MINUTES OF THE JUNE 29, 2018
REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Bob Shilling, Pueblo City Councilman
Steve Degenhart, 1912 16th Street Property Owner
Jerry Pacheco, Pueblo Urban Renewal Authority

The regular meeting of the Pueblo Conservancy District was called to order by President Phillips at 8:01 am. A quorum was present.

Public Forum:
None

Minutes:
The minutes of the May 23, 2018 regular meeting were reviewed. Cordova moved to approve the minutes and O'Hara seconded. Motion passed.

Treasurer's Report:
Accountant's Compilation Report – Bernard said that she had reviewed the May 2018 accountant compilation reports and it appears to be in line. Bernard moved to approve and file the reports. Willumstad seconded and the motion passed.

Bills – Bernard reported that she had reviewed the bills and that there is nothing out of the ordinary. Kidd said that next month there will be a check for ASI's final payment on Phase 4. Kidd said that the year to date Maintenance Fund Assessment collection is $1.3M compared to $900K last year at this time. Bringing in the State Assessed properties is the result of most of this increase. Bernard said that there was a good financial review with the accountants and that we should have a draft audit report in July. Bernard moved for payment of the bills and Koehler seconded. Motion passed.

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land. They determined that a 15-inch diameter pipe would be adequate to convey the flows past the 1912 West 16th Street property. However, due to concerns about silting and plugging they decided on an open channel that was 4-feet wide and 8-inches deep, which would have the same flow capacity. The channel fills up with sediment from offsite, plus controlling weeds and trash blowing in and weeds growing up makes it a maintenance problem. Several months ago NorthStar explored putting in an inlet at 16th Street and a pipe under the wall. This would require a flap gate valve on the end and flowable fill under the wall. The cost was estimated at $36,000. It would take flow off of 16th Street, but the area would still be subject to interior drainage conditions depending on water surface elevations in Wildhorse Creek. It would handle the nuisance flows of small storms. The inlet would be subject to plugging from debris either blowing or flowing in. A swale along 16th Street could be constructed up to Atlanta to help pick up more drainage area and help with nuisance flooding in the area. NorthStar just looked at another alternative of a detention basin constructed on the old Marquez property. The land between the District owned property and Atlanta is owned by the City of Pueblo. This detention basin would intercept the area north of 16-1/2 Street. Per City Design criteria only 0.08 acre feet of storage capacity would be required. It could be designed to discharge down Atlanta, but then extra water would be running down the Street and onto properties that have not been subjected to it in the past. The design focus was to get the levee in to protect the neighborhood from the catastrophic floods. Dealing with interior drainage was not a consideration. This would require importing fill and elevating everything. A concrete wall and channel along the Marston property was considered but construction of that would require removal of the trees that are along the property line.

Banner said that the property was remodeled in 1983. Marston and Degenhart purchased the property for $19,000 in 2011. It is not known what improvements they may have made to the properties. Attorney Doug Piersel contacted the District about the owners' concerns last year. The owners valued it at $90,000, but based on their purchase price and the amounts paid for other properties in the area the Board made an offer of $27,500. This offer was not accepted. The Colorado Revised Statutes address how to handle problems where there are alleged damages. Based upon correspondence received it currently appears that the owners would rather keep the property than sell it.

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Other Business –
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Martin moved to adjourn the meeting.

There being no other business to come before the Board the meeting was adjourned at 11:47 am. The next regular meeting date will be July 25, 2018, at 10:00 am.

APPROVED:

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Donna Phillips, President Bud O'Hara, Secretary

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Executive Session –
Serna moved that the Board go into executive session to discuss privileged attorney-client information concerning negotiation strategies pursuant to CRS 24-6-402(4)(a) and (e)(I) as authorized by CRS 24-6-402(2)(d.5)(II)(B). O'Hara seconded and the motion passed. The Board went in to executive session at 11:10 and came out at 11:40 am.

DRAFT

Other Business –
Banner reported that the County has a potential proposal of spending up to $280,000 for redevelopment around the Upper Lake Elizabeth area.

Martin moved to adjourn the meeting.

There being no other business to come before the Board the meeting was adjourned at 11:47 am. The next regular meeting date will be July 25, 2018, at 10:00 am.

