

# MINUTES OF THE OCTOBER 18, 2017 REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Mike Cuppy, NorthStar Engineering  
Alan Ward, Pueblo Board of Water Works  
Shanna Lewis, Colorado Public Radio  
Jason Levinson, Keller Williams Realty

The regular meeting of the Pueblo Conservancy District was called to order by President Willumstad at 10:02 am. A quorum was present.

## **Public Forum:**

None

## **Minutes:**

The minutes of the September 27, 2017 regular meeting were reviewed. Serna moved to approve the minutes and O'Hara seconded. Motion to approve the minutes passed.

## **HARP Water Rights –**

Alan Ward requested to be on the agenda to update the District on the actions being taken to secure water rights for the HARP project. The Pueblo Board of Water Works has been handling the administration as a part of their obligations to the Intergovernmental Agreement. There are currently two water rights being called on to support flowing water through the HARP channel. They are junior rights with decrees dated in the 1990's. There is a 30 cfs right for the Southeast Colorado Power Company diversion and then a 200 cfs HARP Tail Water right. Since they a junior water rights and augmentation plan allows for the exercise and use of these rights. The HARP Tail Water right depended upon the operation of the power plant, which Black Hills Energy closed down. Black Hills deeded their water rights to the Pueblo Board of Water Works. A water court case on the West Slope causes questions about the aesthetic use of water as being an allowed right. Black Hills and its predecessors did not keep good records of their diversions so there is a lack of good historical data. Water Works is looking at other avenues to ensure HARP water into the future. One of those is using their Bessemer Ditch rights. This is what is in a water rights filing letter that the District received a couple of weeks ago. (Kidd then gave those documents to Banner.) Water Works will be filing for the Power Plant rights within a couple of months.

**Treasurer's Report:**

Accountant's Compilation Report – The September compilation report was reviewed. Bernard discussed some issues that she noted and discussed that the year-end budget revision will correct the areas with overruns. Kidd said that he will be setting up a meeting with Daveline and the new bookkeeper to discuss some of the allocations that do not appear appropriate to him. Bernard suggested that moving forward the District may consider using a bookkeeper for the monthly records. Willumstad requested suggestions on input for what should be included in an RFP. It was decided that the Directors will try word-of-mouth to find a bookkeeper and then report back next month. Bernard moved to receive and file the reports. The motion was seconded by Koehler. Motion passed.

Bills – Bernard said that she had reviewed the bills submitted for payment and did not see anything out of the ordinary. Koehler moved to pay the bills. Seconded by Bernard the motion passed.

The following bills were posted for review and approval:

BSJ Operations and Maintenance Account:

\$ 425.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees
\$ 50.00	Banner and Bower, Web Site Updating
\$ 1,700.00	Kidd Engineering, Administrator/Engineer fees
\$ 200.00	Bernard, Director's Fee
\$ 200.00	Cordova, Director's Fee
\$ 200.00	Koehler, Director's Fee
\$ 200.00	Maroney, Director's Fee
\$ 400.00	Martin, June and October Director's Fees
\$ 200.00	O'Hara, Director's Fee
\$ 350.00	O'Hara, Painter for painting over grafitti
\$ 200.00	Phillips, Director's Fee
\$ 200.00	Serna, Director's Fee
\$ 200.00	Willumstad, Director's Fee

BSJ Construction Draw Account:

\$ 675.00	Kidd Engineering, Grant and loan meetings, documents, etc. July 2 thru October 16, 2017
\$ 225.00	Kidd Engineering, Levee system planning meetings
\$ 1,050.00	Kidd Engineering, Phase 4 final design comments, pre-proposal meeting, and proposal evaluations
\$ 3,340.00	NorthStar Engineering, Arkansas Phase 4, Task G.3, G.4, and G.5 Construction Staking, Construction Observations, and Construction Testing

\$14,540.00	NorthStar Engineering, HARP Diversion Task H Bidding and Construction Documents
\$ 18.00	NorthStar Engineering, Arkansas Phase 4 Reimbursable copies
\$ 2,595.00	NorthStar Engineering, Maintenance Fund Assessment Support, Appraisal Phase III Services, Property Acquisitions, Artwork and Recreational Opportunities meetings
\$ 2,225.00	Banner and Bower, 3 <sup>rd</sup> Quarter work for maintenance fund assessment adjustments, Phase 4 contracting, New construction financing RFP's and applications

**President's Report –**

Willumstad requested that the weeds along the levees be cleaned up prior to the CWCB tour. Willumstad reminded the Board that he went to Denver to attend a meeting concerning Senate Bill 17-073, sponsored by Leroy Garcia. Kidd is to work with the City to arrange for a meeting between the City, Colorado Department of Parks and Wildlife, and the District to develop plans as called for in this legislation. He said that he understands the purpose is to conceptualize what could be done in the Runyon Lakes area and provide cost estimates for developing a master plan.

