

**MINUTES OF THE AUGUST 24, 2016
REGULAR MEETING
OF THE PUEBLO CONSERVANCY DISTRICT**

Directors Present: Bill Alt, Barb Bernard, Matt Cordova, Corrine Koehler, Bud O'Hara, Dennis Maroney, Ron Serna, Paul Willumstad

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Shanna Lewis, Colorado Public Radio

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 July 27, 2016 regular meeting and August 17, 2016 special meeting were reviewed. One typographical correction was required on each. Alt moved to approve the minutes as corrected and Koehler seconded. Motion passed.

Public Forum:

None

Treasurer's Report:

Kidd noted that the accountant has not yet prorated the funding under general item #110 through to the sub items, and they asked Kidd to provide the proration information to them. It was noted that the Maintenance Fund Assessment collected to date is \$45,260 more than projected in the budget. These funds will accrue but will not be sufficient to pay off the loan at the end of the term. Koehler moved to accept the July accountant compilation report. Seconded by Bernard. Motion passed.

Bills – Kidd said that the bill listing included a check to Elmer Aguirre that was actually written before the Board meeting. Banner explained that the check was for the purchase of two unencumbered lots at \$2000 per each, plus \$2000 in moving expenses as had been previously approved by the Board. Banner said that he is continuing to work with Ocwen on the property acquisition and worked to do away with some of the proceedings fees by not holding an immediate occupancy hearing. Ocwen has so far rejected offers for the purchase of the property but we do now have immediate possession. Banner held the check until confirmation that Aguirre was out. Bernard said that she had reviewed the invoicing from NorthStar and Lytle and they are within the contract agreements.

The following bills were posted for review and approval:

<u>Vectra:</u>	
\$ 400.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees
\$ 36.24	Banner and Bower, FedEx charges
\$ 22.00	Banner and Bower, Pueblo County Clerk & Recorder 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

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\$ 202.50	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
\$ 6,000.00	Elmer Aguirre, Purchase of 2 lots and \$2000 moving expenses
\$ 600.00	Spaccamonti Excavating, Lake Runyon entrance trash removal
\$ 357.50	Chem-Way Lawn Care, Levee weed spraying

CNB Draw Account:

\$ 770.00	Kidd Engineering, Levee Phase 2 CA/CO, Progress meetings, completion review
\$ 6,235.00	NorthStar Engineering, Arkansas Task F.2 – Phase 3 Final Design, Construction Documents, Bidding
\$ 112.00	NorthStar Engineering, Arkansas reimburseables
\$ 8,912.50	NorthStar Engineering, Wildhorse Task C – Design, Permitting and Regulatory Approvals
\$ 22.00	NorthStar Engineering, Wildhorse reimburseables
\$ 3,910.00	NorthStar Engineering, Maintenance Fund Assessment Support, Appraisal Phase III Services, Property Acquisitions, Artwork and Recreational Opportunities meetings
\$ 371.00	NorthStar Engineering, MFA & etc. reimburseables
\$ 4,041.80	Altman, Keilbach, Lytle et.al., Wildhorse Creek Area Eminent Domain and Land Acquisitions 7-31-16 invoice
\$ 450.00	I.J. Hill, 1922 West 16 th Street, Aguirre's Appraisal
\$ 200.00	ebersoleMEDIA, Video of Aguirre property

Koehler moved to pay the bills and the motion was seconded by Serna. Motion passed.

Property Acquisitions:

As discussed above, we do have possession of the Aguirre property. Banner explained some of the conditions left behind when Aguirre left. Willumstad asked if was an attractive nuisance and needed to be boarded up. Kock said that asbestos abatement and demolition would be starting very soon now that we have possession. Banner said that the deed had not been recorded yet, but that he will proceed with getting that done. Banner said that Heidi Wodiuk had been released from the State Hospital but remained in the custody of the County. The condemnation is still proceeding through the court system and it could take years before it finalizes. Banner said that we do have possession of the property. Willumstad asked Banner if Lytle could file for summary judgement. Banner said that he would ask.

President's Report –

Willumstad said that he believed the Monday evening presentation to City Council went very well. He noted that Kim Kock made an excellent report to them. Koehler affirmed that she thought it went well also and that the entire Council was favorable to the potential of the redefined Levee area. She said that Steven Meier got that Council supports him and he has their approval to keep working on this. Banner suggested that Koehler meet with the GOCO representative from Lamar and discuss the vision.

