

MINUTES OF THE REGULAR JANUARY MEETING OF THE PUEBLO CONSERVANCY DISTRICT ON JANUARY 20, 2004

DIRECTORS PRESENT: Sandstrom and Farley

ALSO PRESENT : Banner and Koester

The meeting was called to order at 7:30 a.m. on the above date with a quorum.

The minutes for the Regular meeting of December 23 were reviewed and approved. The Treasurers report for December and the year 2003 were not available and will be ready by the February meeting along with the January 2004 report. The following January bills were approved for payment:

3047	G. Sandstrom	Directors Fee	\$ 55.41
3048	K. Farley	Directors Fee	55.41
3049	BBCK&O	Banner Legal Fee	300.00
3050	Engineer Koester	Eng/Admin Fee	400.00
		Rental of Storage & Meeting	100.00
3051	MBDG, pc.	Bookpg Service	200.00
3052	AQUILA	Power at Runyon	105.73
3053	U. S. Treasury	4 th Quarter Form 941	82.62

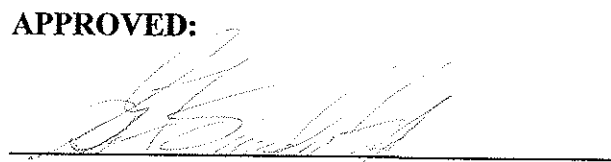
President Sandstrom indicated that this being the first meeting in 2004, that an election should take place with the Directors of the PCD making their choice of President and Treasurer, for this year. Director Farley moved that Sandstrom continue as President and that she (Farley) continue as Treasurer. Sandstrom agreed by seconding the motion, and both Directors voted aye.

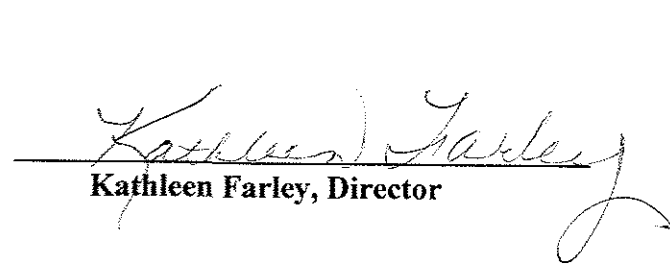
Koester indicated the legal description for the requested lease/purchase agreement by COPAA, should be ready by the February meeting. Attorney Banner has ready for review the form of Lease/Purchase agreement this District is recommending for the COPAA agreement, that will offer a 5 year lease now to provide time for COPAA to do fund raising and be in progress with the improvements for the outdoor theater.

The Board has received a letter of resignation from Patricia Kelly, and President Sandstrom has been supplied names of people that could fill the vacancy, and as soon as each has been interviewed he will speak with Judge Maes on the time and procedure for the Judge to make the appointment for a regular term on the PCD Board of Directors.

There being no further business to come before the Board, the meeting was adjourned at 8:00 a.m. The next regular meeting of the District will be on February 10, 2004 at 7:30 a.m. at NorthStar Conference Room.

APPROVED:


G. F. Sandstrom, Director


Kathleen Farley, Director

THE PUEBLO CONSERVANCY DISTRICT

BOARD OF DIRECTORS
P. KELLY
K. FARLEY
G. SANDSTROM

111 EAST FIFTH STREET
544-6823
PUEBLO, COLORADO

MAILING ADDRESS:
P. O. BOX 234
PUEBLO, COLO. 81002

NOTICE OF FEBRUARY MEETING

DATE : February 10, 2004 (Tuesday) at 7:30. a.m.

