

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

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Chris Woodka, Pueblo Chieftain
Ray Swerdfeger, KR Swerdfeger
Bob Neumiester, KR Swerdfeger
Larry Attencio, Pueblo City Councilman

The regular meeting of the Pueblo Conservancy District was called to order by President Willumstad at 10:28 am. A quorum was present.

Minutes:

The minutes of the December 16, 2015 regular meeting were reviewed. Koehler moved to approve the minutes with typographic corrections and Alt seconded. Motion passed.

Public Forum:

Larry Attencio would like to see the District as a steward of the Fountain Creek like they have been on the Arkansas River. The County and City are involved on the Fountain. They do not really have an organization that brings everything together. City Planning has been involved but he thinks that the Pueblo Conservancy District would be better. The particular area of concern is from the confluence with the Arkansas River upstream to the north City limits. Banner said that this could be done. The Official Plan would have to be modified through the Court. From the monetary standpoint Banner said that the District does not have funds to do anything except work on the Arkansas and Wildhorse levees. The Pueblo Conservancy District does have the authority and could go to the tax payers for a tax mill levy. Attencio said that he would just like for the District to be a steward to coordinate the activities. Willumstad said that O'Hara and Maroney represent the District on the Fountain Creek Greenway and Flood Control District. Attencio thinks that maybe the funds that are to be allocated from Colorado Springs to Fountain Creek could go to the District instead of the County. Alt said that the money is to go to the Fountain Creek District. Maroney said that he is the chairman of the Fountain Creek District Technical Advisory Committee and now also serves on the Monetary Advisory Committee. The Fountain Creek District will oversee the projects within the confluence to Fountain stretch.

Treasurer's Report:

Kidd reported that only the November accountant compilation report is available for review because the December report is a year-end report and not all of the required information has been received so that the accountants could have it prepared. Banner said that he has requested Kidd to review the records to determine the amount of money spent from the general monies of the District that have been spent for construction. He recommends that this amount then be taken out of the bond funds and put back into the general fund. Kidd is to report back by the next meeting. Koehler moved to receive and file the November accountant's report. Seconded by Serna. Motion passed.

Bills – Kidd reviewed the bills posted for payment. He explained that the fees to Goldman and Lytle were for legal services related to the bond from Canon National Bank. Goldman is their attorney. The land at 1906 West 18th lies between the auto repair shop on Atlanta and Wildhorse

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Creek. This is property necessary for the construction of the Levee extension. The following bills were posted for review and approval:

\$ 375.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees
\$ 41.26	Banner and Bower, FedEx and certified mail
\$ 1,200.00	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
\$ 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
\$ 49.50	Pueblo Chieftain, Annual Budget Advertisement
\$ 300.00	HUB International, Public Official Bond-Three year term
\$ 1,120.00	Kidd Engineering, Phase 2 pre-proposal and proposal evaluation meetings, Pueblo Public Works and Stormwater meeting, discussions with NorthStar, etc.
\$ 2,310.00	NorthStar Engineering, Task C Arkansas Levee Geotechnical Investigations
\$ 3,600.00	NorthStar Engineering, Task D Arkansas Levee Design, Permitting and Regulatory Approvals Contract
\$ 2,030.00	NorthStar Engineering, Arkansas supplemental on Black Hills Diversion
\$ 89.00	NorthStar Engineering, Arkansas River reimbursable copies, etc.
\$ 4,510.00	NorthStar Engineering, Task D Wildhorse Levee Construction Support Services
\$ 288.00	NorthStar Engineering, Wildhorse Reimbursable copies, fees, etc.
\$ 3,090.00	NorthStar Engineering, Maintenance Fund Assessment Support – Phase III Services
\$ 903.00	Goldman, Robbins, Nicholson & Mack, PC, Canon National Bank bond review legal fees
\$ 7,451.50	Altman, Keilbach, Lytle, Parlipiano and Ware, Bond interest opinion letter legal fees
\$ 181.50	Pueblo Chieftain, Phase 2 Levee RFP advertisement
\$10,256.76	Stewart Title, 1906 West 18 th Street land acquisition

Bernard moved to pay the bills. Seconded by Maroney. Motion passed

New Business:

Award of Levee Construction Contract – Banner stated that he had emailed a summary of the bid process to the Board. All three of the submitted proposals were evaluated and met the minimum requirements for qualifications. All three pricing proposals were opened. Kock passed out a spreadsheet and explained the bid schedules. KR Swerdfeger was the lowest cost bidder. Kock checked the math and found a \$10,000 error on the ASI bid, but it did not impact the rankings of the three bidders. Last fall Scott Contracting, earthwork subcontractor for the CDOT I-25 Ilex project, made an offer of \$1,210,000 for the work that is basically described in Bid Schedule #1. As discussed at a Board meeting, this could not be accepted as a non-competitive bid. Scott did attend the pre-proposal meeting but did not submit a qualifications statement and offer. Kock recommended an award to Swerdfeger for Schedules 1, 2; Supplemental Unit Costs A and B; and Schedule 3. The total amount of the contract would be \$2,493,656. Maroney voiced a concern that the District's historic Wildhorse Creek Levee and responsibility ended at 15th Street. This

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work extends to 18th Street with some additional fill areas on north of 18th. Kock responded that from a flood protection standpoint this work is necessary to provide the protection that people thought they had. There will be some increase of water surface head to get the water to flow through the existing culverts at 18th Street. The proposed headwall and wings will allow for this increase in water surface elevation. The minor fill work on to the north is basically just to provide required freeboard. He and Kidd have discussed this with the City and they appeared to be agreeable to accept responsibility for work on upstream of the headwall. The District will have responsibility for the headwall. This would be addressed with a MOU between the City and the District. Banner recommended either deferring the Schedule 3 work or awarding it contingent upon the MOU with the City. Maroney moved to award the contract with Schedule 3 contingent on the MOU. Seconded by Koehler. Motion passed. Banner requested authorization to release his summary to all three of the proposers. This was agreed.

