

MINUTES OF THE OCTOBER 24, 2018 REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Jason Levinson, Keller Williams
Jim Munch, Pueblo County 1A Liaison
Shanna Lewis, Colorado Public Radio
Dillon Thurston, KRS Project Manager
Bob Neumeister, KRS Estimator

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

Minutes:

The minutes of the September 26 regular meeting were reviewed. Bernard moved to approve the minutes and Serna seconded. Motion passed.

Public Forum:

None

Treasurer's Report:

Accountant's Compilation Report – Bernard reported that she has been communicating with Larry Daveline for additions to the information provided in the monthly reports. The September report is in the same format as prior reports, however, she is to meet with Larry Daveline and Alexandria Romero within a couple of weeks. Bernard moved to receive and file the report and Willumstad seconded. The motion passed.

Bills – Kidd explained that the check to Tonio LeFebre was only in the amount of the \$1200 actually received to date. Serna had requested that Pueblo Parks and Recreation also contribute \$500 and believed that they would do it. But in a separate meeting, Steven Meier told Kidd that he felt like this was double dipping because the City already contributed \$500. Bernard moved to pay the bills including the full \$1700 that LeFebre was expecting. Serna is to continue working with the City to secure the other \$500. The motion passed.

The following bills were posted for review and approval:

BSJ Operations and Maintenance Account:

\$ 450.00	MBD&G, Monthly Accountant fees
\$ 500.00	Banner and Bower, Attorney fees

\$ 9,875.00	Banner and Bower, 3 rd Quarter Legal Fees
\$ 1,700.00	Kidd Engineering, Administrator/Engineer fees
\$ 232.50	Kidd Engineering, County Lake Runyon meetings
\$ 178.62	Kidd Engineering, Boarding up 1912 W. 16 th Street
\$ 200.00	Bernard, Director's Fee
\$ 200.00	Cordova, Director's Fee
\$ 200.00	Koehler, Director's Fee
\$ 200.00	Maroney, Director's Fee
\$ 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
\$ 900.00	Spaccamonti Excavating, Mowing weeds at the 16 th Street properties
\$ 5,573.84	Garren, Ross and DeNardo, 2017 Audit Report

BSJ Construction Draw Account:

\$ 852.58	Kidd Engineering, Phase 5 Construction and planning meetings, CWCB loan meetings, etc. September 22 through October 19, 2018
\$ 5,702.00	NorthStar Engineering, Phase 5 construction documents and construction pricing RFP, and reimbursable expenses
\$ 6,697.00	NorthStar Engineering, Maintenance Fund Assessment support, Consultations, CWCB loan documents, FEMA requirements, etc.
\$ 2,907.50	David Lytle, BSJ Bonds and CWCB loan consultation
\$ 7,762.84	Garren Ross and DeNardo, BSJ Bonds and CWCB loan consultation
\$ 23.66	The Pueblo Chieftain, Phase 4 ASI final payment advertisement

President's Report –

None.

Administrator's Report –

Kidd reported that, due to the number of rooms and the various layers of flooring and wall covering, All-Phase Environmental expended their sample budget on just the house at 1912 16th Street. Their original proposal was based upon assessor information on the units, not an interior site evaluation. They requested approval to expend up to an additional \$2,000 for the required samples and technician time required for the other two structures. Kidd said that he told them to proceed so that we could have a final report to provide to the demolition contractor. Kidd said that he received a quote of \$38,000, from Dirt and Demo, to demolish the structures and backfill the foundations. On a site inspection, Kidd saw that the 1912 W 16th house had been broken in to. That is why there was a billing for boarding up the back door. Kidd requested Spaccamonti Excavating to do the annual mowing of grass and weeds on the Lake Runyon area levee and to clean the trash rack. Kidd was contacted by and met with Mark Wood, with Pacific Western Technologies. They are the firm doing the surface

soils testing for the EPA in connection with the Colorado Smelter Superfund site, in their efforts to determine the extent of environmental contamination. They need permission for access to District property for five locations. Two proposed sites are on the south side of the River off of Moffet Street, one at the southwest intersection at the Santa Fe Avenue bridge, one on the bluff area west of I-25 and north of the railroad, and another in the Arkansas River channel south of the Santa Fe railroad bridge. Cordova moved for Kidd to be authorized to sign the documents granting them permission to access. The motion passed.

Fountain Creek Committees -

Maroney was not present and O'Hara said that he had not attended their last meeting and could not offer a report.

Recreation Committee –

Kock said that he is meeting with the City on Thursday to discuss the master plan, interface with the future levee work, and what may be able to be done now to accommodate future recreation improvements work, without costing the District any additional monies.

18th Street Bridge Painting –

Serna reported that Tonio is finished the mural yesterday and the City is putting up a sign indicating that they and the County are contributors to the project. It is ready to have the anti-graffiti sealant applied.

Bernard asked about having a logo developed for the Pueblo Conservancy District. After discussions it was decided that Bernard would solicit the CSU-Pueblo marketing department, tattoo artists, etc. for interest in designing a logo.

Phase 5 –

Kock reported that the Corps of Engineers permit has been renewed for three years. The State Historic Preservation Office review expires in December 2019. NorthStar is working to get this extended also. Kock, Banner and Kidd have been working with the CWCB for the draw request for the work completed to date and formatting for future draw requests. The documentation and details for the initial draw request should be completed within a couple of weeks.

Robert Jagger, Senior Assistant City Attorney, sent a pre-CORA request for information relative to the Wildhorse Creek Levee work and floodplain development. NorthStar said that they had not previously received a request. They do have some of the information requested and will provide what he has for Banner to forward to the City.

