

MINUTES OF THE SEPTEMBER 24, 2014  
REGULAR MEETING  
OF THE PUEBLO CONSERVANCY DISTRICT

Directors Present: Paul Willumstad, Matt Cordova, Donna Phillips, Barb Bernard, Dennis Maroney, Bud O'Hara, Bill Alt, Corinne Koehler, Ron Serna

Also Present: Administrator Rick Kidd, Counselor Don Banner

Guests: Carla Sikes, City of Pueblo Assistant Attorney  
Earl Wilkinson, City of Pueblo Director of Public Works  
Kim Kock, NorthStar Engineering  
Bill Hoffman, CTL Thompson  
Chris Woodka, Pueblo Chieftain  
Lena Howland, Channel 5  
Cynthia Ramu, Wade Ridley, Amy King, Victor Reyes, Jay Bernard  
Melissa Casias, Kelly Brude, Mathew Taylor, Gregory Howell, Daniel Lowman, Barbara Jabaily, Mary Jo Mauro

With a quorum present, the regular meeting of the Pueblo Conservancy District was called to order at 10:30 am.

Public Forum:

Larry Fancher – He originally sent out a letter to FEMA expressing concerns about the Wildhorse Creek drainage public safety, evacuation plan, etc. for the Hyde Park area. The railroad bridge restricts flow and will catch debris. He wants the Emergency Notification Center to come up with a notification plan and an evacuation plan. Mr. Fancher would like to see the railroad bridge removed.

Cynthia Ramu – She has been involved with the Levee Mural Project since 1988. Ms. Ramu would like to see a way that some of the art can be preserved. She said that some of the murals have historic significance and were painted by artists from as far away as New York. Also, some of the artists have died. Willumstad said that the Board is willing to listen to alternatives. Kock pointed out that the bottom 20-ft must be removed and replaced. A 10'x20' panel weighs 15-tons. The test section that we want to get out the first contract for will help us learn more about what we may be able to do. The concrete is 90-years old and is deteriorating. Ms. Ramu said that the first "real" mural was the fish in the bathtub. Kidd suggested adding the information that Ramu knows about the murals to the photo record that is to be put on the District's web site.

Victor Reyes – We have beautiful pictures of the Mineral Palace too, but now we wonder why it was not kept. The Pueblo mural is used as part of the local marketing campaign. Budgeting money to support art on the new levee surface may be an option.

Barbara Jabaily – The Levee Mural is part of what brought her to Pueblo, and to that specific neighborhood. Phillips said that she is concerned whether it is allowable for the maintenance fund assessment money to be used for art work.

Minutes:

The minutes of the August 27, 2014 regular meeting were reviewed. Koehler moved to approve the minutes. Motion passed. The minutes for the September 16, 2014 special meeting were reviewed. O'Hara moved to approve the minutes. Motion passed.

Treasurer's Report:

The August 2014 accountant's compilation report was presented for review. Kidd reported that there is approximately \$500,000 in the checking account that could be moved into an interest bearing account. No action was taken on this pending the funding needs for the proposed construction project. Phillips moved to receive and file the accountant's report. Motion passed.

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**Bills** – The following bills were posted for review and approval:

\$ 350.00	MBD&G, Monthly Accountant fees
\$ 6,000.00	MBD&G, Audit Support
\$ 500.00	Banner and Bower, Attorney fees
\$ 600.00	Kidd Engineering, Administrator/Engineer fees
\$ 642.50	Kidd Engineering, Records and meetings for audit
\$ 184.70	Alt, Director's Fee
\$ 184.70	Bernard, Director's Fee
\$ 184.70	Cordova, Director's Fee
\$ 184.70	Koehler, Director's Fee
\$ 184.70	Maroney, Director's Fee
\$ 184.70	O'Hara, Director's Fee
\$ 184.70	Phillips, Director's Fee
\$ 184.70	Serna, Director's Fee
\$ 184.70	Willumstad, Director's Fee
\$ 33,251.50	NorthStar Engineering, Design, Permitting and Regulatory Approvals Contract
\$ 1,459.00	NorthStar Engineering, Orientation Meeting preparation and presentation

Kidd reported that there were no significant notes and that NorthStar's invoice was in accordance with their contract. Alt moved to pay the bills. Motion passed.

