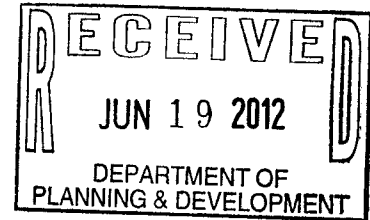


State Representative
SAL PACE
Colorado State Capitol
200 East Colfax Avenue, Room 271
Denver, Colorado 80203
Capitol: 303-866-2968
E-mail: sal.pace.house@state.co.us



COLORADO
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DENVER
80203

Member:
Local Government Committee



June 18, 2012

The Honorable Steve Bach, Mayor
City of Colorado Springs
30 S. Nevada Avenue
Colorado Springs, CO 80903

Dear Mayor Bach:

In view of the continuing concerns of my constituents in Pueblo about serious flooding along Fountain Creek caused by Colorado Springs Utilities' Southern Delivery System water project, I am writing to you today to call on the City of Colorado Springs to immediately halt construction of the project until your city finds a permanent stormwater fix.

When the Final Environmental Impact Statement for the SDS was approved by the Bureau of Reclamation, all parties incorrectly assumed the existence of the Colorado Springs Stormwater Enterprise. I attended several public meetings where Colorado Springs Utilities promoted your Stormwater Enterprise as providing downriver communities with protection from flooding and sedimentation buildup. The Stormwater Enterprise was a critical tool intended to fund a \$300 million backlog of stormwater improvements in your city. With the Stormwater Enterprise in place, the FEIS assumed that stormwater flows would not exceed existing conditions.

The FEIS was full of references about the need for the Stormwater Enterprise (FEIS pp. 91, 150, 152, 153, 308, 311, 312, 317, 319, 320, 329, 333, 359, 415). When the Stormwater Enterprise was first approved by the City, the Colorado Springs Mayor was quoted as saying: "We're looking at a population of 900,000 in thirty-five years. If we're not willing to address stormwater today, I don't think it's fair to ask others in the region to endorse the Southern Delivery System" (Pueblo Chieftain, Woodka, 11/25/2009).

The entire premise of the SDS FEIS was undercut when your voters followed Douglas Bruce's lead in November 2009, eliminating the Enterprise. At that point, virtually all long-term protection from flooding on Fountain Creek disappeared. According to your own environmental documents, the SDS will increase Fountain Creek flows by 40 percent; that increase will now take place without the protections in place that your city promised when you submitted the project to the Bureau of Reclamation for environmental review.

It was refreshing earlier this year when Colorado Springs' Attorney, Chris Melcher, was the first Springs official to recognize this fact, when in March he stated that Colorado Springs had a legal obligation to pay for stormwater improvements to comply with conditions of the SDS.

In light of public recognition by officials in both Pueblo and Colorado Springs that addressing stormwater impacts is a key legal component to comply with the Southern Delivery System FEIS, I call on Colorado Springs to immediately halt any construction of the Southern Delivery System until a permanent stormwater solution is found for your community that is comparable in scope to the Enterprise eliminated in 2009.

Temporarily stopping the project is the least that your city can do to guarantee the protections downstream communities morally and legally deserve. If you complete the project before finding a permanent stormwater fix, damage will be done to downstream communities, and I suspect that you will be exposing your city to legal action.

In 2009 I worked in a bipartisan fashion with State Representative Marsha Looper (R-Calhan) to pass a bill creating the Fountain Creek Watershed District. It was comforting when Pueblo and Colorado Springs worked together in a bipartisan manner to pass this bill to address the serious problems on Fountain Creek. Pueblo was also comforted by the fact that Colorado Springs was funding a Stormwater Enterprise to address the erosion and flooding in your city.

When your citizens voted to eliminate the Stormwater Enterprise, they erased much of the goodwill that had been earned previously. Now it is time for your community to show the same type of cooperation that you showed when we created the Fountain Creek Watershed District. It is imperative that you halt construction until a permanent stormwater fix is found to provide basic protections for your downstream neighbors.

Sincerely,

Sal Pace
State Representative
House District 46

LIANE "BUFFIE" MCFADYEN
CHAIR
DISTRICT 2

SAL PACE
CHAIR PRO TEM
DISTRICT 3



TERRY A. HART
COMMISSIONER
DISTRICT 1

GREGORY J. STYDUHAR
COUNTY ATTORNEY

BOARD OF PUEBLO COUNTY COMMISSIONERS

May 11, 2015

Merv Bennett
President, Colorado Springs City Council
P.O. BOX 1575
Colorado Springs, CO 80907

Andy Pico
Member, Colorado Springs City Council and Chair of the Board of Directors of Colorado Springs Utilities
P.O. BOX 1575
Colorado Springs, CO 80907

Steven Bach
Mayor, City of Colorado Springs
30 S. Nevada Ave.
Colorado Springs, CO 80903

RE: Pueblo County 1041 Permit for the Southern Delivery System: Stormwater Controls

Gentlemen:

For your information, I have attached a copy of a report prepared by Pueblo County staff and presented to the Board of County Commissioners at our regularly scheduled work session on May 11, 2015 ("Memo to BOCC"). Staff has reported that there is adequate justification for the County to issue an Order to Colorado Springs to show cause at a public hearing why the SDS Permit should not be suspended or amended as a result of its repeal of a dedicated funding mechanism for stormwater control within Colorado Springs and its failure to replace it. The Board, however, has accepted, for the present time, the recommendations of our staff including its recommendation that we refrain from taking any action until August 1, 2015. The several reasons for delaying action are more particularly set forth in the report.

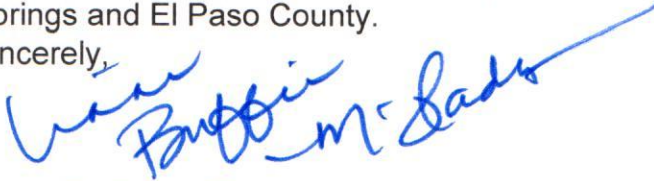
Please note that the Board did take issue with the report's statement that "...Colorado Springs personnel agreed to give a timeline to Pueblo County staff [to provide information responsive to Pueblo County requests]." Memo to BOCC, page 3. Given the ripeness of our staff's requests, the Board feels that June 1, 2015 is a sufficient

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amount of time for compliance with these requests and necessary for punctual investigation on the part of our staff.

There is a substantial amount of work to be accomplished in the intervening period by all concerned. We are hopeful that a productive and honest effort by all parties will allow for some meaningful and realistic solutions to surface; solutions that will work not only for the citizens of Pueblo County, but also for the citizens of the City of Colorado Springs and El Paso County.

Sincerely,

A handwritten signature in blue ink, appearing to read "Liane Buffie McFadyen", with a long, sweeping underline.

Liane "Buffie" McFadyen

Chair, Pueblo County Board of County Commissioners

Enclosure

LIANE "BUFFIE"
MCFADYEN
CHAIR
DISTRICT 2

SAL PACE
CHAIR PRO TEM
DISTRICT 3



TERRY A. HART
COMMISSIONER
DISTRICT 1

JOAN ARMSTRONG
DIRECTOR
planning@co.pueblo.co.us

**PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Board of County Commissioners

FROM: Joan W. Armstrong, Director, Department of Planning and Development *ja*
Alf Randall, Director, Department of Engineering and Public Works *AR*

DATE: May 11, 2015

SUBJECT: SDS 1041 Permit (Resolution No. P&D 09-22): Stormwater Controls.

PURPOSE

On April 13, 2015, the Board of County Commissioners enacted Resolution No. 15091 directing Pueblo County Staff to investigate compliance matters with the Southern Delivery System 1041 Permit. Specifically, staff in the Pueblo County Departments of Planning and Development and Public Works were directed to recommend to the Board whether the lack of a long-term, sustainable, dedicated funding mechanism for stormwater controls by the SDS participants within the Fountain Creek Watershed requires a hearing by the Board to determine whether the SDS 1041 Permit should be revoked, suspended, amended, supplemented, or clarified. Staff and the office of the Pueblo County Attorney were also authorized to retain legal, engineering, and other consultants to assist staff in the investigation of this issue. Finally, staff was directed to make such informational requests to the SDS Applicant and project participants as may be reasonably necessary to conduct the investigation and to report to the Board any refusals of such requests or difficulties in obtaining the information.

The purpose of this Memorandum is to advise the Board on the findings of staff to date and to recommend a course of action for Board consideration on this stormwater matter. This Memorandum does not address other areas of concern over SDS 1041 Permit compliance.

SUMMARY AND RECOMMENDATION

Based upon its investigation to date, including consultation with legal counsel, staff advises the Board of County Commissioners that there is adequate justification for the County to issue an Order to Colorado Springs, as the manager of the SDS project, to show cause at a public hearing why the SDS Permit should not be suspended or amended as a result of its repeal of a dedicated funding mechanism for stormwater control within Colorado Springs and its failure to replace it.

It is, however, the recommendation of staff that the County defer action on the issuance of a show cause Order and the subsequent public hearing until August 1, 2015.

This course of action would allow for the new Colorado Springs Mayor (the run-off election between the two finalists is scheduled for May 19, 2015) and City Council to continue to address potential solutions with Pueblo County and would also allow the City of Colorado Springs stormwater staff to respond to pending requests for information to identify stormwater funding and projects as well to identify high-priority stormwater projects and a timeline for their completion. Secondly, the additional time would also allow the County a chance to finalize its engagement of Wright Water Engineers, Inc. for needed expert review and advice on stormwater matters. The additional time will allow Wright Water to develop the facts and to gather the data necessary to support Pueblo County in any subsequent hearing.

DISCUSSION

ACTIONS TAKEN SINCE APRIL 13, 2015

In response to the directives set forth by the Board in Resolution No. 15-091, staff and counsel immediately began the investigation of SDS Permit compliance matters. The investigation actually began in anticipation of Resolution No. 15-091. A conference call was had with City stormwater staff. Colorado Springs stormwater personnel described the City's calculation of expenditures on stormwater controls between 2004 and 2014 as set forth on a spreadsheet and report previously issued by the City. In 2015 Colorado Springs personnel calculated the total expenditures for its stormwater program for the years 2004 through 2014 to be \$243,184,532.00. Under questioning by Pueblo County, City staff tried to provide explanation and clarification of these expenditures, but acknowledged that prior reporting of stormwater expenditures has been conflicting and inconsistent. City staff has agreed to provide data and documentation for the projects included on the spreadsheet and understands that a review of that documentation is necessary before firm conclusions regarding what can be realistically categorized as stormwater expenditures can be made.

In addition, City staff also agreed to assemble and provide information in response to staff's requests including:

- (1). A description of projects to be undertaken in 2015 with the approximately \$19,000,000.00 recently budgeted by Colorado Springs City Council;

- (2). A map depicting the location of stormwater projects undertaken by Colorado Springs between 2004 and 2014;
- (3). A list of stormwater projects undertaken and completed by the City between 2004 and 2014, with consistent names for each project; and
- (4). A list of stormwater projects that would provide the most benefit and protection from floods downstream on Fountain Creek to its confluence with the Arkansas River.

As part of the promise to provide such information, Colorado Springs personnel agreed to give a timeline to Pueblo County staff for the provision of this information. Pueblo County legal counsel will also remind the CSU SDS project manager and CSU's legal counsel of the pressing need for the timeline and for the information itself.

Staff will update the Board as to the continuing status and results of the investigation.

Staff has also communicated with Ken Wright, a principal in and a lead engineer for Wright Water Engineers, Inc. The parties have mutually developed a Scope of Work which has been incorporated into a draft of a formal engagement agreement pursuant to which Wright Water Engineers will commence work for Pueblo County. This agreement should be forthcoming within the next several days for consideration and final presentation to the Board for approval.

The Scope of Work to be undertaken by Wright Water is anticipated to include an evaluation and report upon which high priority stormwater projects identified by consultants to the City would be most beneficial to Pueblo County; identification and recommendation of Fountain Creek channel improvements which will provide and improve safe passage of flood flows through Pueblo County and the City of Pueblo; and an evaluation and report on Fountain Creek flow rates and volumes (base flow and peak flow) caused by urbanization in Colorado Springs including imported flows and impervious surfaces. In response to staff questions, representatives of Colorado Springs Utilities, as the SDS project manager, continues to represent that although some testing of the SDS pipeline might occur later this year, delivery of water to the water supply systems of SDS project participants will not commence until sometime in 2016. Staff will continue to press for binding representations on this matter.

PUEBLO COUNTY 1041 REGULATIONS

Pueblo County 1041 Regulations, Pueblo County Code Chapter 17.148 and 17.172 mandate certain requirements and procedures for administering and enforcing permits. Some key highlights of those provisions are:

- A permit is only valid "for the development or activity described in the application package and applicant's commitments of record, together with the conditions of approval, if any, imposed by the permit authority." See Section 17.148.300.

- A permit amendment is required for “any material change in the construction, use, or operation of a Project” from the permit approved by the Board. See Section 17.172.200.
- A “material change” includes any change in the Project “which significantly changes the nature of impacts” considered by the Board when approving the permit. See Section 17.172.040(J).
- A permit amendment is to be processed in accordance with the same procedures and requirements for a new permit. See Section 17.172.200.
- If the Board, as the permitting authority, makes a preliminary determination that the permit holder has violated the terms of the permit or the 1041 regulations, the Board may, after allowing at least 15 days to correct the violations, temporarily suspend the permit for 90 days. See Section 17.148.320.
- The permit holder, if it disagrees with the alleged violation, has 15 days to show cause as to why the temporary suspension should not be ordered. See Section 17.148.320.
- With or without a temporary suspension, the Board also may permanently revoke or suspend the permit after conducting a public hearing in which it finds that there has been a violation of the permit or an applicable regulation. See Section 17.148.320.
- A permit holder that “does not comply with permit requirements, or who exceeds the permission granted in the permit,” may be enjoined from the permitted activity and may be subject to criminal or civil liability. See Section 17.148.330.

The highlighted requirements and procedures will play a central role if the Board decides to issue a show cause order and hold a hearing.

THE SDS 1041 PERMIT, CONSIDERATIONS AND QUESTIONS

After extensive hearings and public comment, the Board of County Commissioners issued the SDS 1041 Permit on April 21, 2009. The Permit included several findings and imposed terms and conditions on the basis of those findings upon Colorado Springs Utilities as the Permit Applicant. Condition 27 of the Permit also required the Colorado Springs City Council to take formal action to recognize the findings, commitments, terms and conditions of the Permit prior to its final issuance by Pueblo County. Colorado Springs passed the resolution on April 14, 2009 and it states that the Council recognized the commitments and the terms and conditions to be included in the final permit, and, the resolution directs Colorado Springs Utilities to comply with the commitments.

Several matters of note occurred during the permitting process:

- **Colorado Springs touted SWENT to win support for the SDS 1041 Permit.**

On November 22, 2005, Colorado Springs approved an ordinance establishing a Stormwater Enterprise (SWENT). SWENT provided a funding mechanism dedicated to stormwater control projects. Even though Colorado Springs relied upon SWENT to induce the Pueblo County community to support SDS and the issuance of the 1041 Permit, (see **Exhibit A** for examples of its representations touting SWENT), the Colorado Springs City Council voted 5-4 on December 8, 2009 to abolish SWENT.

- **Colorado Springs submitted the DEIS and the FEIS in support of its 1041 Permit Application.**

A Draft Environmental Impact Statement (DEIS) and a Final Environmental Impact Statement (FEIS) were submitted by Colorado Springs as part of its application and in support of the 1041 Permit request and were made a part of the record of the permit proceedings. Several references to the FEIS are included in the SDS Permit. See Findings 7(c)(ii) and 21, and Terms and Conditions 8 and 18.

- **The DEIS and the FEIS relied upon continued SWENT funding to predict impacts to flows and water quality in Fountain Creek caused by SDS.**

The existence of SWENT was referenced on a number of occasions in both environmental impact statement documents as a reasonably foreseeable action that would minimize and mitigate the effects of historical and future water use on water quality and quantity within the City served by SDS. Examples of SWENT or other dedicated funding sources for stormwater control as used in the DEIS are set forth on **Exhibit B** attached hereto and examples of SWENT or other dedicated funding sources for stormwater controls as used in the FEIS are set forth on **Exhibit C** attached hereto.

- **Colorado Springs officials assured Pueblo County during Permit proceedings that Colorado Springs was committed to SWENT.**

Numerous commitments, representations, and assurances regarding SWENT were made in the record of the 1041 Permit. For some examples of commitments, representations, and statements that were made prior to, during, and after the 1041 Permit hearing, see **Exhibit D** attached hereto.

