

MINUTES OF THE FEBRUARY 24, 2021 REGULAR MEETING
OF THE PUEBLO CONSERVANCY DISTRICT

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

Also Present: Attorney Don Banner
Administrator Rick Kidd

Guests: Mike Cuppy, NorthStar Engineering
Tony Greer, Keller Williams Realty
Cynthia Ramu and Spencer Little, Mural Art Committee members
Shanna Lewis, Colorado Public Radio
Clarice Navarro, Representative Boebert's Office
Dan Metz, Citizen

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

Minutes: A quorum being present, the Minutes of the January 27, 2021 meeting were reviewed. Cordova moved to approve the minutes. The motion was approved.

Public Forum: Dan Metz – Dan said he and his wife, Tammy Jones, purchased the property at 221 Howard Avenue in 2004. They received notice that the District is selling Parcel No. 536320001. They are interested in purchasing that property. He said that he has spoken with Tony Greer and Tammy has talked to Donna Phillips. Dan said that they would like to make an offer and they had sent a letter to Tony Greer. He is to forward that letter to Kidd.

Excess Property Sales:

Kidd said that in addition to the contact from Metz he received a call from owners adjacent to property the District owns at the end of Shaw Street. The gentleman told Kidd that he had been talking to the District for twenty years about wanting to buy that property. Kidd said that he has been the administrator for over 16 years and has never talked to them before. (Note: Greer had not yet joined in on the meeting.)

Levee Mural Proposals:

Little said that there are three applications to present to the Board and that they have all been approved by the committee. He also said that the committee recommends changing the width of the panels to 24-ft wide, rather than 12-ft. This will allow for better scale. The consensus of the Board was to allow increasing the width to 24-ft.

1. DeGroot-Huajatolla. Martin moved to approve this mural and Bernard seconded. The motion passed.
2. Tayler-Sun Flower. Bernard moved to approve this mural and Willumstad seconded. The motion passed.
3. Davidson-Strength and Dignity. Martin moved to approve this mural and Cordova seconded. The motion passed.

Little said that they were still discussing what “historical” means relative the to murals that would be approved for the reach set aside for historical murals.

Kidd said that he was concerned, based on an article in the Chieftain, that artists are painting at temperatures below 50 degrees. Ramu said that she has been tracking this and that the temperatures have been above 50 while the artists have been painting.

O’Hara reported that three high school logos have been completed. He said that they are going to go over the \$400 that the County contributed for paint. He just bought some primer and he needs to buy some orange and blue paint. It was agreed to take \$200 from District contingency to pay for additional paint for the school logos.

Serna said that it may be necessary to pay for paint for the Cesar Chavez / Delores Huerta logo. He has been trying to get a donor but has not yet been successful.

Koehler said that she has an anonymous sponsor for the Central High School logo so it is now a go.

The Mural Committee was requested to reserve spaces for logos for all of the schools. As the murals go up there is more interest. CSU-Pueblo will probably be wanting to have a mural now too.

Treasurer’s Report:

Willumstad said that there are two reports in the packet. One is for the December 2020 year end report and the other is for January 2021. Willumstad moved to receive and file the reports.

Bernard seconded and the motion passed.

The following bills were posted for review and approval. Kidd explained the KR Swerdfeger billings. Willumstad moved to approve payment of the bills and Martin seconded. The motion passed.

BSJ Operations and Maintenance Account:

\$ 500.00	MGPM, Monthly Accountant fees
\$ 500.00	B&B, Attorney Fees
\$ 12.26	B&B, Court filing fee
\$ 1,800.00	Kidd Engineering, Administrator/Engineer fees
412.50	Kidd Engineering, Excess property dilenations
\$ 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	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
\$ 462.25	Special Districts Association, 2021 SDA Annual Membership

BSJ Construction Draw Account:

\$ 412.50	Kidd Engineering, January 23 through February 22, 2021 Phase 6 CA/CO and meetings
\$ 825.50	Kidd Engineering, January 23 through February 22, 2021 PCD/IGA#1 Planning and CA/CO
\$ 412.50	Kidd Engineering, CWCB Loan documents
\$ 4,785.00	Kidd Engineering, HARP Diversion Structure Reconstruction
\$ 896.50	NorthStar Engineering, December 12 through December 31, 2020, Phase 6 Construction administration, staking, testing, etc. and reimbursable expenses
\$ 18,776.75	NorthStar Engineering, January 23 through February 22, 2021, PCD/City IGA#1 T&M Services and reimbursable expenses
\$ 807.50	NorthStar Engineering, January 23 through February 22, 2021, Maintenance Assessment Support, Consultations, Loan Documents, etc.
\$ 980.00	NorthStar Engineering, January 23 through February 22, 2021, Task D – Engineering Design Services, Permitting and Regulatory Approval
\$139,121.77	KR Swerdfeger, Phase 6 Arkansas Levee PR No. 12-Final Retention Release
\$117,853.20	KR Swerdfeger, Phase 6A – PCD/City IGA#1 Bridge and Trail PR No. 2
\$151,560.00	KR Swerdfeger, Phase 6A – PCD/City IGA#1 Bridge and Trail PR No. 3

BSJ Reserve Account:

\$ 5,487.04	Pueblo Conservancy District – Transfer to Operating Account
\$435,534.22	Pueblo Conservancy District – Transfer to Draw Account

Excess Properties: Greer joined in on Zoom. He said that he is currently waiting on the signed documents between the District and Wark. Greer said that there has been some controversy surrounding this. Some adjacent landowners are now expressing an interest but he suggests continuing on with Wark because the agreement has already been reached. Banner said that the contract with Wark was signed last month and that an advantage to the Wark offer is that it covers all of the parcels along the bluff versus singles. Greer, Banner and Kidd are to confirm the legal descriptions of the parcels. Greer questioned if the District really needs the services of a realtor since Banner is preparing the quit claim contracts for the land sales.

President's Report: Koehler reported that KR Swerdfeger had received an award from the Colorado Contractors Association. There is going to be a video presentation of the award presentation to Swerdfeger and the District on February 26th, at 11:00 am. Kidd said that Swerdfeger told him that they would host anyone who wanted to come out to their conference room and watch the presentation with them. They will provide lunch but need a hard count by the end of the day. Bernard said that she would like to go.

Administrator's Report: Kidd said that he received a notice, from City Code Enforcement, that someone had dumped limbs and debris along Corona. He has contacted Spaccamonti about removing them. Kidd said that he had received a report about beavers felling trees along the bicycle path, near Drop #3 of the kayak course. He contacted Colorado Rid-A-Critter and the City about this. The City may pay for the removal of the beavers.

Recreation Committee Report: Mike Cuppy reported the pile cap for the south bridge tower has been placed. The anchor block for the north tower will be placed next week. Based upon approval by CDOT, Bridge Brothers is planning to be back in a couple of weeks to start stringing the cables for the bridge. NorthStar is preparing drawings to show the layout of the shade structures and trail along the top of the Levee. They are also adding locations for the ten story boards. Steven Meier is checking to see if the price of the shade structures includes erection, or if it is just for the pieces. They have been working with the City on the Main Street Pedestrian Bridge. It may have to be put out to bid, per City purchasing. The costs for the 13th Street Low Water Crossing have come in well over what was expected. They are looking for ways that the costs can be reduced. The 4th Street Pedestrian Bridge will be connected to trails at both ends. The City is waiting to do the kayak course parking lot until after the June 3 dedication. The trail connection from the parking lot to the bridge will be constructed at that time. Bernard asked for mapping showing where parking could be for those attending the dedication. Koehler said that it is expected that CDOT will be providing their final approval documents for the 4th Street Bridge soon and that then the work will be able to proceed.

Levee Amenities:

Koehler said that the shade structures have been ordered. The City is working to select sources for benches, bike racks and trash receptacles. She said that the City is also working on plans to improve signage to the area.

Martin is to work with Kidd and Cuppy for a project that may lead to a college project to get hydroelectric or solar lighting for the Levee area.