**Arkansas River Levee Assessment Study, NorthStar –**

Kock said that we are getting close to the winter construction season. The contractor needs to be ready to start on about November 1 to have time for construction of the test section. The proposed test section is approximately 3000 lineal feet long, and the test borings show that some of the lowest quality construction fill materials encountered are in this area. The project would only impact one mural and the school logos, which are located across from Dutch Clark Stadium. The advertisement must be published this week to have a chance for a proposed contract ready for award at the October meeting. Kock recommends a Request For Proposals process which would include qualifications statements plus bid pricing for specific items of work. The contract needs flexibility as this test section is exposed and worked through. Maroney asked about compaction in the Levee. Hoffman said that slope stability analysis criteria is allowed by FEMA. This process allows for consideration of mechanics and conditions in addition to soils compaction. This permits some variation from having actual soil density testing and criteria for the existing fill material. Kock stated that in discussions with the UP Railroad they said that the existing City of Pueblo's access permits may be applicable to the access that is necessary for this first phase of construction. Willumstad asked Wilkinson if he could provide us with copies of those permits. Wilkinson stated that he would, and that he also supports the RFQ process that Kock is proposing. Alt asked about ACE 404 permits. Kock said that he has submitted applications for permitting. The information that he has received back from Van Truan, the local ACE representative, is that they are going to treat this as a project under their maintenance allowances program. O'Hara wants to press the UP for access at the west end of their yard because it would significantly reduce the haul distances. Bernard asked about responsibilities to maintain streets and roads damaged by construction traffic. Kock said that it will be the responsibility of the construction contractor and that is stated in the contract specifications. Wilkinson said that he expects the 11<sup>th</sup> Street Bridge project to bid late this year or early 2015. Maroney moved to authorize advertisement of the construction Request For Qualifications. Motion passed.

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**President's Report –**

Willumstad asked if it may be appropriate to add a public forum period to the meeting agendas. Sikes stated that the City has adopted criteria for public comments and that their criteria and forms could be obtained from Gina Dutcher. Willumstad asked Banner about emails and open records. Banner stated that multiple Board members could attend social meetings, but that discussion of business is not allowed. Two members may meet but three or more is considered a meeting of the Board and requires publication of notice and an open meeting. Serna asked about Code of Ethics training. Some training may be available through the Colorado Special Districts Association. Kidd is to get a copy of the SDA Board Member manual to Banner so that he can scan it and email it out to the Directors.

**Administrator's Report-**

None

**Old Business:**

Website – Banner passed out a site plan of what will be on the website. The designer will provide an access portal for review of the site before it rolls out.

Construction Financing – Banner reported that the District may borrow money based on using the maintenance fund assessment income for repayment. The District could also do bonds but there are numerous costs associated with a bond offer. It looks like there is interest and the preferable method of finance would be a loan with a local lender, using the maintenance fund assessment as the collateral. Statute does not require postings for a solicitation of interest, only that multiple entities be contacted. Banner feels that bond programs are too expensive for a small program and that a loan from a local lender is a better option. Bernard moved to proceed with getting proposals from local lenders. Motion passed.

**New Business:**

Levee Murals – Alt said that there is probably some money available that could be applied for through the State Historical Fund. They may have a grant program that could be used to take up special historical works. The District would need to partner with an entity that would actually get the grant. Banner suggested removal of mural panels could be a line item in the contract and then Ramu could identify, by dimension, the most important works. Alt suggested that she also provide a priority ranking.

Surplus Properties – Phillips said there appear to be about 25 lots that are considered excess property. She asked to have this discussion tabled until the next meeting. The discussion was tabled.

Fountain Creek – Maroney went to the September 3 meeting. There is a disparity between water rights issues versus flood control methods. This is a 12 member committee. They agreed to add Maroney as a member, with O'Hara as an alternate. The Citizens Advisory Committee meets the first Friday of each month.

Maintenance Fund Assessment – Banner said that the Board must certify the assessment to the County Assessor in October and then the amounts in November. The County has requested that some of the previous property assessments be taken off of the rolls. They asked that the City of Pueblo assessments for 2008, 2009, and 2010 be taken off. Maroney so moved. Motion passed. They have requested removal of approximately 40 tax exempt entities. Alt so moved. Motion passed. The County has asked removal of an additional list of non-profit, State and private entities with outstanding assessments of \$344.95. Phillips moved to strike the non-profit and State properties but ask the Treasurer to let the private property assessments ride. Motion passed.

City Council Work Session – Sikes suggested that the District appear at a City Council work session.

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**Other Business:**

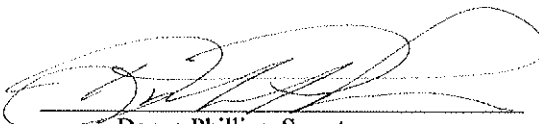
None

There being no further business to come before the Board, the business meeting was adjourned at 12:08 pm. The next regular meeting date will be October 22, 2014, at 10:30 am. .

APPROVED:



Paul Willumstad, President



Donna Phillips, Secretary