

RECORD OF PROCEEDINGS

100 LEAVES

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE PUEBLO CONSERVANCY DISTRICT

January 15, 1946

A special meeting of the Board of Directors of the Pueblo Conservancy District was held at the office of the District, 113 West Fifth Street, at 7:30 P. M. o'clock on January 15, 1946.

Directors Present: John M. Holmes, W. T. Mathis, Frank Pryor.

Minutes of the meeting of October 2, 1945, were read and approved.

Mr. Holmes reported that he and Mr. Greene had called on City Commissioner Beaty to ask that the mill levy for 1946 for raising funds to pay the amount due the Conservancy District be increased from 5.50 mills to 6.00 mills. Mr. Beaty stated that the mill levy of 5.50 had been set by the Commissioners for 1946 and could not be changed. He stated however that the 1947 levy would be high enough to enable the City to pay not only the annual installment of \$158,910 due the District but to pay also a substantial amount of the delinquency. Mr. Beaty said it was his intention to have the City pay enough of the delinquency each year between now and 1955 to clean up the delinquency by that time.

Mr. Holmes called attention to the fact that Mr. T. S. Underwood, for the past few years, had been making his annual audit of the Conservancy books as of May 31st. Mr. Holmes stated he believed it would be better to have this audit made as of December 31st. After some discussion, the Secretary was instructed to ask Mr. Underwood to make the audit as of December 31st.

Mr. Mathis moved that the sale of Certificated listed below be approved because they were sold in a manner believed to be in the best interest of the District and the property holder. Mr. Pryor seconded the motion and upon vote, it was unanimously carried:

Receipt Pages 32 - 105 Inclusive

Certs. Nos. 87884	21.63	Theresa E. Simonich
" " 75283; 78051; 90589; 87873;		
85573; 88231; 90999; 94805;		
96440; 97714; 98861	56.83	Mary F. Bensik
" " 88253	35.48	Catherine L. Koller
" " 96351; 97626; 98746	390.79	Max Rosenblum
" " 2375; 56279; 58123; 59822;		
61611; 64771; 70872; 75235;		
78000; 90555; 87846; 85532;		
88175; 90939; 92930; 94746;		
96388; 97659; 98809	146.65	Joe Giordano
" " 94835; 96470; 97754; 98897	30.64	Inland Real Estate Co.
" " 70875	309.70	E. T. Pate
" " 92806	48.62	Peter and Jestina Ribar
" " 87794	100.82	Onorio Izzi
" " 61549; 64677; 70720; 75032;		
77805; 90439; 83184; 85365;		
88008; 90770; 92755; 94588;		
96233; 97512; 98650	4,052.34	M. B. Littell
" " 83187	11.15	J. W. and Emma L. Sterry
" " 94750; 96391	147.48	A. R. Nickles
" " 78049 (Partial)	10.00	Miguel Rodriguez