- **In Condition 19 of the SDS 1041 Permit, funding from SWENT was listed as a part of Colorado Springs' commitment to improve Fountain Creek.**

Condition 19 states that since the year 2000, Colorado Springs Utilities has spent \$114 Million Dollars for these programs and "in addition, Colorado Springs has established a Stormwater Enterprise Fund to finance the capital costs of needed stormwater control infrastructure".

- **SWENT, or a similar dedicated stormwater funding mechanism can be deemed a critical "stormwater control" required by Permit Condition 23 to prevent flows from exceeding existing conditions.**

The importance of Condition 23 is underscored by the Board's findings. Finding number 25 states that "SDS project will increase flows in Fountain Creek in Pueblo County", and "new development and growth service by the SDS project, without proper management, could increase flows and volumes and pollutant loads in Fountain Creek. Without mitigation, such increased flows would aggravate problems of erosion, sedimentation, flooding, and water quality degradation".

- **Condition 5.2 of the SDS Permit requires new participants in SDS to have stormwater funding similar to SWENT. The Condition creates a problem if Colorado Springs has no dedicated funding source for stormwater controls.**
- **Without a dedicated stormwater funding source, other SDS Permit conditions could be inadequate and require modification.**

SWENT, as a substantial, dedicated, multi-year funding mechanism, was an important link in the chain of promised improvements for Fountain Creek used by Colorado Springs to win support of SDS and the SDS Permit.

- **Very few of the backlogs of capital improvement projects which were to be funded by SWENT have been built to date.**

Although information is still being gathered, it appears that the amount necessary to fund backlogged projects has risen to approximately \$534,000,000.

- **Leaders in Colorado Springs and in El Paso County have acknowledged the need for dedicated stormwater funding and their obligations to Pueblo County.**

See Exhibit ~~E~~ D.

COUNTERPOINTS RAISED BY COLORADO SPRINGS

In discussions with Pueblo County staff and counsel and in communications to the Board of County Commissioners, several arguments have been raised in response to Pueblo County's concern with the dissolution of SWENT and the failure to replace it. One argument that has surfaced is that Colorado Springs Utilities and the City of Colorado Springs are separate entities and that Utilities has no authority over, and cannot be held responsible for, stormwater management or funding under the SDS permit. Utilities was the designated applicant manager, but the City of Colorado Springs was one of four named Project Participants. The application states that Colorado Springs Utilities represents the other project participants in all matters regarding the Pueblo County 1041 permit application.

In addition, all of the condemnation actions for the SDS pipeline and the easements required were obtained in the name of City of Colorado of Springs, not Colorado Springs Utilities. All SDS participants committed to only using water rights that they own, but the City of Colorado Springs owns the water rights to be conveyed through the SDS pipeline. If the City is not an SDS permit participant, it would appear then that the City's ownership of project water rights and its acquisition of the pipeline easements in its name might be a violation of Condition No. 3 on the permit requiring the County's prior consent to a transfer of the permit, in whole or in part, to another party.

In summary, Colorado Springs can be expected to advance arguments in response as follows:

- SWENT is not an explicit condition of the SDS permit.
- The 1041 Permit does not mandate a fixed amount of stormwater expenditures or a list of specific projects.
- Utilities has no authority to manage stormwater.
- Other express conditions of the 1041 permit adequately protect Fountain Creek.
- SDS return flows will only minimally increase stormwater flows.
- Only when peak flows exceed existing conditions, is there a violation of Condition 23.
- The City's new Drainage Criteria Manual will control stormwater flows off new development.
- The City has spent significant sums of money on stormwater controls even without SWENT.

As the Board proceeds, it will have to balance some of these considerations with the competing and compelling considerations discussed in previous sections of this memorandum.

CONCLUSION

Staff concludes as is more particularly set forth in the **SUMMARY AND RECOMMENDATION** of this memorandum.

EXHIBIT A

Examples of Commitments, Representations, Inducements and Statements Made Prior To, During and After the 1041 Permit Hearing

- March 1, 2004 Intergovernmental Agreement Among the City of Pueblo, the City of Colorado Springs and the Board of Water Works of Pueblo: The City and the Water Board Agree to provide support for the SDS, in part, in exchange for Colorado Springs' commitment to collaboration and mitigation of high flow conditions and sediment transport on Fountain Creek.
- 2005 Southern Delivery Dispatch: "We value Pueblo and the entire Arkansas Valley as important stakeholders in the SDS."
- March 24, 2005 Southern Delivery Dispatch: "[W]e are working hard to build and maintain important, long-lasting relationships with the Lower Arkansas Valley, Pueblo leadership, the Pueblo Board of Water Works, and City of Pueblo staff....We are working hard to do this in a way that brings our communities together and ensures that the SDS project has minimal disruption to our neighbors....As a community-owned, non-profit utility in Colorado Springs since the late 1800s, that is our commitment and promise."
- April 4, 2005 Southern Delivery Dispatch: "We, in writing, have committed to seek solutions to stormwater as part of the 2004 intergovernmental agreements with Pueblo."
- September 30, 2005 Southern Delivery Dispatch: "As evidenced by our actions, Springs Utilities is absolutely committed to reducing the risk for future [wastewater] overflows and working with downstream communities to protect the water we all share."
- June 1, 2005 Statement of Lionel Rivera, Mayor, City of Colorado Springs, for field hearing on the Frying Pan-Arkansas Project, p. 45: "To better manage the impacts urban runoff has on Fountain Creek, Colorado Springs this past year adopted a Stormwater Enterprise whereby approximately \$14.3 million a year will be collected from fees imposed on property owners to fund much-needed capital improvements in our stormwater collection and management system."
- May 22, 2008 Southern Delivery System E-News: "Colorado Springs has taken responsibility and action to resolve its past problems with Fountain Creek. We are a part of many exciting regional efforts underway to improve the creek and make it an amenity for many communities to enjoy. And while SDS does not create significant impacts to the creek, we are committed to addressing those that do." . . . "We point to our track record over the past five years to demonstrate that our efforts are working. And we also recognize we have a ways to go. That is why we are teaming up with others in the region who also care about the future of Fountain Creek and why we are working with them to help fund and create a vision to maximize its full potential. As the region's largest city, Colorado Springs remains committed to stepping to do our part."
- June 6, 2008 correspondence from Lionel Rivera, Mayor of Colorado Springs, to Kara Lamb, US Bureau of Reclamation: "Colorado Springs is committed to, and heavily invested in, protecting Fountain Creek. Colorado Springs has acted aggressively to resolve past problems with Fountain Creek. . . . The Colorado Springs City Stormwater Enterprise is aimed specifically at improving the city's ability to control stormwater runoff."
- November 5, 2008 Southern Delivery System E-News: "Colorado Springs ballot question 200, a measure that would have likely eliminated the City of Colorado Springs Stormwater Enterprise, was defeated by voters 60% to 40% Tuesday. . . . Loss of the Stormwater Enterprise could have jeopardized plans for the Southern Delivery System (SDS) originating from Pueblo Dam. . . . Continuation of the Stormwater Enterprise conveys Colorado Springs' commitment to meeting its legal and moral obligations to address stormwater discharged

into Fountain Creek.” . . . “I have said all along that the Colorado Springs voters would do the right thing,’ said John Fredell, Southern Delivery System project director. ‘The continuation of the Stormwater Enterprise is good news for everyone concerned about controlling the impacts of stormwater to our community, our downstream neighbors, and to the health of Fountain Creek.”

- December 9, 2008 Southern Delivery System 1041 Permit Public Hearing before Pueblo County Board of County Commissioners. Presentation Handout by Colorado Springs Utilities:
“We will:
 - Build SDS in an environmentally responsible manner
 - Mitigate SDS impacts
 - Use water rights we own
 - Ensure that Pueblo County won’t pay for SDS
 - Continue doing our part to improve Fountain Creek”
- December 9, 2008 Public Hearing regarding House Bill 1041 Permit No. 2008-002 before Pueblo County Board of County Commissioners, pp. 47-48: Mr. Glidden: “Colorado Springs, through their Stormwater Enterprise, has made a significant investment in the Drainage Basin Planning Study – and I think you all know that the citizens of Colorado Springs endorse the investment in these kinds of studies by retaining the Stormwater Enterprise at the recent legislation, and, so, they are going to be able to continue to do some of the things that they have done – but the purpose of those studies is to try to identify what some of the problems are in the watershed . . .”
- December 23, 2008 Southern Delivery System 1041 Permit Application rebuttal submission by Colorado Springs, p. 8:
 - “[Pueblo County Staff] **Comments:** The assumption was made that new regulations would be in place and that runoff controls and detention would be implemented and would be successful. These assumptions cannot be relied upon to mitigate impacts to Fountain Creek. (Staff Report p. 6).
 - [Colorado Springs Utilities] **Response:** Project Participants disagree. These assumptions are indeed valid. The Colorado Springs Stormwater Enterprise is a legal institution formed pursuant to the laws of the State of Colorado and the ordinances of the City of Colorado Springs. It is created to maintain stormwater flows within the boundaries of Colorado Springs at 2006 levels, even with increased population growth. (Colorado Springs City Code, Art. 8, Ch. 14) The collection of the fees that support the work of the Stormwater Enterprise are subject to legal enforcement. The Stormwater Enterprise is described in detail in Section 3.1.3.1 of the FEIS. Additional information about the Stormwater Enterprise can be found at: <http://www.springsgov.com/Page.asp?NavID=6598>.”
- December 29, 2008 Public Hearing regarding House Bill 1041 Permit No. 2008-002
 - Mr. McCormick, pp. 53-54: “[W]e have fully engaged in commitments to address problems on Fountain Creek, and – and several examples are listed; I want to mention again the Stormwater Enterprise that our city council implemented, and has continued to support, and survived a challenge here in the most recent election, those are critical kinds of things that show our continued commitment to Fountain Creek and – and to addressing long-term issues on Fountain Creek.”
 - Mr. McCormick, p. 66: “I think our point is that the Stormwater Enterprise is in place, and the regulations that it puts in place are effective, the process by which it raises revenues is effective...”

- Mr. Banks, p. 67: "So the EIS and the Bureau are requiring you to continue the Stormwater Enterprise and/or implement the regulations of – that were assumed in the modeling?"
 - Mr. Fredell: "No, I – I don't see that as a requirement of an EIS, but they are in place currently and there is no process in place to remove that regulation, so we assume that it is going to continue, and I think that's a reasonable assumption in terms of the Stormwater Enterprise as well as the other very comprehensive stormwater regulation that's in place within the City."
 - Mr. McCormick, p. 87: "And we have, again, continued with our – the City has with the Stormwater Enterprise, which, again, manages flows in a way that reduces risks to our creek crossings."
- April 9, 2009 transcript of Colorado Springs City Council Meeting: Mr. McCormick, p. 15: "Fountain Creek is an essential part of our water system, we use it daily to convey our – convey our return flows, and we do have a responsibility to do our part to ensure that it's maintained."

Page 16-17: "There's a condition that requires us to maintain stormwater controls and other regulations intended to ensure that Fountain Creek peak flows resulting from new developments served by SDS are no greater than existing conditions, and this will apply to other project participants who have the legal authority to regulate in this manner."
- October 16, 2009 Colorado Springs Gazette article: Is Issue 300 all about stormwater? Bruce says yes; City says no. "Mayor Lionel Rivera, in a sentiment echoed by City Attorney Patricia Kelly and some other Council members, say the measure would not impact the Stormwater Enterprise if it passes, because residents pay directly to the enterprise."
- November 4, 2009 Email from Bruce McCormick, Chief Water Services Officer for Utilities to Jeff Chostner, Pueblo County Commissioner:
 - Transmitting Official Statement by City of Colorado Springs: "City Council has publically stated that Issue 300 will not impact the Stormwater Enterprise so we do not anticipate any changes at this time to our operations."
 - Transmitting messages provided in response to questions by Chieftain: "Colorado Springs Utilities supports the City's Stormwater Enterprise and believes it is a responsible way to fund stormwater projects that benefit the environment, our community and downstream neighbors."
- November 13, 2009 Pikes Peak Area Council of Governments Brochure, "Fountain Creek Watershed": "The mean annual flow of Fountain Creek has risen from a historical average of approximately 60 cubic feet per second (cfs) to greater than 230 cfs."
- November 25, 2009 Pueblo Chieftain, Questions Linger for SDS Commitments: "Five of nine [Colorado Springs] council members directed City staff to dissolve the enterprise in two years, reducing fees in 2010 and 2011. The other members of council wanted to abolish it immediately.".... "The position is a far cry from November 2005, when council approved the Stormwater Enterprise on a 7-2 vote. At the time, Mayor Lionel Rivera said: 'We are looking at a population of 90,000 in 35 years. If we are not willing to address stormwater today, I don't think it's fair to ask others in the region to endorse the Southern Delivery System.'"

EXHIBIT B

February 2008 Southern Delivery System Draft Environmental Impact Statement: References to SWENT or Other Dedicated Funding Source for Stormwater Control

- Page 125: "The Colorado Springs Stormwater Enterprise was established in 2005 to fund stormwater drainage capital improvement projects, maintenance and operations, and compliance with Colorado Springs' municipal storm sewer (MS4) discharge permit. . . . The Stormwater Enterprise is expected to update DBPSs [drainage basin planning studies] on an ongoing basis, and the drainage criteria and requirements for stormwater detention and development will be modified accordingly."
- Page 126: "Continued implementation of these actions by the Stormwater Enterprise is anticipated to reduce the water quality and quantity effects of historical and future development within the city limits of Colorado Springs on surface waters in the Fountain Creek Basin."
- Page 245: "Reasonably foreseeable actions with potential cumulative water quality effects include the Colorado Springs Stormwater Enterprise, completion of the CSRWRF, alluvial groundwater development by Fountain, urban development in El Paso, Pueblo, and Fremont Counties, and climate change."
- Page 247: "The Colorado Springs Stormwater Enterprise's top priority projects are likely to reduce stream channel erosion and thus suspended sediment concentrations through the addition of drop structures, bank protection, and other channel improvements in Fountain Creek and its tributaries. . . . The Colorado Springs Stormwater Enterprise will place 'increased emphasis on detention and water quality control' (Baker 2006)."
- Page 251: "Additionally, municipal stormwater regulations throughout the analysis area would specify restrictions on the potential effects of development within the analysis area. For example, the recently approved Colorado Springs Stormwater Enterprise (discussed in zero) would require peak future flows (up to the 100-year recurrence interval) to remain at current peak flow levels following future development (Colorado Springs 2007A; Baker 2006)."
- Page 254: "In the cumulative effects analysis, it was assumed that the City of Colorado Springs would implement the Colorado Springs Stormwater Enterprise that was approved by the City Council in 2005 and is beginning implementation.... Additionally, for new development, it implements regulations that require peak flows under future conditions to be maintained at current peak flow values, for peak flows with recurrence intervals of 100 years or less.... The Colorado Springs Stormwater Enterprise was assumed to be in effect for the area within the city limits of the City of Colorado Springs for the cumulative effects analysis."
- Page 261: "Two reasonably foreseeable actions would affect peak flows and flood plains in the cumulative effects analysis: increased urban and suburban development in the analysis area and the Colorado Springs Stormwater Enterprise. . . . Because of the Stormwater Enterprise, cumulative effects future peak flows would be equal to Existing Conditions peak flows for the areas within the City of Colorado Springs service area or directly downstream of the City's service area."
- Page 289: "Two reasonably foreseeable actions would affect geomorphology under the cumulative effects analysis: urban and suburban development within El Paso, Pueblo, and Fremont Counties, and the Colorado Springs Stormwater Enterprise (as described in Section 3.1.3.1)."
- Page 291: "Although development would result in increased peak flow sediment transport capacity for most of the analysis area, the Colorado Springs Stormwater Enterprise would

maintain future conditions (2046) peak flows, and thus peak flow sediment transport capacity, at Existing Conditions (2006) levels for areas within the Colorado Springs through the use of regional flood control structures and flood control requirements for new development.”

- Page 340-341: “The cumulative effects from planned water projects (Clear Springs Regional Water Reclamation Facility, the Stormwater Enterprise, and Fountain’s water supply project) and changes in peak flows from increased development were calculated for the cumulative effects on stream flow, which was used to estimate cumulative effects on wetland and riparian vegetation.”