Administrator's Report –

Kidd directed the Board to a picture of the excavation for the 18th Street Bridge wall. This is the situation that he briefly mention to the Board at the August 17 Special Meeting. He directed attention to the separation of the curb and gutter from the asphalt. He said that currently it is his opinion that Swerdfeger should not receive extra compensation. However, he is open to discussion and justification from them. He told the foreman that they should keep time and materials records documentation. Kidd received a letter from CDOT asking the District to agree to relatively minor rerouting of the bike trail along Thomas Phelps Creek. The original I-

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25/Ilex concept was to put both the Creek and bike path in an arch span culvert. This plan changed when the UP Railroad decided that they did not want to let go of their railroad easement through the area. CDOT now has to put in a bridge span so they are planning to leave the existing concrete box culvert in place for the Creek and then route the bike path around the expanded earthen embankment. Kidd was directed to confirm that the new plan was acceptable to the City before he signed the agreement. Alt moved to approve Kidd to sign the agreement. The motion was seconded by O'Hara and passed. He is to also find out about lighting of the bike trail under the bridge. Kidd reported that Chad Chivogle, from the Colorado Division of Parks and Wildlife, contacted him about additional lighting at the Lake Runyon parking lot. Chivogle said that they were under pressure from Senator Leroy Garcia to add lighting in an effort to control crime and problems in the area. Willumstad suggested that the Senator may need to look at options to address the bigger problem. Koehler volunteered to contact the coordinator of the River cleanup crews to see if they may be able to help keep Runyon clean. Alt suggested contacting the marijuana people about doing some cleanup. He said that Strawberry Fields had adopted a section of I-25 north of Pueblo. Koehler said that she knows that marijuana groups have adopted areas around the Nature and Raptor Center.

Fountain Creek Committees Reports –

Maroney reported that he attended three meetings this month. The USGS made a presentation about a real-time data collection system to notify CDOT of stream flows to the Technical Advisory Committee. He said that they approved a scope of work for adapting the Colorado Springs Drainage Criteria Manual to the needs for other area entities so that then they could adapt and apply the Manual as appropriate for their jurisdiction. Maroney said that money is now flowing from Colorado Springs to fund projects that will help along Fountain Creek. Attorneys are working on a system to track the projects and the funding. The Monetary Advisory Committee has revised their cost estimate of projects from \$28M to \$55M. They have used drones to fly along Fountain Creek and this has given them conditional information that they did not have before. This is why they revised the estimates up to \$55M. Maroney does not believe that \$55M will be enough. They are looking at ways to curb movement of Fountain Creek to the west. Matrix Design Group was awarded a contract for some studies. The Fountain Creek District is holding their next Board meeting on Friday at the Pueblo County Board of Commissioners' chamber. It will be at 1:00.

Arkansas and Wildhorse Levee Construction –

Kock reported that the piers are in and Swerdfeger will be forming the concrete for the 18th Street Bridge wall next week. They will now proceed with demolition of the houses since we received possession of the Aguirre property. There is a meeting scheduled for Black Hills, Board of Water Works, HARP and the City to meet to discuss the Black Hills/HARP Diversion. It is set for September 16th at 2:00 pm. NorthStar is finalizing the construction documents for Phase 3. It will be ready to advertise for proposals in about a week. Banner has worked with Board of Water Works and completed an access froad agreement and construction criteria that will be made a part of the construction contract. Fines vary from \$200 to \$1000 per incident and if contractors continue to ignore the criteria they could be barred from bidding on future Levee work. Willumstad asked Kock to check on repairs of the bike trail at 11th Street. Kock believes the damage was caused by the City's sewer main relocation project but he will check on it.

Old Business:

Recreation and Mural Sub-Committees – Koehler said that she was very impressed by the unanimous support received by the City Council. Kidd asked if there needs to be some follow up made with the City to again stress the timing issues and thank them for their support. Willumstad said he would send a letter to City Manager Azad and ask him to read it to the Council. Kock reminded that the design for Phase 4 needs to begin in May 2017.

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New Business:

Director Liability – Alt questioned liability of the Board of Directors and wondered if insurance should be bought. Banner said that there are laws offering protection. He will verify what the law provides and also discuss the issue with the District's insurance carrier.

O'Hara believes that with the Levee opened up it could be an attractive nuisance until the further development is completed. Willumstad said that he would like to see the railroads pay for fencing along their side. Across railroad property is currently the main route of access for the public to get to the Levee. Koehler asked O'Hara what the Board of Water Works has done with respect to liability at their diversion. He said that they have insurance and they try to block off access. He said that it also serves as an irrigation diversion.

Other Business:

None.

There being no other business to come before the Board the meeting was adjourned at 11:45 am.

The next regular meeting date will be September 28, 2016, at 10:30 am.

APPROVED:



Paul Willumstad, President



Matt Cordova, Secretary