

RECORD OF PROCEEDINGS

 O'Brien Prtg. & Stat. 90912

MINUTES OF THE BOARD OF DIRECTORS MEETING OF THE PUEBLO CONSERVANCY DISTRICT JULY 28, 1980

The Directors met for a regular meeting at 10:00 A.M. on Monday, July 28, 1980, in the office of the District at 111 E. 5th Street, Pueblo, Colorado.

DIRECTORS PRESENT: G. Sandstrom, K. Farley and P. Kelly
ENGINEER PRESENT : R. Koester
ATTORNEY PRESENT : Don Banner
GUESTS PRESENT : Dale Olhausen, Engineer; Joe Genova, Attorney and Alan Gregorich, both representing the Tee Hee committee, and Terry Book, Board of Water Works

The meeting was called to order by the President.

It was moved and carried that the minutes of the June 24, 1980 meeting be approved as written.

Chairman Sandstrom announced he was adding an item to the agenda "Levee Art Work", and asked that this item be added as Item 2a of the Agenda. This was approved by all Board Members. The Chairman announced he was having a special hearing on the Tee Hee art work on the District concrete levee through Pueblo. Chairman Sandstrom asked that the representative of the artists, Attorney Joe Genova, make a presentation.

Attorney Genova asked that the Board consider a permission granting arrangement to perpetuate the art work program of recent weeks on the levee concrete. Chairman Sandstrom presented a letter to the Board, commenting on suggested items that should be part of the agreement and the Board discussed the items suggested. The Board decided that a written agreement of the activity with the organization would be required prior to granting permission. All Board Members concurred and the "Limited License Agreement" will be drafted by Attorney Ward. This license can be applied to any group or individual wanting to carry on an art work activity. The Board also asked that the Tee Hee group submit a written proposal of their proposed activity. The Board will draft a letter today to the District Attorney, outlining actions taken today, and making clear their position on trespassers as well as their willingness to work with the Tee Hees.

The Treasurer's report was read and approved. The following vouchers were approved for payment:

16569	The Star-Journal Publishing Corp.	25.48
16570	Western Federal Savings	130,000.00
16571	U. S. Postmaster	15.00
16572	K L H Engineering Consultants, Inc.	3,042.50
16573	Kathleen Farley	40.00
16574	Patricia Kelly	40.00
16575	Gus Sandstrom, Jr.	40.00
16576	Predovich & Ward Attorneys	150.00

The Treasurer's Report was approved as presented.

The Engineer presented a report on the completed levee repair contract with Rice & Rice, Inc., and suggested that since inspection has been made and all items complete that approval be given to pay Rice & Rice \$19,500.00. The Board approved the drawing of a voucher for this amount and instructed the Treasurer to transfer sufficient funds to cover this and the above listed vouchers. The Treasurer's report will reflect a transfer from the Tel Transfer account of \$8,500.00 instead of \$2,494.52 and the balance in the checking account at 7/30/80 to be shown as \$6,155.48 instead of \$150.00. The voucher to Rice & Rice, Inc. will be delivered after August 1, 1980.

It was moved and carried that a \$130,000., Certificate of Deposit be purchased from United Bank of Pueblo per the attached bid tabulation.

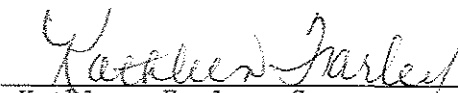
The Board approved the granting of an easement to the Board of Water Works, for two parcels for a water line; after review by the Engineer and the Attorney for correct legal and agreement.

Dale Olhausen then was asked to discuss his Levee System Analysis and elaborate on the study, concerning certain questions and interpretations the Board Members had after reading the report.

The conclusion was that the report does indicate there are major concerns of the stability or integrity of the Levee dependent upon the toe conditions of the concrete face. The concerns will need investigation of physical conditions to find any voids or exposed sheeting that will require support to allow the curtain wall to perform as designed.

The next meeting of the Conservancy District is scheduled for Thursday, August 21, 1980 at 10:00 A.M.

There being no further business to come before the Board, the meeting adjourned at 12:15 P.M.


