

**MINUTES OF THE FEBRUARY 25, 2015  
REGULAR MEETING  
OF THE PUEBLO CONSERVANCY DISTRICT**

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

**Also Present:** Administrator Rick Kidd, Attorney Joe Bower

**Guests:** Kim Kock, NorthStar Engineering  
Blue Pate, Pate Construction  
Steven Meier, Director City of Pueblo Planning and Community Development  
Chris Woodka, Pueblo Chieftain  
Shanna Lewis, Colorado Public Radio

The regular meeting of the Pueblo Conservancy District was called to order at 10:30 am. A quorum was present.

**Minutes:**

The minutes of the January 28, 2015 regular meeting were reviewed. Alt moved to approve the minutes. Motion passed.

**Public Forum:**

None

**Treasurer's Report:**

The January 2015 accountant's compilation report was reviewed. O'Hara moved to receive and file the compilation reports. Motion passed

Kidd provided a brief history of the City of Pueblo's agreement with the District concerning their Maintenance Fund Assessment, and that the \$77,500 deposit is the final amount due from the City per the agreement reached with the District. Kidd reported that he had reviewed ASI's request for payment and that he is comfortable with it. O'Hara moved to approve payment of the bills. Motion passed.

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

\$ 500.00	Black Hills Energy, Runyon Lake Electricity
\$ 350.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees
\$ 1,200.00	Kidd Engineering, Administrator/Engineer fees
\$ 4,165.00	Kidd Engineering, Levee Construction Meetings, CA/CO, Special Meetings
\$ 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
\$ 87.40	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
\$ 750.00	NorthStar Engineering, Task C, Arkansas Levee "As-Constructed Survey and Conditional Evaluation Contract

February 25, 2015 Minutes, Page 2 of 5

\$ 1,190.00	NorthStar Engineering, Task D Design, Permitting and Regulatory Approvals Contract
\$ 30,688.50	NorthStar Engineering, Task E Construction Support Services, Geotechnical Testing, Staking, As-Builts Contract
\$ 411.33	Colorado Special Districts Association, 2015 Membership Dues
\$ 49.50	The Pueblo Chieftain, Annual Budget Hearing ad
\$794,141.10	ASI Constructors, Arkansas River Levee Phase 1 – PR#3

**President's Report –**

Willumstad reported that he had been asked to appear before city council this afternoon at 5:00 pm "to speak on how the Conservation District came to the decision to select the contractor for the levee." He, O'Hara, Kidd, and Kock will attend this meeting at the City Manager's Office.

**Murals and Recreation Sub-Committee Report --**

Koehler reported that she, Kock, Banner and Meier met to discuss criteria for new Levee murals and adding support for murals and recreation development into the Levee project work. Meier stated that there are many opportunities for development along the top of the rehabilitated Levee structure. Some concepts are for viewing bump-outs along the water park, shade structures, trails, and lighting. Access is the biggest hurdle. A bridge would have to be constructed either over the River or over the railroad lines. The easiest will probably be over the River. The City is trying to get \$600,000 to improve the access off of 4<sup>th</sup> Street. The area between 4<sup>th</sup> Street and the Maple Leaf Restaurant and the access road and parking area at the head of the kayak course is where this money will be spent. They are also looking at future improvement from the Main/Union area down to the River. Railings along the River side and fencing along the railroad side of the top of the Levee needs consideration. Meier said that new murals along the kayak course need to identify the drop structures. This could be with a special mural, a number, or a number designation combined with a mural. There just needs to be some way of visually identifying each drop. He feels that there is a great opportunity for the District and the City to cooperate and develop this resource. The City is going to develop a draft master plan for consideration. Koehler said that the safety for women walking the trails along the River also needs to be addressed. The group wants to start working on this early for coordination of the Levee work and to use the money the District is expending to count toward matching funds for grants. Koehler suggested that there may be a need to form a Recreation District. Meier said that the City would really like to see an access route constructed from the Union Avenue Bridge down on to the Levee. They would also like to see continuity with connection back to Lake Runyon and looping trails.

