

# MINUTES OF THE DECEMBER 20, 2017 REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Joe Bower

Guests: Mike Cuppy, NorthStar Engineering  
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 10:00 am. A quorum was present.

## **Public Forum:**

None

## **Minutes:**

The minutes of the November 15 regular meeting were reviewed. Maroney moved to approve the minutes and Bernard seconded. Motion to approve the minutes passed.

## **Treasurer's Report:**

Accountant's Compilation Report – The November compilation report was reviewed. Bernard moved to receive and file the reports. The motion was seconded by Cordova. Motion passed.

Bills – Kidd noted that the bills included ASI's first pay request and payment to the Special Districts Association for property and liability insurance. Bernard moved to pay the bills. Seconded by Cordova the motion passed. Bernard asked if the insurance provided director and officer liability insurance. This question had been discussed at prior meetings. Bower said that he would talk to Banner about what his determination was on this issue.

The following bills were posted for review and approval:

### BSJ Operations and Maintenance Account:

\$ 500.00	Black Hills Energy, Runyon Lake lighting
\$ 425.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees
\$ 6.13	Banner and Bower, E-filing fees
\$ 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
\$ 79.92	Maroney, Fountain Creek committees mileage
\$ 200.00	Martin, Director's Fees
\$ 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
\$ 49.50	The Pueblo Chieftain, Budget advertisement
\$ 1728.88	Colorado Special Districts Property and Liability Pool, 2018 P&L Insurance

BSJ Construction Draw Account:

\$ 450.00	Kidd Engineering, Planning meetings, November 11 thru December 17, 2017
\$ 375.00	Kidd Engineering, Phase 4 construction administration oversight, meetings, etc.
\$25,162.50	NorthStar Engineering, Arkansas Phase 4, Task G.3, G.4, and G.5 Construction Staking, Construction Observations, and Construction Testing
\$ 9,810.00	NorthStar Engineering, Arkansas Phase 4, Reimbursable copies, etc.
\$ 9,810.00	NorthStar Engineering, Maintenance fund assessment support, and recreational, grant and loan support
\$633,756.69	ASI Construction, Phase 4 Schedule 1 and Add Alt #1, Pay Request No. 1

**Excess Properties –**

Jason Levinson reported that Legacy Homes is going to be making an offer on various parcels. Brian Housman is still working on his due diligence for the property that the District contracted with him for. There are some other possible sales forthcoming. He is contacting neighbors where it looks like the most logical sale would be to them. There are about 40 parcels the District owns that he does not believe have a sales value.

**President's Report –**

Willumstad reported that Housman is having trouble with an Xcel gas line that bi-sects the property. They claim that it is within an easement but they have not been able to provide a copy of that easement. Willumstad told Housman that Xcel should remove their pipeline if it is not in an approved easement. A letter was received from Piersel concerning his clients' property on 16<sup>th</sup> Street. The offer is now at \$80,000, which Willumstad feels is still too high. He suggested that we may need to get an appraisal versus just doing a negotiated pricing. Bernard moved to table this until January and O'Hara seconded. Motion passed. Some on the Board may want to do a walk-through to evaluate. Maroney asked Cuppy about just putting in a drain and piping it to Wildhorse Creek. Cuppy said that it could be done but their

analysis shows that the wall is not causing flooding of the property. Martin asked about potential liability. Willumstad responded that law suits always cost money even though there is no liability. Bower said that the engineering report would be part of the process for determining liability. He also said that the District needs to consider the insurance deductible. Martin said that he just does not want to set any precedence about someone complaining and the District paying them money. The discussion was tabled.

**Administrator's Report –**

Kidd said there was none because everything would be covered in other discussions.

**Fountain Creek Committees Reports –**

Maroney reported that there are several projects on going. Four jetties have been built. Next year, starting in January, work will start in the Overton Road area. There are five projects between 13<sup>th</sup> and 8<sup>th</sup> Streets that will start in March or April. The cost is estimated at \$3M. There will be another project to be done on the Barr Ranch next year. CDOT has decided to go with sheet piling for protection of the Highway 47 bridge abutment due to the high cost of rock riprap. He estimates there will be approximately three feet of the pile height exposed. CDOT is paying a share of the costs.

**Recreation Committee-**

Koehler said that public meetings are being held. One was three hours long and another she went to was two hours long. There has been a lot of good input. One of the concerns, which is out of the District's work area, is the Board of Water Works low head dam. There have also been discussions about development in the Runyon Lake area. Everyone seems to want improved access and improvements to the white water features. Cuppy said that there will be another meeting held in January with a charrette of the ideas. Koehler said the the CWCB funding is going to be decreased due to more of the severance tax money needing to be returned. But, she said, that Jay Winner told her that we needed to continue with the grants to keep them in the cue. O'Hara said that the BOWW does have a plan for improvements at the low head dam. Cuppy said that their charrette may be available by the next Board meeting.