PLACE : At NorthStar Engineering Conference Room
(PCD Office)
111 East 5th Street

A G E N D A

1. Roll Call
2. Approval of Minutes of January 20th meeting
3. Treasurers Report
 - A. For December (and year 2003)
 - B. For January 2004**
 - C. Approve bills for February
4. Old Business-
 - a. Update on HARP History book sales
 - b. Review lease with COPAA
5. New Business-
 - a. Review progress made on Kelly's replacement to the Board of Directors.
6. Set date for March meeting.
7. Adjourn

PUEBLO CONSERVANCY DISTRICT

Accounts payable -----

January Accounts Payable to approve 1-20-04:

3047	G. Sandstrom	Directors Fee (Jan) (81) \$	55.41
3048	K. Farley	Directors Fee (Jan) (81)	55.41
3049	BBCK&O p.c.	Banner Legal Fee (Jan)(80)	300.00
3050	Engineer Koester	Eng/Admin (Jan)(83)	400.00
		Rental of Stor and Mtg (97)	100.00
3051	MBDG, p.c.	Bookeepg. Serv (Dec) (90)	200.00
3052	AQUILA	Power at Runyon (105)	105.73
3053	U. S. Treasury	4 th Quarter Form 941	82.62
		Employee WH \$41.31	
		Employer Match \$41.31	

PAYABLE TOTAL: \$ 1,299.17

pcd dec minutes. wpd

PUEBLO CONSERVANCY DISTRICT
INVESTMENTS
DECEMBER 31, 2003

12/4/03 3:28 PM

BROKER	DESCRIPTION	MATURITY DATE	RATE	PAR VALUE	BALANCE 12/31/02	ADDITIONS	MKT VALUE CHANGE	REDEMPTION SALES	BALANCE 12/31/03	INTEREST RECEIVED 12/31/03
<u>CERTIFICATES</u>										
VECTRA BANK	CD#114728 dtd 5/21/02, Int. Paid Semi-Ann	5/21/04	3.250%	80,000.00	80,000.00	-	-	-	80,000.00	1,299.70
VECTRA BANK	CD#115371 dtd 5/18/99, Int. Comp Qly	5/18/03	5.000%	150,000.00	178,553.56	3,994.31	-	182,547.87	-	3,994.31
VECTRA BANK	CD#116196 dtd 7/7/00, Int. Paid Qly	7/7/03	6.750%	100,000.00	100,000.00	-	-	100,000.00	-	5,048.63
FNB-COLO	CD#100011368 dtd 2/5/01, Int. Comp Annually	2/5/04	6.000%	100,000.00	106,000.00	6,360.00	-	-	112,360.00	6,360.00
TOTAL CERTIFICATES					464,553.56	10,354.31	-	282,547.87	192,360.00	16,702.64
<u>CASH ACCOUNTS</u>										
VECTRA BANK	Money Market Account				2,057.39	69,503.98	-	65,000.00	6,561.37	47.37
PIPER JAFFRAY	Money Market Account				23,401.07	363,975.58	-	376,097.74	11,278.91	99.69
WACHOVIA SEC.	Evergreen Money Mkt Fund				144.66	674,174.77	-	663,640.59	10,678.84	71.32
TOTAL CASH ACCOUNTS WITH BROKERS					25,603.12	1,107,654.33	-	1,104,738.33	28,519.12	218.38
<u>INVESTMENTS</u>										
COLOTRUST	AccL 7081 - PLUS		6.240%		145,000.00	-	-	120,000.00	25,000.00	1,261.55
TOTAL COLOTRUST					145,000.00	-	-	120,000.00	25,000.00	1,261.55
WACHOVIA SEC.	T-NOTE	8/15/04	6.000%	100,000.00	107,395.00	-	(1,082.50)	106,312.50	-	2,847.26
	FNMA 03-52 BH REMIC MULTICLASS CMO	6/25/33	5.500%	101,000.00	-	102,262.50	(3,296.13)	30,608.05	68,358.32	1,646.81
	FNMA 03-17 ME REMIC MULTICLASS CMO	3/25/33	5.500%	105,000.00	-	105,262.50	(262.49)	105,000.01	-	2,374.93
	GNMA 03-54 MA REMIC MULTICLASS CMO	7/20/33	5.000%	183,000.00	-	184,830.00	(4,111.20)	10,313.31	170,405.49	2,259.22
	FHLMC 2646 LL RETAIL LOTTERY	8/15/33	5.000%	99,000.00	-	99,495.00	(6,883.17)	6,000.00	86,611.83	801.25
	FHLMC 2672 AA RETAIL LOTTERY	10/15/33	5.500%	70,000.00	-	70,000.00	(1,179.87)	3,000.00	65,820.13	10.69
	ABN AMRO MTG 03-11 A8 MULTICLASS CMO	10/25/33	6.000%	63,000.00	-	63,000.00	-	-	63,000.00	10.50
	FHLMC 2688 DD RETAIL LOTTERY	11/15/33	5.500%	36,000.00	-	36,000.00	(720.00)	-	35,280.00	(159.50)
	FEDERAL NATL MTG ASSN	11/8/10	6.000%	100,000.00	101,349.00	-	(1,349.00)	100,000.00	-	3,000.00
TOTAL WACHOVIA SEC.					208,744.00	660,850.00	(18,884.36)	361,233.87	489,475.77	12,791.16
PIPER JAFFRAY	GNMA POOL #24920	6/15/08	8.250%		14,405.73	-	(295.39)	4,017.47	10,092.87	1,019.25
	FEDL NATL MTG ASSN INVT NOTES B/E	3/13/09	5.250%	130,000.00	130,893.75	-	(893.75)	130,000.00	-	2,843.75
	FEDL HOME LN MTG CORP FREDDIENOTES B/E	8/15/08	5.000%	100,000.00	100,375.00	-	(375.00)	100,000.00	-	1,708.35
	FEDL NATL MTG ASSN INVT NOTES B/E	8/20/10	4.000%	100,000.00	-	100,000.00	(2,187.50)	-	97,812.50	2,606.09
	FEDL NATL MTG ASSN INVT NOTES B/E	6/24/11	4.000%	130,000.00	-	130,005.00	(3,092.50)	-	126,912.50	2,975.54
	FEDL HOME LN MTG CORP FREDDIENOTES B/E	12/15/09	3.000%	120,000.00	-	120,005.00	(6,803.00)	-	113,202.00	1,160.00
	FHLMC #170217	3/1/17	8.000%		24,460.48	-	(145.01)	9,858.42	14,457.05	1,581.91
TOTAL PIPER JAFFRAY					270,134.96	350,010.00	(13,792.15)	243,875.89	362,476.92	13,894.89
TOTAL INVESTMENTS					623,878.96	1,010,860.00	(32,676.51)	725,109.76	876,952.69	27,947.60
TOTAL ALL ACCOUNTS					1,114,035.64	2,128,868.64	(32,676.51)	2,112,395.96	1,097,831.81	44,868.62

