

MINUTES OF THE JANUARY 22, 2020 REGULAR MEETING

Directors Present: Barbara Bernard, Corinne Koehler, Dennis Maroney, Jerry Martin, Bud O'Hara, Donna Phillips, Ron Serna, Paul Willumstad

Also Present: Attorney Don Banner
Administrator Rick Kidd

Guests: Kim Kock, NorthStar Engineering
Mike Cuppy, NorthStar Engineering
Jason Levinson and Brett Hill - Keller Williams
Bill Nemick, Lois Adams – Artists
Rudy Martinez

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

Minutes:

A quorum being present, the minutes of the December 18, 2019 regular meeting were reviewed. Maroney moved to approve the minutes and O'Hara seconded. The motion passed.

Public Forum:

Rudy Martinez said that the new flood zone maps show properties in the Hyde Park neighborhood as being in an A1 Flood Zone. He said these people did not used to be in a flood zone but now they are. Kock said that he did not know of any change. The new levee certification documents are going in to FEMA this fall. Martinez said that the August 16 FEMA maps show Tuxedo all the way up from 17th Street is in the flood zoney.

Treasurer's Report:

Accountant's Compilation Report – Willumstad said that he had reviewed the December 2019 report. Kidd said that he needed to follow up with the accountants because this should be a year end report, unless the accountants changed the reporting basis. He said the he does not believe that the accountants had all of the information needed for this to be a true year end report. Willumstad moved to receive and file the report submitted. The motion passed.

'21 In '21 Celebration-

Koehler asked Bernard to give her report since she may have to leave early. Bernard said that she has drafted a RFP to solicit artist proposals for a Pueblo Conservancy District Memorial. She has received comments from Lynn Clark, the HARP Executive Director. Clark suggested

a couple of modifications, one of them being a height restriction so that views would not be blocked. She needs to add a section about the review process for proposals submitted. Koehler recommended using the HARP sculpture guidelines for this. Bernard requested approval of the guidelines subject to suggested changes, so that the RFP could be issued to allow ample time for respondents. Martin so moved and Serna seconded. The motion passed.

Bills – Kidd reported that the future bills will include pay requests from KR Swerdfeger for levee construction work but that there was not one for December. The bills this month include paying the Heritage Museum for an extra meeting and Banner's 4th quarter billing for miscellaneous legal services. Willumstad moved to pay the bills and O'Hara seconded. The motion passed.

The following bills were posted for review and approval:

BSJ Operations and Maintenance Account:

\$ 475.00	MGPM, Monthly Accountant fees
\$ 500.00	B&B, Attorney Fees
\$ 2,415.00	B&B, General Miscellaneous 4 th Quarter Billings
\$ 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
\$ 200.00	Martin, Director's Fees
\$ 200.00	O'Hara, Director's Fee
\$ 106.12	O'Hara, Paint for graffiti cover
\$ 205.34	O'Hara, Paint for Pueblo West High School Mural
\$ 0.55	O'Hara, Copies of forms for mural artists
\$ 200.00	Phillips, Director's Fee
\$ 200.00	Serna, Director's Fee
\$ 200.00	Willumstad, Director's Fee

BSJ Construction Draw Account:

\$ 1,085.00	Kidd Engineering, December 15 through December 31, 2019 Phase 6 CA/CO and meetings
\$ 3,177.50	Kidd Engineering, January 1 through January 17, 2020 Phase 6 CA/CO and meetings
\$ 20,924.50	NorthStar Engineering, Phase 6 Construction administration and reimbursable expenses December 15 through December 31, 2019
\$ 1,007.50	NorthStar Engineering, December 15 through December 31, 2019 expenses for maintenance fund support work, consultations, etc.
\$ 26,950.00	NorthStar Engineering, Phase 6 Construction administration and reimbursable expenses January 1 through January 17, 2020

\$ 2,135.00	NorthStar Engineering, January 1 through January 17, 2020 expenses for maintenance fund support work, consultations, etc.
\$ 50.00	Southeastern Colorado Heritage Museum, Added meeting for construction
\$ 1,350.00	B&B, IGA with City of Pueblo
\$ 2,450.00	B&B, CWCB Loan documents and CWCB Board meeting