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

Serna said that Tonio had about half of the mural outline done on the wall. Kidd reported that the City had sent a check to contribute \$500 to the mural. Serna said that Kidd had also agreed to support the mural project. Kidd said that he and Tonio had talked and that if additional money is needed for the paint then Kidd Engineering will sponsor it. Tonio is to contact him when he is ready to go buy paint. The paint is coming from the recycling store.

**Runyon Planning –**

Willumstad reported that there had been three meetings of the master planning group. Senator Garcia's bill asked for the City, County, Colorado Division of Wildlife, and the Pueblo Conservancy District to develop a master plan. Beritt Odom, with City Planning, is drafting a memorandum of understanding for the group. The Pueblo Conservancy District owns Lake Runyon and Fountain Lake. The group seems to be getting bogged down in security and

operation and management issues. The State can put in money for development but then there are the ongoing expenses to police, operate, and maintain the area. Homeless people, trash, and vandalism are major problems. Everyone agrees that this area is a jewel for the City. Two trails serve to this area, and then on up the Arkansas River. Connectivity will be great when the River Levee trails are constructed. It is expected that a draft MOU will be ready for review next month. The City Police Department is going to provide a list of “requests for service” so that the group can get a better idea of some of the problems in the area. There is a homeless camp area east of the railroad tracks. This has moved further up Fountain Creek since the City has done some grubbing near the confluence. Willumstad said that a question has come up if the District should give their property interests to the City. This is something to consider next year. Kidd asked, due to some of the development discussed, if he should ask Swerdfeger to use some of the material they are taking off of the Levee to fill the bluff area east of Thomas Phelps Creek if they have excess and would like a close area to go with it. Willumstad said that would be okay.

Bernard asked about a retreat so that the Board could get a better understanding of what the District owns and their areas of responsibility. Kidd was requested to put this on the agenda for the January meeting.

**Phase 4 Construction –**

Cuppy reported that Anna Mauss and Rachel Pettinger, from CWCB, are touring the levee project today. The old concrete facing has been removed from the railroad bridge to Union. They have been placing concrete for the new toe-wall at the bottom of the new concrete facing to go in. Placing concrete for the new facing should start next week hopefully. They have been working with HARP to coordinate closing the gates to dewater the diversion structure so that they can make final plans for its reconstruction. The plan is to replace the open concrete structure by sliding twin 60-inch diameter pipes in and then filling around them with low strength concrete. But they need to do a final evaluation of clearances and interface with the existing headwall works for the final details. Swerdfeger has started to mobilize and build access points for performing the Bid Schedule 2 work.

**Maintenance Fund Assessment Program –**

Cuppy said that they learned the reason for approximately 800 changes in parcels for this tax year is that there were several condominium plats where that type of development did not materialize. Therefore, the lots were consolidated back to the larger tracts of land.

**Old Business:**

**Levee Project Naming –**

Cuppy reported that the design group has been kicking around some ideas and they have asked for input at the public meetings. They are waiting to get their comments to get a public opinion of the theme.

**New Business:**

**Nominating Committee –**

Bernard reported that she and O’Hara had canvassed the directors. The Nominating Committees recommendations are: Donna Phillips for President, Corinne Koehler for Vice President, Bud O’Hara for Secretary, and Barb Bernard for Treasurer. Bernard moved to accept this slate of candidates and O’Hara seconded. Motion passed.

**Accountant Engagement –**

Kidd presented letters of engagement offered by McPherson, Daveline, Breyfogle, and Goodrich. He said that there needed to be a motion authorizing Willumstad to sign. Martin so moved and Koehler seconded. Motion passed.

**Revised 2017 Budget –**

Kidd said that he had met with Daveline and made changes to the budget per Daveline’s recommendations. The proposed revised budget was provided. Bernard moved to approve the revised budget. Seconded by O’Hara the motion passed.

**Investments –**

Banner had suggested the Board consider a resolution to retroactively allow investments with longer than a five-year maturity. Bernard so moved and Serna seconded. Motion passed.

Bernard said that she received documents from Morgan Stanley and they still have about \$11,000 cash invested in an out of state Morgan Stanley bank. She sent them an email that this needed to be corrected or they needed to send the money to the District. Koehler suggested that they send the District the cash and returns of capital to the District and then we could deposit them at Vectra Bank.

**Other Business:**

Willumstad requested Kidd to provide a tentative schedule for the 2018 meeting dates.

It was decided to hold a discussion of what to do with hard copies of scanned records until next month.

There being no other business to come before the Board the meeting was adjourned at 11:50 am. The next regular meeting date will be January 24, 2018, at 10:00 am.

APPROVED:

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Paul Willumstad, President

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Matt Cordova, Secretary