BBCKO PC

BANNER,
BOWER,
CHOSTNER,
KWITEK,
& OHLSEN, P.C.

LAW OFFICES

601 N. MAIN ST., SUITE 200
P. O. BOX 1423
PUEBLO, COLORADO 81002-1423
PHONE: (719) 544-5081
FAX: (719) 546-3457

DONALD J. BANNER

JANUARY 21, 2004

Bruce Maurello
Associate II Wastewater Engineer
City of Pueblo-Wastewater Department
211 E. "D" Street
Pueblo, CO 81003

**Re: *Easement-Pueblo Conservancy District
Arkansas Sewer Main***

Dear Mr. Maurello:

Enclosed please find the original signed and notarized Easement and Right of Way dated January 20, 2004. Please return a copy of the recorded Easement to my office.

Very truly yours,



Donald J. Banner

DJB/tr

Enclosure

cc: Raymond F. Koester ✓

mini BK

INDEMNIFICATION AGREEMENT

WHEREAS, the City of Pueblo, Colorado, a Municipal Corporation, desires the Pueblo Conservancy District to grant an easement, attached hereto as Exhibits "A" and "B"; and

WHEREAS, the Pueblo Conservancy District is willing to grant said easements to assist with the Arkansas River Sewer Replacement Project, provided it is properly indemnified.

