

MINUTES OF THE DECEMBER 21, 2016 REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Joe Bower

Guests: Kim Kock, NorthStar Engineering
Chris Woodka, Southeastern Colorado Water Conservancy District
Bret Verna
Susan Borden, LT Environmental

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 November 16, 2016 regular meeting were reviewed. Koehler moved to approve the minutes and Maroney seconded. Motion passed.

Public Forum:

None

Treasurer's Report:

Cordova moved to receive and file the accountant's compilation report. Seconded by Alt. Motion passed.

Bills – Bernard said that she had reviewed the bills and questioned the amount being charged by David Lytle. Willumstad explained some of Lytle's billing. He also said that Lytle has filed with the Court for costs related to the Wodiuk case. Bernard moved to pay the bills and O'Hara seconded. 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
\$ 200.00	Bernard, Director's Fee
\$ 200.00	Cordova, Director's Fee
\$ 200.00	Koehler, Director's Fee
\$ 200.00	Maroney, Director's Fee
\$ 78.30	Maroney, Fountain Creek Committee meetings mileage
\$ 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
\$ 5,649.40	Garren, Ross & DeNardo, Inc., 2015 Audit and Report

CNB Reserve Account:

\$ 0.00

RECORD OF PROCEEDINGS

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CNB Draw Account:

\$ 1,890.00	Kidd Engineering, Levee Phases 2&3 CA/CO, Construction and Planning meetings
\$14,920.00	NorthStar Engineering, Arkansas Tasks F.3, F.4, and F.5 Construction staking, observation, and testing
\$ 642.00	NorthStar Engineering, Arkansas reimburseables
\$ 5,437.50	NorthStar Engineering, Wildhorse Task D – Construction support services
\$ 43.00	NorthStar Engineering, Wildhorse reimburseables
\$ 1,750.00	NorthStar Engineering, Maintenance Fund Assessment Support, Appraisal Phase III Services, Property Acquisitions, Artwork and Recreational Opportunities meetings
\$ 81,388.40	KR Swerdfeger Construction, Arkansas & Wildhorse Levees, Phase 2
\$521,737.80	ASI Construction, Inc., Arkansas Levee Phase 3
\$ 2,722.15	Altman, Keilbach, Lytle et.al., Wildhorse Creek Area Eminent Domain and Land Acquisitions 11-30-16 invoice
\$ 175.00	Altman, Keilbach, Lytle et.al., Maintenance Fund Assessment Supprt – Appraisal Phase III Services
\$ 24,600.00	Ocwen Loan Servicing, LLC, Settlement of Lien on 1917 West 15 th Street Condemnation Proceedings

Bret Verna – Black Hills Energy Power Plant Units 5 & 6:

He is leading a group that is requesting the City of Pueblo to designate the power plant as a Historic Building so that it will be preserved. The power plant and the 13 acres that Black Hills Energy (BHE) owns around it are suitable for repurposing and development. They believe, based upon what they have seen and learned that BHE has done in other cities, that this is the only that the site will truly be available and can be developed. The Pueblo community has spent a lot of money for development of the Riverwalk area and this site is integral to the continued development and improvement of the western portion of this historic downtown area. They have letters from the Colorado State Historical Society in support of preservation of the building and saying that they would help secure funding for site redevelopment. The BHE property would be turned over to the Pueblo Urban Renewal Authority. Based upon meetings that they have had, the Urban Renewal Authority, Pueblo County, the Pueblo Chamber of Commerce and HARP support the Historic Building designation. Black Hills does have the responsibility to clean up any hazardous materials found on the site. It is believed that they want to keep the site closed so that no hazardous materials or chemicals will be found. Verna introduced Susan Borden, with LT Environmental. She was brought in by Dana Crawford, the lady responsible for the Larimer Street development and other areas around Denver. Dana sees this project as such an opportunity for Pueblo that she has been paying for Susan's involvement. Borden said that she has worked for 35 years on redevelopment of contaminated sites. The City Council is scheduled the BHE Historic Building designation vote for January 23rd. The environmental liabilities of Aquila and their predecessors was assumed, by law, by BHE when they acquired the Aquila assets. The way the law is written now BHE is stuck with that liability regardless of who now purchases the site. The goal for the redevelopment group is a win-win for both BHE and Pueblo. There is no regulatory requirement for BHE to go looking for contamination, but if any is found it is their responsibility to deal with it. Borden said that if BHE is a voluntary partner with the redevelopment then EPA will allow management of hazardous materials versus 100% cleanup. By keeping the building, EPA will be more receptive to a management plan, because cleanup could affect the building structure. Willumstad asked if the City could be sued as a "taking" for forcing the historical building designation. Maroney asked about migration of contaminants. Borden said that fortunately PCB's do not readily migrate. There have not been any takings suits on other projects she has been involved in. Verna said that the Board of County Commissioners is preparing a Memorandum of Understanding for the County, Chamber of Commerce, Urban Renewal, HARP, and hopefully the Pueblo Conservancy District to be signatory to.