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Certs. Nos.	90899; 94706; 96347	180.54	Hoffman Realty Co.
"	" 70824	46.00	Jessie K. Jackson
"	" 2467	12.80	M. B. Littell
"	" 94628; 96275	97.21	Peter and Jestina Ribar
"	" 97847; 98736	173.86	Doris Kahn
"	" 59847; 61643; 64818; 70951; 75331; 78089; 90605; 91029; 93913; 94828; 96463; 97749	70.41	Jesus Hernandez
"	" 81081; 87814; 85493; 88139; 90903; 92894; 94710; 96352; 97627; 98747	481.69	Bert Moore
"	" 64836; 70984; 75371; 78128; 90631; 87920; 85632; 88298; 91059; 93043; 94857; 96494; 97775;	191.05	Bert Moore
"	" 96579; 97670	21.15	Mars Oil Co.
"	" 94757; 96398; 97669; 98816	55.47	Mars Oil Co.
"	" 96578; 97668	11.25	Mars Oil Co.
"	" 94756; 96397; 97667	21.82	Mars Oil Co.
"	" 94755; 96396; 97666	47.40	Mars Oil Co.
"	" 85472	87.93	Onorio Izz i
"	" 87828 (Partial)	25.00	Onorio Izzi for Joe Russo
"	" 90930	107.85	H. L. Holden
"	" 90978; 92969; 94786; 96426; 97698; 98846	23.95	Simon F. Elliot
"	" 96188; 96198; 96580; 97699; 98847	16.40	Simon F. Elliot
"	" 2390	9.74	Simon F. Elliot
"	" 2391	9.74	Simon F. Elliot
"	" 2392	8.46	Simon F. Elliot
"	" 64792; 70897; 75266; 78028; 90577; 90691; 85558; 88214; 90977; 92968; 94785; 96425; 97697; 98845	72.18	Simon F. Elliot
"	" 2393; 56295; 58140; 59838; 61629; 64793; 70898; 75267; 78029; 90578; 90692; 85559; 88215; 90981; 92972; 94789; 96428; 97702; 98850	100.72	Simon F. Elliot
"	" 90980; 92971; 94788; 96427; 97701; 98849	23.95	Simon F. Elliot
"	" 90979; 92970; 94787; 96426 A; 97700; 98848	23.95	Simon F. Elliott
"	" 96462; 97748	11.46	Victor and Emma Sanchez
"	" 87892; 85601; 88264	17.89	Jesus Hernandez
"	" 97848	92.95	W. M. Ford
"	" 70794	40.56	Irene A. Kelly
"	" 77964	460.60	Verne Hyde
"	" 92716	21.60	Theresa E. Simonich
"	" 77895; 90475	122.18	D. D. Courtney
"	" 70976	12.81	D. D. Courtney
"	" 98698	62.93	Marcus Katz & H. Deikman
"	" 97843; 98688	19.35	Marcus Katz & H. Deikman
"	" 70750; 75070; 77840; 90454; 83210; 85387; 88028; 90794; 92780; 94607; 96255; 97534; 98671	296.12	Marcus Katz & H. Deikman
"	" 90795; 92781; 94608; 96567; 97535; 98672	280.00	Marcus Katz & H. Deikman

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Certs. Nos.	88117	87.93	Onorio Izzi
"	" 98737	92.51	W. M. Ford
"	" 78049	10.00	Miguel Rodriguez
"	" 97536	818.11	D. C. Neuman
"	" 77999; 90554; 87845; 85530; 88174; 90938; 92929; 94745; 96387; 97658; 98808		
"	" 98703	118.27	Edwin B. Haver
"	" 98697	242.72	Susie M. & Curly A. Williams
"	" 59813; 61601	171.37	Marcus Katz & H. Deikman
"	" 61569; 64713	97.35	B. V. Ruppel
"	" 64759; 70857; 75214; 90411; 90536; 87827; 85507; 88154; 90917; 92908; 94724; 96366; 97636; 98785	5,140.41	Northern Colo. Loan Assn.
"	" 96584; 96585; 96586; 97734; 98885; 98886; 98887 (Partial)	1,089.48	I. L. and Mary Cravens
"	" 87768; 85439; 88086; 90849; 92837; 94655; 96298; 97576; 98715	9.59	Mary Kogovsek
"	" 91028	391.53	Athey Beaman
"	" 64744	5.70	Victor and Emma Sanchez
"	" 88169; 90933; 92923; 94739; 96381; 97651; 98801	193.46	E. T. Pate
"	" 2397; 56299; 58143; 59841; 61632; 64801; 70914; 75284; 78052; 90590; 87874; 85574; 88232; 91000; 92986; 94806; 96441; 97715; 98862	518.59	Max Epstein
"	" 75230; 77994; 90551; 87842; 85524; 88170; 90934; 92924; 94740; 96382; 97652; 98802	123.84	Elsie H. Crawford
"	" 87828 (Partial)	778.35	Frank J. Black
"	" 90881	25.00	Onorio Izzi for Joe Russo
"	" 71020; 75419; 78169; 90654; 87951; 85667; 88334; 91090; 93073; 94889; 96529; 97803; 98941; 100145	87.93	Onorio Izzi
"	" 2348; 2349; 56258; 58099; 59791; 61570; 61571; 64895; 71055; 75469; 78224 A; 78218; 78219; C-99875; 90680; 90681; 90682; 90708; 90709; 90710; 90723; 90724; 90725; 90741; 90742; 90743; 91121; 91122; 91123; 93107; 94915; 96556; 97834; 98973	295.88	Harry E. Lynch
"	" 99953	591.50	Frank Helmers
"	" 2466	171.37	Marcus Katz & H. Deikman
"	" 100046	6.74	Harry E. Lynch
		77.51	Tony Barbera

