

MINUTES OF BOARD OF DIRECTORS MEETING OF THE
PUEBLO CONSERVANCY DISTRICT
JANUARY 26, 1978

The meeting of the Board of Directors was called to order by P. Kelly, President, at 3:00 P.M., January 26, 1978, in the Conference Room of the District's Office, 111 E. 5th Street, with the following present:

DIRECTORS PRESENT: P. Kelly, K. Farley and G. Sandstrom

ENGINEER PRESENT : R. Koester

ATTORNEY PRESENT : L. Ward

OTHERS PRESENT : Ted Washington, Division of Wildlife
Eugene Johnson and John Pierson, Pueblo Public Works Dept.
John Butterworth and Frank Jaramillo, Corps. of Engineers,
Albuquerque Division
Terrance Curran, Star Journal-Chieftain

It was moved, seconded and carried that the minutes of December 8, 1977, be approved as written.

It was moved, seconded and carried to re-consider the minutes of November 23, and to amend the discussion on Insurance presented by Mr. Flores to include the limits of liability of \$100,000 and \$300,000.

The Chairman then asked the Corps representatives present to make their presentation.

1. Butterworth reviewed the maintenance of the project in which they have jurisdiction, Santa Fe Bridge East, and commended the District for having conducted a good maintenance program on the project, but pointed out two things: The gates on the outfall sewer must be restored to working condition, and the accumulation of fill material by dumping, downstream from the Santa Fe Bridge, be discontinued and some maintenance be undertaken on the area to insure a free waterway during flood times.

2. Discussion of Pueblo Dam and its affect on the District Works indicated the the Corps has no authority over the portion of the works from Santa Fe westerly, and could not review the project or make any suggestions for the care and improvement of this area. They suggested that the District contact the Colorado State Engineer as a way to get governmental review.

The Corps is now studying the Fountain River and in doing this, indicate that the Pueblo Dam is to control the Arkansas River only, and has no connection with the Fountain or the Dry Creek (Wildhorse) Drainage.

3. The Power Company intake structure appeared to be a problem that could require extensive work to remedy.

4. The conclusion was that the Corps was here to get acquainted and try to help the Directors understand that the Corps interest in the project at this time is limited to the lower end only.

5. Chairman Kelly thanked the representatives for making the effort and traveling to be here for this presentation.

The meeting then moved on to the Treasurer's Report. A copy of which is attached to and made a part of these minutes.

The following Vouchers were read and approved for payment:

RECORD OF PROCEEDINGS

100 LEAVES

16329	Anthony E. Gradishar Construction Co.	\$253.00
16330	KLH Engineering Consultants, Inc.	380.00
16331	KLH Engineering Consultants, Inc.	50.00
16332	Rocky Mountain Bank Note	27.36
16333	KLH Engineering Consultants, Inc.	680.00
16334	Kathleen Farley	40.00
16335	Patricia Kelly	40.00
16336	Gus Sandstrom, Jr.	40.00
16337	Predovich & Ward Attorneys-at-Law	150.00
16338	Bryan-Holloran Insurance	328.00
16339	State Compensation Insurance Fund	74.00

It was regularly moved, seconded and carried to transfer, on 1/27/78, the sum of \$2,062.36 from the First National Savings Account to the Checking account to cover the above vouchers.

Attorneys Report: 1. The Trails Easement the Director's asked to have redrafted at the regular meeting of the Board on October 17, 1977, was presented to the Directors for signature. The redrafted easement was approved and executed.

2. Discussion was held regarding the length of time Board Members would or could hold an office once elected. Attorney Ward stated that there are no terms mandatory for the Directors by statute and the Directors are free to set any term they desire, and this may be done at any time they choose.

The Directors agreed to prepare a policy and make their decision at the March meeting. Present officers will remain until that time.

3. Attorney Ward recommended that the Workman's Compensation Policy be kept in force even though the Directors Fees are not legally required to be covered. This coverage will protect the Directors should any injury or death occur while Directors are in the pursuit of District business.

Motion was made, seconded and carried to continue Workman's Compensation coverage.

