

MINUTES OF THE JANUARY 28, 2015
REGULAR MEETING
OF THE PUEBLO CONSERVANCY DISTRICT

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Earl Wilkinson, City of Pueblo Director of Public Works
Blue Pate, Pate Construction
Tom Latka
Jim Munch, HARP Authority

The regular meeting of the Pueblo Conservancy District was called to order at 10:34 am. A quorum was present.

Minutes:

The minutes of the December 17, 2014 regular meeting and January 20 and January 22, 2015 special meetings were reviewed. Bernard moved to approve the minutes. Motion passed.

Public Forum:

Tom Latka – Pueblo is a mural city of the world. Public art plays a significant role in society. The Pueblo Levee Project is a part of the reputation of Pueblo. This legacy is being destroyed. Many areas have a law stipulating one percent of the project budget goes into art. The Pueblo Conservancy District should find a way to support replacement of the art on the Levee. Kim Kock said that he is a member of the Downtown Association Board and there is an interest in putting together a fund raiser to support Levee murals. Susan Alder, with the Health Department collects paint which may be available to the artists.

Treasurer's Report:

The November 2014 and December 2014 accountant's compilation reports were reviewed. O'Hara moved to receive and file the compilation reports. Motion passed. Kidd pointed out that the 2014 expenditures exceeded the budget by approximately \$150,000. This was due to the timing of the actual Levee construction contract versus the projected rate of contractor earnings. The accountant informed Kidd that the District should amend the budget. Koehler moved to approve a resolution to amend the 2014 budget. Banner will work out the wording of this resolution. Motion passed.

Kidd reported that he had reviewed ASI's request for payment and that he is comfortable with it. ASI had fronted the costs for the sheet piling so it will be included in their February payment request. Phillips moved to approve payment of the bills. Motion passed.

Bills – The following bills were posted for review and approval:

\$ 350.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees
\$ 27.00	Banner and Bower, E-filing fees
\$ 600.00	Kidd Engineering, Administrator/Engineer fees
\$ 1,505.00	Kidd Engineering, Levee Construction Meetings, CA/CO, PBWW road filming, etc.
\$ 200.00	Alt, Director's Fee
\$ 200.00	Bernard, Director's Fee
\$ 200.00	Cordova, Director's Fee

January 28, 2015 Minutes, Page 2 of 4

\$ 200.00	Koehler, Director's Fee
\$ 200.00	Maroney, Director's Fee
\$ 128.00	Maroney, Fountain Creek Committees 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
\$ 11,360.00	NorthStar Engineering, Task D Design, Permitting and Regulatory Approvals Contract
\$ 28,521.00	NorthStar Engineering, Task E Construction Support Services, Geotechnical Testing, Staking, As-Builts Contract
\$ 3,284.88	Colorado Special Districts Property and Liability Pool, 2015 Property and Liability Insurance
\$ 1,050.00	Southeastern Colorado Heritage Center, 2015 Membership – including display area, storage, and meeting room
\$ 34.83	The Pueblo Chieftain, Annual Budget Hearing ad
\$ 826.20	United States Treasury, 2014 FICA Withholdings
\$ 5,982.60	Altman Keilbach Lytle Parlapiano & Ware, Loan opinion for ABC Bank
\$711,208.47	ASI Constructors, Arkansas River Levee Phase 1 – PR#2

Emergency Search and Rescue Access and Tie-Down Anchors --

Kidd stated that Fire Chief Dale Villers was to be in attendance but was not here. Villers had told Kidd that the Fire Department would like to have tie-down anchors along the reaches with live water. Villers said that there had been drownings from the island opposite of Dutch Clark Stadium on through the kayak course. Kidd did not discuss locations and spacings of the anchors because he believed that Villers would be at this meeting. Wilkinson offered to get Villers recommendations for locations. Kock passed out information on the proposed tie-downs. They are rated at a support capacity of 500 pounds each. The contractor's proposed cost to fabricate, furnish, and install the tie-downs is \$100 per each. Kock said that it will be two to three weeks before ASI will be placing concrete in the live water are. At an assumed spacing of 72 feet there will be 30 to 35 anchors needed. Serna moved to approve installation of tie-down anchors, at locations determined by Villers and at a cost not to exceed \$3500.00. Motion passed.

Kidd reported that during their conversation Villers said that he would like for the District to develop a means of access to the top of the Levee.

BHE Diversion Structure –

Jim Munch said that the reason for the letter from HARP is that the Pueblo Board of Waterworks (PBWW) has a junior tail water right that is used to get water through the Riverwalk. With the Black Hills Energy decommissioning of the power plant HARP is concerned about losing the right of diversion from the Arkansas River. The PBWW has agreed to go to water court to change the use from industrial to other uses. The City of Pueblo has a first right of refusal to acquire the diversion works. Right now, the PBWW seems to be willing to deal with the concerns surrounding the pipes that are underneath the railroad tracks. However, the PBWW and City would like for the Pueblo Conservancy District to address any problems there may be within the diversion and headworks structures. They would like to receive a letter of commitment from the District that it will be addressed. The current water right that BHE holds is for 200 cfs of diversion, but HARP only needs about 80 cfs.