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Mr. Pryor introduced the following resolution and moved its adoption:

BE IT RESOLVED by the Directors of the Pueblo Conservancy District: That the Pueblo Gas and Fuel Company be granted a permit for a gas pipeline on the levee owned by the District on the North side of the river channel as set forth in the instrument hereto attached; and that the President of the District be, and is hereby authorized and directed to execute in duplicate the instrument, a copy of which is attached hereto, for and in behalf of the Pueblo Conservancy District.

The motion was seconded by Mr. Mathis and upon being put to vote was unanimously passed by the three Directors present.

Mr. Mathis introduced the following resolution and moved its adoption:

BE IT RESOLVED by the Board of Directors of the Pueblo Conservancy District: That the petition heretofore presented to the Board by the County of Pueblo and Frank Helmers for distribution of benefits of lands located in Block Thirty (30) of the Town, now City, of Pueblo, be and the same is hereby granted and the President of the Board is hereby authorized and directed to file a waiver and consent in court, proceeding accordingly, and all acts of the officers of the Pueblo Conservancy District in conformity with this resolution are hereby ratified, confirmed and approved.

The motion was seconded by Mr. Pryor and upon being put to vote was unanimously passed.

Mr. Mathis introduced the following resolution and moved its adoption:

BE IT RESOLVED by the board of Directors of the Pueblo Conservancy District: That the petition heretofore presented to the Board by Ella G. Packard and William C. Lacey and Evelyn E. Lacey for distribution of benefits of Lots One (1) and Two (2) in Block Thirty-seven (37) in that part of the present City of Pueblo which was surveyed and platted by H. M. Fosdick, civil engineer, for the Probate Judge of said Pueblo County, in March 1869, as shown by the recorded plat thereof, be and the same is hereby granted and the President of the Board is hereby authorized and directed to file a waiver and consent in court, proceeding accordingly, and all acts of the officers of the Pueblo Conservancy District in conformity with this resolution are hereby ratified, confirmed and approved.

The motion was seconded by Mr. Pryor and upon being put to vote was unanimously passed.

September 17, 1945

Mr. Charles M. Rose,
Thatcher Building,
Pueblo, Colorado

Dear Mr. Rose:

Enclosed is a copy of a letter from The Pueblo Gas and Fuel Company to The Pueblo Conservancy District. You will recall that recently I brought the original of this letter to your office and Mr. Gast came in and we discussed the matter.

At that time I informed you that at a meeting of the Directors of the District held on August 27, 1945, the Board gave consideration to the request of the Gas Company and decided to permit the Gas Company to construct the main on the levee as requested with certain restrictions.

The restrictions were to the effect that:

- (1) The Gas Company would move the main if so requested by the Conservancy District.
- (2) That suitable "hold harmless" clause be in the agreement.
- (3) That if at any time the Gas Company main caused erosion or made repairs to the levee necessary, the Gas Company would make such repairs.
- (4) That the agreement between the Conservancy District and the Gas Company be so drawn that you felt the Conservancy District interests are properly protected.

At Mr. Witsell's request, I am sending this letter to you and a copy of it to Mr. Gast. Mr. Witsell and I believe that the most satisfactory way to work this out would be for you representing the Conservancy District and Mr. Gast representing the Gas Company to get together and draw up a contract or agreement which is satisfactory to you both.

Very truly yours,

Elbert D. Greene, Secy.-Treas.
THE PUEBLO CONSERVANCY DISTRICT.