EXHIBIT C

December 2008 Southern Delivery System Final Environmental Impact Statement: References to SWENT or Other Dedicated Funding Source for Stormwater Control

- Page 91: "Colorado Springs recently created a Stormwater Enterprise (Section 3.1.3.1), which is also intended to address stormwater issues in portions of the Fountain Creek basin."
- Page 152: "The Colorado Springs Stormwater Enterprise was established in 2005 to fund stormwater drainage capital improvement projects, maintenance and operations, and compliance with Colorado Springs' municipal storm sewer discharge permit."
- Page 153: "Continued implementation of these actions by the Stormwater Enterprise is anticipated to reduce the water quality and quantity effects of historical and future developments within the city limits of Colorado Springs on surface waters in the Fountain Creek Basin."
- Page 308: "Reasonably foreseeable actions with potential cumulative water quality effects include the Colorado Springs Stormwater Enterprise . . ."
- Page 311: "The Colorado Springs Stormwater Enterprise's top priority projects are likely to reduce stream channel erosion and thus suspended sediment concentrations . . ."
- Page 312: "Some of the reasonably foreseeable actions identified in Section 3.1.3.1 would likely improve water quality in the Fountain Creek basin, regardless of the SDS project. The City of Colorado Springs Stormwater Enterprise --- could potentially improve levels of parameters that are currently of concern."
- Page 317: "For example, the recently-approved Colorado Springs Stormwater Enterprise would require future peak flows to remain at current peak flow levels following future development."
- Page 319: "In the cumulative effects analysis, it was assumed that the City of Colorado Springs would implement the Colorado Springs Stormwater Enterprise that was approved by the City Council in 2005 and is beginning implementation....The City of Colorado Springs Stormwater Enterprise was assumed to be in effect for the area within the city limits of the City of Colorado Springs for the cumulative effects analysis."
- Page 329: "Two reasonably foreseeable actions would affect peak flows in flood plains in the cumulative effects analysis: increased urban and suburban development in the analysis area and the Colorado Spring Stormwater Enterprise....Because of the Stormwater Enterprise, cumulative effects future peak flows would be equal to existing conditions peak flows for areas within the City of Colorado Springs service area directly downstream of the city service area."
- Page B-214: "Implementation of the Colorado Springs Stormwater Enterprise is considered a reasonably foreseeable action and, therefore, its potential effects were reflected only in cumulative effects analysis."
- Page C-8: "Implementation of the Colorado Springs Stormwater Enterprise is considered a reasonably foreseeable action."

EXHIBIT D

Examples of Comments and Representations After the Abolishment of SWENT

- December 4, 2009 Southern Delivery System E-News: "Springs Utilities pledges to meet all SDS-related requirements related to storm runoff."
- May 3, 2012 Letter from Pueblo County Board of County Commissioners to Mayor Stephen G. Bach, Mr. Scott Hente, and members of the City Council: Letter requests that immediate action be taken to solve stormwater funding deficit.
- May 4, 2012 Letter from Steve Bach, Mayor, City of Colorado Springs, to Pueblo County Board of County Commissioners: "Colorado Springs general staff is searching for efficiencies within the current revenue streams and expenditures budget which we could contribute to stormwater improvements in Colorado Springs."
- May 10, 2012 Letter from Jan Martin, President Pro Tem, Colorado Springs City Council, to Pueblo Board of County Commissioners: "Protecting our watershed is a high priority for City Council, and you have our commitment that we will continue working toward that goal."
- 2012 Infrastructure Report Card for the Colorado Springs area grades Colorado Springs Stormwater overall at a D-minus and F for funding.
- November 13, 2012 Letter from Mayor Bach and Scott Hente, Colorado Springs City Council to Pueblo County Board of County Commissioners: Colorado Springs will propose a 2013 combined stormwater budget of \$27,772,356.
- December 20, 2012 Letter from Pueblo County Board of County Commissioners responding to Mayor Bach and Scott Hente: "Very little, if any, of the \$28 million claimed by the City and Utilities in their 2013 budget on stormwater improvements is spent on the high-priority CIPs, which were to be funded by SWENT."
- June 6, 2013 letter from Mayor Bach and Colorado Springs Council President King to Pueblo County Commissioner Sal Pace:
 - "As you know, the approval of the Pueblo Board of County Commissioners of the 1041 permit application submitted by Colorado Springs Utilities ("CSU") was approved on April 21, 2009. Colorado Springs and CSU submitted a five year funding and project priority plan for our stormwater capital projects during the review of the 1041 permit. This plan contemplated spending approximately \$88 million over the course of five years, for an average of \$17.6 million per year. We have attached a copy of that funding summary for your review."
 - Claims to have spent in excess of \$46 Million on stormwater projects in 2013, and that "Colorado Springs and its enterprises will continue to make substantial progress in high priority stormwater projects in the coming years, and is working diligently to design and implement a sustainable funding source and stormwater management structure to complete all the appropriate work."
- July 17, 2013 Colorado Springs Independent: "Last fall, City Attorney Chris Melcher told Council the city is obligated to pay \$13 million to \$15 million a year for stormwater management — the amount that had been generated by fees for stormwater before a 2009 ballot measure prompted Council to abolish them."
- September 20, 2013 Southern Delivery System Update, Colorado Springs Utilities: "1041 Permit does not include . . . a specific yearly amount of stormwater funding, funding of specific projects, or requirement to remediate current and historic conditions."
- August 26, 2014 Mayor Steve Bach proclamation in opposition to stormwater ballot initiative, stating that the IGA creating the Pikes Peak Regional Drainage Authority "is not fair to the citizens of Colorado Springs."

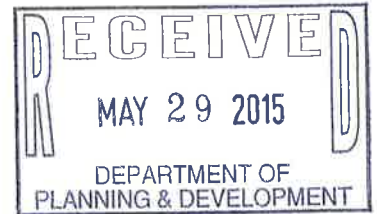
- July 23, 2014 Colorado Springs Gazette, City Council Endorses Regional Stormwater Plan: "Colorado Springs City Council endorses the creation of a regional stormwater authority – which if voters approve in November would collect \$48 million a year in fees to pay for regional flood control projects."
- September 2, 2014 El Paso County Resolution No. 14-326: Resolution to Approve and Authorize a Ballot Question for the November 2014 General Election for the Purpose of Determining Citizen Support for Creation of the Pikes Peak Regional Drainage Authority.
 - Statement of Votes Cast, Ballot Initiative 1B, El Paso County Election Results: Yes – 46.71%; No – 53.29%.
- December 3-9, 2014 Colorado Springs Independent Letter to Editor by Larry Small, Vice-Chair of the Colorado Springs City Council during 1041 permitting and now director of the Fountain Creek Watershed District: "Naïve thinking": "With the failure of the stormwater ballot question, it's time for Colorado Springs to take responsibility for its share of the problem, which is the majority share."
- December 7, 2014 Pueblo Chieftain Guest column by Larry Small, "Control needs a flood of funds, not a trickle": "[A]dding funding for City departments in areas where sufficient dedicated funding already exists is not fiscally responsible... Stormwater management is unfunded and has no dedicated general fund commitment – it should.... To think that \$40 million over five years with no identified future funding would have any significant impact on a \$500 million problem is naïve thinking, to say the least. To believe it would have any benefit in mitigating the impact to Colorado Springs down-stream neighbors demonstrates a lack of understanding of the problem."
- January 24, 2015: Colorado Springs City Council votes 7-2 to spend \$19 million in 2015 toward stormwater, of which \$8 million is from the City's general fund, \$8 million from a stormwater projects fund, and \$3 million from Colorado Springs Utilities.
 - Councilperson Jan Martin, sponsor of resolution, states that items such as maintenance of gas lines by Colorado Springs Utilities that cross rivers are expenses related to stormwater.
- Colorado Springs Utilities Draft 2015 Annual Operating & Financial Plan: 2015 Budget of \$1,082,682,000.



Colorado Springs Utilities
It's how we're all connected

Memorandum

To: Pueblo County Board of County Commissioners
From: City of Colorado Springs and Colorado Springs Utilities
Date: 5/29/2015
Re: Pueblo County Staff Stormwater Information Requests



Pueblo County staff and the Board of County Commissioners have expressed concern over continued compliance by the Southern Delivery System (SDS) with the stormwater related conditions of the SDS 1041 Permit issued by the County. In particular, in a staff Memorandum to the Commissioners dated May 11, 2015, staff advised the Board that “there is adequate justification for the County to issue an Order to Colorado Springs....to show cause why the SDS Permit should not be suspended or amended as a result of its repeal of a dedicated funding mechanism for stormwater control within Colorado Springs and its failure to replace it.” The Memorandum went on to recommend that the County defer any action on the issuance of a show cause order until at least August 1, 2015.

In the “Discussion” section of the Memorandum, staff indicated that Colorado Springs had agreed to assemble and provide information to the County on four specific requests. The material submitted with this memorandum is intended to respond to those four requests. In addition, in a separate request, counsel for the County inquired as to the status of work performed to date on a list of stormwater capital projects dated January 10, 2010 and evidently provided to the County on or about that time. Material responsive to that inquiry is also being submitted at this time.

Colorado Springs Utilities would also call the County’s attention to two additional matters in conjunction with the filing of these responses. First, though request # 1 in the County staff Memorandum refers to “a description of projects to be undertaken in 2015 with the approximately \$19,000,000 recently budgeted by Colorado Springs City Council,” as explained to County staff in a meeting held on May 14, 2015, the \$19M figure referenced in the request arises from Resolution No. 8-15 of the Colorado Springs City council dated January 27, 2015. Section 2 of that Resolution states:

“Section 2. In order to ensure the continued adequacy of efforts to meet stormwater control demands while such a sustainable, long-term approach is developed and implemented, City Council further supports, and calls upon the new mayor and council to support, the dedication, on an interim basis, of the following funds for stormwater control activities: \$8 million per year from general fund monies currently allocated to the payment of aforementioned SCIP bond indebtedness for purposes of meeting stormwater capital project needs; plus an additional \$8 million per year of general fund monies for purposes of meeting both stormwater and capital project needs, as well as MS4 and stormwater operations and maintenance obligations; and \$3 million per year from the budget of Colorado Springs Utilities for activities related to the protection of, or mitigation of impacts to, Utilities’ infrastructure from storm flows through the control of such flows (nineteen million dollars per year total).”

Thus, the then sitting City Council expressed its support for the expenditure of \$19M per year towards “stormwater control activities” and called upon the “new mayor and council”, to be elected in April, 2015, to support such a spending threshold while a “sustainable long-term approach is developed.” In other words, the Resolution was prospective in nature and there was no attempt to modify the 2015 budget, which had already been adopted in the fall of 2014. Thus, in response to this first request, the City is providing a description of its anticipated 2016 stormwater budget proposal, which when combined with the \$3M contribution from Utilities, totals \$19M. The exact nature of the projects to be completed under the Utilities contribution is not yet known, though Utilities will, indeed, be budgeting that sum of money.

The above notwithstanding, the City is also providing to the County its current list of 2015 “capital projects”, including the identification of a recent emergency allocation from City reserves. That said, the list may be modified or supplemented based upon additional emergency needs which may arise due to recent storm events or similar such future events, and/or the future availability of additional federal or state funds.

The second matter of note is an offer by the City and Utilities to meet with Pueblo County staff concerning any additional questions staff may have upon the completion of its review of the provided material. Related to this offer, Utilities would note that it has decided to retain an outside engineering firm to assist it with issues surrounding existing or future stormwater control activities. This firm will fill a role similar to that to be performed by Wright Water Engineers on behalf of Pueblo County. Utilities and the City will endeavor to make both their in-house staffs and any such outside consultants available to meet with the County whenever the need arises. It is our belief that working together we can forge a mutually satisfactory solution.

ATTACHMENT 1

2016 Proposed Project List

Project Number	Project Title	Amount
111	King Street Detention Pond (CS-013)	250,000.00
112	South Pine Creek Detention Pond (CS-335)	500,000.00
113	Fountain Creek Stabilization - El Pomar Sports Park (CS-315a/b)	2,000,000.00
114	Sand Creek Stabilization south of Platte (CS-018)	500,000.00
	subtotal	3,250,000.00
	Cheyenne Creek/Cheyenne Run Improvements	1,800,000.00
	Emergency Flood Repair/Failure Projects	1,000,000.00
	Downtown Drainage Improvements	1,300,000.00
	Water Quality Projects	500,000.00
	Drainage Basin Planning Studies	500,000.00
	subtotal	5,100,000.00
	Projects Subtotal	8,350,000.00
	Utilities Nexus Projects	3,000,000.00
	subtotal	11,350,000.00
	Project Management plus O&M	7,650,000.00
	GRAND TOTAL	19,000,000.00

2015 Proposed Capital Project Spend		
Project Number	Project Title	Amount
100	Emergency Drainage Repair Projects (flooding damage,culvert failures)	500,000.00
101	Stormwater Improvements	111,019.00
102	Drainage Basin Planning Studies	47,533.00
103	19th and Dale Detention Pond (CS-001)	14,423.00
104	31st Culvert Replacement	20,482.00
105	Stormwater Design High Priority	578,075.00
106	Drainage Studies (Monument Creek Grant)	150,000.00
107	Detention Ponds 3 and 6	554,955.00
108	Camp Creek Flood Mitigation	1,680,966.00
109	High Priority CIP Projects	1,774,237.00
110	Powers Boulevard Drainage Repairs	300,000.00
	total	5,731,690.00
	2015 Emergency Supplement (approved by City Council on May 26, 2015)	
	1. Installation of box culvert in Rockrimmon open space waterway	
	2. Stanching of overflows in Pebblewood/Chairmonte area	
	3. Grade control at Cottonwood Creek above Academy Blvd.	
	4. Replacement of box culvert to Spring Creek at Academy Blvd.	
	5. Replacement of corrugated metal pipes at key locations	
	(\$1M of total to Parks Dept.) total	5,000,000.00
	GRAND TOTAL	10,731,690.00

**Note: This is capital project budget only (excludes O&M and MS4 compliance)*

ATTACHMENT 2



★ High

☆ Medium

☆ Low

○ Class C Project - Not Prioritized

● Removed - Constructed, Dugback, or Does Not Exist

— Stream Line

— Stormwater Infrastructure

— Map Gnd

— Watershed Boundary

— Council District Boundary

— Regulatory (FEMA) 100-year Floodplain

— Wildfire Burn Area

CITY OF COLORADO SPRINGS

STORMWATER NEEDS ASSESSMENT

MPL Project Locations by Priority

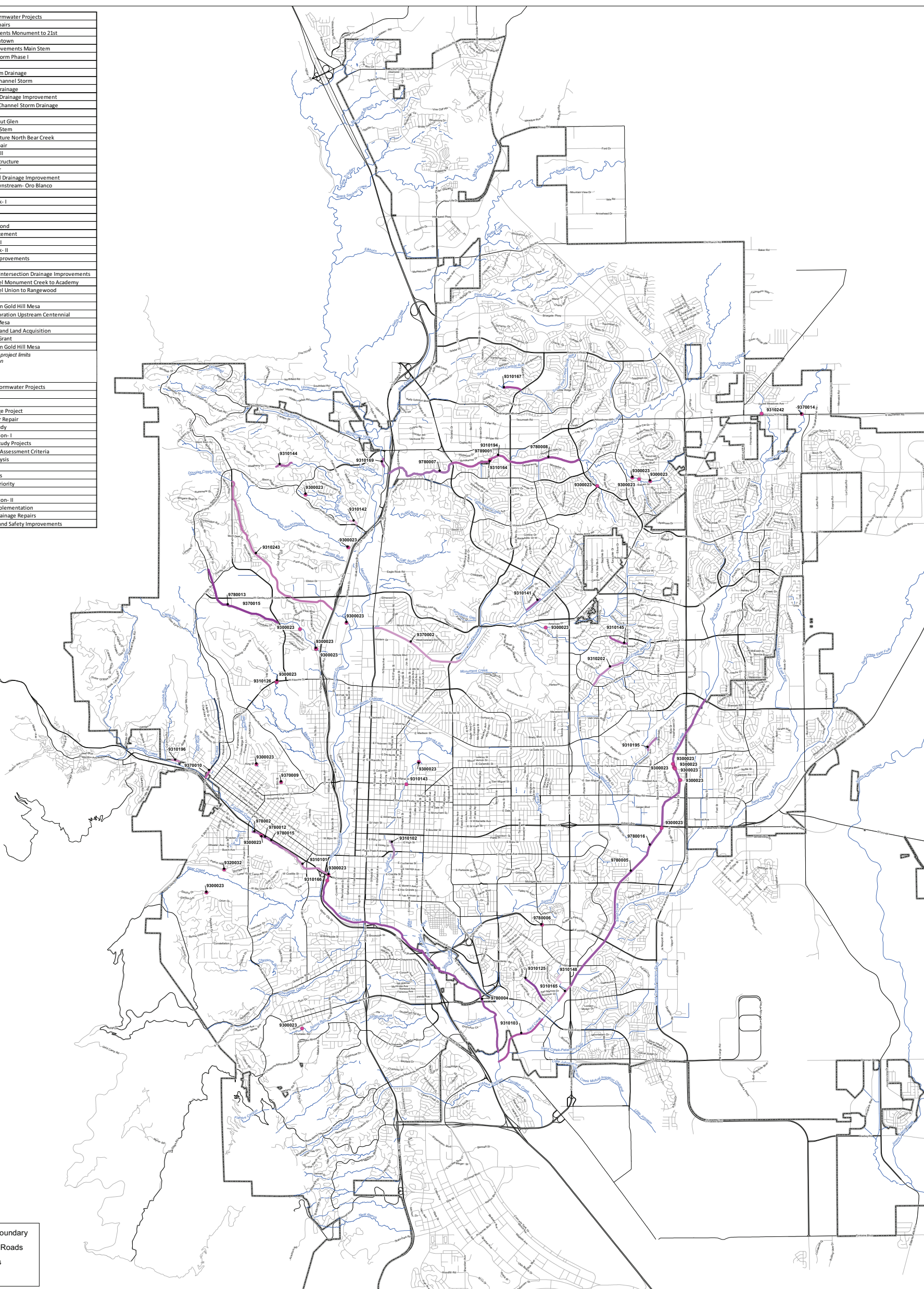
Source: City of Colorado Springs

0 0.5 1.0 1.5 2.0 Miles

City Stormwater Project Expenditures (2004-2014)

