

MINUTES OF THE SEPTEMBER 25, 2013
REGULAR MEETING
OF THE PUEBLO CONSERVANCY DISTRICT

Directors Present: Paul Willumstad, Matt Cordova

Also Present: Administrator Rick Kidd, Counselor Don Banner

Guests: Carla Sikes, Pueblo Assistant City Attorney
Sean McCarthy, Pueblo West Representative
Kim Kock, NorthStar Engineering
Mike Cuppy, NorthStar Engineering
Kathy Duran, Joe Bustillos

With a quorum present, the Pueblo Conservancy District regular board meeting was called to order at 11:03 am.

Minutes:

The minutes of the August 28, 2013 regular meeting were reviewed. Banner said that the minutes should be changed to show that Mike Cuppy was to schedule the meeting with the County. Cordova moved to approve the minutes as amended. Motion passed.

Treasurer's Report:

The August 2013 accountant's reports were presented for review. Kidd noted that all of the Wells Fargo investments has now been moved to Morgan Stanley. The payment to NorthStar is for Phase III services that they provided in both July and August. Cordova moved to receive and file the accountant's reports and pay the bills. Motion passed.

Bills -- The following bills were posted for review and approval:

\$ 350.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees
\$ 600.00	Kidd Engineering, Administrator/Engineer fees
\$ 184.70	Cordova, Director's Fee
\$ 184.70	Phillips, Director's Fee
\$ 184.70	Willumstad, Director's Fee
\$ 298.30	Chem-Way Lawn Care, Levee Weed Spraying
\$ 1658.00	NorthStar Engineering, Appraisal Phase III Progress Payment for July and August

President's Report --
None.

Administrator's Report--
None.

Old Business:

Bustillos Residence -- Kathy Duran reported that more of the wall has fallen down and the garage is suffering damage. She is concerned about continuing problems, security, etc. She left a message for Union Pacific's CEO in Kansas City. Louise Bouchette, City Storm Water, visited the site and agreed that there is a drainage issue. Duran wants for somebody to move the dirt back to stop continuing damage and for reconstruction. Kidd reported that he does not

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recommend moving any dirt without buy-in from Union Pacific. Kidd has tried contacting UP personnel but has not received any call or emails in return. Banner agreed that work cannot be done that may damage the uphill property owner. Banner said that a law suit often gets railroad action where direct personal contact does not. Sikes stated that the City does not have standing to act on behalf of a citizen. Joe Bustillos said that he has tried making contact with the UP Yard Foreman. Willumstad said he believes that the rainfall and resultant wall damage is an Act of God. He said that you cannot hurt one neighbor for the benefit of another. Duran asked if the District could come in and build a retaining wall. Banner asked Kidd if there is room on Bustillos property to build a retaining wall. He stated that there is. Sikes recommended sending a letter to UP asking for their cooperation but stating that the District may proceed with construction of a retaining wall. Banner said that the District would need to receive a waiver and indemnity from the landowners. McCarthy asked if the District would be covered from liability by simply sending a letter. Kidd is to get cost estimated for wall construction. Banner is to prepare a draft letter to Union Pacific.

PACOG Presentation – Kidd talked about the intended presenters and format for the September 26 presentation to PACOG. Kock said that Dave Lytle will not be able to attend. Banner said that he plans to attend the meeting.

New Business:

Willumstad reported that Tom Florczak, Colorado Springs City Attorney (former Pueblo City Attorney) has requested the language of the PCD assessment some program. Banner said that he will assemble some documents for Florczak. He will include the NorthStar appraisal report. Willumstad will then send the documents to Florczak.