APPROVED:

_____ _____
Donna Phillips, President Bud O'Hara, Secretary

DRAFT

MINUTES OF THE JUNE 29, 2018
REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Bob Shilling, Pueblo City Councilman
Steve Degenhart, 1912 16th Street Property Owner
Jerry Pacheco, Pueblo Urban Renewal Authority

The regular meeting of the Pueblo Conservancy District was called to order by President Phillips at 8:01 am. A quorum was present.

Public Forum:
None

Minutes:
The minutes of the May 23, 2018 regular meeting were reviewed. Cordova moved to approve the minutes and O'Hara seconded. Motion passed.

Treasurer's Report:
Accountant's Compilation Report – Bernard said that she had reviewed the May 2018 accountant compilation reports and it appears to be in line. Bernard moved to approve and file the reports. Willumstad seconded and the motion passed.

Bills – Bernard reported that she had reviewed the bills and that there is nothing out of the ordinary. Kidd said that next month there will be a check for ASI's final payment on Phase 4. Kidd said that the year to date Maintenance Fund Assessment collection is $1.3M compared to $900K last year at this time. Bringing in the State Assessed properties is the result of most of this increase. Bernard said that there was a good financial review with the accountants and that we should have a draft audit report in July. Bernard moved for payment of the bills and Koehler seconded. Motion passed.

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DRAFT

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REGULAR MEETING

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Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
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DRAFT

Other Business –
Banner reported that the County has a potential proposal of spending up to $280,000 for redevelopment around the Upper Lake Elizabeth area.

Martin moved to adjourn the meeting.

There being no other business to come before the Board the meeting was adjourned at 11:47 am. The next regular meeting date will be July 25, 2018, at 10:00 am.

APPROVED:

_____ _____
Donna Phillips, President Bud O'Hara, Secretary

DRAFT

MINUTES OF THE JUNE 29, 2018
REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Bob Shilling, Pueblo City Councilman
Steve Degenhart, 1912 16th Street Property Owner
Jerry Pacheco, Pueblo Urban Renewal Authority

The regular meeting of the Pueblo Conservancy District was called to order by President Phillips at 8:01 am. A quorum was present.

Public Forum:
None

Minutes:
The minutes of the May 23, 2018 regular meeting were reviewed. Cordova moved to approve the minutes and O'Hara seconded. Motion passed.

Treasurer's Report:
Accountant's Compilation Report – Bernard said that she had reviewed the May 2018 accountant compilation reports and it appears to be in line. Bernard moved to approve and file the reports. Willumstad seconded and the motion passed.

Bills – Bernard reported that she had reviewed the bills and that there is nothing out of the ordinary. Kidd said that next month there will be a check for ASI's final payment on Phase 4. Kidd said that the year to date Maintenance Fund Assessment collection is $1.3M compared to $900K last year at this time. Bringing in the State Assessed properties is the result of most of this increase. Bernard said that there was a good financial review with the accountants and that we should have a draft audit report in July. Bernard moved for payment of the bills and Koehler seconded. Motion passed.

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DRAFT

Other Business –
Banner reported that the County has a potential proposal of spending up to $280,000 for redevelopment around the Upper Lake Elizabeth area.

Martin moved to adjourn the meeting.

There being no other business to come before the Board the meeting was adjourned at 11:47 am. The next regular meeting date will be July 25, 2018, at 10:00 am.

APPROVED:

_____ _____
Donna Phillips, President Bud O'Hara, Secretary

DRAFT

MINUTES OF THE JUNE 29, 2018
REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Bob Shilling, Pueblo City Councilman
Steve Degenhart, 1912 16th Street Property Owner
Jerry Pacheco, Pueblo Urban Renewal Authority

The regular meeting of the Pueblo Conservancy District was called to order by President Phillips at 8:01 am. A quorum was present.

Public Forum:
None

Minutes:
The minutes of the May 23, 2018 regular meeting were reviewed. Cordova moved to approve the minutes and O'Hara seconded. Motion passed.

Treasurer's Report:
Accountant's Compilation Report – Bernard said that she had reviewed the May 2018 accountant compilation reports and it appears to be in line. Bernard moved to approve and file the reports. Willumstad seconded and the motion passed.