Mapped Citywide Stormwater Projects	
9300023	September 2013 Flood Repairs
9310101	Fountain Creek Improvements Monument to 21st
9310102	Shooks Run Culverts Downtown
9310103	Sand Creek Channel Improvements Main Stem
9310125	Monterrey Channel and Storm Phase I
9310126	Fillmore Outfalls
9310141	Shadowline Channel Storm Drainage
9310142	Rockrimmon Delmonico Channel Storm
9310143	Shook Run Linhart Storm Drainage
9310144	N Rockrimmon Allegheny Drainage Improvement
9310145	Candlewood Apartments Channel Storm Drainage
9310148	El Morro Ditch at Chelton
9310164	Cottonwood Creek Chestnut Glen
9310165	Sand Creek Channel Main Stem
9310166	Fountain Creek Drop Structure North Bear Creek
9310167	Rampart Park Channel Repair
9310169	Monument Creek Crib Wall
9310184	Capitol Creek Drop Structure
9310195	Rustic Hills Channel Repair
9310196	Colorado Avenue Ridge Rd Drainage Improvement
9310202	West Fork Sand Creek Downstream- Oro Blanco
9310242	Detention Ponds 3 and 6 - I
9310243	North South Douglas Creek - I
9320032	Lower Gold Camp Road
9370002	T Gap Floodway Levee
9370009	19th and Dale Detention Pond
9370010	3157 Culver Creek Replacement
9370014	Detention Ponds 3 and 6 - II
9370015	North South Douglas Creek - II
9378004	Fountain Creek Phase I Improvements
9378005	Sand Creek Main Phase 2
9378006	Fountain Blvd Chelton Rd Intersection Drainage Improvements
9378007	Cottonwood Creek Channel Monument Creek to Academy
9378008	Cottonwood Creek Channel Union to Rangewood
9378009	Sand Creek Main Phase I
9378012	Fountain Creek Restoration Gold Hill Mesa
9378013	South Douglas Creek Restoration Upstream Centennial
9378015	Fountain Creek Gold Hill Mesa
9378016	Sand Creek Improvement and Land Acquisition
9378901	Cottonwood Creek FEMA Grant
9378902	Fountain Creek Restoration Gold Hill Mesa

Unmapped Citywide Stormwater Projects	
9310028	Local Drainage
9310063	Drainage Studies
9310168	Design 2004 Storm Drainage Project
9310198	Misc Channel Storm Sewer Repair
9310200	Stormwater Enterprise Study
9310244	Camp Creek Flood Mitigation- I
9370001	Drainage Basin Planning Study Projects
9370003	Stormwater Management Assessment Criteria
9370004	Nexrad Design Storm Analysis
9370006	Fountain Creek Sep
9370008	Stormwater Improvements
9370012	Stormwater Design High Priority
9370013	Drainage Studies
9370016	Camp Creek Flood Mitigation- II
9780001	Stormwater Enterprise Implementation
9780002	Emergency Stormwater Drainage Repairs
9780003	Flood Warning Education and Safety Improvements



Stormwater Project

City Boundary

Major Roads

Roads

Department: Public Works/Asset Management Team
Author: J Fields
Name: JBF_20150403_StormExpenditures_34X44_P
Date Saved: 4/9/2015



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ATTACHMENT 3



Stormwater Program Expenditures — 2004 through 2014

The stormwater program of the City of Colorado Springs is an important component of the City's comprehensive strategy to build and maintain public infrastructure. The stormwater program protects the lives and property of the citizens of Colorado Springs and the City's neighbors, satisfies federal and state water quality laws and regulations, and preserves and enhances the great natural beauty of Colorado Springs. As this report demonstrates, over many years the citizens of Colorado Springs have invested substantial resources in their stormwater program in order to attain these important goals.

For more than fifteen years, the stormwater program of the City of Colorado Springs has included substantial spending on new flood control and conveyance infrastructure, maintenance and repair of existing infrastructure, and water quality protection and compliance. Over these years, expenditures for the City's stormwater program have come from the City's General Fund, bonds (Springs Community Improvement Program [SCIP]), grants (FEMA and others), and, for a period of time in the mid-2000s, stormwater program fees collected by the City's Stormwater Enterprise, also called the "SWENT." Substantial portions of the City's stormwater infrastructure have also been constructed by the development community and as part of large transportation projects that have stormwater components.

The City has tracked the entirety of its stormwater program spending through its normal budget and financial reporting processes. Nevertheless, in the past this information has been difficult to isolate within traditional City financial reports. For example, past stormwater program spending was sometimes embedded, but not reported separately, in financial reports concerning capital and maintenance expenditures for streets, bridges, and the other components of public works infrastructure. As another example, within the Colorado Springs Department of Public Works, stormwater program spending has been shared between City Engineering and the Streets Division, and, more recently, the Engineering Development Review and Stormwater Department, without being reported separately as specific stormwater program spending amounts.

Moreover, stormwater program expenditures have always taken place in several separate parts of the City, and historically do not appear in a single comprehensive financial report. These expenditures are considerable, and include in particular the substantial stormwater program spending by Colorado Springs Utilities (CSU). Also, over time other stormwater program expenditures have been tracked separately, such as funding from special appropriations and grants. These disparate approaches to stormwater program expenditures have made it difficult to report upon the cumulative funds spent by Colorado Springs in its complete stormwater program.

To make stormwater program spending more clear for the citizens of Colorado Springs, the City began in 2013 to track stormwater program expenditures separately and explicitly in its financial records and

reports. This approach makes it considerably easier today to identify recent expenditures for the City's entire stormwater program.

This report on total stormwater program expenditures from 2004 through 2014 follows upon the City's cumulative tracking of stormwater program expenditures beginning in 2013. This report is built upon a concentrated effort by City financial and operating staff to sift through historical spending records. Staff's goal has been to compile reliable, straight-forward estimates of total stormwater program spending dating back to 2004.

Looking back to 2004 to explain stormwater program spending by Colorado Springs provides citizens with a much clearer picture of the City's comprehensive efforts in this important program. This look back also clarifies the City's changing approaches to stormwater program funding. In this report one can now see a snapshot of stormwater program expenditures as the City geared up for the establishment of the SWENT, as the SWENT collected and put to use stormwater program fees, and as the City funded its stormwater program after the demise of the SWENT. The latter has taken place using funding from the General Fund and from several other sources.

Staff acknowledges that some historic City reports about stormwater program spending were incomplete in significant ways. This typically happened when staff focused solely upon a narrow portion of overall stormwater program spending. One example of this type of error is in a stormwater program presentation given to City Council in July 2012, in which salaries and operating expenses alone were described and many other stormwater program expenditures by the City were omitted.

The City's stormwater program is comprehensive. Expenditures in the stormwater program include creating projects like the City's new flood control ponds, open channels, storm sewer systems, catch basins and inlets, and many water quality protection components and practices. These diverse expenditures are captured in this report. Stormwater program components reflected here include stormwater related transportation, bridge, and roadway projects, stormwater spending by CSU and the Pikes Peak Regional Transportation Authority (PPRTA), and stormwater program infrastructure constructed by the private development community and the Colorado Springs Airport.

Salaries for City staff (Engineering, Streets, and Stormwater Divisions) to implement and manage the stormwater program are also included in this report, as are operating costs to support staff and to cover the costs of capital, maintenance, and water quality programs. In the numbers reported below, actual expenditures for capital projects are included from the City's General Fund, CSU, grant funds, and SWENT accounts. Estimates for developer and PPRTA stormwater expenditures are included, too, and are based on annual inspections and inventories conducted by City staff to satisfy General Accounting Standards Board (GASB) 34 asset management criteria.

This report is presented in three sections: Pre-SWENT (2004-2006), SWENT (2007-2009), and post-SWENT (2010-2014). Tables 1, 2, and 3 illustrate spending in several important categories in a given year. The last paragraph summarizes expenditure totals for the entire 11-year period. Each section explains the reasons for large single project expenditures, while also offering commentary to provide context for the stormwater program expenditures.

Pre-SWENT (2004-2006)

Between 2004 and 2006, stormwater program staff was a part of the City Engineering section of Public Works. The Streets Division provided maintenance and minor repairs for existing infrastructure, and stormwater capital projects were designed and constructed out of the City's General Fund. During this period the City had recently completed and put into use its Drainage Criteria Manual Volume 2 in accordance with its State-issued stormwater quality permit, known as a Municipal Separate Storm Sewer System (MS4) permit.

The City spent nearly \$2.8M on capital projects in 2004, while also providing a match for a Fountain Creek Watershed Study grant. Highlights for stormwater program expenditures in 2005 and 2006 include spending for implementation of SWENT, nearly \$6M spent by CSU on stormwater projects, and completion of the Fountain Creek Watershed Study. The PPRTA began spending money on transportation projects in 2005, and the stormwater program components of PPRTA projects are included in the amounts in Table 1.

Table 1 – 2004 through 2006 Stormwater Expenditures

Expenditure/Year	2004	2005	2006	2004-2006
City Salaries/Operating	\$1,609,974	\$1,791,908	\$1,918,231	\$5,320,113
City CIP	\$2,895,820	\$1,355,898	\$1,907,058	\$6,158,776
CSU Projects*		\$850,000	\$3,600,000	\$4,450,000
SWENT			\$1,004,490****	\$1,004,490
Stormwater Grants	\$624,853	\$788,570	\$0	\$1,413,423
Development and PPRTA	\$8,962,043**	\$7,607,561***	\$6,306,958	\$22,876,562
COS Airport	\$639,545	\$522,524	\$8,082,593	\$9,244,662
TOTALS:	\$14,732,234	\$12,916,460	\$22,819,331	\$50,468,025

*CSU began tracking stormwater spending separately in 2005

**Stormwater component of development projects only; PPRTA expenditures began in 2005

***Stormwater component of development and PPRTA projects (based on lane-miles added)

****SWENT Implementation Funds

Stormwater Enterprise (2007-2009)

On November 22, 2005, City Council approved the creation of the Stormwater Enterprise, or SWENT. Nearly one year later, City Council adopted a fee rate structure for the SWENT. The SWENT began collecting fees in the first quarter of 2007. The SWENT collected fees from 2007 to 2009, and about half were spent on stormwater program capital projects.

During this time, the City's General Fund continued to cover the costs for the stormwater program's MS4 permit-related activities, as well as updating Drainage Basin Planning Studies. In 2009, SWENT fees

covered the cost of City Engineering staff associated with stormwater program management, as reflected in a significant decrease in the City Salaries/Operating budget. Substantial spending increases in 2008 and 2009 show the time spent in 2006 and 2007 “gearing up” to get programs and projects “shovel ready”, including planning, design, engineering, and land acquisition. Capital project spending highlights include a joint \$2.34M project between CSU and SWENT to address erosion and bank stabilization needs and to protect sanitary sewer crossings near Sierra High School.

Table 2 – 2007 through 2009 Stormwater Expenditures

Expenditure/Year	2007	2008	2009	2007-2009
City Salaries/Operating	\$760,278	\$1,494,484	\$0	\$2,254,762
City CIP	\$792,446	\$1,111,320	\$1,562,635	\$3,466,402
CSU Projects	\$2,970,000	\$7,210,000	\$2,280,000	\$12,460,000
SWENT*	\$6,551,032	\$12,494,947	\$20,521,379	\$39,567,358
Stormwater Grants	\$0	\$85,800	\$0	\$85,800
Development/PPRTA Projects	\$22,086,278	\$3,517,855	\$4,006,219	\$29,610,352
COS Airport	\$2,404,842	\$117,246	\$108,295	\$2,630,383
TOTALS:	\$35,564,876	\$26,031,653	\$28,478,528	\$90,075,057

*Includes operating and CIP Expenditures

Post SWENT (2010-2014)

In late 2009, City Council ended SWENT and stopped the collection of SWENT fees. These actions decommissioned the SWENT and a much greater responsibility for funding the City’s stormwater program transferred back to the General Fund.

Since the demise of the SWENT, the source and nature of stormwater program funding has changed from time to time, a condition exacerbated by the Waldo Canyon fire in 2012 and by subsequent recovery efforts. Funding in 2010 and 2011 in part reflects SWENT funds, however. Although collection of SWENT fees ended in 2009, SWENT funds that were already accumulated were rolled over and spent in the stormwater program in subsequent years, as consideration for the City taking on the SWENT obligations. Stormwater expenditures dropped substantially in 2012 as the City shifted responsibility for stormwater from the SWENT to the City’s general fund, recovered from the recession, and grappled with the Waldo Canyon fire. The sharp increase in 2011 PPRTA and development project stormwater expenditures is a result of a large number of arterial widening, residential street, pond, and stream projects reaching completion.

Fire, recovery, and FEMA flood disaster grants were applied for and received by the City in 2012, 2013, and 2014, but most grant expenditures were realized in 2013 and 2014. This is because of the need to plan, design, and construct solutions to drainage and erosion problems caused by the 2012 fire and flooding in September 2013.

Table 3 – 2010 through 2014 Stormwater Expenditures

Expenditure/Year	2010	2011	2012	2013	2014	2010-2014
City Salaries/Operating	\$0*	\$2,429,004	\$2,578,180	\$2,693,830	\$2,523,788	\$10,224,802
City CIP	\$144,372	\$179,228	\$288,711	\$2,759,112	\$8,769,739	\$12,141,161
CSU Projects	\$4,930,000	\$4,860,000	\$2,950,000	\$2,830,000	\$3,910,000	\$19,480,000
SWENT	\$9,485,961	\$2,849,579	\$58,613	\$0	\$0	\$12,394,154
Stormwater Grants	\$0	\$0	\$355,974	\$6,628,110	\$4,635,429	\$11,619,513
Development/PPRTA Projects	\$3,832,426	\$22,678,393	\$968,740	\$3,945,372	\$4,296,154	\$35,721,083
COS Airport	\$0	\$0	\$99,103	\$937,842	\$23,792	\$1,060,737
TOTALS:	\$18,392,759	\$32,996,203	\$7,299,321	\$19,794,266	\$24,158,901	\$102,641,450

*City salaries and operating were covered by the SWENT

Cumulative Summary

During the 11 year period spanning 2004 through 2014, more than **\$240,000,000** has been spent upon stormwater program management and stormwater projects by the citizens of Colorado Springs. Of that total, the City's General Fund contributed approximately \$40,000,000, the SWENT expended about \$53,000,000, and grants provided approximately \$13,000,000. CSU has protected the City's infrastructure under CSU's management, and provided channel stabilization, with approximately \$36,000,000 of stormwater program improvements. Substantial remaining portions of the City's stormwater program infrastructure were constructed by the private development community and as part of PPRTA projects, and those expenditures amount to about \$88,000,000. Finally, the Colorado Springs Airport spent nearly \$13,000,000 on infrastructure to improve drainage and flood control during the 11-year period.

Stormwater Program Outlook – 2015 and Beyond

Although stormwater program expenditures over the last 11 years within the City have been significant, the outlook for the City's stormwater program planning is influenced by two primary factors. First, the 2013 City of Colorado Springs Stormwater Needs Assessment by CH2M HILL identifies a capital improvement needs backlog of approximately \$535,000,000. The assessment prioritized the capital improvement needs within high, medium, and low priorities based on the condition of the stormwater infrastructure in 2013, but is frequently being updated based on recent storm events and new information. Second, the Colorado Springs City Council approved a resolution in January, 2015 that resolves to spend approximately \$19,000,000 per year on the City's stormwater program, about \$3,000,000 of which will be spent by Colorado Springs Utilities.

