

MINUTES OF THE MAY 25, 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
Chris Woodka, The Pueblo Chieftain

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 April 27, 2016 regular meeting were reviewed. Koehler moved to approve the minutes and Serna seconded. Motion passed.

Public Forum:

None

Treasurer's Report:

Kidd reported that \$200,000 of funds in the Morgan Stanley money market account were transferred into higher interest earning investment accounts. He has given the accountant information to reallocated expenditures to the new codes that have been assigned. The new codes more closely resemble the line items in the District's budget. The revisions have not been made but are anticipated by next month's accountant report. Alt moved to accept the April accountant compilation report. Seconded by Cordova. Motion passed.

Bills – Bernard said that she had reviewed the invoicing from Swerdfeger and NorthStar and they are within the contract agreements. Kidd explained that the \$700 check to Posada was to reimburse them for moving costs for David Patterson. Koehler moved to pay the bills. Seconded by Phillips. Motion passed. Kidd reported that approximately \$650,000 had been received to date this year from the maintenance fund assessments.

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
\$ 126.90	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
\$ 700.00	Posada, David Patterson Moving Expense Reimbursement

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CNB Draw Account:

\$ 1,750.00	Kidd Engineering, Levee Phase 2 CA/CO, Progress meetings, PBWW access road planning and paving, discussions with NorthStar and Swerdfeger, Phase 3 planning
\$ 4,818.00	NorthStar Engineering, Arkansas Task E – Construction Support Services, Geotechnical Testing, Staking, As-Builts
\$ 6,055.00	NorthStar Engineering, Arkansas Task F – Phase 3 Final Design, Construction Documents, Bidding
\$ 11,980.00	NorthStar Engineering, Wildhorse Task D - Construction Support Services
\$ 74.00	NorthStar Engineering, Wildhorse Reimbursable copies, etc.
\$157,805.55	KR Swerdfeger Construction, Inc., Arkansas Levee, Phase 2
\$185,837.85	KR Swerdfeger Construction, Inc., Wildhorse Levee, Phase 2
\$ 3,452.34	Altman, Keilbach, Lytle et.al., Wildhorse Creek Area Eminent Domain and Land Acquisitions 4-30-16 invoice

Property Acquisitions:

Banner reported that David Patterson had been moved from the Wodiuk house and that the District is in possession. There was a lot of attention given to him and dealing with his cats. Banner expressed his appreciation to Anne Stattelmann, of Posada, for her time and effort in dealing with Mr. Patterson. The purchase of the Jackson property has closed. The purchase of the Aguirre property is still pending. An offer was made per the authorization at the last meeting. Aguirre is getting an independent appraiser. It may be necessary to enter into additional negotiations or litigation. Banner said that the moving expenses will probably exceed \$2000. Aguirre owes approximately \$49,000 on the property, therefore it may be necessary to pay \$49,000 irrespective of appraisals. Willumstad asked about non-contested condemnation. He said that a Court order may trump the deed of trust or promissory note. Bernard asked what the total expenditures for property acquisitions to date are. This will be reported next month.

President's Report –

Willumstad reported that he attended the Jackson closing on behalf of the District. He suggested that the District send a letter of appreciation to Larry Greene for the keychains and the work he has done compiling some of the history of the District. Banner said that he would prepare the letter. Willumstad asked about the issues concerning the Board of Water Works access road. Kidd reported that the paving had been completed. Water Works had representatives on site and they seem to be satisfied with the work done. Banner said that Water Works issued a notice of violation of the agreement because personnel from both Swerdfeger and NorthStar had used the Carbon gate without following appropriate protocol. A meeting was held with Water Works, Swerdfeger, NorthStar, Kidd and Banner in attendance. Banner is drafting additional documents and exhibits that will be included in future construction contract solicitations and documents. Penalties will include fines and removal from employment.

