

MINUTES OF THE APRIL 28, 2021 REGULAR MEETING  
OF THE PUEBLO CONSERVANCY DISTRICT

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

Also Present: Attorney Don Banner  
Administrator Rick Kidd

Guests: Mike Cuppy, NorthStar Engineering  
Cynthia Ramu and Spencer Little, Mural Art Committee members  
Kathy Garcia, U.S. Representative Lauren Boebert's Office  
Dillon Thurston, K.R. Swerdfeger Construction Inc. Project Manager  
Matt McHale

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 March 27, 2021 meeting were reviewed. Sernad moved to approve the minutes and Bernard seconded. The motion was approved.

**Public Forum:**  
None

**Levee Mural Proposals:**

Ramu said that there are currently 13 artists working and six have completed murals. She has six more proposals to present for approval.

Karl Horeis – Heron. Willumstad moved to approve and Martin seconded. Motion passed.

Pueblo Food Project – Foods over Steel Mill. Maroney moved to approve and Martin seconded. Motion passed.

Tia Munson – Southern Colorado Runners. Bernard move to approve and O'Hara seconded. Motion passed.

Aspen trees with season changes. Jerry moved to approve with changes discussed during the meeting and subject to Mural Art Committee review. Maroney seconded and the motion passed.

Celeste – Bridge with trees. O'Hara moved to approve and Maroney seconded. Motion passed.

Nic Ansuki – Frog. Maroney moved to approve and Martin seconded. Motion passed.

There was a discussion about artists tying off to the fence posts. Ramu said that Kidd had brought that to her attention and she had discussed with the artists that they are not to tie to the tops of the posts only to the base. She was told that if they do tie to the posts they are to be made aware that the posts are not certified for the loading imposed so they are doing it at their own risk. If any posts are damaged the artist will be responsible for the replacement costs.

**Treasurer's Report:**

Willumstad said that he had reviewed the reports and did not notice anything out of line. He moved to receive and file the reports. The motion passed.

The following bills were posted for review and approval. Kidd pointed out that the current bills include payment to HARP Authority for the District's share of the IGA and the annual contribution for maintenance of trash; a check to Churchich for a 50% deposit on the benches and trash receptacles, and Swerdfeger for the work under the Phase 6A contract. Willumstad moved to approve payment of the bills and O'Hara seconded. The motion passed.

BSJ Operations and Maintenance Account:

\$ 450.00	Black Hills Energy, Lake Runyon lighting
\$ 500.00	MGPM, Monthly Accountant fees
\$ 500.00	B&B, Attorney Fees
\$ 33.00	B&B, Wark deed filing fee
\$ 2,762.50	B&B, 1 <sup>st</sup> Quarter Billing - Operations
\$ 1,900.00	Kidd Engineering, Administrator/Engineer fees
\$ 200.00	Bernard, Director's Fee
\$ 200.00	Cordova, Director's Fee
\$ 500.00	Koehler, President's Fee
\$ 900.00	Koehler, President fee rate retroactive to January
\$ 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
\$ 20,200.48	Churchich Recreation, 50% deposit on benches and trash receptacles
\$ 340.82	Signs by Scott, PCD Celebration banner
\$ 75.00	Signs by Scott, Board member name tags
\$ 50,000.00	HARP Authority, IGA contribution
\$ 10,000.00	HARP Authority, Maintenance contribution

BSJ Construction Draw Account:

\$ 412.50	Kidd Engineering, March 20 through April 23, 2021 Phases 6&6 CA/CO, meetings, etc.
\$ 495.00	Kidd Engineering, March 20 through April 23, 2021 PCD/IGA#1 Meetings and CA/CO
\$ 2,000.00	NorthStar Engineering, March 20 through April 23, 2021, Schedule C final geotechnical and report
\$ 5,145.00	NorthStar Engineering, March 20 through April 23, 2021, Task D – Engineering Design Services, Permitting and Regulatory Approval
\$ 1,990.00	NorthStar Engineering, March 20 through April 23, 2021, Maintenance Assessment Support, Consultations, Loan Documents, Artwork and Recreation, Railroad, SHPO, etc.

\$ 6,787.00 NorthStar Engineering, March 20 through April 23, 2021 PCD/City  
IGA#1 T&M Services and reimbursable expenses  
\$172,390.73 KR Swerdfeger, Phase 6A PCD/City IGA#1 Pay Request #4  
\$ 1,462.50 B&B, 1<sup>st</sup> Quarter Billing - Construction

BSJ Reserve Account:

\$ 69,561.32 Pueblo Conservancy District – Transfer to Operating Account  
\$190,682.73 Pueblo Conservancy District – Transfer to Draw Account

**President's Report:** Koehler said she has been working with Banner, the City, and the City's attorney on the Amended IGA. She has also been working a lot on the plans for the June 3 celebration.