**Administrator's Report –**

Kidd deferred because the other business of the Board will hit on what would be in his report.

**Fountain Creek Committees Reports –**

O'Hara reported that he had attended a meeting where they introduced the Drainage Design Criteria Manual. The Fountain Creek Greenway and Flood Control District has control on what happens within the floodplain. They only have commenting authority on projects outside of the Fountain Creek floodplain which drain into Fountain Creek. Some of the affected entities pushed back on the Manual. Kidd reminded that several weeks ago the District had sent a letter to Pueblo County and the City of Pueblo encouraging their adoption of the new Drainage Criteria Manual.

**Recreation Committee-**

Koehler reported that the committee has been busy working. NorthStar's contract with the City was approved. Cuppy said that they had a kick-off meeting last Friday. The group is working on naming concepts as well as starting the process to increase public awareness and support. She has met with the County and they are supportive. She is hoping that somewhere along the way the County will have some money to contribute to the project area. Koehler participated in the Creek Week cleanup activities.

**18<sup>th</sup> Street Bridge Mural-**

Serna said that the City has not yet approved money to help pay for the mural. He has looked for sponsors but has not gotten any so far. O'Hara will talk to the graffiti cover painter, Don Williams about applying a seal coat on the bridge that will be a primer suitable for the mural. Koehler suggested talking to City Councilman Bob Shilling to get his support for the City to help with the mural costs.

**Old Business:**

**Excess Properties -**

Jason Levinson passed out some information that he has compiled. There are 77 District owned properties identified as being potentially excess. Thirty of them have questionable value. He said that he has color coded them with Green having high potential, Orange is possible potential, and Red is no potential. Several of the properties identified as being in District ownership appear to have houses on them. These properties are on the west side. He sees there being 20-30 properties with real sales potential. He estimates the values of the properties on the west side being about \$0.23/SF, along Corona is \$1.60/SF, and the Green coded properties at approximately \$1.84/SF. Kidd is to loan the District's property acquisition books to Levinson.

**2018 Budget –**

Bernard noted that it prove necessary to allocate more money to legal and professional services, and to work on the maintenance fund assessment program. Cuppy said that they have taken the State Assessed properties about a far as it appears we will be able to go. Therefore, they do not anticipate the MFA expenses being as high as they have been the last few years.

**Levee Project Naming –**

Cuppy said that the NorthStar planning group is working on suggestions. They will send suggestions to Kidd so that he can email them out to the group. He anticipates they will have those prior to the December 20<sup>th</sup> meeting.

**New Business:**

**Construction Contracts –**

O'Hara reviewed the qualifications process and scoring that was employed. Cuppy said there were three proposals received Flat Iron, ASI, and KR Swerdfeger. They were received and opened in that order. The evaluation committee reviewed and scored each proposal without discussion of the information presented. It was determined that all three proposers met the minimum threshold to be considered as qualified. The bids were then opened in the same order. There were Bid Schedule 1, Bid Schedule 2, and an additive alternate to Bid Schedule 1. The contractors could bid either or both bid schedules. The additive alternate to Schedule 1 was for the HARP Diversion Structure. At the pre-proposal meeting, the contractors were told that the contracts for the bid schedules could be awarded separately. ASI was the low bidder on Schedule 1 and Flat Iron was the low bidder on Schedule 2. ASI's bid was \$3,317,353 including the additive alternate. Flat Iron's bid was \$194,760 for Schedule 2.

O'Hara moved to award Bid Schedule 1 and Additive Alternate A to ASI Construction, and Bid Schedule 2 to Flat Iron Construction. The motion also includes issuing the notices to proceed after all of the required bid, bonding and permit documents are received and determined to meet the contract requirements. Phillips seconded. The motion passed.

**CWCB Tour –**

Kidd is to get a second van. Continental breakfast snacks will be hosted by Corinne Koehler. Lunch will be hosted by Don Banner and NorthStar Engineering.

**Website –**

Banner said that it is updated with the minutes through June. He will have the information on the construction contracts added to the site.

**Records Scanning –**

O'Hara said he learned that Board of Water Works did their own scanning. He said that he knows someone who used to have a scanning business and he will check with them. Banner said that he may be able to use someone in his office, depending upon scheduling.

**16<sup>th</sup> Street Property –**

Banner said that he had passed information on the offer to attorney Doug Piersel. He has not yet received a response.

**Other Business:**

None

There being no other business to come before the Board the meeting was adjourned at 11:55 am. A special meeting for taking representatives from the Colorado Water Conservation Board on a tour of the levee system will be held on October 24<sup>th</sup>, commencing at 9:30. The next regular meeting date will be November 16, 2017, at 10:00 am.

APPROVED:

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Paul Willumstad, President

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Matt Cordova, Secretary