STORMWATER FEDERAL EMERGENCY MANAGEMENT (FEMA) GRANTS WALDO FLOOD 9/2013
9379039 - FOUNTAIN CREEK WATERSHED STUDY
9379031 - COTTONWOOD CREEK AT GREENCREST PRE-DISASTER MITIGATION PROGRAM
9379002 - COTTONWOOD CREEK AT VINCENT PRE-DISASTER MITIGATION PROGRAM
9379003 - NATURAL RESOURCES CONSERVATION SERVICE EMERGENCY WATERSHED PROTECT
9379004 - 31ST STREET BRIDGE

STORMWATER PROGRAM EXPENDITURES 2004-2014											
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
9379005 - NATURAL RESOURCES CONSERVATION SERVICE EMERGENCY WATERSHED PROTECTION											
9379006 - NATURAL RESOURCES CONSERVATION SERVICE EXIGENT PROJECT											
GROUP TOTALS	624,853	788,570			85,800				355,974	6,096,573	345,547
										1,394,196	6,798,094
										1,394,196	13,118,735
STORMWATER ENTERPRISE OPERATING FUND EXPENDITURES (485)											
STORMWATER OPERATING FUND EXPENDITURES											
PROJECTS											
9370002 - T GAP FLOODWAY LEVEE ACCREDITATION			657,133	93,733		35,798	237,582	65,976	27,946		
9780001 - STORMWATER ENTERPRISE IMPLEMENTATION				60,141		1,121					
9780002 - EMERGENCY STORMWATER DRAINAGE REPAIRS				42,376		1,331,889	13,877	24,166	3,230		
9780003 - FLOOD WARNING EDUCATION AND SAFETY IMPROVEMENTS						255,077					
9780004 - FOUNTAIN CREEK PHASE I IMPROVEMENTS						318,809	867,087	75,736	7,230		
9780005 - SAND CREEK MAIN PHASE 2				250		266,407	922,867	489,548	1,864		
9780006 - FOUNTAIN BLVD CHELTON RD INTERSECTION DRAINAGE IMPROVEMENTS				5,733		1,070,917	59,112		15,836		
9780007 - COTTONWOOD CREEK CHANNEL MONUMENT CREEK TO ACADEMY				14,996		5,400	392,800	54,784	1,864		
9780008 - COTTONWOOD CREEK CHANNEL UNION TO RANGWOOD				180,150		1,660,675	49,455	(310)			
9780009 - SAND CREEK MAIN PHASE 1				485,704		732,456	761,785	104,168	67,160		
9780012 - FOUNTAIN CREEK RESTORATION GOLD HILL MESA						15,660	470,569	221,938	10,135		
9780013 - SOUTH DOUGLAS CREEK RESTORATION UPSTREAM CENTENNIAL							8,239				
9780016 - SAND CREEK IMPROVEMENT AND LAND ACQUISITION											
9789001 - COTTONWOOD CREEK FEMA GRANT				16,571		1,718,753	1,533,403	148,595	300,000		
9789002 - FOUNTAIN CREEK RESTORATION GOLD HILL MESA m						680,839	748,305	47,071			
FOUNTAIN CREEK/GOLD HILL MESA IN-KIND MATCH							190,000		33,858		
PROJECTS SUBTOTAL											
GROUP TOTALS	657,133	488,672	2,780,467	1,657,648	85,568	3,589,579	4,930,000	4,860,000	2,950,000	2,830,000	3,910,000
	1,004,890	33,851	5,302,126	747,193	31,678	108,295			68,020	697,385	17,916
									31,083	240,457	5,876
									99,103	937,842	23,792
											11,935,782
COLORADO SPRINGS UTILITY PROJECTS											
GROUP TOTALS	850,000	488,672	2,780,467	1,657,648	85,568	3,589,579	4,930,000	4,860,000	2,950,000	2,830,000	3,910,000
	639,545	33,851	5,302,126	747,193	31,678	108,295			68,020	697,385	17,916
									31,083	240,457	5,876
									99,103	937,842	23,792
											11,935,782
DEVELOPMENT AND PPRTA											
DETENTION PONDS	821,448	697,298	686,692	1,899,081	306,637	45,363	182,329	1,911,640	105,475	429,566	467,759
REGIONAL PONDS				4,644,071	701,531	3,589,579	2,157,817	5,120,840			
STORM SEWERS	5,907,052	5,014,287	3,753,130	10,379,468	1,675,932	247,933	996,523	10,448,107	576,475	2,347,802	2,556,545
STREAMS (CHANNEL IMPROVEMENTS)	2,233,543	1,895,976	1,867,136	5,163,659	833,756	123,344	495,758	5,197,806	286,789	1,168,003	1,271,850
GROUP TOTALS	8,962,043	7,607,561	6,306,958	22,086,278	3,517,855	4,006,219	3,832,426	22,678,393	968,740	3,945,372	4,296,154
											88,207,997
GRAND TOTAL	14,732,734	12,916,460	22,819,331	35,864,836	26,031,653	78,478,528	18,392,759	37,896,793	7,299,321	19,794,266	24,138,901
											243,184,537

General Notes:

a) The Stormwater Enterprise operated from 2007 to 2009, with some expenditures occurring in 2010 and 2011 as consideration by the City for taking on SWENT obligations.

c) Numbers displayed within the spreadsheet are estimated in some categories. See notes below.

d) Expenditures are displayed to the nearest dollar; for estimated expenditures, this is a mathematical result only and not a representation of accuracy or precision.

Footnotes:

a. Stormwater salaries were not tracked separately until 2013. For 2004-2006 salaries are estimated based on 2008 actuals, 24.3% of City Engineering salary expenditures. In 2011 and 2013 salaries are based on actual expenditures for 2012.

b. Stormwater operating costs for 2004-2014 are actual expenditures.

c. Streets division salaries were not tracked separately until 2013. For 2004-2006 salaries are estimated based on 2007 actuals that were transferred to Stormwater Enterprise, 8.4% of Streets Division total salaries. See Footnote d.

d. Streets division operating costs were not tracked separately until 2013. For 2004-2006 operating costs are estimated based on 1.9% of Streets Division total operating costs, mirroring SWENT reimbursements for the same costs.

e. Stormwater Enterprise Fund - The SWENT operated from 2007 to 2009, but fees were used in 2010 and beyond as consideration for the City assuming SWENT obligations.

f. Captures stormwater infrastructure designed and built by the development community, and the stormwater components of PPRTA projects. See assumptions for estimating expenditures in the GASB 34 backup and files.

g. Negative balance is a result of bad debt write-off of \$686,659 in 2012.

h. During 2007, the majority of City Engineering Operating expenditures for stormwater were the responsibility of SWENT.

i. The 2009 Amended Budget eliminated general fund expenditures for stormwater salaries and operations. All positions associated with this program were transferred to the SWENT.

j. The 2008 Budget document notes that funding of 12.5 FTEs (\$737,360) was transferred to SWENT along with \$47,249 and \$3,000 of operating and CIP expenditures, respectively.

k. The negative amount in 2007 is a result of a reimbursement to Colorado Springs Utilities for a joint project reported in the CSU section.

l. Streets Division stormwater salaries and operating costs based on budget projections for 2011-2013.

m. GOLD HILL MESA included grant funds, SWENT funds, City funds and Property Owner contributions.

ATTACHMENT 4

Draft Project List

04.24.15

Criteria: Select high/medium priority projects that protect people and property from flooding, reduce flood volumes and peak flows, and enhance stream stability. Projects should serve the needs of the City and take into consideration our neighbors to the south within the Fountain Creek watershed.

Projects:

1. CS-315a and CS-315b: Fountain Creek Stabilization along El Pomar Sports Park	\$4.5M
2. CS-314a and CS-314b: Fountain Creek Stabilization from mobile home park to north end of El Pomar Sports Park	\$4.1M
3. CS-018: Sand Creek Stabilization south of Platte Avenue	\$2.0M
4. CS-330: Fairfax Tributary Detention Pond	\$0.4M
5. CS-013: King Street Detention Pond	\$0.3M
6. CS-335: South Pine Creek Detention Pond	\$0.5M
7. CS-333: Rangewood Tributary Detention Pond	\$0.8M
8. CS-308a and CS-308b: Fountain Creek Stabilization Drake Power Plant to S. Tejon St.	\$1.8M
9. CS-309a and CS-309b: Fountain Creek Stabilization S. Tejon St. to Shooks Run	\$2.9M
10. CS-141: Shooks Run Improvements @ Confluence with Fountain Creek	<u>\$0.5M</u>
TOTAL ESTIMATED COST:	\$17.8M

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-314a

PROJECT DESCRIPTION

Name:	Fountain Creek - Mobile Home Park to N end El Pomar Sports Park - High Priority Reach 9 Projects
Drainage Basin:	Fountain Creek
Map Book Grid #:	N6
Category:	Channel / Grade Control
Type of Project:	New Construction
Description:	2 Drop Structures, Channel realignment, Brudge Abutment Protection, and bank protection
Summary of Problem:	Erosion at Circle Drive Bridge along banks, extends 800 LF upstream. High vertical banks observed, 10 to 30'
Source Document:	WHPacific. 2009. Fountain Creek Stabilization & Restoration Plan Monument Creek to the Colorado Springs Southern City Limit.
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	High

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	16
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	7
System Reliability Score (30% weight):	6
Total Weighted Score:	39

COST

Best Available Baseline Cost Year:	2011
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$633,807 Updated (2013 Dollars)

**Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-314b**

PROJECT DESCRIPTION

Name:	Fountain Creek - Mobile Home Park to N end El Pomar Sports Park
Drainage Basin:	Fountain Creek
Map Book Grid #:	N6
Category:	Channel / Grade Control
Type of Project:	New Construction
Description:	Channel stabilization
Summary of Problem:	Erosion at Circle Drive Bridge along banks, extends 800 LF upstream. High vertical banks observed, 10 to 30'
Source Document:	WHPacific. 2009. Fountain Creek Stabilization & Restoration Plan Monument Creek to the Colorado Springs Southern City Limit.
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	Medium

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	16
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	7
System Reliability Score (30% weight):	6
Total Weighted Score:	39

COST

Best Available Baseline Cost Year:	2011
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$3,538,135 Updated (2013 Dollars)

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-315a

PROJECT DESCRIPTION

Name:	Fountain Creek - N end El Pomar Sports Park to S end El Pomar Sports Park - High Priority Reach 10 Projects
Drainage Basin:	Fountain Creek
Map Book Grid #:	N6
Category:	Channel / Grade Control
Type of Project:	New Construction
Description:	Formalize existing drop structure
Summary of Problem:	Erosion along banks adjacent to El Pomar Park
Source Document:	WHPacific. 2009. Fountain Creek Stabilization & Restoration Plan Monument Creek to the Colorado Springs Southern City Limit.
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	High

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	16
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	7
System Reliability Score (30% weight):	6
Total Weighted Score:	39

COST

Best Available Baseline Cost Year:	2011
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$381,991 Updated (2013 Dollars)

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-315b

PROJECT DESCRIPTION

Name:	Fountain Creek - N end El Pomar Sports Park to S end El Pomar Sports Park
Drainage Basin:	Fountain Creek
Map Book Grid #:	N6
Category:	Channel / Grade Control
Type of Project:	New Construction
Description:	Channel stabilization
Summary of Problem:	Erosion along banks adjacent to El Pomar Park
Source Document:	WHPacific. 2009. Fountain Creek Stabilization & Restoration Plan Monument Creek to the Colorado Springs Southern City Limit.
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

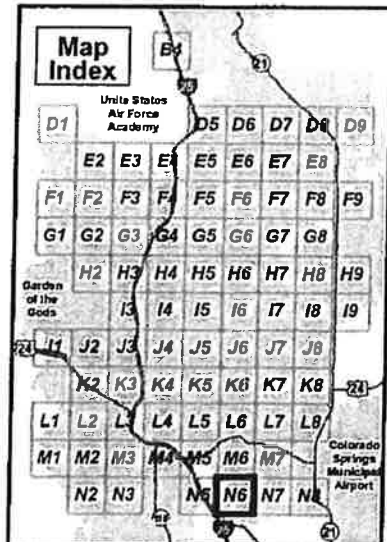
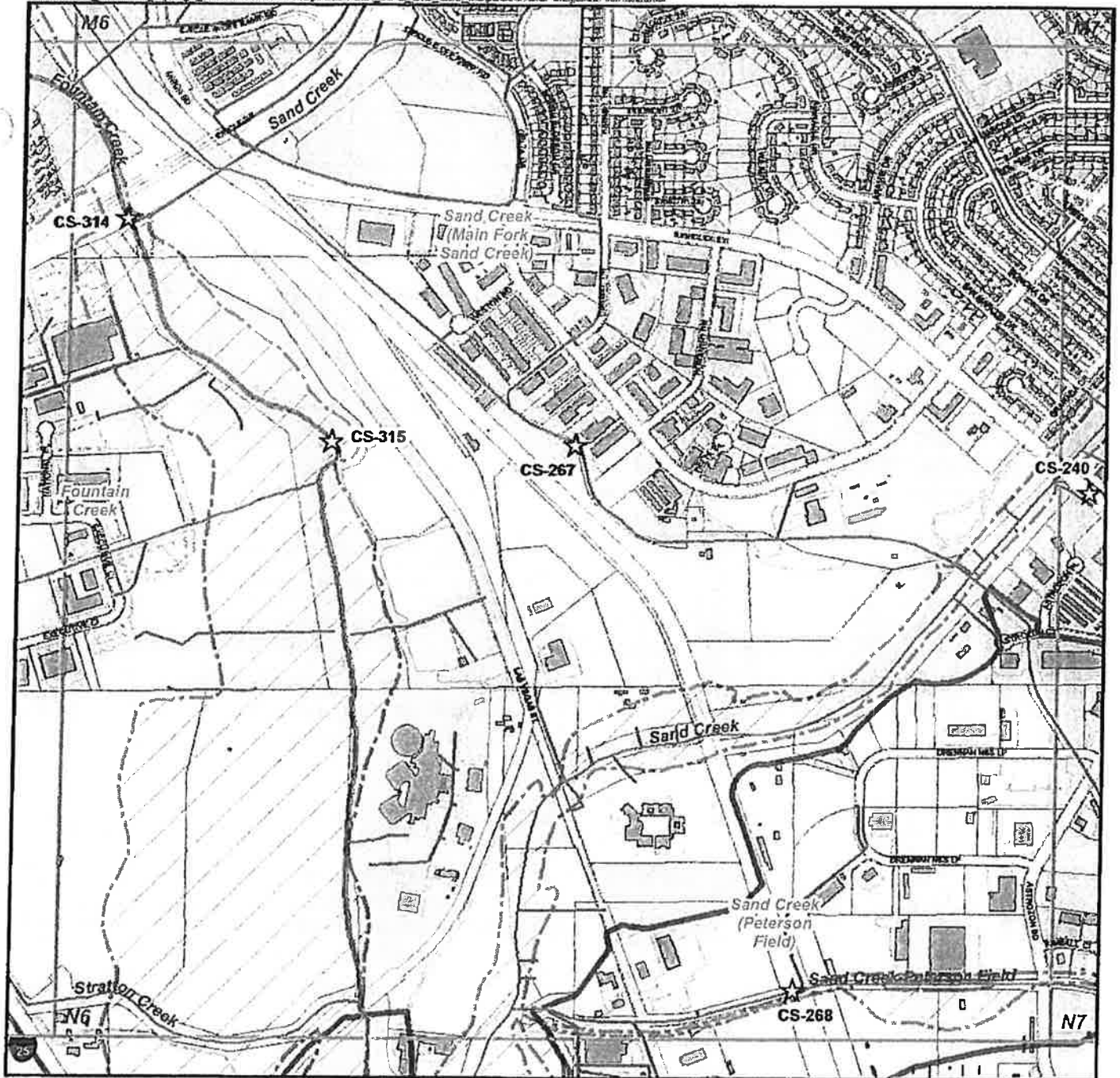
Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	Medium

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	16
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	7
System Reliability Score (30% weight):	6
Total Weighted Score:	39

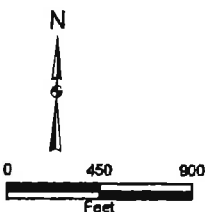
COST

Best Available Baseline Cost Year:	2009
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$4,102,163 Updated (2013 Dollars)



Legend

- ☆ City Projects
- Stream Line
- Stormwater Infrastructure
- Basin Watershed Boundary
- Private
- City of Colorado Springs
- El Paso County
- State
- Federal
- Waldo Canyon Burn Area
- Regulatory (FEMA) 100-year Floodplain
- Buildings
- City Ponds
- B4 Map Grid