Kock stated that the NorthStar services proposal specifically excluded any upgrades to the BHE headworks structure. Banner suggested a motion to have NorthStar provide a cost proposal for them to, as a part of their Phase II design, examine and determine the condition of the structure. The District could provide HARP a resolution of intent to address deficiencies in the integrity of the structure. Cordova so moved. Motion passed. O'Hara is to be the main contact for HARP to

January 28, 2015 Minutes, Page 3 of 4

coordinate with the District. Cordova is the designated District representative on the HARP Board.

President's Report --

Willumstad reported that Mike Shuster contacted him with an interest in buying some to the District's excess properties. Phillips reported that he has contacted the realtor. Banner said that he received a request from Doug Miller about purchasing an area at Pearl Street. He referred Miller to Phillips.

Keith Swerdfeger contacted Willumstad about access from 4th Street down to the kayak area. Wilkinson said that the City is working with CDOT on that access.

Willumstad would like for emails to be sent to all Board members so that all are informed. However, the Directors cannot get into detailed discussions or there could be a violation of the requirement for open meetings.

Administrator's Report-

None

Arkansas River Levee Construction Contract --

NorthStar - Kock passed out some photos to show some of the work that is occurring. They found a bone in the excavation last Friday night. The coroner was called out. They determined it to be an animal bone. ASI anticipates starting concrete placements later this week. They are scheduling to place concrete every other day and expect to place about 200 lineal feet along the Levee each day. The concrete will have control joints cut in at 12-foot intervals, both horizontally and vertically. When the contractor stops a daily concrete placement it is to be at the 12-foot interval spacing. CTL Thompson will be onsite doing testing of the subgrade and of the concrete being placed. ASI still has some more sheet piling to drive in. The length of the piling will give additional height to protect against River flows. It is anticipated that they will be back out of the River by the middle of March. The added height of the sheet piling allows them to extend the construction season some. Most of the dirt has been excavated and hauled off. A meeting is scheduled to review NorthStar's survey data and ASI's haul data to confirm quantities of work done. These quantity reconciliation meetings will be held on a near weekly basis.

NorthStar received the archaeological and cultural resources report prepared by SWCA and emailed it out to the Board members. They would like acceptance of this report so that it can be attached to the Corps of Engineers submittals. The report does not include the Wildhorse Levee area, only the Arkansas. The Corps of Engineers does not see any issues coming up through the end of the Arkansas River Levee project. The intent was to have one application and permit through to the end of the work on the Arkansas segment and that has been done.

Willumstad said that Keith Swerdfeger that a group he belongs to also wants the District to consider recreational improvements as well.

Todd Kettlekamp contacted Willumstad about the dirt storage agreement with the Comptons. Banner said that he is working through Kettlekamp's proposals. He is not finished but the provisions do not appear to be onerous. Kock said that it is too late for this year. Arrangements had to be made for another site to keep the work progressing. However, this is an option that should be pursued for Phase II construction.

Fountain Creek Committee Reports --

Maroney reported that new committees are forming. One committee is to focus on priorities of the work that needs to be done in and along Fountain Creek. The other new committee is to focus on water rights issues.

January 28, 2015 Minutes, Page 4 of 4

Old Business:

None

New Business:

Mural Policy Committee – Koehler said that the policy needs criteria for how the work is done, how it will be maintained, and to relieve the District of liability. Banner said that the maintenance fund does not currently allow for art work. It would take a statutory amendment to incorporate art, recreation and beautification into the allowed uses. Phillips expressed concern that the Board's focus is getting off of track from getting the repairs done. Koehler will chair the committee and will seek volunteers from the arts community to help formulate the policy.

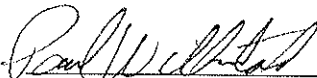
Annual Designation of Notice Posting Locations – Kidd said that it is required that at the January meeting districts designate a minimum of three places in the district, plus the county courthouse, for posting of meeting notices. The three current locations have been the Pueblo Judicial Center, the Heritage Center, and the City Hall. Koehler moved to maintain these locations. Motion passed.

CORA Policy – Banner offered a proposed CORA Policy for consideration by the Board.

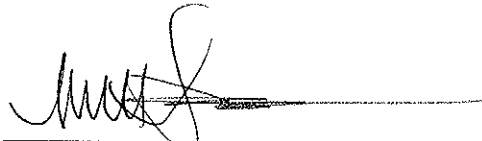
Other Business:

There being no further business to come before the Board, the business meeting was adjourned at 11:55 am. The next regular meeting date will be February 25, 2015, at 10:30 am. .

APPROVED:



Paul Willumstad, President



Matt Cordova, Secretary