No Executive Session was required.

Property Acquisitions – Banner reported that one of the property owners is not willing to work with the District. The property has been appraised in a method and by a qualified appraiser so that it can go to court. Lytle needs for the District to pass a resolution to move forward with condemnation. The amount of the appraisal is \$29,000. Banner recommended a good faith offer for some amount higher than this. Koehler moved to offer \$31,250 to purchase 1917 West 16th Street, and Lytle to pursue condemnation if the offer is refused. Seconded by O'Hara. Motion passed.

Phillips will get a report to the Board on the Marquez property.

President's Report –

Willumstad suggested that the members of the Board drive by and look at the four properties that the District needs to acquire along Wildhorse Creek. He said that he had received a phone call from Larry Attencio and had asked Kidd to add him to the agenda for today's meeting. Willumstad attended the closing and signed the paperwork for the purchase of the property on 18th Street.

Administrator's Report –

Kidd reported that Garren, Ross and DeNardo submitted a proposal for 2016 audit services. The amount of their proposal is \$5500. They conveyed to Kidd that their actual costs for the last couple of years was approximately \$7800 each year, but that they believe it should take less effort now as the systems are getting in place. O'Hara moved to approve the audit engagement at a fee of \$5500. Koehler seconded. Motion passed.

Kidd drew the Board's attention to a photograph in the binders. It is a picture of a hole under the concrete facing near where the Phase 1 project ended. This hole was not there when the work was completed last year and there is not a big drainage area feeding into it. The hole is approximately 20-inches in height and extends as far down as could be seen without artificial light. Kidd said that this is an example of how things can look good on the surface but you do not know the conditions below. The concrete facing did not show any signs of stress or movement and yet there was obviously a big void behind it. No one was aware of this condition until we were on the pre-proposal site visit on January 5th. Willumstad said that he was concerned about the safety of leaving this exposed. Kock was asked to have Swerdfeger fill this as soon as possible.

Fountain Creek Committees Reports –

Maroney said that involvement with the Monetary Advisory Committee is very important. This committee has the authority to prioritize the Fountain Creek projects that will be undertaken. It will probably be January 2017 before any funding is available. The Fountain District is modifying the Colorado Springs Drainage Criteria Manual for the area from the north of Pueblo to the Pueblo County line. They are in the process of evaluating prior study projects so that the

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same mistakes will not be made on future work. Maroney chairs the Technical Advisory Committee and can appoint a representative to the Citizens Advisory Committee.

Old Business:

Levee Mural and Recreation Committees – Koehler reported she is still telling the artists that they cannot paint on the Levee yet. March 31 is when the awards for the first grant applied for will be announced. The City is working on two others. The City has taken increased interest in improving the bike trail system from the Pueblo State Park area to Lake Runyon.

New Business:

Banner and Kidd Engagements -- Banner provided copies of the proposals for his and Kidd's services. Kidd said that with the new budgeted monthly retainer many of the "extra" services will no longer be billed. He will be billing for work related to the levee rebuilding and certification project. Serna moved to approve the services agreements. Seconded by Alt. Motion passed.

Arkansas Basin Round Table Appointee – Kidd said that the new chair of the ABRT wants to make sure that everyone who should have a seat at the table does. The Pueblo Conservancy District was included in the original by-laws of the ABRT but the Pueblo Conservancy District is not directly involved in water rights and water allocation administration like the other entities are. Kidd was the representative for the District for several years. Crowley County asked him if he would be their representative since he has been their engineer and lives in Pueblo. Kidd felt that there was more purpose and a reason for his voice by being the County representative and made that switch acknowledging to the PCD Board that if there was anything where they would have a position or the Board needed to have knowledge of that he would take the appropriate action. O'Hara said that with the new State Water Plan being issued and now ready for implementation he thinks it is important for the District to be represented. He said that he would be willing to be the District's representative to the ABRT. So moved by Maroney. Seconded by Alt. Motion passed.

Designation of Meeting Posting Locations – Kidd said that three locations within the District plus the County Court House are required. The postings have been at the City Hall, City Judicial Center, Heritage Center, and the Court House. Specific monthly meeting agendas have been posted at the Court House and the Heritage Center. Alt moved to keep the postings at the same locations. Seconded by O'Hara. Motion passed.


O'Hara said that there is going to be a showing of the water movie Great Divide in Colorado Springs. Members of the Board are invited to attend. Koehler said that she would be able to get a copy of the DVD for the Board to share so that they would not have to make the trip to Colorado Springs.

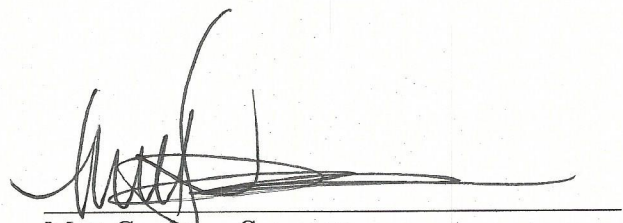
Maroney said that he is changing his email address. The new address is: dennisamaroney@gmail.com

The meeting was adjourned at 12:05 pm.

The next regular meeting date will be February 24, 2016, at 10:30 am.

APPROVED:


Paul Willumstad, President


Matt Cordova, Secretary