Bills – Bernard reported that she had reviewed the bills and that there is nothing out of the ordinary. Kidd said that next month there will be a check for ASI's final payment on Phase 4. Kidd said that the year to date Maintenance Fund Assessment collection is $1.3M compared to $900K last year at this time. Bringing in the State Assessed properties is the result of most of this increase. Bernard said that there was a good financial review with the accountants and that we should have a draft audit report in July. Bernard moved for payment of the bills and Koehler seconded. Motion passed.

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DRAFT

Other Business –
Banner reported that the County has a potential proposal of spending up to $280,000 for redevelopment around the Upper Lake Elizabeth area.

Martin moved to adjourn the meeting.

There being no other business to come before the Board the meeting was adjourned at 11:47 am. The next regular meeting date will be July 25, 2018, at 10:00 am.

APPROVED:

_____ _____
Donna Phillips, President Bud O'Hara, Secretary

DRAFT

MINUTES OF THE JUNE 29, 2018
REGULAR MEETING

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

Also Present: Administrator Rick Kidd, Attorney Don Banner

Guests: Kim Kock, NorthStar Engineering
Bob Shilling, Pueblo City Councilman
Steve Degenhart, 1912 16th Street Property Owner
Jerry Pacheco, Pueblo Urban Renewal Authority

The regular meeting of the Pueblo Conservancy District was called to order by President Phillips at 8:01 am. A quorum was present.

Public Forum:
None

Minutes:
The minutes of the May 23, 2018 regular meeting were reviewed. Cordova moved to approve the minutes and O'Hara seconded. Motion passed.

Treasurer's Report:
Accountant's Compilation Report – Bernard said that she had reviewed the May 2018 accountant compilation reports and it appears to be in line. Bernard moved to approve and file the reports. Willumstad seconded and the motion passed.

Bills – Bernard reported that she had reviewed the bills and that there is nothing out of the ordinary. Kidd said that next month there will be a check for ASI's final payment on Phase 4. Kidd said that the year to date Maintenance Fund Assessment collection is $1.3M compared to $900K last year at this time. Bringing in the State Assessed properties is the result of most of this increase. Bernard said that there was a good financial review with the accountants and that we should have a draft audit report in July. Bernard moved for payment of the bills and Koehler seconded. Motion passed.

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Phillips requested a motion to move Agenda Item No. 11.A. – 1912 West 16th Street up to the next item of business since representatives for this were in attendance. Koehler so moved and Bernard seconded. Motion passed.

1912 West 16th Street –
Kock provided aerial mapping of the Wildhorse Creek area prior to extending the Levee up to 18th Street. He noted the parcels acquired and showed where the wall was constructed. He explained the differences between the Wildhorse Creek Flood Plain and the internal drainage area flooding that results from low lying areas not being able to drain into the Creek during high flows. He indicated the directions of storm water flows and explained that the Levee was extended up to 18th Street because the current terminus did not protect this area. This is based on mapping provided by FEMA, which Kock also provided a copy of. Without this protection, not only would this area flood, but 100-year flows would flood into the area known as Pepper Sauce Bottom and the Midtown Shopping Center. NorthStar designed the height of the Levee based on flood elevations provided by FEMA. They surveyed cross-sections every 50-feet for their design analysis to ensure that the construction of the new Levee would not increase the flood elevations. A critical area was found from 15th Street to 18th Street due to the limited available flood channel width. The location of the Levee, and thus the required land acquisitions was controlled by the design parameter of not pushing flows across Graham Street, on the west side of Wildhorse Creek. The concrete wall constructed from 15th to 16th Streets has about 3.5-feet of water against it at flood stage. The concrete wall is buttressed to support it against the pressure of the water pushing on it. The Levee, as constructed protects the properties on the east side of the Levee from the catastrophic Wildhorse Creek floods. However, they are still subject to flooding due being in an interior drainage area that cannot be drained when water on the west side of the Levee is higher than the land surface on the east side. FEMA requires that areas such as this be mapped and noted as being within interior drainage areas. There is a large draw that comes in to Wildhorse Creek at 15th Street. Most of this flood water runoff is from the State Hospital campus. It generates approximately 2000 cfs, but it cannot get into Wildhorse due to railroad culverts limiting flows. This water will also back up and into the neighborhood until the flood elevations in Wildhorse Creek go down. Maroney added that the railroad is responsible for maintenance of the culverts under their tracks. Kock passed out photographs of the area that were taken in June 2012, before construction of the Levee. And construction photos showing after demolition of the Aguirre and Jackson properties, and staking showing the centerline of where the concrete wall was constructed. He also showed a photograph of an old cistern at the location of where there has been settlement adjacent to the house off of 15th Street. This was removed and backfilled by Swerdfeger. Kock said that apparently the compaction was not adequate and the backfill needs to be recompacted. He said that this not the result of a piping or sink-hole problem. Kock said that for design purposed they relied on 2-foot contour aerial mapping that the County had done. They spot checked the elevations and found the contour mapping to be reliable. According to this contour mapping and depending upon assumed catchment points, there is from one acre to a maximum of three acres that could contribute runoff from the north and east to the end of 16th Street at the concrete wall. Their hydrology study indicated that the area yields approximately 1-cfs of flood flow per acre of

