

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

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Mike Cuppy, NorthStar Engineering  
Chris Woodka, Pueblo Chieftain  
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 January 27, 2016 regular meeting were reviewed. Koehler moved to approve the minutes and Cordova seconded. Motion passed.

**Public Forum:**

None

**Treasurer's Report:**

Kidd reported that there is not a December accountant's compilation report. The December report is a year-end report and still not all of the required information has been received so that the accountants could have it prepared.

**Bills** – Kidd reviewed the bills posted for payment. He explained that the spreadsheet is now expanded. The first page shows deposits into the Vectra cash checking account and the Canon Nation Bank (CNB) reserve account. A condition of the loan and CNB is that deposits of the Maintenance Fund Assessment are to go into their bank. The next pages are the draws from the checking accounts. First are the draws from the Vectra cash checking account. When the built up funds in the checking account are depleted there will be a check from the CNB reserve account to backfill the Vectra account. The last listing is for checks from the CNB draw account to pay bills related to the levee construction and certification project. He said that the ABC Bank account needed to be closed out. They would not simply issue a bank draft made out to the Pueblo Conservancy District, but suggested instead that there be a check written for the balance in the account. This check is in the bills for payment.

The following bills were posted for review and approval:

Vectra:

\$ 400.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees
\$ 6.00	Banner and Bower, E-filing with the Court
\$ 1,700.00	Kidd Engineering, Administrator/Engineer fees
\$ 98.00	Kidd Engineering, Postage
\$ 200.00	Alt, Director's Fee
\$ 200.00	Bernard, Director's Fee
\$ 200.00	Cordova, Director's Fee
\$ 200.00	Koehler, Director's Fee
\$ 25.95	Koehler, Reimbursement for Great Divide video
\$ 200.00	Maroney, Director's Fee
\$ 127.44	Maroney, Mileage for attending Fountain Creek committee meetings
\$ 200.00	O'Hara, Director's Fee

February 24, 2016 Minutes, Page 2 of 5

\$ 200.00	Phillips, Director's Fee
\$ 200.00	Serna, Director's Fee
\$ 200.00	Willumstad, Director's Fee
\$ 418.15	Garren, Ross & DeNardo, IRS Form 8038G preparation
\$ 468.23	Special Districts Association of Colorado, SDA 2016 membership dues

ABC Bank:

\$ 2,162.02 Pueblo Conservancy District, Close-out of ABC Bank account

CNB Draw Account:

\$ 490.00	Kidd Engineering, Coordination meeting for City's 11 <sup>th</sup> Street sanitary sewer project, Levee Phase 2 CA/CO, discussions with NorthStar, etc.
\$ 9,030.00	NorthStar Engineering, Task D Wildhorse Levee Construction Support Services
\$ 205.50	NorthStar Engineering, Wildhorse Reimbursable copies, fees, etc.
\$ 2,800.00	NorthStar Engineering, Maintenance Fund Assessment Support – Phase III Services
\$205,443.00	KR Swerdfeger Construction, Inc., Arkansas & Wildhorse Levees, Phase 2
\$ 9,000.00	Williams Valuation Services, Appraisals for 1920 & 1922 West 16 <sup>th</sup> , and 1908 West 17 <sup>th</sup>

O'Hara moved to pay the bills. Seconded by Cordova. Motion passed

**Property Acquisitions:**

No executive session required.

Banner reported that condemnation papers on the Wodiuk properties have been served and is in process. Jill Matoon is the new supervising judge for the Pueblo Conservancy District. Banner met with Billy Marquez. The County assessed value was \$64,000 in 2007 but Banner explained to him that it was only \$54,000 in 2015. Marquez decided that he would accept an offer of \$65,000, which includes all relocation costs, and a commitment that the District would try to help him find a place for his sister to move to. Willumstad signed the agreement with it being contingent upon ratification by the Board. Banner is asking the Board to ratify the sales agreement and send a letter to the Pueblo Housing Authority to request assistance in the relocation of Irene Marquez. Bernard suggested that it may be easier to get her into the Azteca Apartments than into a Housing Authority property. Willumstad said that he has talked to the chaplain at St. Mary Corwin Hospital and she is willing to help also. Koehler read a proposed resolution for the purchase of 1908 West 17<sup>th</sup> Street.

