

MINUTES OF THE MARCH 28, 2018 REGULAR MEETING

Directors Present: Barb Bernard, Corinne Koehler, Jerry Martin, Bud O'Hara, Donna Phillips, Ron Serna, Paul Willumstad

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Mike Cuppy, NorthStar Engineering
Jason Levinson, KW Realty
Beritt Odom, City of Pueblo Department of Planning

The regular meeting of the Pueblo Conservancy District was called to order by President Phillips at 10:00 am. A quorum was present.

Public Forum:

None

Minutes:

The minutes of the February 28, 2018 regular meeting were reviewed. Koehler moved to approve the minutes and Bernard seconded. Motion passed.

Treasurer's Report:

Accountant's Compilation Report – Bernard said that she had reviewed the February 2018 accountant compilation reports and she believes that they are in order. She moved to approve and file the reports. Serna seconded and the motion passed.

Bills – Kidd said that they have not yet received an approved pay request from ASI. The bills do include release of retainage for Swerdfeger on the Phase 4-Schedule 2 work. Their check will be held pending advertisement for final payment. Kidd informed the Board that David Lytle had called him and that the \$1030.45 paid to him last month had been rolled into the bond closing costs and that he will be refunding the payment.

The following bills were posted for review and approval:

BSJ Operations and Maintenance Account:

\$ 475.00	MBD&G, Monthly Accountant fees w/ January correction
\$ 500.00	Banner and Bower, Attorney fees
\$ 1,700.00	Kidd Engineering, Administrator/Engineer fees
\$ 200.00	Bernard, Director's Fee
\$ 200.00	Cordova, Director's Fee
\$ 200.00	Koehler, Director's Fee

\$ 200.00	Maroney, Director's Fee
\$ 158.05	Maroney, January and February Fountain Creek Committee mileage
\$ 200.00	Martin, Director's Fees
\$ 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
\$ 1,050.00	Pueblo Heritage Museum, 2018 Membership Dues

BSJ Construction Draw Account:

\$ 2,042.50	Kidd Engineering, Phase 4 construction administration oversight, meetings, etc., February 25 thru March 26, 2018
\$ 775.00	Kidd Engineering, Phases 5 & 6 Planning meetings, etc., February 25 thru March 26, 2018
\$36,735.00	NorthStar Engineering, Arkansas Phase 4, Task G.3, G.4, and G.5 Construction Staking, Construction Observations, and Construction Testing thru March 23, 2018
\$ 302.00	NorthStar Engineering, Arkansas Phase 4, Reimbursable copies, mileage, etc. thru March 23, 2018
\$10,322.50	NorthStar Engineering, Arkansas Phase 5, Task I.2, Price Quotation and Construction Documents, thru March 23, 2018
\$ 0.00	NorthStar Engineering, Arkansas Phase 5, Task I.3., I.4. and I.5., Bid and Construction Staking, Construction Observation, and Construction Testing, thru March 23, 2018
\$ 48.50	NorthStar Engineering, Arkansas Phase 5, Reimbursable copies, mileage, etc. thru March 23, 2018
\$ 0.00	ASI Construction, Phase 4 Schedule 1 and Add Alt #1, Pay Request No. X
\$12,578.20	KR Swerdfeger, Arkansas River Phase 4 Schedule 2, Release of Retainage

Bernard said that she had reviewed the bills and that everything appeared to be in line. Willumstad moved to approve payment of the bills. Koehler seconded. Motion passed.

Pasquin Access Route Request:

Kidd said that Todd Pasquin had called him and asked the Board to consider a Thomas Phelps Creek crossing for him to have an alternate access to his property on the north side. Pasquin claimed that the I-25 project necessitated closing his current access route. Kidd told Pasquin that he would add the request to the March 28 agenda and he had expected Pasquin to attend. Willumstad moved to table this until the April meeting. Koehler seconded and the motion passed.

