

Springs says SDS promises remain in place

Approval of Doug Bruce's measure casts a shadow over stormwater enterprise.

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Bruce McCormick

Colorado Springs is determined to live up to its promises for Fountain Creek made in order to gain permits for the Southern Delivery System despite a vote Tuesday that threatens to eliminate a key component - a four-year-old stormwater enterprise.



Jay Winner

While the effects of a ballot issue primarily aimed at the stormwater fee are still being debated, Colorado Springs City Council has clearly positioned protection of Fountain Creek at the heart of its \$1.1 billion water project. Council says the fee is not in jeopardy.



Jeff Chostner

SDS has passed public hearing processes based on assurances from Council and Colorado Springs Utilities that repeated releases of sewage into Fountain Creek would be curbed."



Ross Vincent

"We do not see any impact to the timing of SDS or on our commitment to the \$75 million in wastewater system improvements as these are completely separate from the stormwater enterprise," said Bruce McCormick, water director for Colorado Springs Utilities. "Our budget and rate process will take place through November and December."

Colorado Springs voters Tuesday passed tax crusader Doug Bruce's Issue 300 to phase out city enterprises over eight years by a 55-45 percent margin. Voters also voted down Measure 2C, which would have raised property taxes to fund city services at existing levels. McCormick said the city revenue question would not have impacted Colorado Springs Utilities, which is funded by customer fees, rather than taxes.

Wednesday morning, Mayor Lionel Rivera and Councilman Scott Hente challenged Bruce's interpretation that Issue 300 ended the stormwater enterprise. On Tuesday night, Bruce triumphantly tore up his stormwater bill for TV cameras, proclaiming the end of what he calls a "rain tax."

The stormwater enterprise was approved by Colorado Springs City Council in 2005 and implemented in 2007. It was designed to raise \$17 million a year to address a \$300 million backlog of storm sewer projects in the Fountain Creek watershed.

In 2008, Colorado Springs voters rejected a similar attempt by Bruce to gut the stormwater fees. This year's version did not mention the stormwater enterprise by name, but Bruce campaigned against it while promoting Issue 300.

Colorado Springs issued a statement Wednesday that made it clear there are no intentions to remove the stormwater fee:

"The passage of Issue 300 created a new ordinance relating to City Enterprises. City Council will have to take action to implement any changes as a result of the new ordinance.

"Unless and until that occurs, we will continue to proceed under current City Code. Any changes made to the Stormwater Enterprise would require future action by City Council.

"City Council has publicly stated that Issue 300 will not impact the stormwater enterprise so we do not anticipate any changes at this time to our operations."

The stormwater enterprise was a key building block for Colorado Springs in gaining approval for SDS from the Bureau of Reclamation, which included it in an environmental impact statement as a form of mitigation, and Pueblo County, which listed \$75 million in fortification of wastewater lines as a condition for a 1041 permit. Also included are \$50 million in payments to a newly created Fountain Creek district after SDS is completed in 2016.

McCormick said those parts of the SDS mitigation do not depend on stormwater fees, adding that Colorado Springs Utilities nevertheless supports the enterprise.

"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," McCormick said.

In Pueblo, those who fought to gain concessions from Colorado Springs believe the stormwater enterprise is needed.

"We believe the interpretation that storm sewers were not included in the ballot language is correct," said Pueblo County Commissioner Jeff Chostner, who is also a member of the Fountain Creek Watershed Flood Control and Greenway District.

"I think the people of Colorado Springs see good things happening on Fountain Creek and realize that on an important issue like this, you need to establish trust," Chostner.

Regardless of what happens to the stormwater enterprise, Colorado Springs is still obligated to meet the \$125 million in payments under Pueblo County conditions, Chostner said.

"I don't think that voting down the stormwater enterprise would affect the SDS requirements," Chostner said. "Then, the question for them internally would be how they fund it."

Fountain Creek protection was also a key to an agreement with the Lower Arkansas Valley Water Conservancy District, which is working with Colorado Springs to complete a Fountain Creek Corridor Master Plan.

"I don't believe the stormwater fees will be going away," said Jay Winner, executive director of

the Lower Ark district. "With the relationship we've built with Mayor Rivera and Colorado Springs Utilities, I believe they'll do the right thing. It's a shame Douglas Bruce wants to destroy his own community."

Ross Vincent, of the Sierra Club, said Colorado Springs still has an obligation to take care of Fountain Creek regardless of what happens as a result of Tuesday's vote. The Sierra Club successfully sued Colorado Springs in 2005 over violation of the federal Clean Water Act.

"It's disconcerting to say the least," Vincent said. "Clearly, the Springs has got to capture and manage its stormwater effectively, and the residents and taxpayers of Colorado Springs will have to find a way to pay for it.

"If not the current stormwater enterprise, then what, and paid for by whom? They need answers - quickly - and so do we."

The Colorado Springs Gazette contributed to this report.