Koehler said that she prepared draft concepts for mural criteria. These are based on ideas and information she gleaned from several areas around the Country. The committee feels that the guidelines should work toward being the "Best" mural project, not just the "Longest". They are soliciting input from the Board and then will meet with the artist community. Kidd is to add a discussion of the murals policy to the agenda for the March meeting. The Board was asked to provide comments on the mural policy to Koehler by March 15<sup>th</sup>. Kock recommended that there be a disclaimer of liability for the engineers and contractors involved in the Levee project. Kidd reminded the Board that Cynthia Ramu had been formally designated by the Board to coordinate the murals.

**Administrator's Report-**

Kidd reported that he had been contacted by the president of the Pueblo Chapter of Trout Unlimited. They are concerned about the restoration of the various structures that had been installed to provide fish habitat. The locations were documented by NorthStar, but Kidd learned that an aquatics expert had been on-site when each structure was sited and each boulder was set. This habitat must be restored both for the benefit of the fishery and also due to ramifications of some of the funding sources. However, Kidd stated that he does not believe the money should

February 25, 2015 Minutes, Page 3 of 5

be spent for this until all of the work along the area to the Black Hills Energy (Southern Colorado Power) Diversion is completed. Otherwise, it will have to be taken out and then put back as a part of each phase of work. The consensus of the Board was agreement that this work should wait and be a part of the last phase of work in this area.

Kidd said that the Heritage Center requested him to provide a presentation at a meeting they hosted titled "Visit the Arkansas River Levee Restoration Project: Past, Present, and Future". Kidd and Cynthia Ramu were the presenters. The meeting was on February 18<sup>th</sup>. Approximately 75 people were in attendance, including five of the District's directors. Kidd said that there was talk of asking him to provide an update presentation sometime at the Library.

#### **Fountain Creek Committee Reports –**

O'Hara attended the meetings. He is now on a team for a flood control study. Land owners adjacent to Fountain Creek are concerned about damage to their properties and headgates, but downstream entities are concerned about the impact that any flood water detention will have on their water rights. The Fountain Creek District is hiring an engineering firm to look at these issues.

#### **Arkansas River Levee Construction Contract –**

**NorthStar** – Kock reported that they had sent an update to FEMA and CWCB last week. The project is moving forward and the current schedule has the last of the concrete placed by March 23<sup>rd</sup>. Several days were lost at the beginning of the contract due to having to meet requirements that came up from the Army Corps of Engineers and the State Historic Preservation Officer. The State Engineer's office alerted us that Arkansas River flow rates will be going up about double what they are now. They could be doubling again in the near future. The contractor's staff engineers are keeping an eye on this. They have looked at historical flow rates and did an analysis of existing channel capacity. They do not anticipate a problem but are keeping on top of it.

At the last meeting, the Board approved a change order not-to-exceed \$3500 for tie-down anchors. Earl Wilkinson was to have a discussion with Chief Dale Villers to confirm spacing and locations. The Chief told Wilkinson that they would like to have the anchors spaced at 24-feet through the kayak course area and 48-feet along other areas of open water. They want the anchors located along the top of the concrete. Wilkinson told NorthStar to plan on spacing of 60-feet through the Phase I area. The City and the Fire Department will see if they can budget some money to help out in anchor installations in future phases. ASI installed culverts in ravines and Wildhorse Creek for the temporary haul road. The Corps of Engineers has approved keeping those culverts in place for future phases of the Levee rehabilitation project. NorthStar has included both the anchors and headwalls in Change Order #2. The amounts are \$3,500 for the anchors and \$13,531.63 for the headwalls. ASI is not charging additional for the culverts that they have installed. The total amount for Change Order #2 is \$17,031.63.

O'Hara asked about alternate access routes. Kock responded that they have tried to figure out a good alternative, but there really is not one. The Pueblo Board of Water Works has told Kock that they are willing to continue to work with the District and allowing use of their road for access to the site. The Matt Trujillo has asked for a letter from the District requesting continued use of this access, the time frame during which it will be needed, and a commitment for maintenance. Mr. Trujillo will then take the letter of request to the Board of Water Works for formal consideration. There has been some damage to the road. ASI has been maintaining it to repair major paving system structural failures. The subgrade of the road is not to the standards necessary for the heavy weight traffic imposed by the construction traffic. Simply resurfacing it will not significantly improve this situation. Therefore, the Board of Water Works may be willing to defer repaving the haul road until all work is completed. Kock suggested that the District send a letter to the Board of Water Works requesting deferral of resurfacing the road until all work is completed.

