

MINUTES OF THE JANUARY 23, 2019 REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Mike Cuppy, NorthStar Engineering
Larry Small, Fountain Creek Greenway and Flood Control District
Aaron Sutherlin, Matrix Design Group
Steven Meier, City of Pueblo Planning and Development
Beritt Odom, City of Pueblo Planning and Development

The regular meeting of the Pueblo Conservancy District was called to order by President Koehler at 10:00 am. A quorum was present.

Minutes:

The minutes of the December 19, 2018 regular meeting were reviewed. Maroney moved to approve the minutes and O'Hara seconded. Motion passed.

Public Forum:

None

Fountain Creek Greenway and Flood Control District Presentation:

Larry Small and Aaron Sutherlin provided a report on the District and projects that are currently on-going. Tezak Construction has a new contract for stabilization and channeling work in the Pinon area, and Sun Construction has a contract for work in the Barr Farm area. Matrix is currently designing plans for construction work proposed between 13th and 8th Streets. The designs are currently at about 30 percent complete. The project calls for narrowing the channel to keep the velocity at a speed that will keep the bed sediments moving through rather than settling out in this reach. They anticipate construction to start in June and be completed this fall.

Treasurer's Report:

Accountant's Compilation Report – Kidd explained that, as usual, there is not a January accountant's report because it is a year end report and not all documentation is processed and received in time for the December report to be available in January.

Bills – Kidd provided a highlight of some of the bills. Willumstad stated that they are fairly routine and moved for payment of the bills. Bernard seconded and the motion passed.

The following bills were posted for review and approval:

BSJ Operations and Maintenance Account:

\$ 550.00	Black Hills Energy, Lake Runyon Lighting and Electricity
\$ 450.00	MBD&G, Monthly Accountant fees
\$ 2,700.00	MBD&G, Meetings, Analysis, Loan Activity Schedule and Budget Assistance
\$ 500.00	Banner and Bower, Attorney fees
\$ 1,850.00	Banner and Bower, 4 th Quarter Budget, Land Sale to County, Independent Contractor Agreement
\$ 6.13	Banner and Bower, Court filing fee
\$ 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
\$ 74.68	Maroney, Fountain Creek Committees Mileage
\$ 200.00	Martin, Director's Fees
\$ 200.00	O'Hara, Director's Fee
\$ 102.42	O'Hara, Reimbursement for school logo paint
\$ 200.00	Phillips, Director's Fee
\$ 200.00	Serna, Director's Fee
\$ 200.00	Willumstad, Director's Fee

BSJ Construction Draw Account:

\$ 697.50	Kidd Engineering, Phase 5 Construction and planning meetings, etc. December 15 through 31, 2018
\$ 387.50	Kidd Engineering, Phase 4 Warranty and site cleanup, January 1 through 18, 2019
\$ 1,937.50	Kidd Engineering, Phase 5 Construction and planning meetings, etc. January 1 through 18, 2019
\$ 15,645.50	NorthStar Engineering, Phase 5 construction staking, observations, construction testing, and reimbursable expenses December 15 through 31, 2018
\$ 2,825.00	NorthStar Engineering, Phase 6 design and reimbursable expenses December 15 through 31, 2018
\$ 25,550.50	NorthStar Engineering, Phase 5 construction staking, observations, construction testing, and reimbursable expenses January 1 through 18, 2019
\$ 7,867.00	NorthStar Engineering, Phase 6 design and reimbursable expenses January 1 through 18, 2019
\$ 465.00	NorthStar Engineering, Maintenance Fund Assessment Support, Consultations, etc. and reimbursable expenses
\$661,445.10	KR Swerdfeger, Phase 5 Pay Request #2 through December 31, 2018

\$ 3,150.00 Banner and Bower, 4th Quarter Levee Bid, Construction and Financing
Legal Fees
\$ 5,966.00 All-Phase Environmental, Environmental reports on 1912, 1914, and
1914.5 West 16th Street through December 31, 2018

BSJ Reserve Account:

\$ 9,630.81 Pueblo Conservancy District – Transfer to Operating Account
\$725,936.60 Pueblo Conservancy District – Transfer to Draw Account

President's Report –

President Koehler thanked outgoing President Phillips for her years of service as an officer on the Board. Koehler requested Willumstad to replace Bernard on the change order sub-committee. She also thanked Bernard for the work she is doing to coordinate and plan for the 2021 celebration.