Arkansas River Levee – Banner reported that NorthStar had prepared a presentation of work that needs to be done. He stated that the statute requires that any contract valued over \$10,000 is to be advertised. Banner said that there is an allowance for if it is believed that there is insufficient time to for the advertisement process. However, the Court has to approve this action. NorthStar passed out a scope of work and schedule, with completion in Summer 2017. ASI Constructors says that they believe it will require three construction seasons for the work that will have to be done. Kock said that he feels NorthStar has already been successful in the public advertisement process for the appraisal work. They are willing to work on a time and materials basis rather than a stipulated fee. McCarthy agrees that the RFP process has already been done and that the District should go ahead and not lose any more time. Sikes fees that the original RFP was only for the appraisal process, and that the District knew that design and construction work will have to be done so that we cannot say that there is an exigent need to proceed without advertisement. Cordova stated that he feels the District should follow the letter of the law. Cordova moved that Banner be authorized to proceed with an RFP. Motion passed. Banner stated that the minimum advertisement period should be two weeks. It was agreed that the proposals must be submitted to Kidd by October 18, for consideration at the October 23 meeting.

Willumstad asked if there was a need for bond council in preparation for the construction work. Banner stated that there may be a cheaper way. Kock stated that the Appraisal Phase II report has some pricing information that may be used for budgeting.

Kidd reported that since City Council has moved back into the regular City Hall there may be a need to change the posting location from the Interim City Hall. Cordova moved to change the public notice location from the Interim City Hall to the City Hall at 1 City Hall Place.

2014 Assessment Program – Cuppy reported that he has talked with Dan Mauro, from the County. They are trying to figure out how to interface the GIS and Assessor data bases. Cuppy sent them boundary and data base information in several different formats. Cuppy said that he has started receiving information so that he can update the parcels and assessments for next year.

RECORD OF PROCEEDINGS

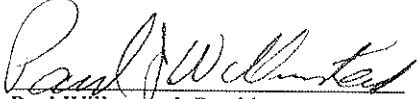
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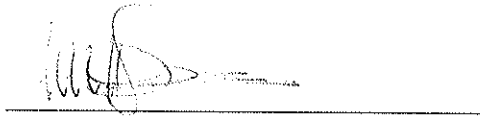
Pueblo West Outfall Line – Sikes reported that Pueblo West is refining their draft for the 1041 permit. They hope to have everything in place by the end of the year.


Wildhorse Creek – McCarthy asked if Wildhorse Creek will be a separate assessment program. Kidd said that Wildhorse Creek was addressed in the appraisal scope of work that NorthStar had done.

There being no further business to come before the Board, the business meeting was adjourned at 12:13 pm. The next regular meeting date will be October 23, 2013, at 10:30 am.

APPROVED:


Paul Willumstad, President


Matt Cordova, Treasurer


Donna Phillips, Secretary

KNOW ALL MEN BY THESE PRESENTS, That JOSE M. BUSTILLOS
of the City and County of Pueblo, and State of Colorado,
for the consideration of \$1.00 and other good and valuable consideration Dollars,
in hand paid, hereby sell and convey to JOSE M. BUSTILLOS and JOSEPHINE BUSTILLOS
of the City and County of Pueblo, and State of Colorado,
not in tenancy in common but IN JOINT TENANCY, the survivor of them, their assigns and the heirs and
assigns of such survivors forever, the following real property situate in the County of Pueblo
and State of Colorado, to-wit:

The Northern sixty-four feet (N 64') only of Lots
numbered Thirteen (13), Fourteen (14), Fifteen (15)
and Sixteen (16) in Block 107 in the former town of
South Pueblo, now a part of the City of Pueblo,
according to the recorded plat thereof.

Consideration Less Than \$100.00

with all its appurtenances, and warrant the title to the same, subject to

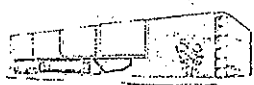
Signed and delivered this 8th day of September, A. D. 19 71
in the presence of

(SEAL)
(SEAL)
(SEAL)

STATE OF COLORADO } ss.
County of Pueblo

The foregoing instrument was acknowledged before me this 8th day of September
1971 by Jose M. Bustillos
in my hand and official seal.
My commission expires
My commission expires January 20, 1974

Notary Public.



