

MINUTES OF THE APRIL 15, 2020 REGULAR MEETING

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

Also Present: Attorney Don Banner
Administrator Rick Kidd

Guests: Mike Cuppy, NorthStar Engineering
Shanna Lewis, Colorado Public Radio

The regular meeting of the Pueblo Conservancy District was called to order by President Koehler at 10:00 am. It was noted that Phillips, Maroney and Lewis were attending via Zoom, therefore, the Board meeting was in compliance with the Governor's order.

Minutes:

A quorum being present, the minutes of the March 25, 2020 regular meeting were reviewed. Martin moved to approve the minutes and Phillips seconded. The motion passed.

Public Forum:

None.

Treasurer's Report:

Accountant's Compilation Report – Kidd said that the Board notebooks contained the December 2019 year end report, and monthly reports for January, February and March 2020. He said that the year end reports show that the actual expenditures are less than the 2019 budget. The accountant said that a revised budget is not necessary. Kidd said that he spent over an hour in a meeting with Mark Paolucci. Mark is a partner in McPherson, Goodrich, Paolucci & Mihelich, PC and will be directly taking care of the District's account. Kidd said that the reports are directly from QuickBooks now so there is some differences in formatting. More detail will be provided, including a report of the long term loan debt.

Bills – Kidd reported that the bills were routine. Funds must be transferred from the Reserve Account to the Operating Account (\$69,614.25) and to the Draw Account (\$530,824.05) to cover the checks written. Kidd said that the NorthStar invoices have exceeded the amount in their proposal for this phase of construction. This overrun is mainly due to KRS's slow start on the project and the District holding up on construction of the trail works under the bridges so that the costs for the maintenance road/trail could be used as match money for the City's connectivity and trail grant applications. Cuppy said that they are currently about 15 percent over budget. Kidd said that KRS was put on notice that any costs attributable to their slow project start would be considered costs that may be required to be paid back to the District.

Koehler asked about the District's cash flow position. Kidd said that the Reserve Account will have a balance of approximately \$2.3M after the contracts are paid out. Banner reported that the CWCB loan hearings are done, but the bill including this loan may still need full legislative approval and then the Governor's signature. Willumstad moved to pay the bills and Cordova 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
\$ 975.00	B&B, 1st Qtr Levee art criteria meetings
\$ 2,375.00	B&B, 1 st Qtr Legislative statutory change
\$ 1,800.00	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
\$ 239.25	O'Hara, Mileage and parking for SB20-25 testimony and Fountain Creek committee meetings
\$ 400.00	O'Hara, Reimbursement for Don Watson graffiti pain
\$ 200.00	Phillips, Director's Fee
\$ 200.00	Serna, Director's Fee
\$ 200.00	Willumstad, Director's Fee
\$50,000.00	HARP Authority, 2020 IGA Contribution
\$10,000.00	HARP Authority, 2020 IGA Maintenance Contribution
\$ 1,050.00	Pueblo Heritage Museum, 2020 Membership Fee-Meeting Space

BSJ Construction Draw Account:

\$ 4,125.00	Kidd Engineering, March 21 through April 10, 2020 Phase 6 CA/CO and meetings
\$ 165.00	Kidd Engineering, Arkansas River Levee City/PCD IGA correspondence to KR Swerdfeger
\$ 36,612.00	NorthStar Engineering, Phase 6 Construction administration and reimbursable expenses March 21 through April 17, 2020
\$ 1,050.00	NorthStar Engineering, February 22 through March 20, 2020 expenses for maintenance fund support work, consultations, etc.
\$488,222.05	KR Swerdfeger, Phase 6 Arkansas River Levee Pay Request No. 5
\$ 300.00	B&B, 1 st Qtr IGA with City
\$ 200.00	B&B, 1 st QTR CWCB Loan
\$ 100.00	B&B, 1 st Qtr Phase 6 Construction change orders