**Administrator's Report:** Kidd said that Chem-way is no longer going to spray weeds along the Levee due to licensing and regulations concerning applying herbicides adjacent to water bodies. Tying of ropes to the fence posts along the Levee has already been discussed. We have received the check to pay for painting the East High School logo on the Levee. We have also received a check from the Bank of the San Juans to support the Levee dedication ceremony. Funds were transferred from the Bank of the San Juans Reserve Account to pay off the Bank of the San Juans construction loan.

**'21 Celebration:** Bernard said that the invitations were sent to the printer this morning. She and her committee have been successful in obtaining permission to use portions of various parking lots. She has prepared a draft for the program and it will be going to the printer prior to the next Board meeting. They have arranged for a sound system. Maroney has been keeping in touch with the Department of Health to keep updated on Covid restrictions. Koehler has some with Steve Trujillo to be the EMC for the event. Several honored guest confirmations have come in. They have arranged for rafters and kayakers to put on a show and for fly fishermen to be fishing. There will be a band and fireworks. A session for safety training for the volunteers will be held at 4:00 pm on May 27<sup>th</sup>. They will be meeting at the parking lot at the south end of the new pedestrian bridge. Banner has contributed \$300 for sanitation facilities and an additional \$700 for event costs.

**Recreation Committee Report:** Dillon Thurston presented a done video of the bridge construction. He said that Swerdfeger will start backfill of the anchor blocks as soon as they can, but they cannot impede Bridge Brothers' work on the construction of the bridge. Their first priority is the work on the south side, by the bridge. Then they will work on the north side travelling from east to west. They have picked up the signs and will be mounting them as soon as the construction work in the various areas allows.

Mike Cuppy presented five change orders for the Phase 6A work. He said that Change Orders 1 through 4 relate to changes in conditions of the site. Kidd said that he reviewed the work to be performed under these change orders and was in agreement with the work requirement and the costs submitted by Swerdfeger.

CO #1 is for added excavation for the south anchor block. The plans for bidding indicated

ground elevations for the completed City work. The City has not been able to perform on their proposed work for the area so the depth of the excavation was more than was planned for. The amount of this change is \$8,633.00. Serna moved to approve this change order and Bernard seconded. The motion passed.

CO #2 is for additional demolition of the Levee face that was necessary to accommodate the undercarriage of the final bridge structure design. O'Hara moved to approve this change order and Willumstad seconded. The motion passed.

CO #3 is for over-excavation to take out unconditioned fill in the areas of the north anchor block, and subsequent backfill and compaction. The criteria for the bridge structure was that there could not be any settlement of the anchor blocks. CTL Thompson made the determination of the required depths of the additional excavation. The amount of this change order is \$3,946.00.

O'Hara moved to approve the change order and Martin seconded. The motion passed.

CO #4 is for over-excavation at the south anchor block. The depth to bedrock was approximately 18-inches and the anchor block was built at that elevation. The cost of this change order is \$4,517.00. It is more than for CO #3 due to the amount of additional overburden that had to be removed for this already very deep excavation. Bernard moved to approve this change order and Serna seconded. The motion passed.

CO #5 is for the amount of \$107,594.00. The work in this change order are costs related to the installation of the shade structures and other amenities. It includes the concrete foundations and pads under the shade structures, installation of the trash receptacles and bike racks, and thickening and reinforcing the trail around the shade structures because there is no room available for heavy traffic off of the concrete trail. The amount of this change order was reduced \$25,000 by a donation from K.R. Swerdfeger Construction. O'Hara moved to approve the change order and Serna seconded. The motion passed with thanks to Swerdfeger for the donation.

**Levee Amenities:** Koehler said that they are trying to get the provider of the shade structures to commit to a delivery date for at least one of five-leaf structures in time for installation prior to June 3<sup>rd</sup>. She presented a pricing list for sponsorships of shade structures, benches, bike racks, sculptures, murals, and signs. It was asked if these sponsorships should be for the amenities that the District already committed to or for additional items. Willumstad moved to table this discussion until the October or November meetings. Koehler said that she made a presentation at the Mayor's meeting to discuss projects that fit within the criteria for the Covid Impact Funding that the City is to receive.

**Fountain Creek Report:** O'Hara said that the State is re-evaluating ponds. They have to be properly permitted as there is a concern that evaporation from them is taking water out of priority for downstream water rights.

**FEMA Arkansas River Levee Certification:** Cuppy reported that NorthStar has been trying to submit the required documents but they have not been getting good direction on how and in what format to submit the required documentation.

**Old Business:**

**City IGA Amendment** – Banner said that this amendment is for the purpose of including the top of the Levee in an easement for City trails and parks. This is not an exclusive easement and it required the City to maintain the top of the Levee. Serna moved to approve the easement and Martin seconded. The motion passed.

**Website** – Phillips said that she has been working with Rick Thomas to get this done. Koehler stressed that these updates need to be done within the next week. The celebration invitations are going to be driving people to the website and they need to be able to see what we are about and what has been going on.

**New Business:**

**None**

**Other Business:**

None

There being no further business the meeting was adjourned at 12:03 pm.

APPROVED:

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Corinne Koehler, President

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Ron Serna, Secretary