Schedule:1501140001
Name(s):BUSTILLOS JOSEPHINE
Location Address:605 E B ST PUEBLO CO 81003-3502
Mailing Address:605 E B ST PUEBLO CO 81003-3502
Location Information:**Neighborhood:** 85 (SO PUE/GROVE/LAIBACH) **Analysis Area:** 0 **Tax District:** 60BE

*Legal description as represented below may NOT be sufficient for transfer of property!.
 PLEASE CONTACT THE ASSESSOR'S OFFICE AT (719)583-6558 FOR CORRECT
 LEGAL INFORMATION!.*

Legal Description:NLY 64 FT OF LOTS 13 TO 16 BLK 107 S PUEBLO

Value Information

	Area/Frontage	Depth	Unit	Abstract Code	Value	Assessed Value
Land Value Information	64	100	F	SING FAM RES LAND	3880	309
Improvement Value Information				SINGLE FAMILY RES	55422	4412
Totals	64				59302	4721

Inventory Information

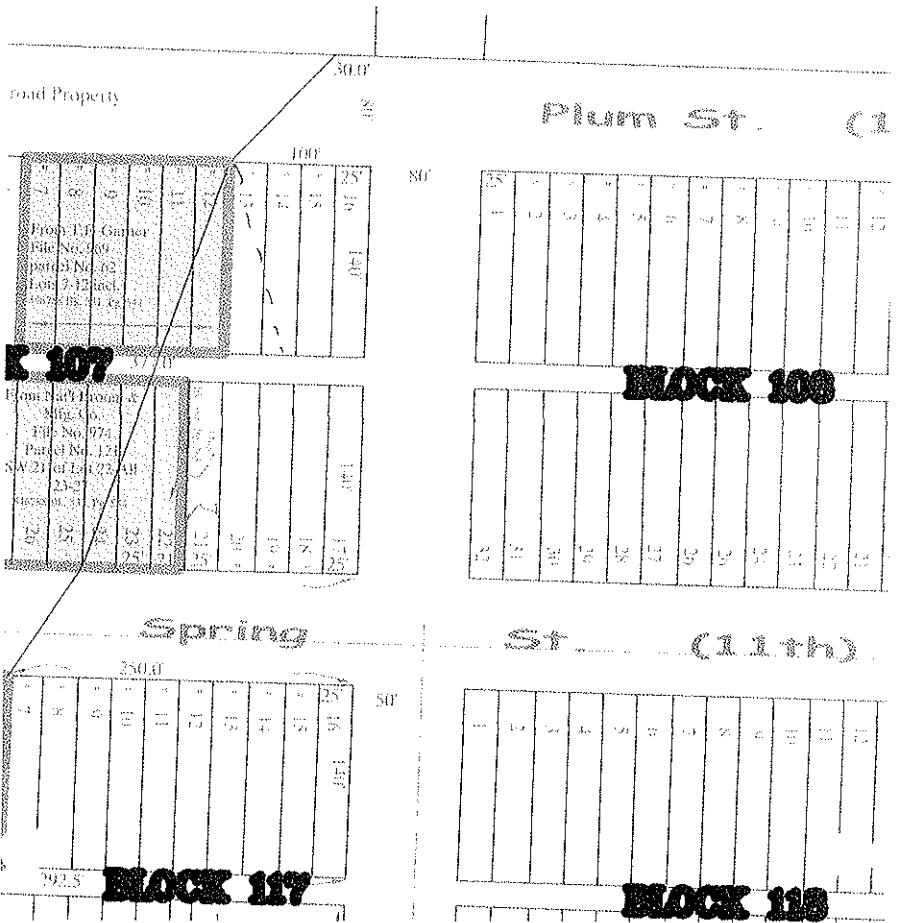
Residential Structure 1 (Fair Quality)

Style:RANCH
Total Rooms:5
Bathrooms:1
Year Remodeled:N/A
Above First Floor Area:0
Total Basement Area:0
Finished Basement Area:0
Total Garage(s) Area:280
Total Porch Area:100
Miscellaneous 1:Miscellaneous 2:Miscellaneous 3:Miscellaneous 4:
Construction Type: Masonry
Bedrooms:3
Year Built:1949
First Floor Area:1084
Half Story Area:0
Total Carport Area:240
Roof Type:Gable
Composition:Asphalt Shingles
Fireplace:NO
HVAC 1:Forced Air
HVAC 2:N/A
HVAC 3:N/A

Denver and Rio Grande

Western Railroad

"Walker Yard"