BSJ Reserve Account:

\$ 69,614.25 Pueblo Conservancy District – Transfer to Operating Account
\$530,824.05 Pueblo Conservancy District – Transfer to Draw Account

BSJ Bond Loan Account:

\$ 0.00 Pueblo Conservancy District – Transfer to Draw Account

President's Report:

Koehler told Kidd and Cuppy that Shanna Lewis may be calling one of them to learn more about the plans for recreation and art on the Levee. She said that the City apparently took care of the trash along Corona that Jean Latka had been emailing about. The Special Districts Association is holding regional workshops in Fountain. They are currently scheduled from 8:00 to 12:15 on June 8th. Some of the topics may be pertinent to the Conservancy District. When it gets closer, we will see if it is still on schedule.

Administrator's Report:

Kidd said that Raymond Brown, on 11th Street, resurfaced complaining about the wood materials that A-Better Tree Service left on District property adjoining his parents' place. Kidd reported that City Code Enforcement is working with A-Better and that they are in the process of hauling away more of the material. The other standing situation is the Code Enforcement letter the District received regarding some old buildings still standing on District properties off of Moffat and Lansing. Kidd said that he had received a demolition quote of \$6000 from Spaccamonti Excavating, and an estimate of less than \$1000 for All-Phase Environmental to do the environmental assessment and report required for a demolition permit. Stewart Title told him that it should not exceed \$500 for any necessary title search. Phillips, Bernard and Willumstad all voiced concern about spending this amount of money on property that the District is negotiating a sale to either the City or the County. The vote to approve expending these funds was three for and five against spending the money at this time. Kidd said that Bob Walker, owner of the paddle and ski shop on Union, had FaceBook posted some comments deriding the work done through the water park area. There were some others who also jumped in on this. Don Scanga, an engineer for CDOT, responded to them that he knew a lot of engineering analysis and design went into this project and that not everything is as it seems sometimes.

Recreation Report:

Cuppy reported that the City had approved the contract for the 1st bridge. It is the one that will go in between 4th Street and the HARP diversion. The contract was awarded to Bridge Brothers. NorthStar is under contract with the City to design the necessary infrastructure to support the bridge. They have been in preliminary discussions with Bridge Brothers. They are also starting preliminary design work for a second bridge that will go in at Main Street. NorthStar is finalizing the plans for a hard surface trail between the two bridges. The plan is for a continuous trail from 11th Street to the East Side, with an added access point in the

Grove neighborhood. Cuppy said that both bridges should happen at the same time and that the preliminary budget numbers are still within the parameters of the IGA between the District and the City. Kidd said that he sent a letter to KR Swerdfeger letting them know that the District is currently expecting them to be the contractor for construction of these improvements. This is based upon the construction costs after the final designs are completed. Willumstad asked if NorthStar has heard anything from the Railroad about them constructing a fence between the improved levee and railroad property. Cuppy said that they have not received anything definitive yet. O'Hara asked if the bridges will be ADA compliant. Cuppy said that they will be. The Main Street access already is and the City will be redoing the parking lot at 4th Street so that it will also provide ADA compliant access to the bridge. The bridges were designed to meet ADA criteria. Willumstad said that sooner or later there needs to be a discussion with the City about installation of porta-potties. Serna said that not having restroom facilities is a fact of life for outdoorsmen. Maintenance of these facilities is a real problem.

Banner said that he will contact the Railroad about fencing on their side of the Levee. He will point out the liability and potential to claim if they do not do something to control public access.

Fountain Creek Report:

O'Hara said that there was not a meeting this month.

Levee Construction--

Mike Cuppy reported that the Levee facing is complete, and Swerdfeger was given a notice of substantial completion. The only work remaining is handrails along the stairs down to the Exit Ledge, completion of fencing along the top of the Levee, and completion of the final segments of the maintenance trail under the bridges. The engineering team has been impressed with the quality of the concrete finish work done this year.