BSJ Reserve Account:

\$ 9,334.01	Pueblo Conservancy District – Transfer to Operating Account
-------------	---

BSJ Bond Loan Account:

\$ 34,229.50	Pueblo Conservancy District – Transfer to Draw Account
--------------	--

President's Report –

Koehler said that it had been a busy month. She spoke at the Pueblo Contractors Association meeting. The presentation, about the levee work and plans, was well received and there were several questions asked. Cuppy said that there had been a lot of positive feedback. Koehler said that it was a full house and that the District may want to consider talking to more groups. All of the construction activity is very obvious from the River Trail. She and Willumstad met with the Mayor, Scott Hobson, and Steven Meyer about Lake Runyon. They said that they would put it on an executive session agenda for further internal discussions. Kidd said that he had visited with Terry Hart last week and that the County is interested in acquiring the entire area. Martin said that he had visited with Chris Wiseman and that he had also said that the County had an interest. The City would still want to maintain the trail easement as a part of their trails system.

Administrator's Report –

Kidd reported that he took Rachel Pittinger, with the CWCB, on a tour of the project after the construction progress meeting yesterday. She was very happy with the quality of the work and the plan for getting the lower part of the concrete facing done so that increasing water flows will not affect the construction work. He received a report of the annual bird count performed by the Rocky Mountain Bird Observatory, and was amazed at the species and numbers of birds counted. Banner took the report to scan and email out to the Board.

There was a short discussion about the District being more active to post highlights of our work on social media. Jason Levinson recommended Tim Zercher as a potential resource to help with that.

Recreation Committee and IGA –

Kock reported that proposals for the 4th Street Trail Bridge are to be submitted to the City by 2:00 this afternoon. Once these come in we will have a better understanding of where we are on budgets and if the planned bridge and trail work can be done. The City has also received a DOLA grant for a second bridge. It would be placed near Main Street. A draft of the IGA

with the City got to Banner just last night. It would put the District in the position of being the contractor. This concept allows work to proceed with current permitting and gets us past some of the DOLA constraints. Banner asked the Board to authorize Koehler to sign the IGA after it has concurrence of the engineers and himself. Kock said that if the bridge prices came in too high then the City cannot perform on their side so he does not see the District committing to something that will come back on them. Phillips so moved and O'Hara seconded. The motion passed.

Banner said that the Conservancy District bill advancing in the State legislature looks good. It was learned that there are actually three other districts in the state who operate under the same statute. Affirmative response to the proposed changes has been provided by two of them. The other district has been non-responsive. The Logan County Conservancy District has written a letter of support to Senator Garcia.

Fountain Creek Committees-

Maroney said that O'Hara went to the last meeting. Larry Small will be leaving as the District's Executive Director in April. They have 13 applicants for the job. A flood plain management study from Sand Creek to the confluence with the Arkansas River has been completed. Eighteen specific sites with problems have been identified, and six that are critical. Four of the critical sites are in Pueblo County and two of them are in El Paso County. All of this information is on the Matrix Design website. They now have the funding and are starting on a master plan. Maroney said he will no longer be able to attend the Fountain Creek meetings and he would like for O'Hara to continue. Martin said that he would be willing to be an alternate for O'Hara.

HARP -

Maroney said that the HARP Authority is thinking that less retail and more service and residential occupancy would be a better fit for along the River Walk. They are working on a development report.

Excess Properties -

Jason Levinson introduced Brett Hill. Levinson is moving out of State and Hill will be taking over the handling of selling the excess properties. He has transferred the mapping and work he has done over to Hill. Koehler said that the City is still interested in an urban renewal project in the Blocks.

'21 In '21 Celebration (Continued)-

Willumstad, Serna and Cuppy were at the last meeting. It was well attended by the various interest groups. They are working to firm up events and get dates scheduled. Future meetings will be held at the Housing Authority on 2nd Wednesdays at 1:30 pm. The dedication needs to include government dignitaries. It should be around June 3, 2021. Banner said that he would follow up on potential dignitaries.