EDG:b

Copy to

Robert S. Gast
E. L. Witsell

THE PUEBLO GAS AND FUEL COMPANY

815 NORTH MAIN STREET

PHONE 5600

PUEBLO, COLORADO

August 22, 1945

Mr. John M. Holmes, President
Pueblo Conservancy District
113 West 5th Street
Pueblo, Colorado

Dear Sir:

The Pueblo Gas and Fuel Company wishes to construct a gas main in the central portion of the city for the dual purpose of creating a loop from which the several regulator stations may be served and to create additional gas main capacity to serve a large customer in the downtown area.

The most logical and direct route for the proposed main is from the city gate station at Santa Fe Avenue and highway 50 North along Santa Fe to the north side of the Arkansas River thence west along the River to the Union Avenue bridge, North thru Union Avenue to D Street then west on D Street to Victoria Avenue and North thru Victoria to our regulator station in the 100 block on North Victoria.

This route is the shortest distance by which this loop can be made, and it avoids cutting into the street pavement along approximately 75% of the distance.

To accomplish this construction, The Pueblo Gas and Fuel Company would like the permission of the Pueblo Conservancy District to lay the main on their levee on the North side of the Arkansas River between the Santa Fe Avenue bridge and the Union Avenue bridge.

If this permission is granted, the gas main would be 8" in size and would be laid above ground on top of the earth fill just North of the concrete retaining wall. The only excavation into the earth fill would be for supports for the pipe line spaced approximately every fifteen feet. These supports would be about twelve inches square and four feet deep. The work would be done in good workmanlike manner and the main would be placed close enough to retaining wall that projects above the earth fill to make it inconspicuous.

Yours very truly,

The Pueblo Gas & Fuel Company



F. L. Witsell
Vice President and General Manager

THE PUEBLO GAS AND FUEL COMPANY

815 NORTH MAIN STREET

PHONE 5600

PUEBLO, COLORADO

November 15, 1945

Mr. Elbert D. Greene
113 W. 5th St.
Pueblo, Colorado

Dear Sir:

We are inclosing the two copies of the Grantt
of Permit which have been signed by the President
and Secretary of The Pueblo Gas and Fuel Company.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. M. Marsalis".

A. M. Marsalis
Assistant Secretary

GRANT OF PERMIT

This agreement between the Pueblo Conservancy District, a public corporation hereinafter referred to as the District, and The Pueblo Gas and Fuel Company, a Colorado corporation hereinafter referred to as the Gas Company, without consideration to said public corporation except the promises and covenants of The Pueblo Gas and Fuel Company hereinafter set forth, WITNESSETH:

1. That the term "levee" as used herein refers to the earth embankment erected by the District for flood protection, together with all footings, cement work and other structures appurtenant or ancillary thereto as property of the District under the Official Plan of the District.

2. That the Gas Company shall have and is hereby granted permission to lay an ~~eight~~ ^{fourteen} inch gas pipeline with appropriate cement supports on the top of the levee owned by the District and extending from the West side of Santa Fe Avenue to the West side of Union Avenue in the City of Pueblo.

3. The permission herein granted is revocable at any time by the District and the Gas Company agrees to remove its said line and structures at any time upon sixty days notice in writing of such revocation.

4. Public roads, streets and ways and public carrier or utility rights-of-way, with accompanying rights in the levee under the Official Plan of the

minutes of June 8, 1947

District for the same, and for extension thereof and structures thereon, shall not be interfered with or affected in any way by the permission herein granted except by the consent and agreement of the county, city, carrier or utility corporation, or other party directly concerned, as the case may be.

5. The Gas Company agrees to make the installation for the gas line hereinabove mentioned without damage or injury to said levee, and upon completion of such installation or removal or repair thereof, to leave said levee unimpaired to the satisfaction of the District.

6. The Gas Company agrees to maintain its structures aforesaid on said levee in good condition and without damage to the levee or other property of the District.

7. The Gas Company agrees to defend and hold harmless the District from any and all claims of third parties arising out of the location, maintenance, operation and use of the said gas line, including damage from escape of gas.