Cuppy presented a proposed change order to install a 353-foot long section of fencing on the land side of the Levee from the east side of the railroad bridge and going east, within the Grove neighborhood. The purpose is to prevent vehicles from climbing the short slope to the top of the Levee. There will be a planned point of access for pedestrians and controlled access for emergency and maintenance personnel. The cost for this proposed change order is \$8,221. Willumstad moved to approve the change order and O'Hara seconded. The motion passed.

Cuppy presented a second change order for a fence along the Viewing Ledge. He explained that this was originally supposed to be done by the City but it was not included in their approved grants. This leaves a 315-foot long ledge that needs protection to keep the public from falling into the River. The proposal is to use a five-strand cable fence like the one being installed along the top of the Levee at the same unit pricing as the fence above. The amount of this change order would be \$7,500. The contractor was also requested to price installation of a chain link fence instead of the 5-strand fence. The pricing came back the same either way.

Cordova asked if should have been paying the costs for the Viewing Ledge. Banner responded that it is within the scope of what the District can spend their funding for and that the ledge figures into the stability of the slope. Cuppy said that the marginal extra costs for this were used by the City to leverage for their grant. Willumstad moved to approve the 5-strand fence at a cost not to exceed the contract unit costs. Serna seconded and the motion passed.

Maroney asked if shade shelters were still planned for installation along the top of the Levee. Cuppy said that they are planned for but they are not in the current grant budget.

The need for warning signage was brought up with the engineering team recommending signage at points along the fence and at the stairs down to the Exit Ledge. Banner said that he would have Cuppy take him along the Levee to consider locations where signage may be warranted, and the types of signage.

A press release will be prepared to notify the public that access to the Levee will open on June 3, 2021, to coincide with the celebration event.

'21 In '21 Celebration-

Bernard said that she sent out an email chain between her and Lionel Trujillo concerning a piece of art memorializing the Levee. He told her that he does not respond to RFP's but if the District gave him approval he would guarantee to have a monument by June 2021. He said he could have a preliminary design within a couple of weeks. After discussion, the Board decided that this should be a competitive process rather than a direct commission. Koehler asked for an approximate budget that should be allocated for a memorial. Banner suggested proceeding with the RFP process and make pricing a part of the artist's proposal. Maroney said that the HARP Authority may have some resources to help out in this process.

Old Business:

Levee Mural Guidelines – Banner said that the Board needs to make decisions on some fundamental questions. He and Serna will work on that for the next meeting.

Excess Properties – Phillips said that Bret was not getting the campaign launched. She said she would talk to the Keller Williams owner about him personally taking this on.

New Business:

Signage – Bernard suggested meeting with the District's SDA insurance carrier about liability, signage, etc. Kidd is to contact Shelley and HUB and ask her to come talk to the Board.

Zoom Meetings – Phillips said that the meetings could be set up with Kidd as the host. The directors attending in person could login with their laptop, tablet, or phone and then everyone would be seen by those who were attending by Zoom. Koehler asked Phillips to go ahead and set things up for future Zoom meetings.

Lake Runyon Property – Willumstad said that the City still has not made an offer or commitment to purchase. He suggested that the District may need to set a price to bring the

City and County into negotiations. Both the City and the County have expressed an interest in all of the property, but the County at least wants enough to complete their proposed ball field project. Phillips said that she could compile a list of potential appraisers so that we could have an idea of value. Koehler said that she would send Chris Wiseman an email to try to spur them to some action. Phillips suggested that offers be processed through a broker to ensure that the process is open and that real estate laws are abided with. Board Appointments – Willumstad said that the City still has not revised their appointments to coincide with the State legislation.

Other Business:

There being no other business to come before the Board the meeting was adjourned at 11:47 pm. The next regular meeting will be on May 27, 2020, at 10:00 am.

APPROVED:

Corinne Koehler, President

Ron Serna, Secretary