

**MINUTES OF THE APRIL 27, 2016
REGULAR MEETING
OF THE PUEBLO CONSERVANCY DISTRICT**

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Shanna Lewis, Colorado Public Radio
Cynthia Ramu

The regular meeting of the Pueblo Conservancy District was called to order by President Willumstad at 10:30 am. A quorum was present.

Minutes:

The minutes of the March 23, 2016 regular meeting were reviewed. Koehler moved to approve the minutes and Serna seconded. Motion passed.

Public Forum:

Cynthia Ramu – She has sent out to the City Planning and the Arts Alliance asking for support for locating the Corn Maiden mural. The El Pueblo Museum would like to host it on their grounds. The group still does not have money to pay for relocation and placing of it. Ramu contacted Keith Swerdfeger requesting that they preserve it until permanent arrangements can be made. Kock said that he had talked to Bob Neumeister, with KR Swerdfeger, and they are willing to haul the mural to El Pueblo and set it off of the truck. They are not in a position of being able to place it at the El Pueblo location. The proposed location is just to the north of the glass front area on Grand Avenue. Ramu said that it is only necessary to maintain the center section, not the two outside ones with portions of the crown. A suggestion had come from Bill Zwick that it could be placed at the River Trail Head. Ramu said, however, that El Pueblo does want it. Kock said that Ramu needs to meet with Neumeister because the District's contract with Swerdfeger is nearing the end.

Treasurer's Report:

Kidd reported that the accountants had gotten the information that they needed from Canon National Bank and were able to complete the January, February, and March 2016 accountant's compilation reports. He said that the accountants have added new coding that is in alignment with the budget. He will be meeting with them to separate out the expenditures to the current codes. It was noted that the checks to the HARP Authority for the IGA and maintenance agreements have not been issued yet. Kidd was requested to include those payments in the May bills. Alt moved to approve and file the compilation reports. Seconded by Serna, the motion passed.

Bills – Bernard said that she had reviewed the invoicing from Swerdfeger and NorthStar. Kidd said that the \$750.00 check to Keller Williams was issued at Banner's request as part of the relocation costs for David Patterson. Bernard moved to pay the bills. Seconded by Maroney, the motion passed.

The following bills were posted for review and approval:

Vectra:

\$ 400.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees
\$ 1,700.00	Kidd Engineering, Administrator/Engineer fees
\$ 200.00	Alt, Director's Fee

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\$ 200.00	Bernard, Director's Fee
\$ 200.00	Cordova, Director's Fee
\$ 200.00	Koehler, Director's Fee
\$ 200.00	Maroney, Director's Fee
\$ 207.36	Maroney, Mileage for attending Fountain Creek committee meetings
\$ 200.00	O'Hara, Director's Fee
\$ 200.00	Phillips, Director's Fee
\$ 200.00	Serna, Director's Fee
\$ 200.00	Willumstad, Director's Fee
\$ 750.00	Keller Williams, David Patterson Moving Expenses – Damage Deposit Escrow

CNB Draw Account:

\$ 770.00	Kidd Engineering, Levee Phase 2 CA/CO, Progress meetings, PBWW and BHE meetings, discussions with NorthStar and Swerdfeger
\$ 23,637.50	NorthStar Engineering, Task D Wildhorse Levee Construction Support Services
\$ 172.00	NorthStar Engineering, Wildhorse Reimbursable copies, fees, etc.
\$ 4,460.00	NorthStar Engineering, Property Acquisitions and Eminent Domain Proceedings
\$ 103.50	NorthStar Engineering, Reimbursable copies, Court exhibits, etc.
\$495,071.10	KR Swerdfeger Construction, Inc., Arkansas & Wildhorse Levees, Phase 2
\$ 7,551.17	Altman, Keilbach, Lytle et.al., Wildhorse Creek Area Eminent Domain and Land Acquisitions 3-31-16 invoice
\$ 9,125.00	Banner and Bower, 1 st Quarter Work for Land Acquisition, Eminent Domain Proceedings, Phase 2 construction contract, 2016 Budget Documents
\$ 108.50	Banner and Bower, Reimbursement for pro-rated rent on David Pagtterson move from Heidi Wodiuk property

Executive Session:

None

Property Acquisitions:

Banner reported that the tenant of the Wodiuk property, David Patterson, is moving out today. He said that Ann Sattlemen, with Posada, has been very helpful through the ordeal of working with Patterson to prepare for a move and getting him moved. He said that we will be needing to reimburse Posada for their expenses in Patterson's move. Wodiuk has filed an appeal to the Court of Appeals. It will probably be dismissed as a frivolous filing. The appraisals should be finished within two weeks.