RESOLVED, that the District confirms the Contract to Buy and Sell Real Estate of February 12, 2016 between Billy Marquez as Seller and the District as Buyer concerning Lots 5-10 inclusive and Lots 11 and 12, Block 36, Irving Place 2<sup>nd</sup> Addition, commonly known as 1908 W. 17<sup>th</sup> St., Pueblo, Colorado with a sales price of \$65,000.00.

RESOLVED, that the officers of the District are authorized to execute any and all required documents necessary to close the above sale.

BE IT FURTHER RESOLVED, that the officers of the District are authorized to request the Pueblo Housing Authority and Azteca Apartments to expedite an application for housing for Irene Marquez, a 71 year old senior citizen who resided in the property at 1908 W. 17<sup>th</sup> St., Pueblo, CO and who is a paraplegic in immediate need of housing.

February 24, 2016 Minutes, Page 3 of 5

Koehler moved for approval of the stated resolution. Seconded by Bernard. Alt asked what happens if we cannot get housing for Irene. Willumstad stated that he is confident something will be found. Motion passed.

**President's Report –**

Willumstad stated that there had been numerous emails back and forth concerning the Marquez property. He rode by the Wilhorse Creek Levee and saw that the new concrete facing just south of the 11<sup>th</sup> Street Bridge has graffiti on it. Willumstad suggested and Koehler agreed that this should be painted over. Kidd was requested to check with the Pueblo Police Department about their graffiti removal program to see if they could help on this. Actions for property condemnations have been proceeding. He wondered about having a series of photographs or a video of the current project work being performed by Swerdfeger. Kidd said that he and NorthStar do have some pictures. Koehler suggested having John Wark take pictures. Kidd said that he would take some pictures that show the broader scope of work and progress.

**Administrator's Report –**

Kidd reported that he, NorthStar and Swerdfeger attended a coordination meeting for the sanitary sewer line that the City is installing along the new 11<sup>th</sup> Street Bridge. Cortez Construction is their contractor. We are holding off on construction in this area until Cortez gets the sewer piping in and buried. Kidd met with representatives of Flat Iron Construction where Thomas Phelps Creek crosses under I-25. Flat Iron is diverting water between the two box culverts so that they can clean, inspect and perform repairs. They need access outside of the CDOT right-of-way and wanted to discuss access points, tree removal, and restoration. There are two trees that are growing beside the inlet south wingwall and causing it to move. Kidd gave them approval to remove those trees. There is an old tree on the east side of the highway that is going to be severely pruned along the highway side. Kidd asked them to remove it rather than leaving a mangled tree. Channel 13 called and asked questions about the construction and the extent of the work to be performed this year. The letter in cooperation with Maroney has been redrafted for signature at the meeting. Maroney said there were a couple more changes that he recommended to be made before signature. Randy Marks called again and Kidd told him that his questions needed to be dealt with through the District's attorney. One of Swerdfeger's subcontractor's truck drivers had an incident on site and dumped a load of dirt. Swerdfeger did an accident report and the driver was taken off of the project. There were no personal injuries. Kidd said that he tried to get a signature card to revise the allowed signatures at Vectra. They told him that they would not allow him to take a new signature card to get signatures. They want a statement with the names of who is to be removed and those to be added. And that each one would have to come in and sign the card. Alt moved to have Banner prepare a resolution to have O'Hara removed from the Vectra signature card and add Bernard. Cordova seconded. Motion passed.

Willumstad asked if FEMA was keeping informed about the work that is being done on the levees. Cuppy responded that NorthStar has had communications with FEMA and sent them a detailed statement of their concepts and plans. He said that FEMA primarily cares only about the certification at the end of the project.

Kidd asked Banner with the moving of the courts what has happened to the boxes of the original materials for the District. Banner said he will find out where they went. He also recommended having them scanned so that the District has their own record of the important documents. The consensus was this is a good idea. Banner said he would find out about the documents and ask if the Court will allow him to remove the material for scanning. He will get a proposal of costs for the scanning. Kidd then asked if this should also be done with the original minutes and land acquisition records that he is currently housing. He said that these documents could then be disposed of, or archived somewhere. Bernard said that she would like to see the original papers kept.