land. They determined that a 15-inch diameter pipe would be adequate to convey the flows past the 1912 West 16th Street property. However, due to concerns about silting and plugging they decided on an open channel that was 4-feet wide and 8-inches deep, which would have the same flow capacity. The channel fills up with sediment from offsite, plus controlling weeds and trash blowing in and weeds growing up makes it a maintenance problem. Several months ago NorthStar explored putting in an inlet at 16th Street and a pipe under the wall. This would require a flap gate valve on the end and flowable fill under the wall. The cost was estimated at $36,000. It would take flow off of 16th Street, but the area would still be subject to interior drainage conditions depending on water surface elevations in Wildhorse Creek. It would handle the nuisance flows of small storms. The inlet would be subject to plugging from debris either blowing or flowing in. A swale along 16th Street could be constructed up to Atlanta to help pick up more drainage area and help with nuisance flooding in the area. NorthStar just looked at another alternative of a detention basin constructed on the old Marquez property. The land between the District owned property and Atlanta is owned by the City of Pueblo. This detention basin would intercept the area north of 16-1/2 Street. Per City Design criteria only 0.08 acre feet of storage capacity would be required. It could be designed to discharge down Atlanta, but then extra water would be running down the Street and onto properties that have not been subjected to it in the past. The design focus was to get the levee in to protect the neighborhood from the catastrophic floods. Dealing with interior drainage was not a consideration. This would require importing fill and elevating everything. A concrete wall and channel along the Marston property was considered but construction of that would require removal of the trees that are along the property line.

Banner said that the property was remodeled in 1983. Marston and Degenhart purchased the property for $19,000 in 2011. It is not known what improvements they may have made to the properties. Attorney Doug Piersel contacted the District about the owners' concerns last year. The owners valued it at $90,000, but based on their purchase price and the amounts paid for other properties in the area the Board made an offer of $27,500. This offer was not accepted. The Colorado Revised Statutes address how to handle problems where there are alleged damages. Based upon correspondence received it currently appears that the owners would rather keep the property than sell it.

Bob Shilling said that it is easy to see that a wall was built and it stops the water. It then goes into the adjacent houses. This is not a City problem. He believes that getting an appraisal to purchase the property and negotiate a sale is the simplest remedy. The wall has paralyzed the property because it will flood. It makes not common sense to try to maintain a house there. He hopes for a mutual agreement to work it out.

Steve Degenhart said that they have started with the appraisal process. He does not understand why the District decided to have a commercial appraisal done versus a residential appraisal. They have not received their appraisal yet. He asked why Banner requested tax returns. Banner responded that replacement costs, comparable properties, and income are three of the ways that property values are determined.

Willumstad moved to authorize Banner to meet with the owners to see if there can be a meeting of the minds on a proposal to bring to the Board. O'Hara asked about having a couple of other Board members present. O'Hara and Phillips volunteered to meet with Banner and the owners. Maroney said that he had walked the property and many of the roof drains are impacting the property and could have been better planned. He said that the property is impacted by internal as well as external drainage issues. Degenhart agreed. The motion passed. The meeting is to be held on Friday, July 6th at 1:30 pm. It will be in Banner's office.

President's Report –
Phillips reported that the focus has been on the 16th Street properties and she has nothing to add.