8. The District shall not be obligated to the Gas Company in any way, directly or indirectly, to maintain its levee or other works or property for the use herein granted to the Gas Company. On the contrary, the Gas Company waives all claims arising from failure of the District to maintain the same; and the Gas Company further agrees that it will save the District

harmless as provided in paragraph seven hereof without respect to any maintenance of its levee or other property by the District; and in case of repair or restoration of the levee or other works of the District, the Gas Company agrees to make its pipeline conform to such changes at its own expense and to indemnify the District for any added expense of repair or restoration occasioned by the pipeline and structures of the Gas Company.

9. The Gas Company hereby agrees to save harmless and defend the District against any and all claims against the District arising out of the use of the property of the District by the Gas Company and whether the use, operation and maintenance of said pipeline shall be the proximate, concurring or contributing cause of such claims; and further the Gas Company agrees to compensate and indemnify in full the District for all damages to the levee or other property of the District arising out of the use of the levee by the Gas Company as aforesaid, and whether the use or acts of the Gas Company are the proximate, concurring or contributory causes of such damage; and nothing set forth in the preceding paragraphs of this instrument shall be construed as limiting the liability of the Gas Company as set forth in this paragraph.

10. Nothing herein shall be construed to exclude grants by the District to other utilities or persons for any use not inconsistent with the public

purposes and uses of the property of the District.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in duplicate, by their proper officers at Pueblo, Colorado, this 16th day of November, 1945.

PUEBLO CONSERVANCY DISTRICT

By _____ President.

Attest:

Secretary.

THE PUEBLO GAS AND FUEL COMPANY

By _____ President.

Attest:

Secretary.

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Mr. Mathis introduced the following resolution and moved its adoption:

BE IT RESOLVED by the board of Directors of the Pueblo Conservancy District: That the petition heretofore presented to the Board by The Inland Real Estate Company, a Colorado Corporation, Colmex, Inc., a Colorado Corporation, Helen Mary Smith, and Mary Kogovsek for distribution of benefits of Lots Five (5) to Fourteen (14), Block Two (2), Stanton & Snyder Addition in the City of Pueblo, be and the same is hereby granted and the President of the Board is hereby authorized and directed to file a waiver and consent in court, proceeding accordingly, and all acts of the officers of the Pueblo Conservancy District in conformity with this resolution are hereby ratified, confirmed and approved.

The motion was seconded by Mr. Holmes and upon being put to vote was unanimously passed.

Vouchers were approved for payment as follows:

10828	J. E. Creel, County Treasurer	.55
10829	J. E. Creel, County Treasurer	1.50
10830	J. E. Creel, County Treasurer	127.24
10831	J. E. Creel, County Treasurer	9.50
10832	J. E. Creel, County Treasurer	2.20
10833	J. E. Creel, County Treasurer	.55
10834	J. E. Creel, County Treasurer	8.25
10835	Elbert D. Greene (Oct)	40.00
10836	Elbert D. Greene (Oct)	108.50
10837	Collector Internal Revenue	16.50
10838	J. E. Creel, County Treasurer	1.00
10839	J. E. Creel, County Treasurer	1.50
10840	J. E. Creel, County Treasurer	.50
10841	Petty Cash - Postage - Redemption Fee, etc.	9.41
10842	J. E. Creel, County Treasurer	6.50
10843	J. E. Creel, County Treasurer	6.00
10844	J. E. Creel, County Treasurer	7.45
10845	J. E. Creel, County Treasurer	28.19
10846	J. E. Creel, County Treasurer	32.30
10847	J. E. Creel, County Treasurer	22.00
10848	First National Bank of Pueblo	54,751.25
10849	First National Bank of Pueblo	100,000.00
10850	J. E. Creel, County Treasurer	1.60
10851	Greene & Company	2.50
10852	Middlekamp Agency Co.	2.50
10853	Pueblo Typewriter Exchange	3.16
10854	J. E. Creel, County Treasurer	9.80
10855	Elbert D. Greene (Nov.)	40.00
10856	Elbert D. Greene (Nov.)	108.50
10857	Collector Internal Revenue	16.50
10858	First National Bank of Pueblo	177,100.00
10859	J. E. Creel, County Treasurer	.75
10860	Wilmington Savings Fund Society	1,250.00
10861	Mary Dean Reed	600.00
10862	J. E. Creel, County Treasurer	5.50