The purchase of the Marquez property has closed.

The purchase of the Jackson property is scheduled to close on Friday. Banner asked approval of a resolution to pay \$39,000 for the purchase. The resolution presented is as follows:

RESOLVED, that the Contract to Buy and Sell Real Estate of April 14, 2016 wherein the Pueblo Conservancy District is purchasing the property described below from Clay Jackson for \$39,000.00 be and is hereby ratified and affirmed by the Board of Directors.

RESOLVED, that Paul J. Willumstad as President of the Pueblo Conservancy District be and is authorized to execute any and all documentation necessary to acquire on behalf of the Pueblo Conservancy District the real property located at

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1920 West 16th Street, Pueblo, CO 81003 legally described as Lots 7 and 8, Block 37, Irving Place, Second Filing

After discussion Alt moved to approve the resolution. O'Hara seconded and the motion passed.

Negotiations for the purchase of the Aguirre property are incomplete. The County Assessor has the property appraised at \$45,845. Banner has explained to them that the Assessor's appraisal is not for current year and market conditions. Banner has suggested an offer of 20 percent over District's appraiser value at \$30,600. This is consistent with other offers. Aguirre has agreed to give the District immediate possession of the property with \$30,600 going into escrow at Stewart Title, pending a second appraisal for final purchase price. The District will have to pay for the second appraisal, which will be performed by an appraiser of the owner's choice. Banner read the proposed resolution as follows:

RESOLVED, that the draft of the Receipt and Terms of Purchase Agreement of April __, 2016 wherein the Pueblo Conservancy District is purchasing the property described below from Elmer Aguirre for \$30,600.00 be and is hereby ratified and affirmed by the Board of Directors.

RESOLVED, that Paul J. Willumstad as President of the Pueblo Conservancy District be and is authorized to execute any and all documentation necessary to acquire on behalf of the Pueblo Conservancy District the real property located at 1922 West 16th Street, Pueblo, CO 81003 legally described as Lots 3,4,5 and 6, Block 37, Irving Place, Second Filing.

The Directors understand that the final purchase price may be increased through mediation, negotiation or condemnation litigation. Entering into the agreement at this time will allow immediate possession to be given to the District.

Alt moved to approve the resolution and O'Hara seconded. Motion passed.

Kock said that the hazardous materials testing of the houses is scheduled for May 9th.

President's Report –

Willumstad reported that he has received numerous calls about 11th Street and the District's Phase 1 and Phase 2 projects. He would like to see the District's website address included on the agendas and the stationery. Banner emailed the address to Kidd for him to post. Banner checked with Rick Thomas to see if the website is up to date but did not receive a response prior to today's meeting. Willumstad requested that we try to keep the website current with quarterly updates. Willumstad will be going to the Jackson property closing on Friday.

Administrator's Report –

Kidd said that most of his report would be covered in Kock's construction report and, in the interest of the tight schedule will defer to the later reports.

Fountain Creek Committees Reports –

O'Hara attended the Technical Advisory Committee meeting. Maroney had volunteered for him to do a report on the Pueblo Conservancy District and current projects. O'Hara said that they had asked for him to provide periodic updates. Maroney attended the Monetary Advisory Committee meeting. He gave them a synopsis of the work that the Pueblo Conservancy District is doing. They expect that Colorado Springs will be making a disbursement to the Fountain Creek district by mid-May. The City of Pueblo is doing the work that can currently be seen north of the Highway 47 Bridge. Alt asked if there had been any discussion about revegetation. O'Hara and Maroney both said there had not. They are just trying to remove debris right now, so that it would not be lodging and causing trouble on downstream, and to define the channel.

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Arkansas and Wildhorse Levee Construction –

Kock reported that removal of dirt off of the Arkansas Levee should be completed today. The material removal stops just east of the Railroad storage tanks. Swerdfeger will be saw cutting the concrete along the designated cut-off line to clean up the edge. Crushing of the concrete will continue and the resulting material will be placed as gravel surfacing on the top of the Levee. The reach where we are doing the property acquisitions and the work on the north side of the 18th Street Bridge remains. Steven Meir, with the City of Pueblo, had contacted Kidd and Kock with a concern about materials being excavated within the EPA Smelter Hill Superfund site and hauled to the spoil piles on City property. Kock responded to Meir that the work we were doing just entered into the edge of the study area. There had been no slag or materials of concern hauled to the spoil sites.