Administrator's Report –
Kidd said that he had prepared and signed a letter of support for a City grant application for funding of the trails along the River. He presented a release of escrow request from Bret Housman. This formalizes previous agreements. O'Hara moved to approve the release and Koehler seconded. The motion passed. Kidd said that he had two change order requests to finalize the Phase 4 construction contract with ASI. Change Order No. 3 is an additive change order for work required to access the concrete wall gates at the HARP Diversion to determine to determine why one would not work and to clear debris. One of the gates was broken and Kidd will pursue this being repaired under the warranty bond of the "old" ASI. Change Order No. 4 is a deductive change order for them not being able to reconstruct the island in the River before flows came up. The State increased flows sooner than they had said would be occurring. Bernard moved to approve the change orders and advertise for final payment. O'Hara seconded and the motion passed. Kidd said that he and Kock will be meeting with the Pueblo Board of Water Works to develop a plan to help control the debris that collects at the gates.

Fountain Creek Committees -
Maroney reported that the work at Highway 47 was to be completed by the end of the month. He does not believe they will quite make it. This was a $6M project with most of the funding coming from the Fountain Creek Greenway and Flood Control District. There is going to be a tour of the work done along Fountain Creek on July 13th. It will take about four hours. Maroney will pass the information on to O'Hara and then he will pass it on to interested Board members. O'Hara said that he would be going on the tour.

Recreation Committee –
Koehler said that she would defer and let Kock talk about the plans later.

18th Street Bridge Painting –
Serna reported that Tonio is now working on the second half of the bridge. He hopes to be done in August. Kidd said that he had not yet received an invoice for paint purchased at the recycled paint center.

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Phase 5 Design –
Kock said that they are working with ASI to narrow in on construction cost estimates and evaluation of alternatives. ASI brought in representatives from a sister firm in Pennsylvania. They walked the kayak course area and discussed grouting behind the existing concrete slabs versus fully dewatering the pools formed by the Legacy Project dams. They anticipate having some costs from them next week. Banner said that approximately $13.18M has been spent and the CWCB wants to have a meeting about how much can be back paid out of the loan.

PCD Property Ownerships, Potential Uses, and the Proposed Blocks Urban Renewal Project –
Kidd showed slides that indicated properties believed to be owned by the District. He discussed how the descriptions are for lots and blocks that existed prior to 1921 and that many areas were reconfigured as a result of the River relocation and other changes over the years. Some areas correlate closely with exiting mapping and other areas do not. Beritt Odom discussed slides showing the boundaries of the proposed Blocks Urban Renewal area that are being considered.

PCD Organizational History –
Banner said that he has a five to six page summary of the District's history. He will email it out to everyone. The District was formed by petition to the Court and legislation by the Colorado State Legislature. There is not another District like it in Colorado. The Pueblo Conservancy District was granted very broad powers.

Art on the Levee –
Serna proposed that the high school logos be put back on the Levee first. He has talked to School District 70 and they are interested in participating too. CSU-Pueblo does not seem to be interested. He believes this would be a good kick-off point to get the artwork started.

Potential Legislative Changes –
Banner said that in 2015 he prepared some recommended changes that would allow the maintenance fund assessment monies to be used for art. Artwork and recreational improvements, etc. could be made a "current expense of the District" and this designation would allow the maintenance fund assessment to be used toward these projects. Koehler moved to allow Banner to work on proposed legislative changes and bring his suggestions back to the Board. O'Hara seconded. The motion passed.

Executive Session –
Serna moved that the Board go into executive session to discuss privileged attorney-client information concerning negotiation strategies pursuant to CRS 24-6-402(4)(a) and (e)(I) as authorized by CRS 24-6-402(2)(d.5)(II)(B). O'Hara seconded and the motion passed. The Board went in to executive session at 11:10 and came out at 11:40 am.

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Other Business –
Banner reported that the County has a potential proposal of spending up to $280,000 for redevelopment around the Upper Lake Elizabeth area.

Martin moved to adjourn the meeting.

There being no other business to come before the Board the meeting was adjourned at 11:47 am. The next regular meeting date will be July 25, 2018, at 10:00 am.

APPROVED:

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Donna Phillips, President Bud O'Hara, Secretary

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