23 folks had a role in this. The support of our bus --
24 business community and the Pueblo business community has
25 been tremendous in this project, so thank you all.

1 I think this is the start of a -- a new
2 beginning for Pueblo County and El Paso County to work
3 together to really turn this region into something that
4 will compete nationwide for economic development --
5 globally for economic development. I think we've found
6 a way to work together, and Fountain Creek is that way
7 to work, it's that strip that connects us, and it's
8 really going to be a jewel once we get this thing going
9 (indicating).

10 So please vote.

11 That motion passes on a eight to one vote.

12 (Applause.)

13 And now Commissioner -- Commissioner --
14 Councilwoman Radford, I think you have another motion
15 also.

16 COUNCILWOMAN RADFORD: I do, Mr. Mayor.

17 I am thrilled with what we just did, and I --
18 and yet I -- I think of Fremont County and the
19 commitments that we made to our neighbors in Fremont
20 County and I want to make sure that while we're meeting
21 the needs of our community we're not compromising needs
22 elsewhere.

23 Excuse me for just a moment.

24 I think it's important to note that the
25 County Commissioners, the county staff, the City of

1 Florence, the boards of the Penrose Water District and
2 Beaver Park Company have all treated us fairly during
3 our efforts to plan for an alternate alignment for the
4 SDS on the chance that our preferred alignment would not
5 become a reality.

6 I think we need to acknowledge Fremont
7 County's fair and open process in reviewing and
8 approving our application for a special-use review
9 permit, and I think we need to ensure that this City has
10 an ongoing partnership with Fremont County to address
11 and cooperate on matters of common interest.

12 In recognition of the cooperation of the
13 Fremont County Commissioners, their staff and their
14 constituents, I move -- I move that the Colorado Springs
15 City Council ratify this City's obligations to perform
16 those commit -- commitments that have been made to
17 Fremont County that are not directly related to the
18 actual construction and use of the SDS within Fremont
19 County, and we direct utilities staff to prepare a
20 letter to Fremont County that conveys our appreciation
21 and our intention to fulfill our commitments to them.

22 And I have that language recorded here, Mr.
23 Mayor, and I can share that with the city clerk, but
24 I'll share that with you first.

25 UNIDENTIFIED MALE SPEAKER: Second.

1 MAYOR RIVERA: Please vote.

2 (Inaudible.)

3 COUNCILWOMAN RADFORD: We move too fast.

4 UNIDENTIFIED FEMALE SPEAKER: I don't have a
5 full vote.

6 Mayor.

7 MAYOR RIVERA: That motion passes
8 unanimously.

9 And I believe the Pueblo County Commissioners
10 would like to make some remarks.

11 COUNTY COMMISSIONER NUNEZ: Thank you, Mr.
12 Mayor, the Cit -- Cit -- Vice Mayor, I would like to
13 thank you for the historical vote that has been -- just
14 been taken.

15 I do have to make one comment that I feel
16 that today the curtain between Colorado Springs and
17 Pueblo has been raised. In Pueblo we have often heard
18 that the state line ends on the south end of El Paso
19 County, so today I feel that we have forged a good
20 opportunity for this region, and for that I would like
21 to thank you.

22 To Margaret, it has been a great pleasure
23 working with you, I know that you will continue to do
24 the work that you have done for this community.

25 I would like to thank also my fellow

1 commissioners, Commissioner Chostner for the huge lead
2 that he has taken on this project, also with Fountain
3 Creek.

4 I would like to thank Commissioner Sallie
5 Clark and Commissioner Kennedy for their vision about
6 Fountain Creek, which I think is going to probably be
7 the -- one of the things that will go down in history
8 that two great women had put together some years back.
9 So thank you very much.

10 MAYOR RIVERA: Thank you, Commissioner Nunez.

11 COMMISSIONER CORDOVA: Mayor Rivera and
12 Vice -- Vice Mayor Small and City Council, it's a
13 pleasure to be here before you. I can only reiterate
14 that we think this is a mi -- a historic milestone for
15 both communities, and I call it a milestone because I do
16 look forward to working with you for the next eight
17 years, or a little bit more than seven.

18 Vice Mayor Small, I appreciate your comments,
19 and I also appreciate Councilman Gallagher's comments,
20 though I hope your crystal ball isn't quite as -- what
21 do you -- what do I want say? I hope your crystal ball
22 is -- is -- I hope our crystal ball is better than
23 yours, 'cause I think it is a -- an amenity for both
24 communities, and I tha -- want to thank you for your
25 vote today. Thank you.

1 MAYOR RIVERA: Thank you, Commissioner
2 Cordova.

3 COMMISSIONER CHOSTNER: Thank you, Mr. Mayor.

4 On behalf of all Commissioners first of all
5 let me say congratulations to Councilwoman Radford for
6 your service and working together I know particularly
7 with the Pueblo City Council in the past, but
8 congratulations on your service and best luck to you in
9 your future career, we will all wish you the best.

10 There are so many things that go through your
11 head at this time, there's so many moving parts to the
12 water issue, as you know, it's difficult to know where
13 to start, but I do want to talk two things briefly as
14 far as the substance is concerned. First is with regard
15 to Fountain Creek. Finally there is ownership of
16 Fountain Creek, it's not No Man's Land where we don't
17 know what's going to happen. I think that this
18 agreement -- assuming it's ratified by the
19 Commissioners -- gives a board where we can work
20 together on Fountain Creek and make that a true amenity
21 for both communities.