Administrator's Report –

Kidd reported that he and his office assistant have been going through some of the District's archived paper work. They have thrown away two legal sized boxes of old receipts, banking, bonds and various reports and other papers. He showed exhibited the bond instruments that were used at the beginning of the District. He also reported that they had found the District's seal and displayed it. Kidd was requested to retain this and other documents of historic interest as he is going through the archives. Kidd reported that he had received the environmental reports for 16th Street and had met with an abatement contractor. Dirt and Demo is to have revised demolition pricing including the asbestos abatement prior to the February meeting.

Mural Committee –

Serna reported that the mural for East High was up for about 24 hours. He told Anthony Armijo that he and O'Hara felt that the logo painting was too small. Armijo said that he wanted paid twice as much to make the mural bigger. He then painted over it without a chance for negotiations. Serna said that he has continued to work on this with Armijo and he has agreed to paint logos sized to fit on four panels for the \$600 fee that was contracted. There has been some graffiti appear in the Wildhorse area. Serna has gotten the County to agree to donate \$400 to help with the costs to paint the logos for the County area schools. Since agreement to proceed has been made with the painter, Kidd is to proceed with depositing the checks and maintaining an accounting for the painting donations and costs.

Phase 6 Design –

Kock said that the design work is moving forward well. The provided preliminary drawings to Swerdfeger on January 22nd. The intent is to have Phase 6 pricing ready to present to the Board at the February meeting. We should also know the final costs of the 5A work and revised pricing, afforded by value engineering, for the maintenance road trail by the February meeting

Phase 5 –

Kock reported that progress is moving along well. There was a surprise discovery of some City pipes that had been taken out of service. This will be discussed later with the change order business. The concrete facing has been completed through the Grove area and they are working under the I-25 bridge right now.

When the Phase 5 contract was awarded to Swerdfeger, construction of the trail was deferred until we had a more firm determination of the final Phase 5 costs and anticipated Phase 6 costs. The City would like to use the monies expended on the trail to match grant requests. Beritt Odom said that the City applied for a GOCO Connect Grant last year. It was turned down partly because GOCO wanted a master plan and more definitive pricing for proposed improvements. The master plan has been completed so the City is in the position to reapply to GOCO. They currently have a \$500K grant from CDOT that can be used as match money and hope to use the funds for the maintenance road construction for additional matching contribution. However, the construction work cannot be undertaken prior to the GOCO grant award. So the City is requesting that the construction of the road be delayed to the end of the year. The Board asked Odom and Meier to do additional review of projects, funding, and scheduling and then come back to the next Board meeting. Then the Board will consider the delay request.

Old Business

Offer on 11th Street Parcel - Kidd said that this needed to be tabled a while until some issues could be worked out.

Write-off of Untaxed Parcels – Banner reported that the Treasurer’s office had contacted him and requested write-off of the maintenance fund assessment from certain untaxed parcels. He said that the amount to be written-off is less than \$1400 and all but one of the entities is a church. Banner offered the resolution as follows:

RESOLVED , that the Board of Directors of the Pueblo Conservancy District hereby approves the removal from the assessment roll of the Treasurer of Pueblo County Maintenance Fund Assessments for the entities listed on the attached Exhibit A in the combined total amount of less than \$1400.

O’Hara moved to approve the resolution and Willumstad seconded. The motion passed.

New Business:

Banner offered a resolution to allow Kidd to sign pay requests submitted to the CWCB. The proposed resolution is as follows:

RESOLVED, that the District Engineer/Administrator Rick Kidd be and is authorized to sign and deliver on behalf of the District pay requests to the Colorado Water Conservation Board from and after January 23, 2019.

Willumstad moved to approve the resolution and Bernard seconded. Motion passed.

A question was raised if the District needed to have some type of insurance coverage for the mural painters on the Levee. Banner will talk to HUB about some kind of a workers compensation insurance.

Change Orders –

Change Order #3. Kock stated that where ASI ended Phase 4 and tied into the existing concrete facing, it was done with a thickened edge and it is irregular to fit to the broken out concrete. The proposed change order is for saw cutting a straight edge and then drilling and setting in dowels to connect the new concrete work. The proposal is to do the work on a time and materials basis at an estimated cost of \$9349.00. O'Hara moved to approve the change order. Seconded by Willumstad the motion passed.