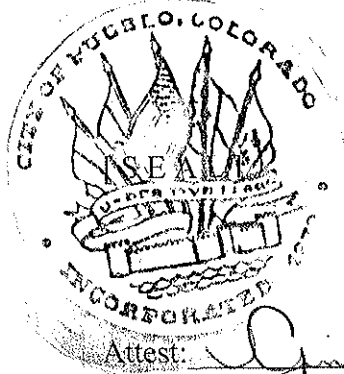
NOW THEREFORE, in consideration of the Pueblo Conservancy District granting the attached easement, the City of Pueblo, Colorado, a Municipal Corporation, does hereby, to the extent permitted by law, indemnify and hold harmless the Pueblo Conservancy District from any and all claims, expenses, liabilities, loss, or damage to property or injury to or death of persons caused by or arising out of the construction, installation, maintenance or use of the improvements contemplated by said grant of Easement shown on Exhibits "A" and "B" hereof, save and except any injury or damage as may be caused by the negligence of Pueblo Conservancy District, its officers, agents, or employees.

It is the intent of this indemnification that the Pueblo Conservancy District be protected from claims, expenses, liabilities, loss, or damage, which may be made against it by any third parties who install, maintain, or utilize the improvements being constructed as part of the Arkansas River Sewer Replacement Project and protected from loss or damage that is incurred as a result of Arkansas River Sewer Replacement Project in any manner.

Nothing in this Indemnification Agreement is intended, nor should it be construed, to create or extend any rights, claims or benefits or assume any liability for or on behalf of any third party, or to waive any immunities or limitations otherwise conferred under or by virtue of federal or state law, including but not limited to the Colorado Governmental Immunity Act, §24-10-101, et. seq., C.R.S..

This indemnification Agreement shall be binding on the City of Pueblo, Colorado, a Municipal Corporation, its successors and assigns.

DATED this 22nd day of December, 2003.



Attest:

City Clerk

CITY OF PUEBLO, COLORADO
a Municipal Corporation

By

President of the City Council

BBCKO PC

BANNER,
BOWER,
CHOSTNER,
KWITEK,
& OHLSEN, P.C.

LAW OFFICES

601 N. MAIN ST., SUITE 200
P. O. BOX 1423
PUEBLO, COLORADO 81002-1423
PHONE: (719) 544-5081
FAX: (719) 546-3457

DONALD J. BANNER

JANUARY 12, 2004

Mr. Raymond F. Koester
Pueblo Conservancy District
P. O. Box 234
Pueblo, CO 81002

Re: Arkansas Sewer Main

Dear Ray:

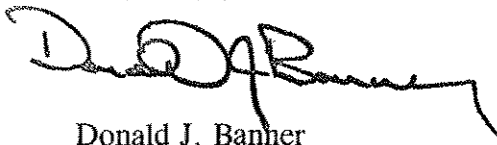
I am enclosing herewith, the following:

1. The only original Indemnification Agreement of December 22, 2003 from the City of Pueblo to the Pueblo Conservancy District concerning the Arkansas River Sewer Replacement Project; and
2. An Easement and Right of Way.

Please keep the Indemnification Agreement in the official records of the District.

Please present the Easement and Right of Way at the January 20th meeting for signature by the president and have the signature notarized. I presume it should then be returned to Bruce Maurello with the Wastewater Department for the City. Thanks for your attention to this.

Very truly yours,



Donald J. Banner

DJB/tr

Enclosures

BBCKO PC

BANNER,
BOWER,
CHOSTNER,
KWITEK,
& OHLSEN, P.C.

LAW OFFICES

601 N. MAIN ST., SUITE 200
P. O. BOX 1423
PUEBLO, COLORADO 81002-1423
PHONE: (719) 544-5081
FAX: (719) 546-3457

DONALD J. BANNER

JANUARY 27, 2004

Robert A. McCarty
Real Estate Specialist
Habitat Section
Colorado Division of Wildlife
6060 Broadway
Denver, CO 80216

Re: Pueblo Conservancy District Lease Renewal

Dear Bob:

I am enclosing six copies of the signed Lease Agreement, which, as you requested, remains undated.

I do want to receive one fully executed and dated copy, together with the \$5,000.00 rent check. Please send these directly to me.

Very truly yours,



Donald J. Banner

DJB/tr

Enclosures

cc: Raymond F. Koester ✓