**PUEBLO CONSERVANCY DISTRICT
ASSESSMENT PROJECT
(October 2, 2013)**

Phase IV – “As-Constructed” Survey, Visual Conditional Assessment/Evaluation, and Geotechnical Investigation of Entire 2.8 Mile± Length of the Arkansas River Levee from the 11th Street Bridge to Runyon Lake in Furtherance and Support of Levee Certification in Accordance with FEMA 65.10 and the Following:

BID SCHEDULE A: “AS-CONSTRUCTED” SURVEY, to include:

1. Levee cross-sections, to 0.1’ vertical and 0.05’ horizontal accuracy, at 50’ maximum intervals (and any changes of alignment or grade) to include the following minimum points: inside toe of levee, water surface elevation (if any) at date of survey, kayak course constructed improvements, existing slope paving construction joint at approximate mid-height of levee, inside top of levee/slope paving, existing improvements at top of levee (i.e. guardrails, in service or abandoned utilities, etc.), outside top of levee/embankment, outside mid-height of levee/embankment, outside toe of levee/embankment, ground surface 20’ away from outside toe of levee/embankment, railroad access road edges, and nearest set of railroad tracks. Survey point data shall coincide with cross-section intervals. The 50’ cross-section interval will net a minimum of 300 levee cross-sections. Due to levee slopes (approximately 1.5:1 and 40’ height), field personnel will need to be “tied off” for any survey work on levee slopes in accordance with OSHA requirements. The survey will also identify and detail any known: levee penetrations (i.e. storm sewers), existing or abandoned utilities (based on locates by others but coordinated by surveyor), levee foundation system elements which can be identified, slope paving panel layouts (including all existing panel construction joint intersections estimated to be at 10’ x 25’ grid), test hole locations from Task C below (including static water level 24 hours after drilling), etc. All survey data will be included on a “Topographic Survey Drawing” with 1’ contour intervals and a maximum horizontal scale of 1” = 100’. Topographic survey will be overlaid on existing City/County aerial mapping and shall be tied to State Plane Coordinates. Cross-sections, at 50’ maximum intervals, will also be plotted as supplemental drawings (horizontal scale 1”=20’, vertical scale 1”=10’) to the “Topographic Survey Drawing.” Surveyor shall develop and maintain, for all Tasks of this Project, a GIS Database into which all survey data and cross-sections are incorporated and retrievable. The Surveyor shall also be responsible for the incorporation of geotechnical information (from Task C) and visual assessment data (from Task B) into the database as attributes. The database shall allow for retrieval of any and all data pertinent to any slope paved levee panel (via panel identification point) or levee cross-section. The Surveyor shall carry minimum Professional Liability (E&O) Insurance of \$1,000,000 and all other standard District required insurance.

TOTAL BID SCHEDULE A:\$ 72,500.00

BID SCHEDULE B: VISUAL CONDITIONAL ASSESSMENT/EVALUATION, to include:

1. The existing wet side of the levee is approximately 40' deep and is surfaced with concrete slope paving with a construction joint at center height (approximately) and longitudinal joint spacing approximately equivalent to one half panel height. Based on the existing slope of the levee, the existing slope paving panels are approximately 10.5' x 25'. Based on the 2.8 mile levee length and a two panel height, there are approximately 2820 panels to visually evaluate. Each existing slope paved panel of the wet side of the levee will be locationally tied to the "Topographic Survey" and GIS Database of Task A above. Each panel will be visually evaluated for cracking, spalling, settlement, buckling, undercutting, water intrusion, foundation conditions, pile cap conditions, etc. The condition of each panel, and photos thereof, will be documented in Tables supporting the "Topographic Survey" and GIS Database. All personnel will need to be "tied off" per OSHA requirements for safety during this levee evaluation process due to levee slopes and height. The final deliverables of this Task, in conjunction with Tasks A and C, will allow the District to more accurately estimate Levee Improvement Costs which have been estimated in a preliminary manner only in the "Pueblo Conservancy District Assessment Project – Phase II- Development of Assessment" Report dated September 25, 2012. This information will also provide the basis for Final Design of Levee Improvements and for the Final Certification of the Levees process in accordance with FEMA 65.10. The Consultant for this Task shall carry minimum Professional Liability (E&O) Insurance of \$1,000,000 and all other standard District required insurance.