Change Order #4. Kock stated that the big stability block of concrete is positioned about the center of the levee facing. The original thought was that this block would be shifted down and then back up along the course of the maintenance road under the bridges. The maintenance road was to be anchored into this concrete mass. The design team has reconsidered and believes it would be better to leave the stability block consistent and provide a thickened haunch that follows the trail elevation changes. The cost associated with this change is \$4,479.00. Willumstad moved to approve this change and Bernard seconded. The motion passed.

Change Order #5. Kock reminded the Board that there had been a prior discussion about a safety wall along the top of the Levee abutting to the Moore Automotive property. The original design was for a fabricated steel handrail. In the bids received, this was a very costly item, and it would not provide much of a barrier to errant vehicles. A change had been proposed and NorthStar was directed to consider other alternatives. Five alternatives were considered and quotations received. The least expensive is to construct an 8-inch wide by 42-inch tall cast-in-place reinforced concrete wall. The cost for this is \$13,010.00. O'Hara moved to approve this change and Willumstad seconded. The motion passed.

Change Order #6. During demolition of the concrete facing and digging out the toe, it was discovered that there were two sewer lines that the City had taken out of service and had left them in place without proper abandonment. FEMA and Corps of Engineers criteria call for abandoned pipes to either be dug out or filled and sealed. One of the pipes is an 18-inch diameter vitrified clay pipe. Old City plans indicate that the other pipe is a 36-inch CMP carrier pipe inside of a 48-inch steel casing pipe. The cost estimate to grout in 50 feet of the 18-inch pipe is \$8,689.00, and \$38,512.00 to grout fill the 36/48-inch pipe from the manhole in the Levee to the manhole in the street just beyond the toe of the Levee. It is the opinion of the design team and Kidd that this is a cost that should be borne by the City. Banner met with City Manager Azad twice and he would only commit \$25,000 of City funds toward the abandonment. NorthStar has proposed doing this work under Change Order #6 on a time and materials basis at an amount not to exceed \$60,000. This higher figure will allow some leeway for potential unknown conditions and complications. O'Hara so moved and Serna seconded. The motion passed. Kock said that he felt that the costs of this could be offset with the City's contribution and the anticipated underruns on part 5A.

Change Order #7. In connection with the abandoned pipes, there are two 24-inch diameter steel pipes that come into the 36-inch CMP at the manhole. Removal and abandonment of

these pipes would be considered a cost of the District's because there would not have been a need for this with the City's proper abandonment of the piping through the Levee. NorthStar proposed for this work to be done on a time and materials basis at a cost not to exceed \$10,000. Serna moved to approve the change order and Willumstad seconded. The motion passed.

Financial Institution Signatories-

The Board agreed that Willumstad, Bernard, and Martin should be signatories for the banking and brokerage accounts.

City Easement Agreements-

For grant funding the City has to demonstrate that they have ownership or authority to develop recreation facilities on the land. They have requested that their current easement/s be re-written to provide that clarity for the river corridor.

District Bylaws-

Banner said that the District does not have any bylaws and there is no legal reason for them to have any. The organization history and minutes show how the Pueblo Conservancy District has been operating. It was agreed that Bernard, Serna, and O'Hara will discuss this further with Banner and bring back recommendations to the Board.

Morgan-Stanley Account-

The District received a letter from Morgan-Stanley stating that they will no longer be servicing governmental investments and request that we have our funds moved out of their account by early March. Willumstad will discuss with Stifel Nicolaus to transfer these funds into investment accounts there.

Website Updating-

Banner will give Bernard the developer's contact information.

Meeting Dates-

It was agreed to continue holding the District's regular meetings on the fourth Wednesday of the month, except November will be November 20th and December will be 3 December 18th.

Posting Locations-

Bernard moved to maintain City Hall, the Heritage Museum and the Count Court House as the meeting notice posting locations. Willumstad seconded and the motion passed.

Other Business –

There being no other business to come before the Board the meeting was adjourned at 11:50 am. The next regular meeting will be on February 27, 2019, at 10:00 am.

APPROVED:

Corinne Kochler, President

Jerry Martin, Secretary