Source:
City of Colorado Springs

CITY OF COLORADO SPRINGS
STORMWATER NEEDS ASSESSMENT
**MPL GIS Map Book
Grid N6**

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-018

PROJECT DESCRIPTION

Name:	Sand Creek Downstream of Platte
Drainage Basin:	Sand Creek
Map Book Grid #:	K8
Category:	Channel / Grade Control
Type of Project:	New Construction
Description:	Construct stormwater drop structures, streambank protection.
Summary of Problem:	Channel stabilization needed
Source Document:	Ayres Associates. 2013. Sand Creek Channel Improvements Hancock Expwy. to Platte Ave. East Fork to S. Powers Blvd. and West Fork to Wooten Road.
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

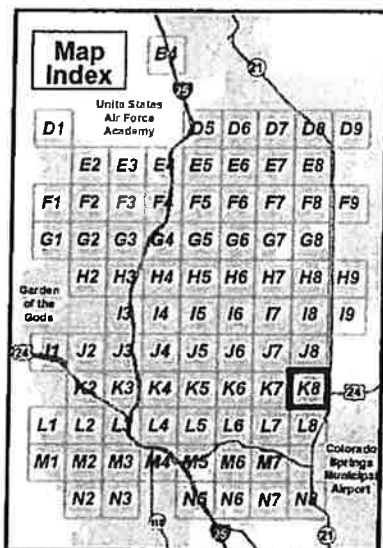
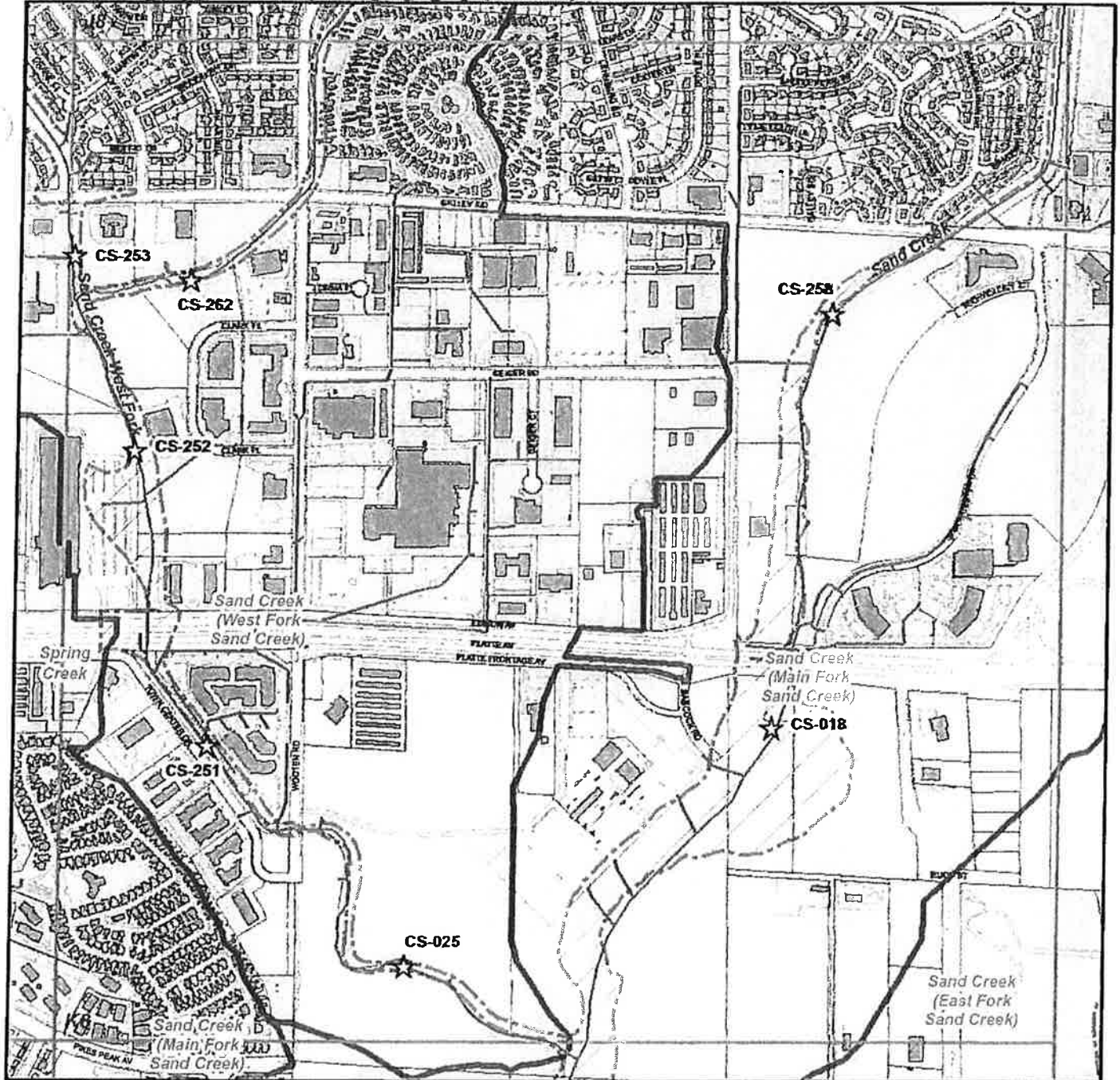
Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	High

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	12
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	3
System Reliability Score (30% weight):	6
Total Weighted Score:	31

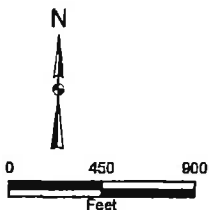
COST

Best Available Baseline Cost Year:	2013
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$2,944,535 Updated (2013 Dollars)



Legend

- ☆ City Projects
- Stream Line
- Stormwater Infrastructure
- Basin Watershed Boundary
- Private
- City of Colorado Springs
- El Paso County
- State
- Federal
- Waldo Canyon Burn Area
- Regulatory (FEMA) 100-year Floodplain
- Buildings
- City Ponds
- B4 Map Grid



Source:
City of Colorado Springs

**CITY OF COLORADO SPRINGS
STORMWATER NEEDS ASSESSMENT
MPL GIS Map Book
Grid K8**

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-330

PROJECT DESCRIPTION

Name:	Fairfax Tributary Detention Pond - Research Parkway at Powers
Drainage Basin:	Cottonwood Creek
Map Book Grid #:	D8
Category:	Storage
Type of Project:	New Construction
Description:	Construct New Detention Pond
Summary of Problem:	Pond required to reduce peak flows in the downstream direction
Source Document:	Matrix Design Group, Inc. 2010. Cottonwood Creek Drainage Basin Planning Study.
Project within FEMA 100-Year Floodplain?	No
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

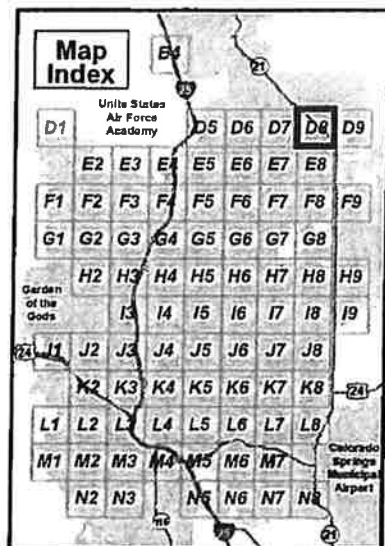
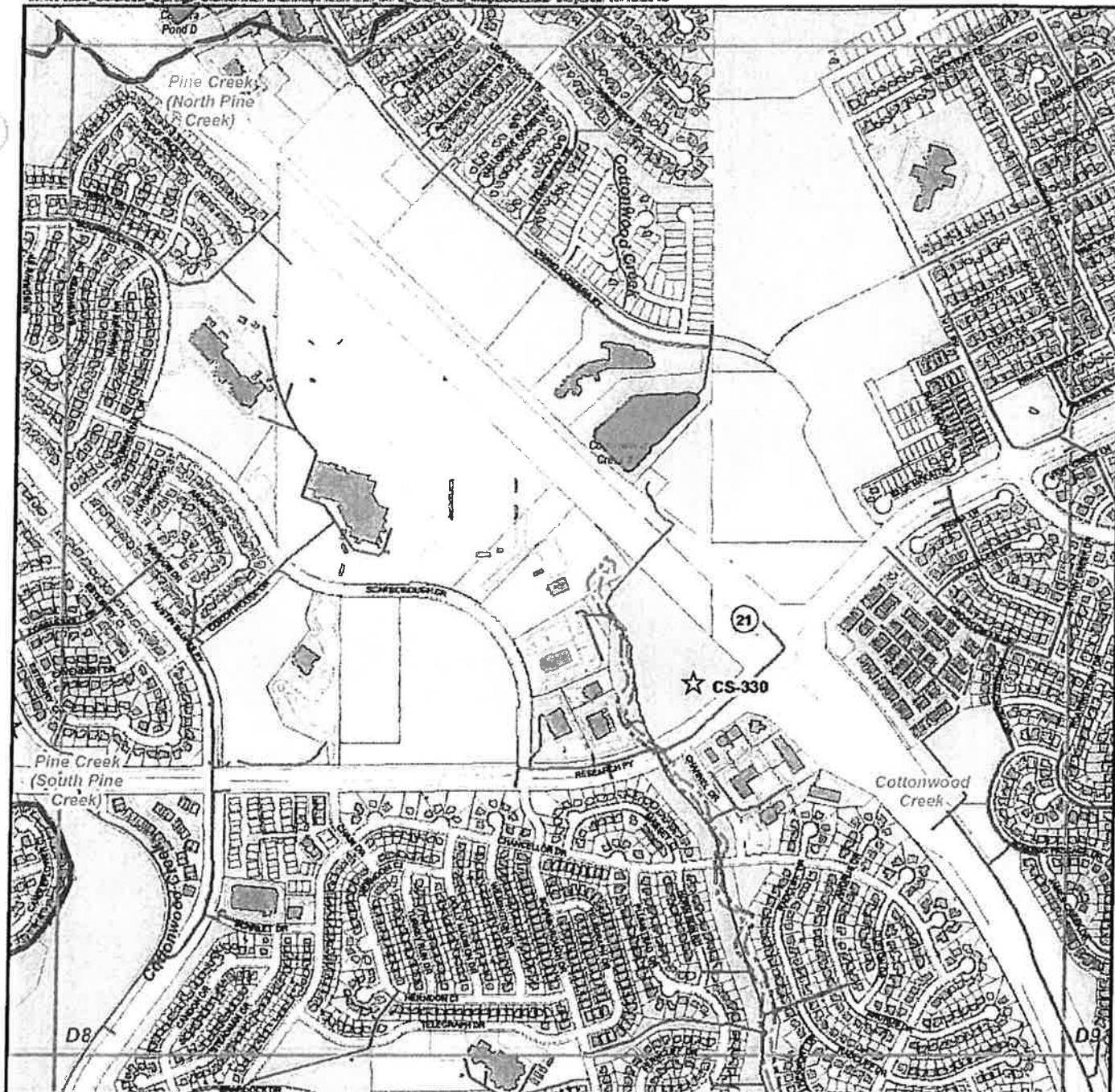
Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	High

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	28
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	10
System Reliability Score (30% weight):	6
Total Weighted Score:	54

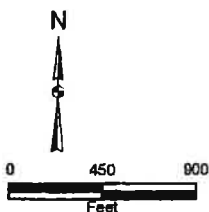
COST

Best Available Baseline Cost Year:	2010
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$391,832 Updated (2013 Dollars)



Legend

- | | | |
|-----------------------------|--------------------------|---------------------------------------|
| ☆ City Projects | Private | Waldo Canyon Burn Area |
| — Stream Line | City of Colorado Springs | Regulatory (FEMA) 100-year Floodplain |
| — Stormwater Infrastructure | El Paso County | Buildings |
| Basin Watershed Boundary | State | City Ponds |
| | Federal | B4 Map Grid |



Source:
City of Colorado Springs

CITY OF COLORADO SPRINGS
STORMWATER NEEDS ASSESSMENT

MPL GIS Map Book
Grid D8

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-013

PROJECT DESCRIPTION

Name:	King Street Detention Pond
Drainage Basin:	Westside
Map Book Grid #:	J2
Category:	Storage
Type of Project:	Replace Existing Facilities
Description:	Construct new outlet structure and improve maintenance access.
Summary of Problem:	Safety, improve maintenance and access
Source Document:	City of Colorado Springs. 2005. 2006-2010 Capital Improvements Program and Needs Assessment
Project within FEMA 100-Year Floodplain?	No
Project Impacted by Burn Area:	Waldo Canyon Burn Area

ASSESSMENT SUMMARY

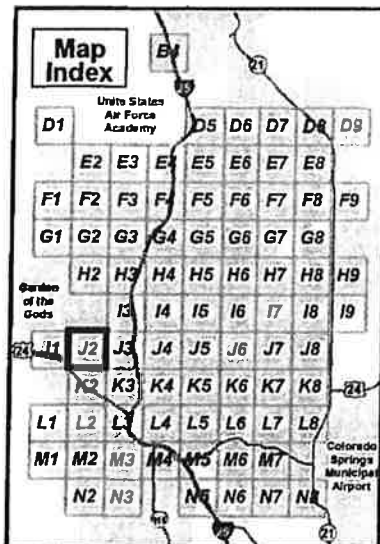
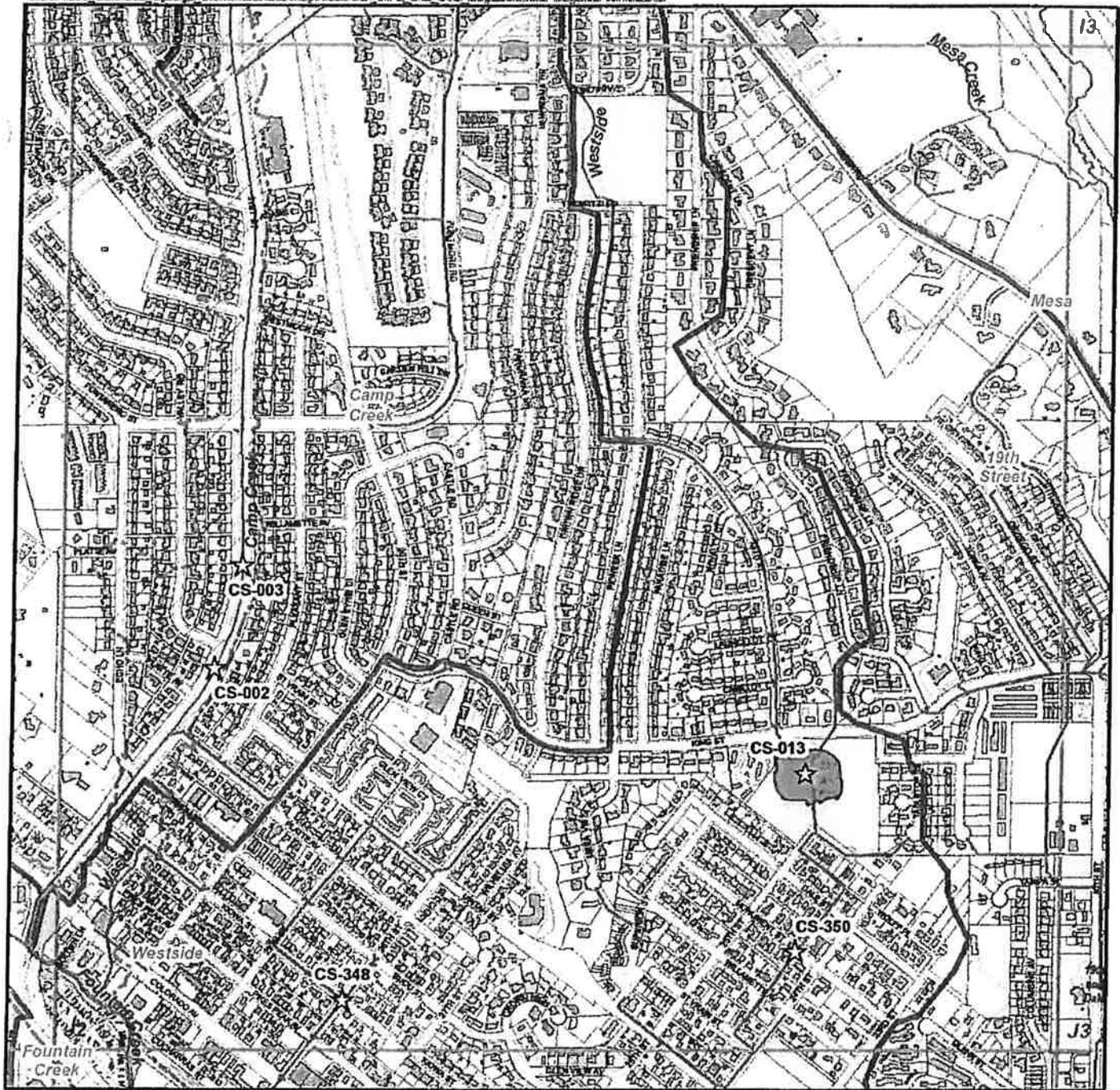
Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class B
Urgency of Project:	Medium