Levee Mural Project –

Serna said that they had a meeting yesterday to discuss the guidelines. They discussed changes to the guidelines, but the guidelines still have the 15 theme categories. The District will determine where the various murals are to be located. Banner said that it may be appropriate to have another meeting with the art committee before the Board approves the revised guidelines.

Levee Construction–

Kock reported that work is progressing at several locations along the River. There were three concrete pumper trucks operating the other day. NorthStar is pleased with the progress that Swerdfeger is making now. They have added other concrete contractors to help get work done before flows start to increase in the River. They are placing the exit ledge and some distance up the slope as a monolithic pour. The exit ledge should be finished next week and then all of the remaining work will be above the water levels that the River may rise to in the early spring. The concrete finish work has been excellent. The State Historic and Preservation Office (SHPO) permit extension went delinquent due to Army Corps of Engineers (ACE) lack of performance. The termination date was December 15th. The local ACE representative is working to resolve the issues resulting from their late submittal. It is not anticipated that this will adversely affect the construction work.

NorthStar is still trying to get the Rail Road to do something with regard to fencing along their side of the Levee. Cuppy met with Elizabeth Lujan the other day. She is the new local UP Rail Road Yard Manager. She agreed that there is a concern and shared contact information. Banner believes that the District needs to work with them to make sure that fencing is aesthetically pleasing. Willumstad asked if there should be two fences. Kock said that the Rail Road is indicating they would prefer one, placed along the top of the embankment.

A couple of weeks ago there was a proposed time and materials change order of \$43,000 to do some additional stabilization work along the bottom terminus of the concrete facing. The work proceeded based upon favorable polling of the Board. Not all of this work has been completed so we do not have final numbers. Banner said that it would be okay to wait until the final numbers are in before the Board ratifies the approval of the change order.

Steps down at the HARP Diversion structure will serve the exit ledge and the viewing ledge. The steepness of the slope does not allow for the tread and riser dimensions to meet criteria of the International Building Code, but the stairs can be done to meet OSHA standards. There will also be a set of stairs at Drop #8 where the exit ledge ends. Handrails had not been planned for this set of stairs. Kock offered that the handrails could be installed only along one side of the stairs at the HARP structure and the rails for the other side could be installed along the stairs at Drop #8. Another possibility is to re-use the handrails that had been constructed for the old steps during Phase 3. After discussion, the consensus of the Board was to use new materials and install handrails along both side of the stairs, at both locations. Also, the stairs

should be constructed to meet or exceed OSHA riser and tread requirements. Asked about ADA accessibility, Kock said that this has been discussed with the City and they agree it is sufficient for the ADA designated area to be along the top of the Levee and the access to the viewing ledge does not have to meet ADA accessibility standards. This would be similar to other public venues.

New Business:

Superfund Site Access – Kidd said he had received a site access request for an area at the end of Palm Street. They are cleaning an adjacent residential lot and it runs onto District property. The request is from Mike McDonald at APTIM. McDonald told Kidd that there was another area where the residential lot cleanup may run onto District property also. It was agreed that Kidd could sign these access requests.

2020 Meeting Dates – Meeting dates will continue to be on the fourth Wednesdays with the following changes: April 15, November 18, and December 16.

2020 Notice Posting Locations – Kidd said that the current posting locations are the Heritage Museum, City Hall, and the County Courthouse. It was decided to maintain these locations.

Other Business:

Director Terms – Willumstad met with Tammy Martinez regarding the City appointee terms. The City's standard 3-year appointment terms does not comply with the State statute stating that the Pueblo Conservancy District director terms are to be for 5-years. The City is working on a resolution to amend their requirements and appointments to be in agreement with the statute. However, right now it is still up in the air. Currently the City appointments for Koehler, Serna and himself are up this year. Willumstad will continue to follow up on this.

There being no other business to come before the Board the meeting was adjourned at 12:00 pm. The next regular meeting will be on February 26, 2020, at 10:00 am.

APPROVED:

Corinne Koehler, President

Ron Serna, Secretary