Excess Properties:

Willumstad said that he confirmed that the City does not want to use the Pearl Street Parking Lot to support the River Trail and Kayak Course areas. The new parking lot off of 4th Street is to have 20 spaces and there will be three handicapped spaces at the lower parking lot. The concrete trail from the Pearl Street lot is too steep. Beritt Odom said that the City also owns property in this area. City of Pueblo Planning and Zoning has discussed creation of an urban renewal district in the Blocks area. If a district is created before land sales, then all of the taxes go into the urban renewal project. She said that the City may have an interest in some of the Conservancy District properties in the Union-Main area. Banner said that an urban renewal district cannot be approved without the consent of the other taxing districts. Odom said that the City currently thinks that parking along Corona and the neighborhood streets will provide the parking necessary for events. Timing of property sales was discussed since the District has some interested buyers. Odom said that it is to a developer's benefit to be in an urban renewal district, but that the district has to be in place before the land is transferred. Banner said that it would be possible to write sales contracts that are contingent on the formation of an urban renewal district, with closing after approval of the district. Jason Levinson reported that he had looked at comparable property valuations for the Pearl Street area. He said that he believes that sales value is in the area of \$1.60 to \$2.00 per square foot. Levinson said that the Assessor website has the District's Pearl Street lot as being 4700 square feet. The District has an offer of \$10,000, which is at the top end of this price range. Levinson suggested that the City and District properties could be combined into one development area for an improved and consistent development plan. Koehler moved to put this discussion on the agenda for a later meeting, and also for it to be a topic at the proposed Retreat. Willumstad seconded. The motion passed.

Willumstad asked if it would be necessary to publish a request for proposals for one large developer for the area. Banner said that we should wait until we have a better idea of what will be happening.

President's Report –

Phillips said that she has nothing to report outside of the regular business.

Attorney Report –

2018 Bond: Banner handed a set of the signed original documents for the 2018 Bond to Kidd. He said that the District's efforts for the recent construction bond programs are the most legal effort by the District since it was formed. He said that this should not be necessary again for another 100 years.

Open Meetings Law: Banner informed the Board that if there are two or more Board members discussing District business then it is a meeting. Electronic mail discussions are also considered as being meetings. He said that any discussions or documents from a meeting are subject to discovery.

Banner had printed out a flyer for a workshop that the City is having for their representatives on various boards. He said that this is open to the other members of the District and he recommends attending the workshop if possible.

Administrator's Report –

Kidd reported that he allowed the Bessemer Ditch Company to use rock from the Pearl Street Parking Lot to construct a filtered drain for seepage from a landslide area of the Ditch. He said that Bessemer appreciated being able to access this rock so that they could work outside of normal business hours and get the material as they needed it. They are willing to pay whatever price the District deems appropriate. Kidd had earlier suggested maybe the District could just give the rock to the Bessemer. Banner said that he believes that there should be some charge since they are a private entity rather than a fellow governmental agency. Kidd is to get pricing for wholesale and retail and bring that information back to the April Board meeting.

Fountain Creek Committees Reports –

None

Recreation Committee-

Mike Cuppy reported that the plans are moving forward. The design team is to be in Pueblo tomorrow, April 29th, to work on refinements. They hope to have finalized concepts for presenting to the Board at their retreat. They are exploring costs as part of the decision making progress. Kidd is working with them to ensure that there should be adequate funds available for the work required through the water park reach. Due to timing and the predicted near term shortage of CWCB funding for the recreational development they are working toward plans that will result in a stable structure and yet a functional base for the construction of the recreation improvements. Numerous representatives from stake holder groups have been involved in the process. The design team is trying to see what various concepts can be accommodated in the final plan. Beritt Odom added that the design team's preferred plan will go back to the public for consideration and comment before the final plan is developed.

Trail Naming –

Cuppy and Odom said that ballots with six recommendations that had floated to the top are out for stakeholder opinion. The ballots were passed out so that each Director could vote for their preferred name. The names are: "Arkansas River Levee Park", "Arkansas River Gallery Park", "Arkansas River Esplanade", "Arkansas River Reach Park", "Arkansas River Trail Park", and "Pueblo Whitewater Park".

18th Street Bridge Mural-

Serna reported that progress is being made. Tonio is hoping to have the mural finished by the middle of April.