4. Insurance coverage under Policy No. LS 37979093 with Maryland Casualty Company was discussed. It was moved, seconded and carried to add non-owned auto liability insurance to the existing policy. (Kelly & Farley Aye, Sandstrom No)

5. It was moved, seconded and carried to add independent contractors liability coverage to the above mentioned policy. (Kelly & Farley Aye, Sandstrom No)

6. Discussion on the Public Liability Insurance for each of the Directors was concluded by Attorney Ward saying that there is no clear cut authority for the Directors to carry it and the Directors agreed not to attempt to secure this kind of coverage.

7. It was moved, seconded and unanimously approved to add to the present policy or to determine if it presently provides coverage of "completed operation exposure".

Engineers Report: No action has been taken on Lagoon situation, but next reporting session to the Health Department will be made on February 8, 1978.

The weed-cutting citations received from the City have been cared for. The work by Gradishar has been completed.

The Engineer recommended that some action should begin on working with the City to restore the two gates on the outfall sewer. The Directors instructed the Engineer to start negotiations with City Engineer Rebok.

The annual contract for weed control and spraying of deciduous phreatophytes is now ready to be considered. The Engineer was instructed to send bid forms to interested contractors and ask for quotations in time for the awarding of this work at the February meeting.

The next meeting was set for Tuesday, February 28, 1978 at 4:00 P.M.

There being no further business to come before the Board, the meeting adjourned at 5:20 P.M.

READ AND APPROVED:

Patricia Kelly
Kathleen M. Farley

Kathleen Farley, Secretary

No

17

Treasurer's Report

1/26/78

Savings Account - First National Bank Balance per Audit 12/31/77 \$43,464.01
(includes interest earnings of \$388.31)

Checking Account - First National Bank Balance per Audit 12/31/77 \$144.94

January Vouchers as follows:

Balance Budget

Account #105 (Repair & Property Maintenance of		
Flood Protection	\$933.00	\$39,067.
#97 Office Rent	50.00	550.
#83 Engineer & Administrator	\$380.00	4,180.
#96 Office Supplies Storage, etc.	27.36	672.64
#81 Director's Fees	120.00	1,320.
#80 Attorney's Fees	150.00	1,650.
#92 Insurance Premium	402.00	98.00
	\$2,062.36	
Cash Balance 1/26/78	\$41,546.59	

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE made this 23rd day of January, 1978, between Pueblo Conservancy District of the County of Pueblo, State of Colorado, a conservancy district organized under the laws of the State of Colorado, FIRST PARTY, and the City of Pueblo, Colorado, a municipal corporation, of the County of Pueblo, State of Colorado, SECOND PARTY.

W I T N E S S E T H:

THAT FOR AND IN CONSIDERATION of the sum of Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the FIRST PARTY by these presents does hereby grant and convey to the SECOND PARTY, its successors and assigns, a thirty (30) foot right of way and easement on, over and across the property and land of the FIRST PARTY located along the south bank of the Arkansas River from Pueblo Board of Water Works south treatment plant to the railroad crossing west of Interstate Highway 25, Pueblo County, Colorado to construct, install and maintain non-motorized bicycle and pedestrian trails.

TOGETHER WITH the right of ingress and egress over said lands and other lands of FIRST PARTY for the purpose of construction, maintenance and repair. FIRST PARTY reserves the perpetual right to maintain or improve the Arkansas River channel at the location of the easement and the right of access along and across said easement at such locations as FIRST PARTY shall determine.

SECOND PARTY agrees to indemnify and hold harmless FIRST PARTY 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 non-motorized bicycle and pedestrian trails on the easement and right of way hereby granted except such injury or damage as may be caused by the negligence of FIRST PARTY, its officers, agents or employees.

IN WITNESS WHEREOF, the parties herein have hereunto set their hand and seal the day and year first above written.

PUEBLO CONSERVANCY DISTRICT

ATTEST:

By Patricia D. Kelly
President

William D. Koster
Secretary-Treasurer

ATTEST:

CITY OF PUEBLO, a Municipal Corporation

John G. Gasta
City Clerk

By Frank D. Koster
Vice-President of the Council

STATE OF COLORADO)
COUNTY OF PUEBLO) ss.

The foregoing instrument was acknowledged before me this 28th day of February, 1978 A.D., by PATRICIA D. KELLY, as President and WILLIAM D. KOSTER, as Secretary of Pueblo Conservancy District, a conservancy district organized under the laws of the State of Colorado.

NOTARY
PUBLIC
My Commission Expires: 2/26/81

Ran D. Koster
Notary Public
2/26/81

10:00 A.M.

