

MINUTES OF THE NOVEMBER 17, 2021 REGULAR MEETING  
OF THE PUEBLO CONSERVANCY DISTRICT

Directors Present: Matt Cordova, Corinne Koehler, Dennis Maroney, Jerry Martin, Donna Phillips, Ron Serna, Paul Willumstad

Also Present: Attorney Don Banner  
Administrator Rick Kidd

Guests: Mike Cuppy, NorthStar Engineering  
Cynthia Ramu, Mural Art Committee

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

**Minutes:** A quorum being present, the Minutes of the October 27, 2021 meeting were reviewed. It was moved by Serna and seconded by Cordova to approve the minutes. The motion was approved.

**Public Forum:**  
None

**Levee Mural Proposals:**

Ramu was not yet present. Serna said that there is one mural proposal to present to the Board: Lake Pueblo, Jenn DeGroot. Ramu said that this mural is to be 25x48. It is a series of three scenes depicting flora and fauna within the Lake Pueblo State Park. The artist requested it to be located within the historic section since Lake Pueblo is significant in Pueblo's history. Martin said that he liked the mural but does not believe it fits with what is expected in the historic section of the Levee. Phillips said she agreed. Martin moved to approve the mural, but not within the historic section. The motion passed.

**Treasurer's Report:**

Willumstad said that he had reviewed the accountant's report and he moved to receive and file the report. The motion passed.

Willumstad said that the bills appeared to be routine. Kidd noted that the bills includes payment to Spaccamonti Excavating for mowing and removal of weeds from the Levee in the Lake Runyon area, and payment to KR Swerdfeger for retainage held during the Phase 6A construction. Willumstad moved to approve payment of the bills and Serna seconded. The motion passed.

Vectra Cash Account:

\$ 600.00 John Montano, PCC Mural Painting

BSJ Operations and Maintenance Account:

\$ 500.00 MGPM, Monthly Accountant fees  
\$ 500.00 B&B, Attorney Fees  
\$ 12.26 B&B, Court filings  
\$ 1,900.00 Kidd Engineering, Administrator/Engineer fees  
\$ 907.50 Kidd Engineering, Retreat preparation and attendance  
\$ 2,000.00 Cynthia Ramu, Levee Mural Art Coordinator Fee  
\$ 200.00 Bernard, Director's Fee  
\$ 200.00 Cordova, Director's Fee  
\$ 500.00 Koehler, President's Fee  
\$ 87.42 Koehler, Retreat beverages, plates, napkins, etc.  
\$ 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  
\$ 128.50 Willumstad, Retreat food reimbursement  
\$ 3,369.75 Spaccamonti Excavating, Runyon weed moving and removals  
\$ 1,943.00 Colorado Special Districts Association, Liability Insurance

BSJ Construction Draw Account:

\$ 990.00 Kidd Engineering, PCD/City IGA #1 and #2 meetings and CA/CO  
October 23 through November 13, 2021  
\$113,813.40 KR Swerdfeger, Phase 6A PCD/City IGA#1 Pay Request #11-Retainage

BSJ Reserve Account:

\$ 13,448.43 Pueblo Conservancy District – Transfer to Operating Account  
\$114,803.40 Pueblo Conservancy District – Transfer to Draw Account

**Levee Mural Project:**

Ramu said that there have been problems with the cable gate locks and thanked Jim Pioreschi for helping out. Kidd said that a proposal to presented later would stop this problem. Serna requested an update on where the murals are being placed. Ramu said that she was working with the artists to locate pieces next to ones that would contrast with it. She has talked to artists about the messiness on the wall. They are thinking about painting the top edge and then artists could paint on the title of the mural and who the artist is. Ramu reported that the entire \$5000 deposited and D&S Paint has been allocated to 15 artists. Nine of them have used their allocation and five more are currently in progress. The work is weather dependent because the

temperature has to be over 50 degrees for painting. She is working with Sam Ebersole on a little documentary looking back on the construction and where the art work is to date. Willumstad asked if the narrow gaps between the murals are going to be addressed. Ramu said that she has asked artists to integrate across to fill in those gaps.

**Old Business:**

PCD/City IGA – Banner reported that the District and the City finally came to agreement for the amendment on the Main Street Bridge project. However, he feels that Bridge Brothers is trying to renege on the deal with their bid to the City. He has sent all of the City's documents to them as well as the 4<sup>th</sup> Street Bridge contracts. He asked for the Board to authorize Koehler to sign the IGA amendments based on approval of the district's Engineer and Attorney. Willumstad moved to authorize approval based on Banner, Kidd, and Koehler approving the final documents. Phillips seconded. Maroney asked about the District's risk. Banner said that there should not be any risk as long as the project stays within the project budget. He said that the City may have some risk, at least on losing the grant. The motion passed.

**New Business:**

Sculpture Proposal - Koehler reported that there has been a proposal for a sculpture of Ray Kogovsek on the Levee. She said that one of the members of the Pueblo Friends of the Arkansas River (PFAR) has been working on policy and guidelines for sculptures. She recommended delaying any action on this until policies have been approved and adopted. Phillips said she agreed with this recommendation. Cuppy is to provide wind loading and other design requirements that need to be addressed in the guidelines. Willumstad said that vandalism and maintenance need to be addressed in the policies as well.