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	12
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	3
System Reliability Score (30% weight):	12
Total Weighted Score:	37

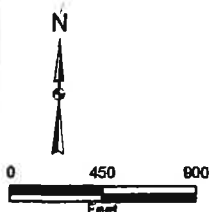
COST

Best Available Baseline Cost Year:	N/A
% Constructed:	N/A
Construction Normal or Difficult:	N/A
Project Cost:	\$431,000 Unconfirmable (MPL Cost)



Legend

- | | | |
|-----------------------------|--------------------------|---------------------------------------|
| ☆ City Projects | Private | Waldo Canyon Burn Area |
| — Stream Line | City of Colorado Springs | Regulatory (FEMA) 100-year Floodplain |
| — Stormwater Infrastructure | El Paso County | Buildings |
| — Watershed Boundary | State | City Ponds |
| Basin | Federal | B4 Map Grid |



Source:
City of Colorado Springs

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-335

PROJECT DESCRIPTION

Name:	South Pine Creek Detention Pond - Lexington at Bordeaux
Drainage Basin:	Cottonwood Creek
Map Book Grid #:	E6
Category:	Storage
Type of Project:	New Construction
Description:	Construct New Detention Pond
Summary of Problem:	Pond required to reduce peak flows in the downstream direction
Source Document:	Matrix Design Group, Inc. 2010. Cottonwood Creek Drainage Basin Planning Study.
Project within FEMA 100-Year Floodplain?	No
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

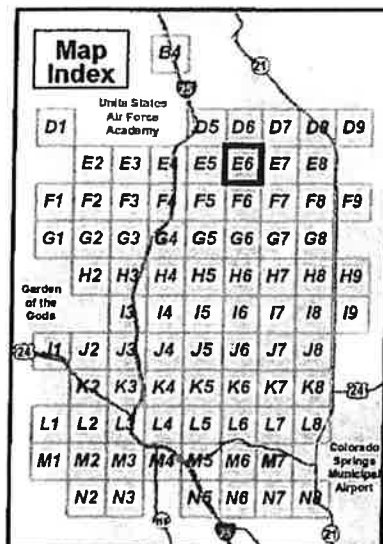
Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	High

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	28
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	10
System Reliability Score (30% weight):	6
Total Weighted Score:	54

COST

Best Available Baseline Cost Year:	2010
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$453,700 Updated (2013 Dollars)



Legend

- | | | |
|-----------------------------|--------------------------|---------------------------------------|
| ★ City Projects | Private | Waldo Canyon Burn Area |
| — Stream Line | City of Colorado Springs | Regulatory (FEMA) 100-year Floodplain |
| — Stormwater Infrastructure | El Paso County | Buildings |
| — Watershed Boundary | State | City Ponds |
| Basin | Federal | B4 Map Grid |



0 450 900
Feet

Source:
City of Colorado Springs

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-333

PROJECT DESCRIPTION

Name:	Rangewood Tributary Detention Pond at Dublin Blvd.
Drainage Basin:	Cottonwood Creek
Map Book Grid #:	F7
Category:	Storage
Type of Project:	New Construction
Description:	Construct New Detention Pond
Summary of Problem:	Pond required to reduce peak flows in the downstream direction
Source Document:	Matrix Design Group, Inc. 2010. Cottonwood Creek Drainage Basin Planning Study.
Project within FEMA 100-Year Floodplain?	No
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

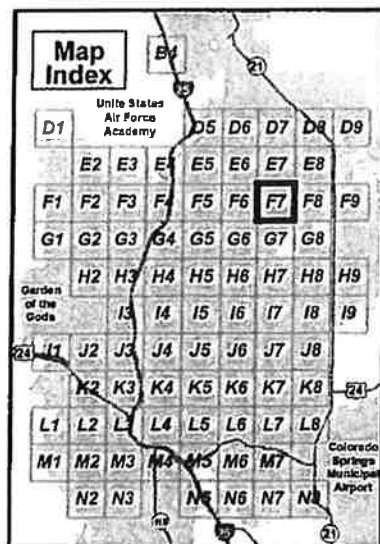
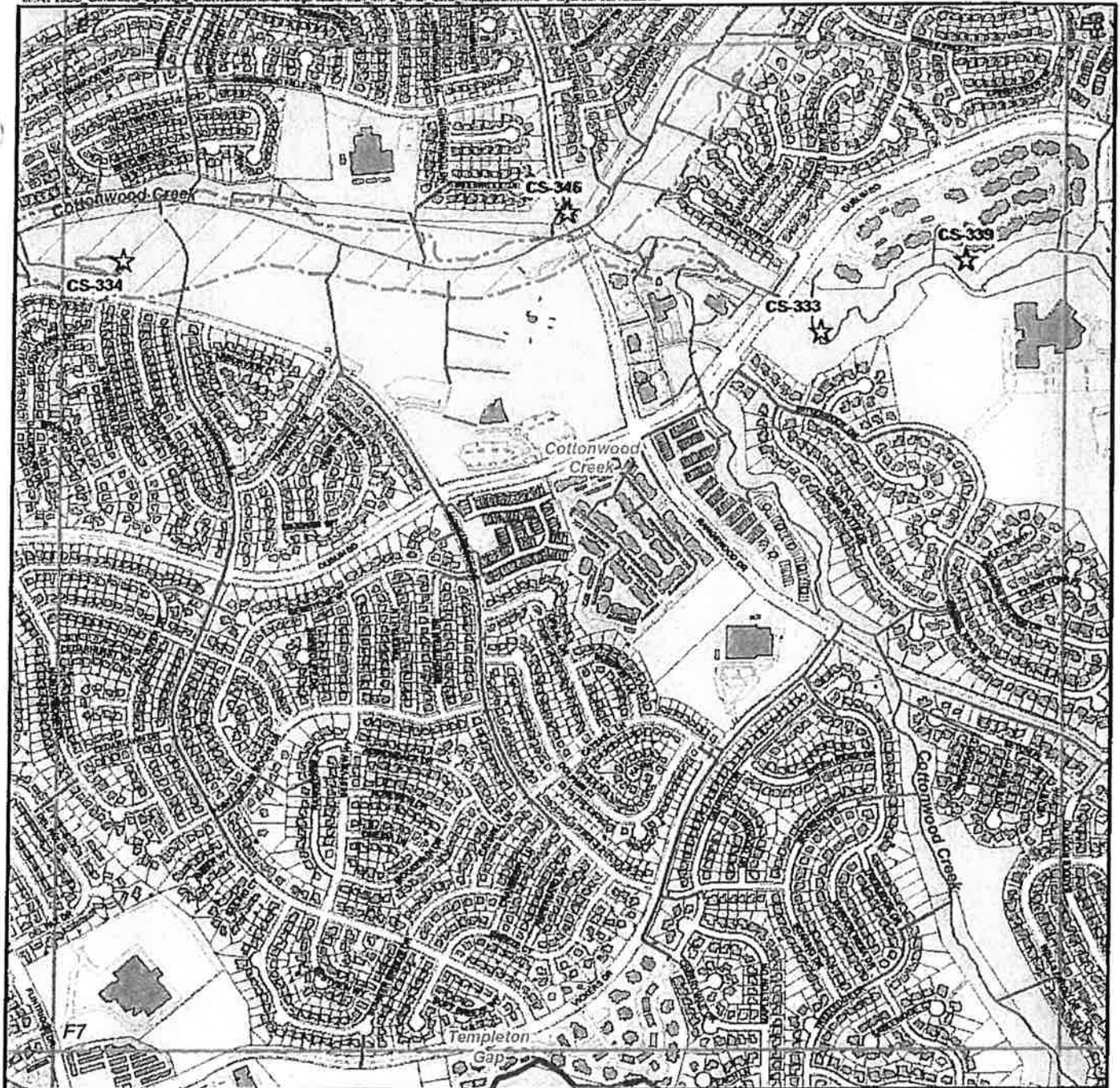
Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	High

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	28
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	10
System Reliability Score (30% weight):	6
Total Weighted Score:	54

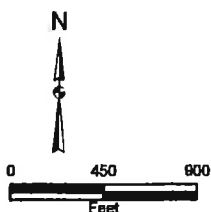
COST

Best Available Baseline Cost Year:	2010
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$659,927 Updated (2013 Dollars)



Legend

- | | | |
|-----------------------------|--------------------------|---------------------------------------|
| ☆ City Projects | Private | Waldo Canyon Burn Area |
| — Stream Line | City of Colorado Springs | Regulatory (FEMA) 100-year Floodplain |
| — Stormwater Infrastructure | El Paso County | Buildings |
| — Watershed Boundary | State | City Ponds |
| Basin | Federal | B4 Map Grid |



Source:
City of Colorado Springs

CITY OF COLORADO SPRINGS STORMWATER NEEDS ASSESSMENT MPL GIS Map Book Grid F7

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-308a

PROJECT DESCRIPTION

Name:	Fountain Creek - Drake Power Plant to S. Tejon St. - High Priority Reach 3 Projects
Drainage Basin:	Fountain Creek
Map Book Grid #:	L3
Category:	Channel / Grade Control
Type of Project:	New Construction
Description:	Evaluation of safety for 4 existing drop structures at LVWWTP
Summary of Problem:	High velocities resulting in erosion and downcutting of the channel. As well as wall failure along bank
Source Document:	WHPacific. 2009. Fountain Creek Stabilization & Restoration Plan Monument Creek to the Colorado Springs Southern City Limit.
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	High

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	20
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	7
System Reliability Score (30% weight):	6
Total Weighted Score:	43

COST

Best Available Baseline Cost Year:	2011
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$858,547 Updated (2013 Dollars)

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-308b

PROJECT DESCRIPTION

Name:	Fountain Creek - Drake Power Plant to S. Tejon St.
Drainage Basin:	Fountain Creek
Map Book Grid #:	L3
Category:	Channel / Grade Control
Type of Project:	New Construction
Description:	Channel stabilization
Summary of Problem:	High velocities resulting in erosion and downcutting of the channel. As well as wall failure along bank
Source Document:	WHPacific. 2009. Fountain Creek Stabilization & Restoration Plan Monument Creek to the Colorado Springs Southern City Limit.
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

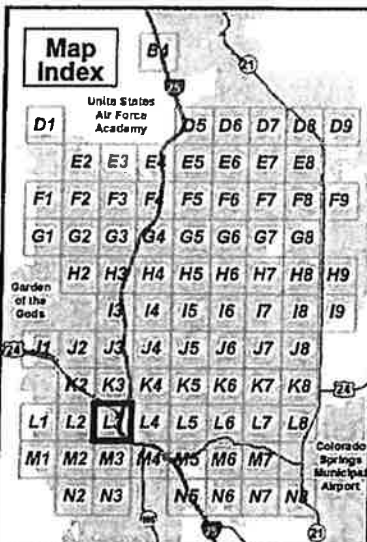
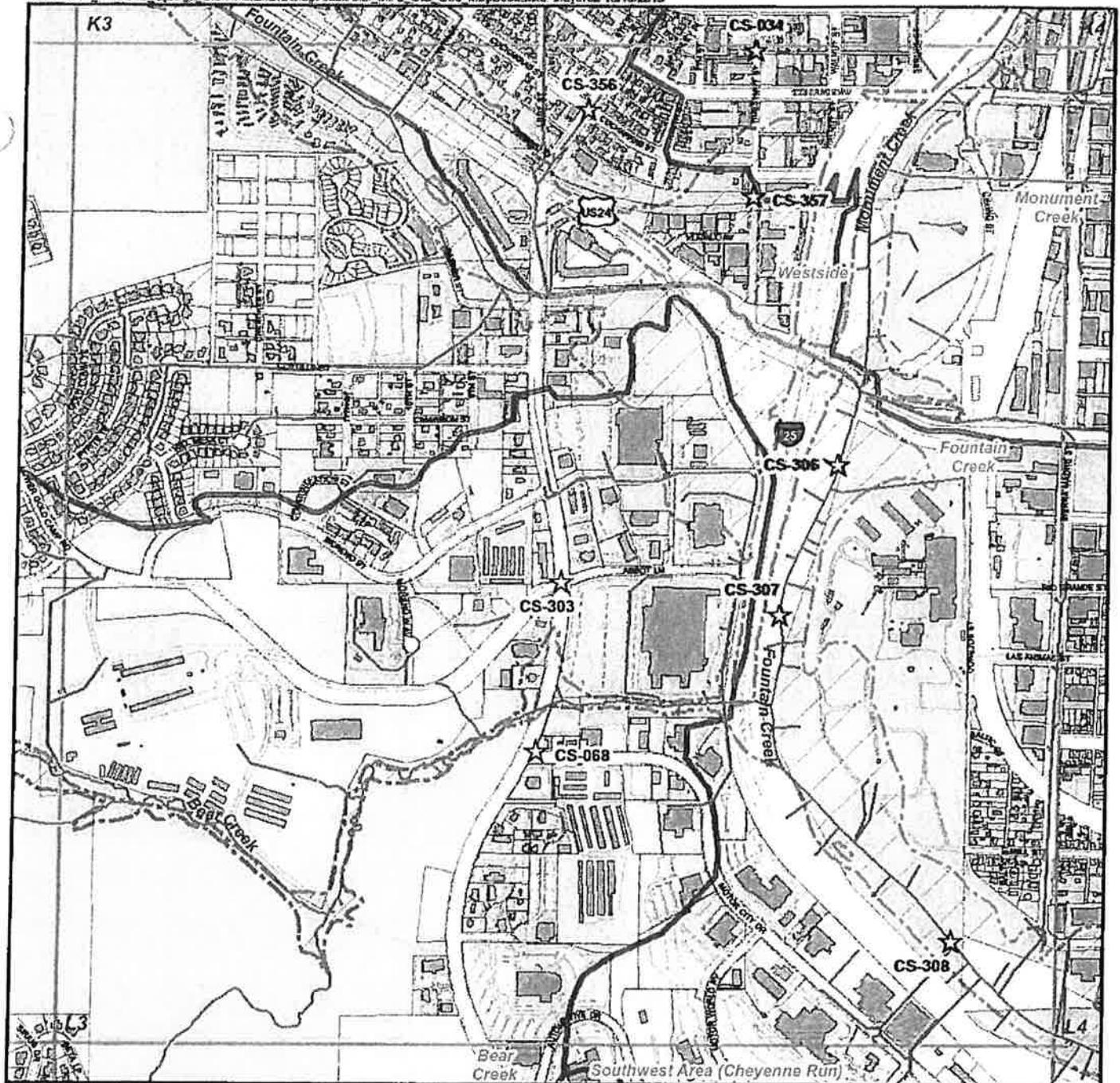
Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	Medium

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	20
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	7
System Reliability Score (30% weight):	6
Total Weighted Score:	43

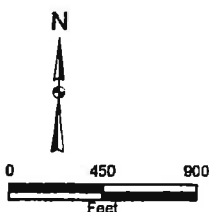
COST

Best Available Baseline Cost Year:	2011
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$925,737 Updated (2013 Dollars)



Legend

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|-----------------------------|--------------------------|---------------------------------------|
| ☆ City Projects | Private | Waldo Canyon Burn Area |
| — Stream Line | City of Colorado Springs | Regulatory (FEMA) 100-year Floodplain |
| — Stormwater Infrastructure | El Paso County | Buildings |
| — Watershed Boundary | State | City Ponds |
| Basin | Federal | B4 Map Grid |



Source:
City of Colorado Springs

CITY OF COLORADO SPRINGS
STORMWATER NEEDS ASSESSMENT

MPL GIS Map Book
Grid L3

Page 64 of 82

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-309a

PROJECT DESCRIPTION

Name:	Fountain Creek - S. Tejon St. to Shooks Run - High Priority Reach 4 Projects
Drainage Basin:	Fountain Creek
Map Book Grid #:	M4
Category:	Channel / Grade Control
Type of Project:	New Construction
Description:	Drop Structure
Summary of Problem:	Vertical degradation of the stream and sanitary sewers at the risk of being exposed
Source Document:	WHPacific. 2009. Fountain Creek Stabilization & Restoration Plan Monument Creek to the Colorado Springs Southern City Limit.
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	High

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	16
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	7
System Reliability Score (30% weight):	6
Total Weighted Score:	39