TOTAL BID SCHEDULE B:\$ 53,000.00

BID SCHEDULE C: GEOTECHNICAL INVESTIGATIONS, to include:

1. Drill and log test holes at 500' intervals along the top of the levee with a portable, narrow wheel base (less than 5') drill rig "lifted" into place at not less than five access points by a crane. Consultant shall be responsible for all traffic control plans and devices at all access/lifting points. Depth of the test holes will be the maximum achievable by the portable drill rig but not less than the overall levee height. "Companion" test holes will also be drilled, to a depth not less than 25', and logged at the outside toe of the levee using the same 500' spacing with a conventional drill rig. Samples from borings shall occur at 2.5' intervals through fill areas, at 5' intervals in natural soils and at noted changes in soil type. All boring logs and supporting tests and analysis shall be formatted in a manner suitable for incorporation into the Project GIS Database as identified in Task A. The Consultant for this Task shall carry minimum Professional Liability (E&O) Insurance of \$2,000,000 and all other standard District required insurance.

Geotechnical consultant shall be responsible for utility locates prior to drilling. If significantly varying soils conditions are encountered between the test holes of this Task, and the Consultant and the District Engineer deem additional test holes are necessary, the cost for those additional holes shall be as bid in Task C-4 below. \$ 80,000.00

2. Lab testing and analysis of samples taken from each of the test holes. Testing shall be sufficient to allow for slope stability evaluation and shall include evaluation of strength and seepage properties of embankment and foundation materials. Proctor moisture/density relationships shall be prepared to compare in-place densities of the embankment fills. Classification tests shall also be conducted. \$ 25,000.00

3. Final Report preparation including construction recommendations for Levee Improvements to include stability analysis and seepage considerations, their impact on performance of the levee and methods to enhance overall stability as appropriate. \$ 20,000.00

4. Allowance for intermediate test holes, with all required testing and analysis, referenced in Task C-1 above:

a. At top of levee with portable drill rig:

5 each @ \$ 1750.00 = \$ 8,750.00

b. At outside toe of levee:

5 each @ \$ 1000.00 = \$ 5,000.00

TOTAL BID SCHEDULE C: \$ 138,750.00

TOTAL BID SCHEDULES A, B, and C: \$ 264,250.00

SCHEDULE: Tasks A, B, and C will be completed in their entirety, including all deliverables, by March 30, 2014. Deliverables shall include a minimum of 4 hard copies and an electronic copy of all Reports, Drawings, and supporting information including GIS Database.

The undersigned, having carefully read and considered the listed scope of work for the referenced project, does hereby offer to perform such services on behalf of the Pueblo Conservancy District in the manner described.

In submitting this Bid, it is understood that the Pueblo Conservancy District reserves the right to reject any and all Bids, and to waive any informalities in Bids as submitted. Bidder acknowledges that their firm is qualified in these areas of work and has experienced personnel able to provide the required services. The Bidder also acknowledges that their firm has visually inspected the entire project site and is fully aware of any and all potential conditions of and constraints to the performance of the work as proposed. The Pueblo Conservancy District may request information substantiating the indicated requirements. Failure to provide this information may result in a Consultant's Bid being declared non-responsive. It is the Bidder's responsibility to verify if any addenda were issued prior to submission of their Bid.

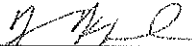
Bidder acknowledges and accepts that all components of and responses to this Bid will be included and become a part of the final agreement by reference.

The undersigned further states that this Bid is made in good faith and is not founded on, or in consequence of, any collusion, agreement or understanding between themselves or any other interested party.

(All contact information must be filled out)

Bidder (full lawful name; include state of formation):

NORTHSTAR ENGINEERING AND SURVEYING, INC. COLORADO

Name and Signature of Person with Authority to Bind Bidder: KIM KOCK 

BY (Title of Person with Authority to Bind Bidder): PRINCIPAL, PRESIDENT

ADDRESS (Office & PO Box) 111 E. 5TH STREET
PUEBLO, CO 81003

Phone 719-544-6823, ext. 113 FAX 719-544-6825

FEDERAL TAX I.D. (or Social Security # if individual) 84-1329744

Bidder must attach a Certificate of Good Standing from the state wherein Bidder was organized.