Phase 4 Warranty Crack Sealing – Kidd reported that he had received pricing from Swerdfeger for them to grind out and fill the cracks similar to what they had done within their project area. The cost quoted for them to do the work and be paid by either ASI or their surety would be up to \$127,294. Cordova moved for Banner to send a demand letter to both ASI and their surety for them to either perform the work or that we would contract with Swerdfeger and seek reimbursement from the surety. Phillips seconded the motion and the motion passed.

11<sup>th</sup> Street Access Gate – Kidd said that he had Swerdfeger and solicited and received a proposal for a metal gate with a locking mechanism that would allow for individual locks and that no one could be locked around. He has looked at the proposed design and believes that the gate and latch system would be sturdy enough to hold up in this location. The cost to fabricate and install this proposed gate is \$5,758. After discussion, Martin moved to approve this proposal and Serna seconded. The motion passed.

**President's Report:**

Koehler said that her report is in other items and to skip to the Administrator's report.

**Administrator's Report:**

Kidd reported that the Maintenance Fund Assessment had netted the District \$2,018,826.11 year to date. He said that the balance in the Reserve Account prior to this months bills was \$3,600,000.

**Pueblo Friends of the Arkansas River:**

Koehler reported that the group is continuing to meet and they are making some progress on their organizational goals. They have hosted two cleanup events, and a third one is scheduled for December 4<sup>th</sup>. It will be for the area below Dutch Clark Stadium . They are going to hold a winter solstice celebration meeting at Pillars Park. Flyers will be coming out with details for the event.

**FEMA Certification:**

Cuppy reported that FEMA has not yet sent a review letter to NorthStar. All that has been received is the letter that FEMA sent to Mayor Gradisar. He said that something required in that letter will entail them to do a drainage study for the area coming off of the State Hospital and the coming under the railroad tracks at 15<sup>th</sup> Street. The original requirement was only that they show the area of inundation on the plans. It is NorthStar's opinion that it will be slightly improved versus what FEMA already had mapped, but left it the same. NorthStar has considered the work required for this study and believes it will cost approximately \$25,000 for the drainage study. Kidd is to send a letter to FEMA and ask them to address any submittal review comments to himself and to NorthStar and not the City, since they have no responsibility for the Levee. Maroney said his opinion is that the City has some obligations to solve the problems east of the railroad tracks since those problems exist without benefit of any work the District has done. Cuppy said that in the \$25,000 study they could document impacts before and after the Wildhorse Levee extension. Maroney moved to amend the District's contract with NorthStar to include this study. Willumstad seconded and the motion passed.

**Recreation Committee Report:**

Cuppy said that the trail design for the area east of the City's bridge and trail project is being finalized. They are working with K.R. Swerdfeger to get final pricing for contracting. He said that punch list work is ongoing by both Churchich and Swerdfeger. Wave Shaper – Cuppy said that NorthStar has reached out to McLaughlin Whiter Water about what they need to have provided should they do the design work. Their team is going to have a kickoff meeting next week.

**Fountain Creek Report:** No report

**Retreat Report:**

Koehler said that she felt like it was a good retreat with time to discuss a lot of topics of interest to the Board. Cuppy and Kidd discussed potential projects and priorities. Cuppy is going to prepare a list of short term and long term projects with notations for if they are safety, flood, recreation, etc and will send it out. Banner brought up that the Board of Water Works Low Head Dam is a safety related project that the District has agreed to support.

**Other Business:**

City Stormwater - Cuppy presented a drawing, prepared by the City, for plans to take runoff from Abriendo and have a Boulder Street stormwater discharge. This will be discharging across the District's property and under the City's trail. There were discussed concerns about erosion, plugging of the culvert under the trail, and the City not discussing this with the District or requesting an easement. Kidd is to contact the City and let them know that the District is not supportive of this project without a maintenance agreement, resolution of the District's Engineer concerning erosion of the open channel, and an easement agreement. Willumstad suggested Banner send a letter to Bob Jagger about the City needing an easement and that we have concerns on the design. Phillips so moved and Willumstad seconded. The motion passed.

Excess Properties – Phillips said that the District has not been receiving the attention that it should to sell the additional lots. She has met with the attorney for the Colorado Realtors Association and was told that it would not be a conflict of interest and that it should be permissible for her to be the listing agent and to get these properties sold. Phillips asked for the authority to list the remaining lots, exclusive of the Lake Runyon area that the County is considering. Willumstad requested her to get a legal statement that it is okay to protect both herself and the District. Serna said that he felt like it would be a conflict of interest.

Board Nominations - Phillips said that she would like to offer some self-defense. She said that she was called the day before the nominating committee report and told that she had missed too many meetings and that she did not have enough interest in the Board to be an officer. Phillips said that she had missed more than some of the directors and fewer than others. Willumstad said that her comments should wait until more of the Board was present. Phillips said she had concerns about what happened.

Serna moved for adjournment. The meeting was adjourned at 11:50 am. The next regularly scheduled Board meeting will be on December 15, 2021.

APPROVED:

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Corinne Koehler, President

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Ron Serna, Secretary