Administrator's Report –

Kidd reported that he had attended a FEMA hosted meeting on May 24th. Kidd reviewed the work that the District has done with Thuy Patton and she was happy with the District's progress. Kidd said that there was considerable discussion with FEMA's contract engineer about requirements for the District to assess interior drainage issues and floodplain mapping for those interior areas. Kidd said that the construction plans considered interior drainage and provisions were made to allow these areas to drain through the levees. Kidd informed them, however, that his opinion was that the District's responsibility ends with certification of the levees and does not include flood plain mapping of the interior drainage areas. The consultant disputed this. Kidd did not attend the afternoon session, but Kock did. Kock reported that the consultant had backed off to there just being a delineation of the interior drainages and no flood plain mapping for them. Willumstad asked NorthStar about FEMA being aware of the District's work. Kock is to document to FEMA the work that has been done, the work planned, and how it is our interpretation that this meets the requirements of 65.10. In the letter of documentation,

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NorthStar is to include a paragraph that states if the FEMA interpretation and requirements are different from the work completed and planned that they are to notify us within 30-days. Maroney said that 65.10 has not changed, but FEMA's interpretation of it seems to change. Alt said that he attended the meeting in the afternoon.

Fountain Creek Committees Reports –

O'Hara attended the Technical Advisory Committee meeting. Larry Small said that the Fountain District will now be receiving \$10M a year from Colorado Springs per the SDS agreements. There are currently 71 proposed projects. Sixty-one of them will have benefit to Pueblo/Pueblo County and 10 of them will benefit only Colorado Springs. There is a concern about how the Fountain Creek District will get funding to support maintenance and how the cities and counties in the district will be able to obtain funds to support the projects.

Maroney attended the Monetary Advisory Committee. He witnessed the transfer of the check for \$9,579,819. The Southern Delivery System is now functioning and water is being delivered to the Colorado Springs metro area. They have awarded a contract to model the stream flows and another for erosion and sedimentation control modeling/recommendations. There is currently a project to remove debris in Fountain Creek above the Highway 47 Bridge. But debris and sediment from above will continue to pulse down the stream and impact Pueblo.

Arkansas and Wildhorse Levee Construction –

Kock reported that the work is progressing well and within schedule requirements. The work on the haul road around Water Work's plant is finished for this phase and work on the Arkansas side is pretty well done. They are still cleaning up the top edge of the concrete and spreading the crushed concrete on top of the Levee. The building on top of the Black Hills Diversion works still needs to be taken down.

They still have some work to do on the Wildhorse Creek side. They still have to demolish the buildings on the acquired properties and construct that reach of earthen and concrete levee barrier walls. They also still need to construct the wall on the north side of the 18th Street Bridge. Samples for asbestos and lead testing have been taken from the houses. Test results have not been received, but the preliminary indication is that there may be some hazardous materials to consider. The construction contract documents were based on there not being any hazardous materials. This was because until we had access and testing could be done there was not a way to assess the extent of contaminated materials removal may be required and to portray that in the bidding documents. Therefore, it may well be necessary to have a change order for this additional work to remove contaminated materials.

Soil samples have been taken of the materials in the area of the Santa Fe railroad bridge. This is at the outer edge of the super fund site study area. It is not believed that there is an issue but NorthStar is still waiting on test results. Soil material from this area has not been hauled to the stock pile.

NorthStar's services proposal was based on 135 days of construction. Due to the prolonged period to acquire the properties along Wildhorse Creek the project will run longer than the June 2 date projected. Therefore, NorthStar may run over budget for their project oversight services.

Old Business:

Recreation and Mural Sub-Committees - Koehler reported that there is going to be a recreation committee meeting on June 2nd. It does not look like any funding will be available through DOLA. Colorado lost a law suit and the result is decreased funding for DOLA and other State entities. Koehler will be meeting with Cynthia Ramu to start finalizing requirements for painting on the Arkansas Levee.

New Business:

None.

RECORD OF PROCEEDINGS

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Other Business:

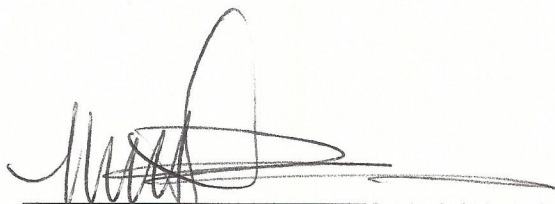
Bernard will send out her copy of the Southern Delivery System dedication invitation. Pueblo West had to turn their part on early due to extreme deterioration and failure of their 24-inch supply line.

There being no other business to come before the Board the meeting was adjourned at 11:50 am.

The next regular meeting date will be June 22, 2016, at 10:30 am.

APPROVED:

Paul Willumstad, President



Matt Cordova, Secretary