22 I would like to say to the residents and
23 taxpayers of El Paso County that they should know that
24 not one penny of the money that you'll be paying comes
25 to the City or County of Pueblo, the money goes into

1 this entity or it goes into works. We could have asked
2 for that money for our entity to help us with budget
3 issues that we have, that wouldn't have been the right
4 thing to do, we chose not to do it because this is about
5 water and this is about doing the right thing by
6 Fountain Creek. All the money that both communities put
7 into this will be to make this
8 Fountain -- make Fountain Creek an amenity for both of
9 us.

10 The other thing that I commend the Pueblo
11 Board of Water Works and Colorado Springs Utilities on
12 is to maintain flows for the Arkansas River from the --
13 from the dam to the confluence. The Arkansas is a great
14 river, it's a historic river, it was an international
15 boundary, as many of you know, between Louisiana
16 Purchase property and Mexican Cession property, we all
17 know that in Pueblo we live on an international border.
18 To have seen that river dried up, to have seen it just
19 be like the Salt River in Arizona would have been a
20 disservice to this state and to this area of the state,
21 so I think there is a lot of foresight in making sure
22 that the Arkansas River continues to run through Pueblo
23 because it's your region as much as it is ours.

24 The other thing, Councilman Glenn's concerned
25 about water in northern El Paso. Frankly, we believed

1 in that concept as well, we thought there should be a
2 universal solution to this, we wanted to tie in northern
3 El Paso County with a proviso that -- as we say down
4 there -- none of that water goes over the hill, that it
5 stays in the basin, because we're cousins and we need to
6 start seeing each other once again that way.

7 If you'll indulge me just a -- well, before I
8 do that I also want to say, with regard to the Arkansas
9 and the Fountain, both Commissioner Cordova and I come
10 from the East Side, Mr. Severance does; Mr. Atencio, on
11 the Pueblo City Council, come from the East Side; so,
12 Vice Mayor Small, we appreciate your sensitivity that we
13 saw throughout that.

14 But I would also say for Commissioner Nunez,
15 he lives on the other side of that, it's -- it's in the
16 Salt Creek area of town, but we share that water, and
17 all three of us have seen the devastation that's
18 happened from the '65 flood, the '99 flood and others,
19 so we are all highly sensitive to that.

20 On a personal note, if I could just take a
21 moment, I'm a fifth generation Coloradoan and a fifth
22 gene -- generation Pueblo Countian, and this whole
23 process was very personal to me, not just in
24 representing my constituents but also as my family
25 having given their life's blood to this area of the

1 state as well, and it goes without saying that having
2 grown up here I've seen how this part of the state has
3 progressed. I have relatives in Colorado Springs, I
4 have relatives in Denver and the Greeley area, and,
5 believe me, over the last two years I have heard from my
6 relatives in El Paso County.

7 But I've seen how Colorado Springs has
8 progressed when it was less than 44,000 people and the
9 City of Pueblo was the second largest city in the state,
10 I've seen that happen in my lifetime; but what I also
11 remember about those times is how Pueblo and Colorado
12 Springs had a historic relationship with each other and
13 how they did work together. I think that's frayed over
14 the last 30, 35 years, Pueblo went one direction, you
15 folks went another and looked for partners up north, I
16 think this is an opportunity to reestablish the
17 partnership that Pueblo and Colorado Springs have had
18 for the vast majority of this state's existence, and
19 this is an opportunity for us to reforge those links
20 that we once had and to make sure that we see each other
21 as regional partners.

22 When you look at the Fountain Creek District
23 bill that was voted out of committee in the Senate seven
24 to zero, Republicans and Democrat working together; in
25 the House of Representatives, 13/zero; and Senator

1 Tapia, Representative Pace and Representative Looper all
2 worked together to make sure that this happened.

3 So I would say to you that we should look to
4 this as an opportunity for our communities to work
5 together once again.

6 And, finally, I would say that this is a
7 historic day, not only for Southern Colorado, but this
8 is a model for the rest of the state, and I would
9 suggest to you it's a model for the arid West and how
10 two communities that are so different geographically,
11 politically, culturally, economically overcame all of
12 those barriers to come up with the model that the entire
13 state can be proud of.

14 So thank you for allowing me to address you
15 today, and let's go forward. Thank you.

16 MAYOR RIVERA: Thank you, Commissioner
17 Chostner.

18 (Applause.)

19 MAYOR RIVERA: And we will take a short break
20 to celebrate and, then, come back for the next item.

21 (The videotaped proceedings were concluded.)

22 * * * * *

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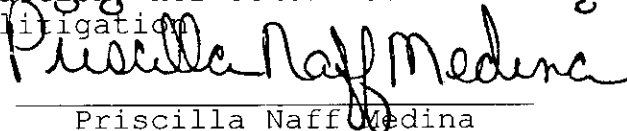
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C E R T I F I C A T E

STATE OF COLORADO)
) ss.
COUNTY OF PUEBLO)

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

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


Priscilla Naff Medina

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