**PUEBLO CONSERVANCY DISTRICT
2014 BUDGET WORKSHEET**

	2013 BUDGET	2013 Actual to 8/31/13	2013 Projected	2014 BUDGET
REVENUES				
Interest	\$ 30,000	\$ 14,623	\$ 21,900	\$ 22,000
Unrealized Gains	\$ -	\$ (28,813)	\$ -	\$ -
Maintenance Fund Assessment	\$ 314,000	\$ 870,308	\$ 870,308	\$ 870,000
City of Pueblo Maintenance Fund IGA	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Leases, Books, Other	\$ -	\$ -	\$ -	\$ -
Other Income	\$ -	\$ 275	\$ 275	\$ -
Cost of Sales	\$ -	\$ -	\$ -	\$ -
Total Revenues	\$ 394,000	\$ 906,393	\$ 942,483	\$ 942,000
EXPENDITURES				
Legal Fees	\$ 6,000	\$ 3,911	\$ 5,911	\$ 6,000
Directors Fees	\$ 7,200	\$ 4,800	\$ 7,200	\$ 7,200
FICA Taxes	\$ 551	\$ -	\$ 551	\$ 551
Engineer/Administrative	\$ 7,200	\$ 4,607	\$ 7,607	\$ 7,200
Bookkeeping & Audit Preparation	\$ 4,200	\$ 3,220	\$ 4,620	\$ 4,200
Audit				
Insurance/Bonds	\$ 3,200	\$ 3,328	\$ 3,328	\$ 3,300
Office Expense	\$ 500	\$ 1,346	\$ 2,019	\$ 2,000
Office Rent/Storage	\$ 1,000	\$ 840	\$ 840	\$ 1,000
Professional Fees	\$ 10,000	\$ 22,922	\$ 27,000	\$ 10,000
Appraisal	\$ 20,000	\$ -	\$ -	\$ -
Travel	\$ -	\$ -	\$ -	\$ -
Repairs & Maintenance	\$ 20,000	\$ 11,968	\$ 17,952	\$ 18,000
Maintenance Fund Assessment Programming & Maintenance				\$ 10,000
Contract Administration and Oversight				\$ 15,000
Arkansas River Levee Repairs	\$ 125,000	\$ -	\$ -	\$ 15,000
Arkansas River Levee Certification Preliminary Work	\$ 165,000	\$ -	\$ -	\$ 264,250
Arkansas River Levee Certification Design <i>and/or</i>				<i>700,000</i>
Arkansas River Levee Construction				
Wildhorse/Dry Creek Levee Design Preliminary Work	\$ 15,000	\$ -	\$ 15,000	\$ -
Wildhorse/Dry Creek Levee Design <i>and for construction</i>	\$ 50,000	\$ -	\$ -	\$ 50,000
Wildhorse/Dry Creek Levee Construction	\$ 150,000	\$ -	\$ -	\$ 300,000
Contingencies	\$ 20,000	\$ -	\$ -	\$ 20,000
Emergency Repairs	\$ 15,000	\$ -	\$ -	\$ 15,000
Capital Improvements	\$ 5,000	\$ -	\$ -	\$ 5,000
Planning & Development	\$ 5,000	\$ -	\$ -	\$ 5,000
HARP -- IGA Contribution	\$ 65,000	\$ 65,000	\$ 65,000	\$ 50,000
HARP -- O&M	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Total Expenditures	\$ 704,851	\$ 131,942	\$ 167,028	\$ 818,701
Excess of Revenues Over (Under) Expenditures	\$ (310,851)	\$ 774,451	\$ 775,455	\$ 123,299
Beginning Reserve Fund Balance	\$ 873,407	\$ 865,742	\$ 865,742	\$ 865,742
Ending Reserve Fund Balance	\$ 562,556	\$ 1,640,193	\$ 1,641,197	\$ 989,041