Phase 4 Construction –

Cuppy reported that Swerdfeger is complete with the Schedule 2 work, including punch list items. NorthStar is waiting for ASI's final pay application. They are substantially complete with the Schedule 1 and Additive Alternate #1 work. The work performed under proposed Change Order No. 3 was briefly discussed. The work included construction of a coffer dam at the HARP Diversion inlet gates to determine why they were not shutting properly. It was discovered that one of the gates was broken and that some debris was affecting full closing of the other two gates. The work was done by the "New ASI", but since one of the gates was broken the construction team believes that the costs for construction of the coffer dam to assess gate conditions should be a warranty issue to be paid for by the "Old ASI" and their surety. Bernard moved to table this discussion and bring it back at the next meeting. Her motion was seconded by Willumstad and approved. Cuppy said that River levels increased sooner and higher than the State Engineer's office had indicated. Therefore, reconstruction of the islands, which had to be removed for the levee work could not be completed. He opened for discussion of how the Board would like to address this issue. After discussion of various possibilities, O'Hara moved to authorize the engineers to develop an appropriate amount to be deducted from the final payment amount to ASI and that the bid schedule for Phase 5 have this work as a line item with the stipulated cost amount. Bernard seconded and the motion passed. Kidd said that the Colorado Division of Parks and Wildlife made a presentation at the Arkansas Basin Round Table and there may be some technical and financial assistance available, through them, for improved vegetation on these islands.

Old Business:

1912 16th Street –

Banner reported that the owners' attorney is putting on pressure for the District to do something to address the alleged flooding damages due to the construction of the levee wall along Wildhorse Creek. He said that since there are multiple rental units on the property the appraisal would have to be a commercial appraisal, which is more expensive than a residential appraisal. O'Hara moved to authorize Banner to contract and arrange for performance of the appropriate type of appraisal. Bernard seconded. NorthStar said that the land surface contours are basically parallel to the levee, in this area, and it is their opinion that the wall has not increased flood hazard to these housing units. The narrow area between the property line, however, does make it hard for controlling weeds and maintaining the flow path. There is also a problem with locals dumping trash in this area. NorthStar prepared a preliminary design to put in area drains and pipe the intercepted storm water into Wildhorse Creek. Their estimated construction cost for the drains and piping is \$36,725. Martin said that if the District is not at fault then we should not have to pay for drains or property acquisition. O'Hara withdrew his motion. After discussion, Banner was directed to inform attorney Piersel that an engineering analysis indicates that the District's construction has not increased the flooding of the subject parcels, but that if the owners would take a look at the \$25,000 offer the District may be amenable to purchasing the property.

Board Retreat --

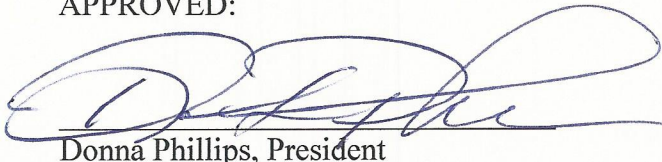
Phillips suggested scheduling the retreat for May 10th from 11:00 am to 1:00 pm, with a catered lunch. The Directors believed that this may not be enough time, so Martin moved to schedule the retreat for May 10th from 10:00 am to 2:00 pm. Bernard seconded and the motion passed. Phillips will look for a venue and will finalize the agenda. The agenda discussions will have time limits so that all points will be discussed for a 2:00 pm adjournment.

Other Business:

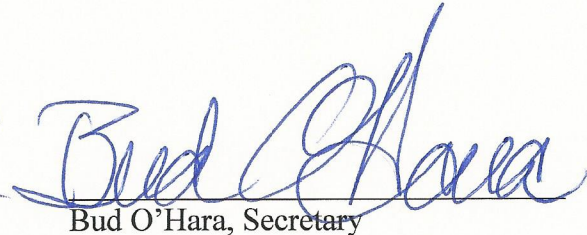
O'Hara will arrange for Don Watson Painting to paint over the recent graffiti.

There being no other business to come before the Board the meeting was adjourned at 12:03 pm. The next regular meeting date will be April 25, 2018, at 10:00 am.

APPROVED:

A cursive signature in blue ink, likely belonging to Donna Phillips.

Donna Phillips, President

A cursive signature in blue ink, likely belonging to Bud O'Hara.

Bud O'Hara, Secretary