February 25, 2015 Minutes, Page 4 of 5

The toe of the Levee concrete panels is approximately 6-feet deeper than anticipated. This has resulted in additional concrete removal, embankment shaping, and concrete surfacing. This area was previously constructed with weep holes to let water out from behind the concrete. These weep holes are actively running water. CTL Thompson has evaluated the impact of having hydrostatic pressures build up behind the concrete and believes that weep holes should be installed as a part of the new construction. The added costs for these weep holes is estimated at \$8,897. ASI has dewatered and excavated along the toe of the concrete wall and has found a 16 to 20-foot gap between driven sheet piling and where a concrete headwall was installed at the toe. NorthStar, Kidd, and CTL Thompson have not been able to come up with a reason for why this gap was left. Therefore, NorthStar recommends driving sheet piling across this area to provide a terminal toe for the end of the concrete slope paving. The estimated cost furnish and install the sheet piling is \$17,834. NorthStar has prepared Change Order #3 for these two additional items of work. The combined amount of the change order is \$26,731.57.

NorthStar requested the Board to approve both Change Order #2 and Change Order #3, for a total contract adjustment of \$43,763.20. Koehler moved to approve the four items detailed in the change orders. Motion passed.

Kidd reported that the District currently has a total of approximately \$2.5M available in the construction loan, operating, and reserve accounts. Based upon past collections, approximately \$800K will be coming in from the Maintenance Fund Assessments this year. Therefore we have a total funds availability of approximately \$3.3M before depletion at the end of the year. Current outstanding contract commitments are \$2.27M for the ASI contract and \$309K for NorthStar, for total contract commitments of \$2.6M. This only leaves \$700,000 for reserves, operating costs, and starting work on Phase II of the Levee rehabilitation work. We have learned that costs were much higher than anticipated at the time the District started working on a construction loan package. Information that we have obtained during this Phase I test section is giving NorthStar information that they need to zero in on what types and quantities of work and material will be required for future work. We also now have experience of actual costs to do the work. This information will help in discussions of a long term financing package for the remainder of the rehabilitation work. Banner will be working on this. Willumstad asked NorthStar to check with the County Assessor's office to ensure that we are collecting from State assessed properties this coming year and approximately how much that amount should be. Bernard asked if we should go to a moratorium for a year before additional construction. Willumstad said that he would hate to lose the momentum.

**Old Business:**

Levee Mural Policy - to be discussed more in the March meeting.

**New Business:**

Headwalls and alternate access route discussed above.

SWCA Archaeology Report Acceptance – Kock stated that this report was prepared to comply with the State Historic Preservation Officer's requirements. The Board previously approved including this as a change order to NorthStar's contract. Kock had emailed the report out to the directors of the Board for their review. He would like to have it accepted by the Board prior to formally submitting it to the Army Corps of Engineers and the State Historic Preservation Officer. O'Hara so moved. Motion passed.

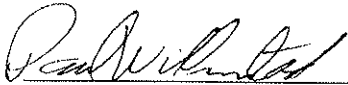
Property Boundary Determination – Kidd stated that it is going to be necessary to determine the boundaries of Conservancy District ownerships for planning the reconstruction of the Wildhorse Creek Levee. The Union Pacific Railroad has also been questioning actual ownerships along their rail yard. Kidd will prepare a request for proposals for property boundary surveys.

February 25, 2015 Minutes, Page 5 of 5

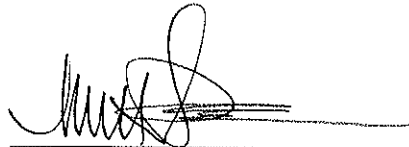
**Other Business:**

There being no further business to come before the Board, the business meeting was adjourned at 11:52 am. The next regular meeting date will be March 25, 2015, at 10:30 am. .

APPROVED:



Paul Willumstad, President



Matt Cordova, Secretary