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10862 A	J. E. Creel, County Treasurer	.50
10863	J. E. Creel, County Treasurer	.60
10864	Elbert D. Greene (Dec.)	40.00
10865	Elbert D. Greene (Dec.)	108.50
10866	Collector Internal Revenue	16.50
10867	J. E. Creel, County Treasurer	2.30
10869	J. E. Creel, County Treasurer	7.00
10870	J. E. Creel, County Treasurer	14.35
10871	Pueblo Typewriter Exchange	3.58
10872	J. E. Creel, County Treasurer	25.40
10873	J. E. Creel, County Treasurer	6.00
10874	J. E. Creel, County Treasurer	1.65
10875	John M. Holmes	10.00
10876	W. T. Mathis	10.00
10877	Frank Pryor	10.00

Mr. Holmes stated that after receiving the approval by telephone of Mr. Mathis and Mr. Pryor of the purchase of \$100,000.00 U. S, 7/8s Certificates of Indebtedness, the purchase had been made on December 1, 1945. Mr. Pryor then formally moved ratification of this purchase. Mr. Mathis seconded the motion and it was unanimously passed.

The Secretary presented the statement from the County Treasurer for advertising expense and Certificate fees in connection with the 1945 Tax Sale. The Secretary stated that he had measured the amount of newspaper space required to advertise delinquent Conservancy Taxes and stated he believe the statement was correct. Mr. Mathis moved that the bill be paid. Mr. Pryor seconded the motion and upon vote was unanimously passed.

Mr. Holmes introduced for discussion the matter of repairing the levee on the South bank of the river near the Santa Fe Avenue bridge. He stated that to him it appeared inadvisable to ask the Government for financial assistance in making the repairs in view of the fact that the District could not do so without making a statement that the District was unable to pay for the repairs and that the cost of such repairs should not exceed an amount which the District can well afford to pay. Mr. Mathis and Mr. Pryor agreed that the District should stand this expense without Government aid. Mr. Holmes stated that Colonel Cole had recently had lunch with him and Mr. Greene and that Colonel Cole had stated that even though the Government did not participate in the expense of the repairs, that the Army Engineers at Albuquerque, N. M., could draw plans and do the engineering for the District. Colonel Cole stated that if the plans submitted by the Army Engineers were not entirely satisfactory, the District would be under no obligation to follow them and could make changes in them as the District saw fit. Mr. Holmes stated that a meeting was scheduled in Pueblo on January 16th, 1946, with one of the Engineers from Albuquerque and Mr. Pryor and Mr. Mathis approved Mr. Holmes asking the Army Engineer to proceed with drawing plans for the repairs.

Mr. Holmes asked the Secretary to report to the Board on the activities of the Secretary's office. The Secretary called attention to the number of Certificates which had been redeemed since June 1, 1945, the amount of money collected and also called attention to other items which he thought would be of interest to the Directors.

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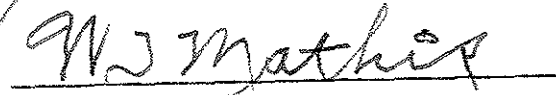
In commenting on the Secretary's report Mr. Holmes said that for some time he had appreciated the fact that the activity of the Secretary's office had been considerably greater than in the past - and that the amount of work the Secretary was doing and the results achieved justified a revision in the rate of compensation paid to the Secretary. The Secretary was then asked to withdraw from the meeting in order that the Directors might discuss the matter among themselves.

Later the Secretary was asked to return to the meeting and was informed that the Directors had agreed on a revision of his compensation. It was agreed that for the months of November and December 1945, the compensation was to be the same as it had been for the three previous months, namely \$165.00 (Divided \$40.00-Rent: \$125.00-Salary). The rate for the twelve months commencing January 1, 1946, was set at \$225.00 per month to be divided between Rent and Salary as the Secretary saw fit.

There being no further business, the meeting adjourned.


Secretary

Read and Approved:

Board of Directors.