MAR 15 1978

1926 4168

RESOLUTION NO. 4124

A RESOLUTION ACCEPTING AN EASEMENT AND RIGHT-
OF-WAY FROM THE PUEBLO CONSERVANCY DISTRICT
AND AUTHORIZING THE PRESIDENT OF THE CITY
COUNCIL TO EXECUTE SAME.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PUEBLO,
COLORADO, THAT:

SECTION 1

The Easement and Right-of-Way between the Pueblo Conservancy
District and the City of Pueblo, a copy of which is attached hereto
and incorporated, having been approved by the City Attorney, is hereby
approved and accepted.

SECTION 2

The President of the City Council is hereby authorized and
directed to execute said Easement and Right-of-Way for and on
behalf of the City of Pueblo and the City Clerk is directed to
attest same and affix the seal of the City thereto.

INTRODUCED January 23, 1978

By ISRAAC C. DURAN
Councilman

APPROVED:

Steve L. Martinez
Vice-President of the City Council

ATTEST:

Lucy J. Costa
City Clerk

I, Lucy J. Costa, City Clerk of the City of Pueblo, Colorado, do
heretby certify that the above is a true and correct copy of Resolution
No. 4124, adopted by the Council of Pueblo on January 23, 1978, and that
I am entrusted with the safekeeping of the original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal
of the City of Pueblo, Colorado, this 27th day of January, 1978.

Lucy J. Costa
City Clerk

(S E X L)

6.00

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE made this 23rd day of January, 1978, between Pueblo Conservancy District of the County of Pueblo, State of Colorado, a conservancy district organized under the laws of the State of Colorado, FIRST PARTY, and the City of Pueblo, Colorado, a municipal corporation, of the County of Pueblo, State of Colorado, SECOND PARTY.

W I T N E S S E T H:

THAT FOR AND IN CONSIDERATION of the sum of Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the FIRST PARTY by these presents does hereby grant and convey to the SECOND PARTY, its successors and assigns, a thirty (30) foot right of way and easement on, over and across the property and land of the FIRST PARTY located along the south bank of the Arkansas River from Pueblo Board of Water Works south treatment plant to the railroad crossing west of Interstate Highway 25, Pueblo County, Colorado to construct, install and maintain non-motorized bicycle and pedestrian trails.

TOGETHER WITH the right of ingress and egress over said lands and other lands of FIRST PARTY for the purpose of construction, maintenance and repair. FIRST PARTY reserves the perpetual right to maintain or improve the Arkansas River channel at the location of the easement and the right of access along and across said easement at such locations as FIRST PARTY shall determine.

SECOND PARTY agrees to indemnify and hold harmless FIRST PARTY 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 non-motorized bicycle and pedestrian trails on the easement and right of way hereby granted except such injury or damage as may be caused by the negligence of FIRST PARTY, its officers, agents or employees.

IN WITNESS WHEREOF, the parties herein have hereunto set their hand and seal the day and year first above written.

PUEBLO CONSERVANCY DISTRICT

ATTEST:

By Pabrisa
President

Kathleen M. Farley
Secretary-Treasurer

ATTEST:

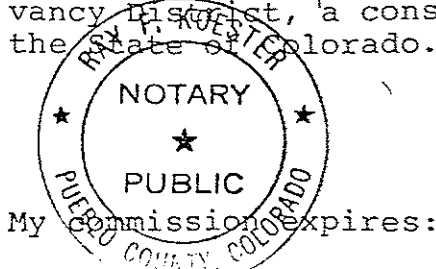
CITY OF PUEBLO, a Municipal Corporation

Lucy B. Costa
City Clerk

By Gene Wentz
Vice President of the Council

STATE OF COLORADO)
) ss.
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 28th day of FEBRUARY, 1978 A.D., by PATRICIA D. KELLY, as President and KATHLEEN M. FARLEY, as Secretary of Pueblo Conservancy District, a conservancy district organized under the laws of the State of Colorado.



Ray J. Koester
Notary Public

2/26/81

STATE OF COLORADO)
COUNTY OF PUEBLO) ss.

The foregoing instrument was acknowledged before me this 1st
day of February, 1978 A.D., by Steve L. Martinez, as Vice-
President of the City Council and Lucy J. Costa, as City Clerk of
Pueblo, a municipal corporation.

Ma Mae Shure
Notary Public

My commission expires: November 13, 1981