Old Business:

Recreation and Mural Sub-Committees - Koehler said that criteria for the mural paintings had not yet been agreed to. The recreation committee met. The City has applied for planning grants but there have not yet been decisions on those grant awards.

Special District/Library District URA Representative – Both O'Hara and Alt attended the last meeting. Alt was there as a representative from the Turkey Creek Conservation District. The Library District wants a letter addressing the Pueblo Conservancy District's taxing authority. Banner said that what has prompted this discussion is that the State Legislature has worked to get increased representation on urban renewal boards. Urban renewal projects tie up taxing entities' revenue and may adversely impact their budgets. The Pueblo Urban Renewal Authority is trying to get the taxing districts to decide who they want for their "1" member to the Board. Banner said that the PCD does have taxing authority but is not collecting any taxes at this time. Banner will prepare a letter for the Library District.

New Business:

Board of Water Works Access Road Paving – Kock presented a change order request for paving of the access/haul road. The Board of Water Works has worked with the District and Swerdfeger to not required significant improvements until the work hauling out the dirt from the Arkansas Levee was completed. Swerdfeger proposed leveraging the money they were going to spend on the required access road improvements and maintenance for potentially a longer term and better product. They had originally proposed installing a 2-inch depth of asphalt on the road. In review of this concept Kidd suggested looking at the benefit of laying down a 3-inch depth instead. His rationale was that up to 3-inches of asphalt could be laid in a single pass and there is a significant pavement system structural capacity increase by applying that additional one-inch of asphalt. Kock said that they had CTL Thompson evaluate this. Their feeling is that the large majority of the truck traffic is now completed and the only real hauling remaining is bringing the concrete in for the new concrete facing. This results in a significant reduction in the design loadings for the roadway. It is their belief that by applying a 3-inch depth layer of asphalt over the current compacted and stabilized base would provide a good roadway now and the future treatments may be as slight as minor repairs and an additional 1-inch overlay later. This would result in a significant overall cost savings over previous concepts. The proposed change order from Swerdfeger is an increase of \$59,972.00 to the contract value. NorthStar has reviewed the contract requirements and Swerdfeger's proposed cost adjustments and believe them to be fair and reasonable. Banner suggesting approval of this change order and offering the upgraded conditions to the Board of Water Works subject to Water Works agreeing to release \$60,000 of the escrowed money upon completion of the roadway improvements. Cordova so moved and Koehler seconded. Motion passed.

NorthStar Services Agreement for Phase 3 Design Services – Kock discussed the proposed scope of the Phase 3 construction. The scope was discussed at a meeting between NorthStar, Banner, and Kidd. The purpose of this meeting was to discuss concepts for how to best meet the needs to meet FEMA requirements with the funding that the District has available. Kock said that continuing the work from the end of Phase 1 to the Black Hills Diversion would provide protection for most of the downtown area. He referred to FEMA mapping to show this. The proposed scope for Phase 3 construction is a reach of approximately 3300 feet in length along the

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Arkansas River Levee. The Black Hills Diversion is considered as drop structure number 1. By drop structure number 4 the ground elevation on the land side is higher than the 100-year flood water elevation in the River. That condition exists eastward to the Grove Neighborhood. The reach from the Black Hills Diversion down to the Union Bridge is the primary focus of hoped for re-styling of the white water park area. NorthStar's proposal for Phase 3 services sums to \$190,345.00. Koehler moved to approve an amount not to exceed \$190,345.00 for NorthStar. Seconded by O'Hara. Banner discussed the original advertisement of solicitation that NorthStar won and that this is an additional task of the original contract. Motion passed.

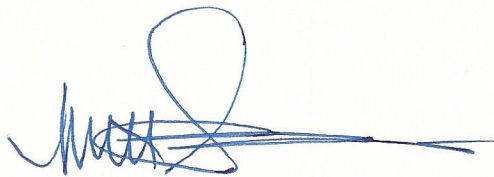
There being no other business to come before the Board the meeting was adjourned at 12:16 pm.

The next regular meeting date will be May 25, 2016, at 10:30 am.

APPROVED:



Paul Willumstad, President



Matt Cordova, Secretary