Old Business

County Acquisition of Certain Lake Runyon Property – Kidd reported that he had met with the County's surveyor and reviewed the mapping to date. An exhibit was passed out. Kidd since learned that the County is looking at acquiring additional lands on the west side of Thomas Phelps Creek. They discussed the need for the District to maintain ownership of the

Creek with sufficient access for maintenance of it. Jim Munch told Kidd that he thought this could be addressed with a flowage and maintenance easement. Kidd said that his other concern is with the proposed intrusion into Lake Runyon. He said that the proposed trail would need to be of sufficient width and integrity to allow for maintenance work and equipment to pass over it. Banner said that the District's lease with the Colorado Division of Parks and Wildlife needs to be reviewed for any conflicts between the lease and what the County is proposing. A subcommittee of Willumstad, Martin, and Banner was set to review the County proposals. Willumstad is to chair this committee.

Excess Properties – Jason Levinson reported on his latest work concerning grouping of properties and potential values. He said that several of the properties in the Grove and Downtown areas are small pieces next to the Levee, on steep slopes, or around Lake Runyon. Bernard moved to have Levinson proceed with contacting property owners adjacent to these parcels of marginal value, with Martin and Kidd reviewing these parcels prior to Levinson making contacts. O'Hara seconded and the motion passed.

New Business:

Phase 5 Construction Contract-

Kock said that the contract had been formatted as Phase 5 and Phase 5A. As directed by the Board, NorthStar offered ASI an opportunity to adjust pricing and to request pricing from KR Swerdfeger (KRS). ASI made only a minor downward adjustment with the KRS cost proposal coming in significantly lower. Phase 5A is for grouting behind the existing concrete face below the water surface through the kayak course area. This concept has been evaluated for embankment stability by CTL Thompson. They believe that the embankment will be stable, and it will result in a significant savings versus having to dewater the ponds and replace the entire face. It will also give a clean Phase 6 because the contractor will not have to get down into the River. The KRS cost proposal for Phase 5A is \$421,902.25. The Phase 5 construction is to replace the concrete face similar to the prior phases. The construction area will be from the end of Phase 4 progressing down river to the tie-in with the Corps of Engineers' levee reach at Lake Runyon. It will go under the railroad bridge, I-25, and Santa Fe Avenue. The concrete will be maintained at the current top height under these three bridges. The KRS cost proposal for Phase 5 is \$3.99M, whereas the engineer's estimate was \$3.2M. Kock said that he and Kidd have reviewed the project and that if the maintenance trail portions were taken out for right now it drops to \$3,172,930. This would fit within the funding available, with a reserve held for Phase 6 construction. The construction costs for Phases 1-4 totaled \$14.4M, and the engineering fees are currently at \$0.8M for a total to date construction related costing of \$15.2M. The NorthStar Preliminary Report (prior to construction) was \$0.6M.

The initial draw from the \$17.17M CWCB loan is approximately \$15.8M and the payoff of the bonds at the Bank of the San Juans (BSJ) is \$14.3M. This means that \$1.5M will be going back into the District's reserves for funds advanced to support the FEMA certification and construction project. The proposed Phase 5 and 5A contracts total to \$3.6M for construction

and \$0.26 for design and construction management, for a total obligation to date of \$19.7M (14.3+1.5+3.6=19.4). The Phase 6 construction costs are estimated at \$3.0M plus \$0.25M for engineering. This brings the estimated total to \$22.95M, but \$0.6M of this was prior to the design and construction work. Therefore the design and construction work is \$22.35M, which is approximately 1.6 percent over the early engineer's estimate of \$22M for the project. Kock and Kidd have discussed this and looked at the \$17M available from CWCB, the \$5M available from BSJ, the \$1.5M currently paid back to reserves, plus maintenance fund assessment receipts in excess of the loan payments and believe that funding through Phase 6 should be adequate, with a high likelihood of funding being available for the maintenance access trail. Bernard moved to approve the Phase 5 contract to KRS at a value of \$3,172,930. Serna seconded and the motion passed. O'Hara moved to approve the Phase 5A contract to KRS at a value of \$421,902.25. Cordova seconded and the motion passed. Bernard moved to approve a proposed Phase 5B contract to KRS for construction of the trail segments at a value of \$820,000 contingent upon funding being available with an appropriate extension of the completion date. Martin seconded and the motion passed.

2019 Budget-

Kidd presented a proposed budget for 2019. No changes were recommended. Kidd is to advertise for the budget hearing and approval to be held at the November 28, 2008 regular meeting.

2018 Maintenance Fund Assessment to be collected in 2019-

Banner requested approval of a resolution directing the Pueblo County Treasurer to collect the maintenance fund assessment based upon a schedule of actual property and State assessed values. Willumstad so moved and Martin seconded. Motion passed.

Other Business –

Nominating Committee – Koehler called for a nominating committee to offer a slate of officers for the annual election. The nominating committee for last year was Bernard, Serna, and O'Hara. They agreed to serve again this year.

Levee Murals – Serna reported that he has an artist to paint on the school logos across from Dutch Clark Stadium. So far, only East High has paid so their logo will be the first up. The other high schools, including District 70 and Dolores Huerta Preparatory High School have made a verbal commitment.

There being no other business to come before the Board the meeting was adjourned at 12:06 pm. The next regular meeting will be on November 28, 2018, at 10:00 am.

APPROVED:

Donna Phillips, President

Bud O'Hara, Secretary