Fountain Creek Report: O'Hara said that Colorado Springs is updating their drainage manual. It is to address stabilizing drainage ways coming into Fountain Creek. Work on the current project from 13th Street down to the confluence with the Arkansas River is ahead of schedule.

FEMA Arkansas River Levee Certification: Cuppy reported that they have assembled all of the CTL Thompson geotechnical information, the record drawings, and the hydrologic information. He said that Kim Kock is working on the transmittal letter. They expect the certification report and data will be submitted to FEMA by April 1, 2021. Willumstad suggested that the cover letter give FEMA a response deadline.

'21 Celebration: Bernard said she is concerned about parking and getting people to the dedication event. She and Koehler have been working together on the event program. Bernard said she has talked with John Wark about photographing the celebration. He is to provide a price list. She intends to mail out the invitations my May 10th.

Old Business:

Website – Koehler said that this updating needs to be done within a month. She asked Banner to follow up with Rick Thomas to make sure he gives Phillips the information she needs to do periodic updates.

HARP Diversion – Kidd said that the plans were reviewed by Pueblo Water and their recommendations have been incorporated. KR Swerdfeger has proposed performing the work on this structure charging for time and materials at a not-to-exceed amount of \$192,711.

Willumstad moved for approval so that this could be discussed. Serna seconded. Kidd said that the proposal is about \$50,000 more than he expected. However, since it is a time and materials basis the actual cost could come in well below the not-to-exceed amount. Willumstad said this would still be more than he had anticipated. He asked if we could ask Pueblo Water to pay for part of it. A vote was taken and it was two for approval and four against. The motion was not approved. Willumstad moved to table this proposal to the March meeting. O'Hara seconded the motion and the motion passed. Banner was requested to ask HARP Authority and Pueblo Water to each contribute to pay one-third of the costs.

Heritage Center – Koehler said that we were notified that since the Covid restrictions had kept their partners from being able to take advantage of their membership the Heritage Center would be waving their assessment for 2021. Kidd said that he had a revised Memorandum of Understanding which said that our annual membership assessment of \$1050 would be forgiven for 2021. Koehler said she believes we should go ahead and contribute to the museum because Covid had not affected the District's income. Serna moved to pay the normal annual fee and O'Hara seconded. The motion passed.

Runyon Lake – Koehler said that both the City and the County are interested in the property at the Lake. She has received a letter from Mayor Gradisar suggesting that after it is determined how much of the property the County wants that the City would be interested in acquiring the balance. The consensus was to exempt Tony Greer from this transaction since it is has been an ongoing discussion between the County and the City and the District for quite some time.

RMPBS Video – Koehler said that Sam Ebersole, from CSU-Pueblo, prepared a documentary video about the Pueblo 1921 Flood and the District. She said it is a 60 minute video. Banner has a clip talking about the history and Cuppy has a clip talking about the engineering design for the reconstruction and certification of the Levee. Little said that he believes the video is to air on June 3rd, with a premier on June 1st.

501.c.3 – Martin asked about the status of the discussion of the District forming a non-profit entity for donations. Koehler said that there is some interest from donors if the District did have a non-profit for them to donate to.

New Business:

None

Koehler said that she would like to now enter into an Executive Session. It was moved and seconded to go into Executive Session pursuant to CRS 24-6-402 (4)(e)(l) and (4)(e)(f)(l) for the purposes of determining positions relative to matters subject to negotiations and personnel matters. The motion was unanimously carried and the Board entered into Executive Session at 12:01 pm. The Executive Session was ended at 12:06 pm. At the conclusion of the Executive Session, Attorney Banner noted after going into the remainder of the public meeting that the Executive Session was conducted in accordance with the statutes cited above.

Koehler said that the purpose of the executive session was to discuss an increase in Kidd's monthly fee. It was moved and seconded to increase the monthly fee from \$1800 to \$1900 and that Kidd develop a backup plan for District records, extra mailbox key, and a succession plan. The motion passed.

Other Business:

None

There being no further business the meeting was adjourned at 12:10 pm.

APPROVED:

Corinne Koehler, President

Ron Serna, Secretary