COST

Best Available Baseline Cost Year:	2011
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$345,713 Updated (2013 Dollars)

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-309b

PROJECT DESCRIPTION

Name:	Fountain Creek - S. Tejon St. to Shooks Run
Drainage Basin:	Fountain Creek
Map Book Grid #:	M4
Category:	Channel / Grade Control
Type of Project:	New Construction
Description:	Channel stabilization
Summary of Problem:	Vertical degradation of the stream and sanitary sewers at the risk of being exposed
Source Document:	WHPacific. 2009. Fountain Creek Stabilization & Restoration Plan Monument Creek to the Colorado Springs Southern City Limit.
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

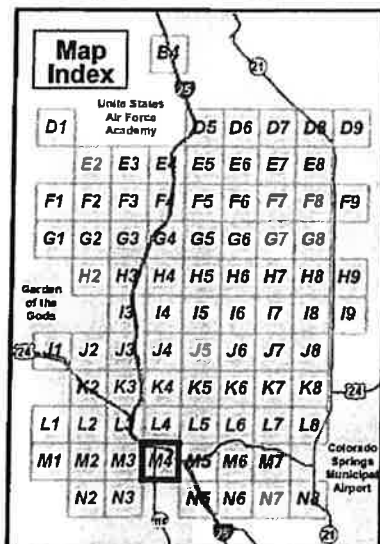
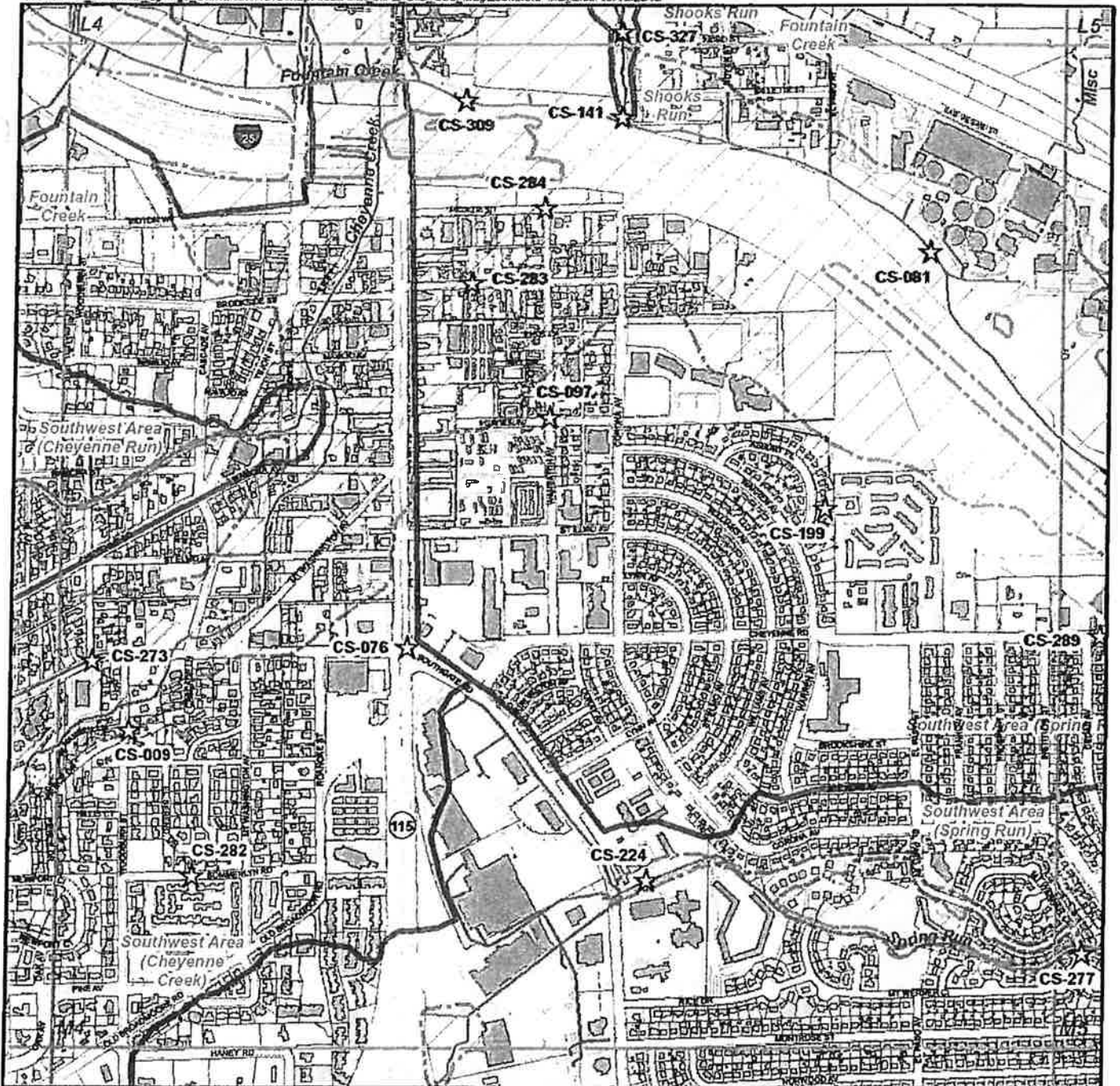
Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	Medium

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	16
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	7
System Reliability Score (30% weight):	6
Total Weighted Score:	39

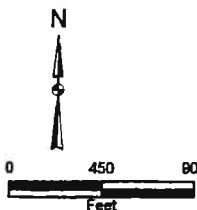
COST

Best Available Baseline Cost Year:	2011
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$2,523,203 Updated (2013 Dollars)



Legend

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|-----------------------------|--------------------------|---------------------------------------|
| ☆ City Projects | Private | Waldo Canyon Burn Area |
| — Stream Line | City of Colorado Springs | Regulatory (FEMA) 100-year Floodplain |
| — Stormwater Infrastructure | El Paso County | Buildings |
| — Watershed Boundary | State | City Ponds |
| Basin | Federal | B4 Map Grid |



Source:
City of Colorado Springs

**CITY OF COLORADO SPRINGS
STORMWATER NEEDS ASSESSMENT
MPL GIS Map Book
Grid M4**

Colorado Springs Stormwater Needs Assessment
Validated Project Summary: CS-141

PROJECT DESCRIPTION

Name:	Gillette St. and Shooks Run (Confluence of Shooks Run and Fountain Creek)
Drainage Basin:	Fountain Creek
Map Book Grid #:	M4
Category:	Channel / Grade Control
Type of Project:	Repair of Existing Facilities
Description:	Concrete retaining wall has fallen into Shooks Run. Possibly part of Shooks run project scope.
Summary of Problem:	Riprap was installed to protect a 60" sewer main and is currently failing.
Source Document:	SWENT Database
Project within FEMA 100-Year Floodplain?	Yes
Project Impacted by Burn Area:	No

ASSESSMENT SUMMARY

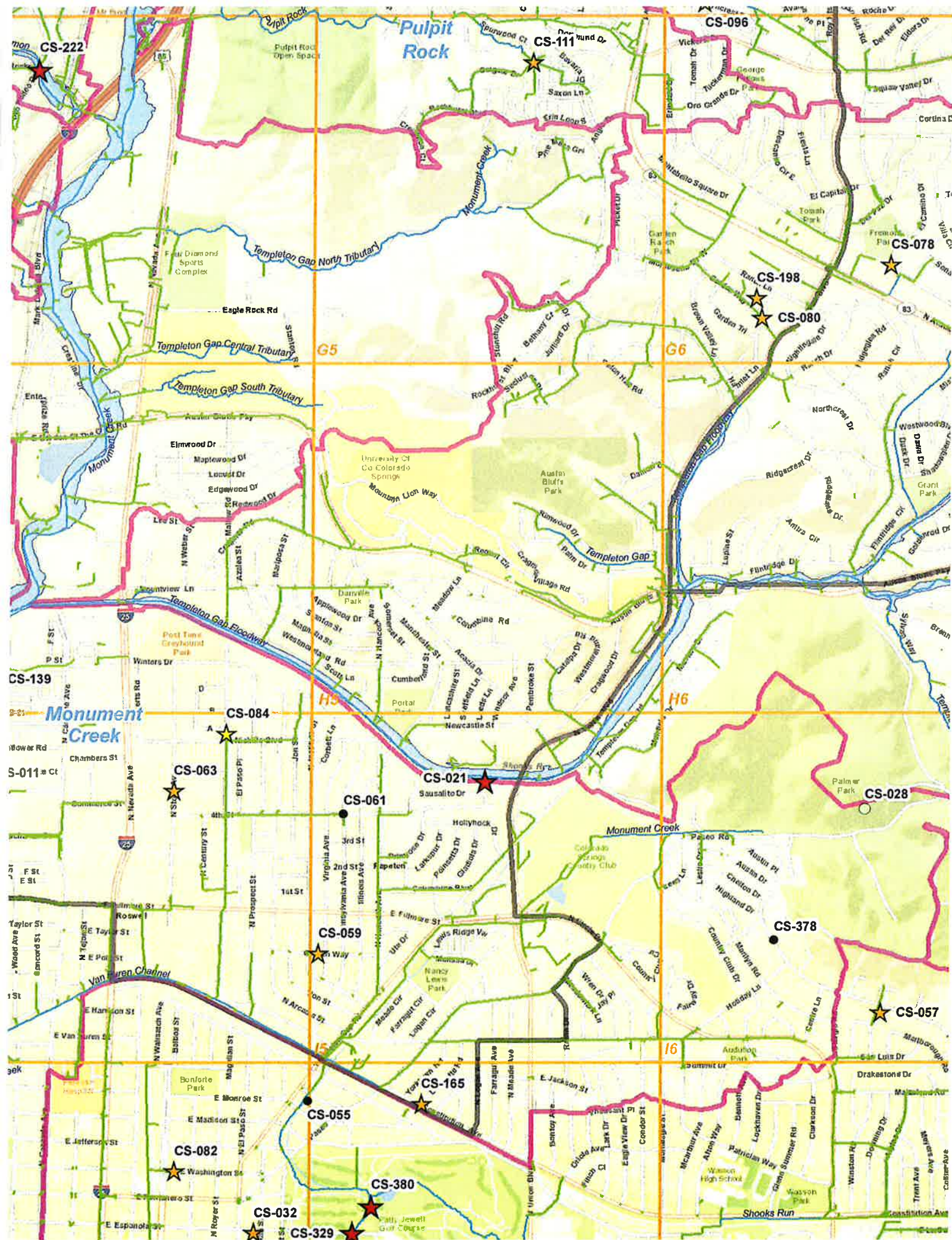
Type of Assessment:	Field Visit
Post Assessment Status:	Planned
Project Classification:	Class A
Urgency of Project:	Medium

BENEFIT SCORE

Health, Safety, and Community Benefit Score (40% weight):	20
Legal Regulatory Score (20% weight):	10
Environmental Sustainability Score (10% weight):	7
System Reliability Score (30% weight):	0
Total Weighted Score:	37

COST

Best Available Baseline Cost Year:	2012
% Constructed:	0
Construction Normal or Difficult:	Normal
Project Cost:	\$484,450 Updated (2013 Dollars)



ATTACHMENT 5

Final Draft – April 30, 2015

A Comparison of SWENT CIP Project Spending Based on a January 2010 Spreadsheet and City Actual Expenditures Based on the Stormwater Program Expenditures by the City of Colorado Springs — 2004 through 2014

Background

City Stormwater staff has been asked to compare the SWENT projects listed in a spreadsheet dated January, 2010 to the actual expenditures for those projects as compiled by the City of Colorado Springs as part of the Stormwater Program Expenditures by the City of Colorado Springs – 2004 through 2014 spreadsheet and narrative. This comparison provides a brief explanation of each project listed on the SWENT CIP spreadsheet, includes a discussion of the degree to which actual expenditures compare with those on the SWENT CIP spreadsheet, and estimates the need for additional project work as validated by the CH2M HILL Stormwater Needs Assessment Project (SNAP) completed in 2013.

Discussion

The majority of the projects listed on the SWENT January 2010 spreadsheet are channel stabilization projects that were undertaken as part of a larger collaboration with CSU and/or developers. CH2M HILL field verified and validated the City's current list of projects as part of the SNAP in 2013, and eliminated projects that were already completed by the SWENT or double-counted in some way. It is important to note that although the project titles used by SWENT often referred to an entire reach of a channel, the improvements undertaken did not complete the bed and bank channel stabilization for the entire reach, and several areas requiring stabilization may remain in the reach.

Of the 11 projects listed in the January 2010 spreadsheet, all but three are within reasonable percentage differences compared to actual City expenditures. Cottonwood Creek Channel – Monument Creek to Academy Boulevard, Sand Creek Main Stem Ph. 1 – Academy Boulevard to Platte Avenue, and Sand Creek Main Stem Ph. 2 – Platte Avenue to Constitution Avenue show actual City expenditures as 48, 39, and 53 percent, respectively, less than the amounts shown in the January 2010 SWENT CIP spreadsheet. For the Sand Creek Main Stem Ph. 1 project, this discrepancy is directly attributable to the amount reimbursed to CSU out of the SWENT account. The unresolved expenditure balances for the Cottonwood Creek and Sand Creek Main Stem Ph. 2 projects are very likely a result of grant money or shifting money from account to account, and will take some additional time to resolve.

Conclusion

The bottom line is that the expenditures reported in the January, 2010 spreadsheet are reasonably close to the stormwater expenditures that are reported in the recent 2004-2014 Stormwater Program Expenditures report issued earlier this year. SWENT completed several stabilization projects, but many additional projects remain, as noted in the 2013 SNAP by CH2M HILL.

<u>Project Name</u>	<u>January 2010 SWENT CIP</u>	<u>City Actual Expenditures</u>	<u>Percent of SWENT CIP</u>	<u>Project Description</u>
Fountain Creek - From confluence with Monument Creek to south City limits	\$ 1,417,010	\$ 1,372,199	-3%	Initial implementation of the Fountain Creek Master Plan; addressed the most critical issues within this reach; projects in the SNAP are still valid
Cottonwood Creek Channel - Monument Creek to Academy Boulevard	\$ 1,150,000	\$ 599,993	-48%	Project was divided into reaches: Reach 1 and 2 (Monument Creek to Vincent Dr.) were completed in 2013 to stabilize banks; Reach 3 (@ Current Ave near Qwest facility) done in 2010 with FEMA PDM Grant; Reach 4 and 5 are to be completed
Sand Creek Main Stem Ph. 1 - Academy Boulevard to Platte Avenue	\$ 3,736,326	\$ 2,266,250	-39%	This project was a master plan that was completed in 2013 and included construction of bed and bank stabilization by SWENT and CSU; *City actual expenditures are less than SWENT reported by the approximate amount that was transferred to CSU for their portion of the work*
Fountain Creek Restoration - Gold Hills Mesa	\$ 1,616,344	\$ 1,594,381	-1%	Completed with City, SWENT, and developer funds between 8th and 20th Streets. Nothing further needed along reach
Sand Creek Main Stem Ph. 2 - Platte Avenue to Constitution Avenue	\$ 4,297,833	\$ 2,039,576	-53%	Master Plan completed in 2013; a few drop structures have been constructed by City and CSU, but additional bed and bank stabilization is needed.
Fountain Boulevard/Chelton Road Intersection Stormwater Improvements	\$ 1,154,000	\$ 1,160,980	1%	Improvements designed to improve flooding conditions at this intersection
Cottonwood Creek Channel - Union Boulevard to Rangewood Drive	\$ 3,500,000	\$ 3,648,906	4%	Reach identified in Cottonwood Creek DBPS as requiring multiple drop structures to stabilize the bed and bank; La Madrina drop completed; CSU working on several additional drops in reach
South Douglas Creek Restoration - Upstream of Centennial Boulevard Ph. 1 (behind Intel)	\$ 400,000	\$ 390,511	-2%	Multiple sections of failed concrete channel were replaced
Templeton Gap Floodway Restoration, Union Boulevard to Austin Bluffs	\$ 783,656	\$ 687,479	-12%	Project required channel realignment and stabilization as a result of the Union Boulevard/Austing Bluffs interchange
Emergency Stormwater Drainage Repairs	\$ 2,341,000	\$ 2,198,342	-6%	Primarily related to street and other pavement failures related to corrugated metal pipe (CMP) failures
Flood Warning/Education and Safety Improvements	\$ 317,000	\$ 316,609	0%	Signage and educational materials to enhance flood safety
	\$ 20,713,169	\$ 16,275,226	-21%	Note: If the \$1,470,076 that was transferred to CSU for the Sand Creek Main Stem Ph. 1 project is added to this total, the percent difference shrinks to roughly 14%