February 24, 2016 Minutes, Page 4 of 5

**Fountain Creek Committees Reports –**

Maroney reported that the Technical Advisory Committee met on February 3<sup>rd</sup>. They considered two proposed projects. One is for protection of the Colorado Springs sludge line that takes product to their disposal plot near the Nixon Power Plant. The plan is to construct a structural wall with 3-foot diameter rock riprap. The riprap would extend below the Creek bed to the underlying sandstone. The estimated cost for this project is \$3.5M. The second proposed project is for the relocation of Excell Energy power poles along the east side of Fountain Creek. The Monetary Advisory Committee has met but no action was taken because the funding to come from Colorado Springs has not been transferred yet. They have developed a matrix for evaluation of project proposals.

**Arkansas and Wildhorse Levee Construction –**

Cuppy reported that removal of the Arkansas River Levee embankment is progressing well. Swerdfeger should be down to the 4<sup>th</sup> Street Bridge today or tomorrow. The old Wildhorse Levee has been removed and reconstruction started. They ran into a pocket of sandy material in the Arkansas Levee that was not suitable to be used as fill for Wildhorse Creek. CTL ran tests and made a recommendation that it could be mixed two parts of the sand to one part of the Wildhorse material and be used for fill. It turned out to only be a small area and the material was taken to the stockpile rather than mixing for use. They ran into a dump site near the old Fountain Foundry. The material was removed and the excavation refilled with new material. Cuppy said that the Pueblo Board of Water Works 24-inch water main that crosses through the Wildhorse Levee could be a problem. Swerdfeger provided a proposal for costs to lower the line. Water Works was asked to help pay for some of the expenses but they are not willing to do that. Kidd asked the Board for limited authorization to approve change orders, such as may be required in this case, so that construction will not be impeded and/or special meetings called. Asked if he thought a change order would be required, Cuppy said that this crossing was shown on the plans and he believes something should be able to be worked out. No authorization was given to Kidd for emergency change orders.

**Old Business:**

Koehler said there were no changes and nothing to report for either the mural or recreation sub-committees.

**New Business:**

Banner said that he has asked Kidd to determine the amount of money spent from the District's general fund in support of the levee certification work. Kidd reviewed his summary of expenses from January 1, 2012 through January 1, 2016. He determined that a total of \$1,896,987.91 had been spent from the general fund. Banner suggested shifting money from the maintenance fund assessment or loan funds back to the general fund. Kidd said there were additional expenditures in the 2007 to 2008 time frame. He estimated this to be less than \$100K. Banner recommended moving \$1,896,987.91 from the loan funds to the general fund. The shift should be timed to meet the drawdown requirements of the \$10M bond loan. Alt so moved and it was seconded by Maroney. Motion passed.

Kidd reviewed the Chem-Way Lawn Care proposal for applying preventative and weed control herbicides along the Arkansas Levee area. Kidd said that he will ask Colorado Vegetation Management to provide a proposal for applying Sterilant to the joints and cracks of the concrete sections along the river side of the Levee. Chem-Way's licensing does not cover applications next to water. Alt moved to approve the Chem-Way proposal. Maroney seconded. Motion passed.

Kidd said that Racine's has not yet found anyone interested in buying the District's old safe. The Heritage Center wants it moved out so that they have more room for their displays. Kidd said that an area of the floor of the office he is renting could be reinforced to carry the load of the safe. If the safe was relocated to his office, then he could store the records of the District in this fire protected safe. He would need for the District to pay for the shoring and relocation of the safe. No action was taken.

February 24, 2016 Minutes, Page 5 of 5

O'Hara said that he missed the February meeting of the Arkansas Basin Round Table but he will be at the March meeting.

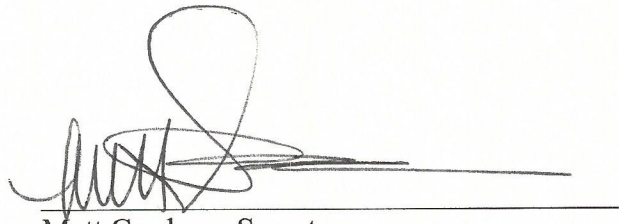
The members of the Board will pass around the Great Divide video for viewing.

The meeting was adjourned at 11:49 am.

The next regular meeting date will be March 23, 2016, at 10:30 am.

APPROVED:

  
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Paul Willumstad, President

  
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Matt Cordova, Secretary