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President's Report –

Willumstad reported that Taylor Young is now the District's account representative at Morgan-Stanley. Their specialty is government investments. Taylor has been invited to come to the January meeting. Lytle is trying to get the District reimbursed for Wodiuk's added court costs.

Administrator's Report –

Kidd reported that out of more than 200 maintenance fund assessment overcharge returns, he had received back six. Two of those he knew who they were and could take care of. Willumstad said that there is a statute that if the rightful recipients cannot be found then the money has to go to the State, and will be held for 20 years.

Property Acquisitions-

Willumstad said that all had been finalized except the court actions on Wodiuk.

Fountain Creek Committees Reports –

Maroney reported that he attended three meetings this last month. The Technical Advisory Committee approved Colorado Springs' proposed Hannah Ranch property diversion structure. It is a \$2M project to reconstruct and reconfigure the diversion. Colorado Springs Utilities will be paying for it. It is scheduled to be completed before flood season. The Monetary Advisory Committee met at the offices of Matrix. They worked on the annual report updating due to flood changes. At the 47th Street Bridge CDOT is looking at alternatives because they do not have money enough for their original plan. Rechannelizing of Fountain Creek is part of what they are considering.

Recreation Committee-

Koehler reported that a meeting was held two weeks ago. The Fire Department, Corps of Engineers, Police Department and City attended. The purpose was for the City to gather information to include in their RFP proposal. Significant input was that there needs to be signage for how to get there and also for identification markers, and the bridge crossing (which had been planned to be pedestrian only) should have structural capacity and size for a car to go to the other side.

Arkansas and Wildhorse Levee Construction –

Kock reported that Swerdfeger had completed their concrete placements. All that they have left to do is some minor grading work and revegetation. ASI is making remarkable progress in the concrete facing demolition and advancement of the coffer dam. The dam is up to the HARP diversion. They are planning for the concrete to be placed in 35 pours. The contract documents include requirements to be followed for cold weather concrete work.

Old Business:

Recreation Sub-Committee –

New Business:

HARP Authority Representative –

Mural Sub-Committee – Koehler had asked someone else to take this on because she no longer had time for it. Alt agreed to chair the Mural Sub-Committee.

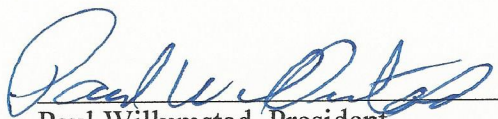
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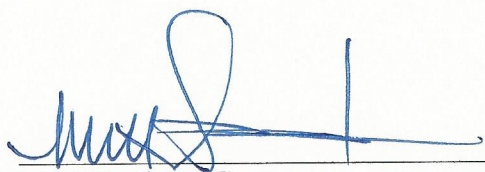
Other Business:

None.

There being no other business to come before the Board the meeting was adjourned at 12:00 pm. The next regular meeting date will be December 21, 2016, at 10:30 am.

APPROVED:


Paul Willumstad, President


Matt Cordova, Secretary