Kathleen Farley, Secretary

TREASURER'S REPORT

Date 7/23/80

Acct. #	Account	1979 Spent	1980 Budget	Current Mo. Voucher	Total @ 7/30/80	Unused Portion of Budget
#80	Attorney's Fees	\$ 1,800.	\$ 1,800.	150.00	1050.00	750.00
#81	Director's Fees	1,600.	2,160	120.00	800.00	1360.00
#83	Engineer-Administrative	4,560.	4,560.	380.00	2660.00	1900.00
#90	Audit Fees	525.	750.	--	450.00	300.00
#92	Insurance & Bond Premiums	720.	1,400.	--	673.00	727.00
#96	Office Supplies, Postage	267.46	500.	15.00	324.40	175.60
#97	Office Rent	600.	600.	50.00	350.00	250.00
#100	Professional Fees	12,000.	12,000.	2612.50	7007.50	4992.50
#105	Repairs & Maintenance of Flood Protection Works	11,742.70	30,000.	25.48	25.48	29,974.52
#108	Contingencies, unforeseen	350.	5,000.	--	--	5,000.00
#109	Reserve for emergency flood repairs	000.	71,630.	--	--	71,630.00
#7 CD	Western Federal			130,000.		

\$34,165.16 \$130,400. \$133,352.98 \$13,340.38 \$117,059.62

TOTAL EXPENDED THRU CURRENT MONTH \$ 133,352.98

Vouchers # 16569 thru # 16576
\$8,500.00

Amount to be transferred \$ 2,494.52 from Tel Transfer to Checking Account

Deposits 110,816.52

Tel Transfer Balance ~~30,682.15~~ 30,676.65

Checking Account Balance \$6,155.48
~~\$50.00~~

Total CD's 1,440,000.

Checking acct. Bal. 6/30 - \$ 20,191.94
Tel. Tfr Bal. 6/30/80 38,665.01
Matured CD (Otero) 100,000.00
Interest on above CD 10,816.52
Interest on Tel Tfr. 511.64
(2nd qtr)

\$170,185.11
Purchased CD - 130,000.00
July Expenses - 3,352.98
July 30 cash assets \$ 36,832.13

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

July 25, 1980

BID TABULATION - 2:00 P.M.

	<u>BIDDER</u>	<u>INTEREST RATE (%)</u>	<u>COMPOUNDED</u>	<u>ANNUAL YIELD (\$)</u>
	First National Bank of Pueblo	8.280	Simple	\$10,764.
	Midland Federal Savings	8.500	Simple	\$11,050.
	Otero Savings & Loan	8.250	Coumpounded	\$11,180.
(1)	United Bank of Pueblo	8.760	Simple	\$11,388.
(2)	Western Federal Savings	8.750	Simple	\$11,375.

APPARENT BEST BID: United Bank of Pueblo

AMOUNT : \$130,000 Certificate of
Deposit

TIME : 364 Days -
August 1, 1980 to
July 31, 1981

J. E. LOSAVIO, JR.
DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
PUEBLO COUNTY COURT HOUSE
10th & Main St.
Pueblo, Colorado 81003
Phone 544-0075

July 23, 1980

Ms. Pat Kelly
Pueblo Conservancy District
111 East 5th Street
Pueblo, Colorado 81003

Dear Ms. Kelly:

I have had a discussion with one of the young artists who graced the Arkansas River levee with original paintings. I hope you share my view that these creative individuals should be encouraged to continue their beautification work.

I have been assured that given the authorization from the conservancy board and with the signing of waivers which would release the district of liability in the event of an accident, the artists would consider completion of their concrete canvas, which would be a project of distinct benefit to the aesthetic landscape of our community.

While it may be slightly extreme to make the comparison, nevertheless it seems to me that the artistic impulse that elevated ancient Rome and Greece to grandeur as well as more contemporary creative expressions in the public domain, are at one with the efforts of our young friends to beautify and edify the Arkansas River levee.

It would be callow in the extreme and reflect a boorish bureaucratic stuffiness to deny them this quite proper outlet for their art, while simultaneously relieving the dreary boredom of the embankment which heretofore presented a blank and vacuous expression to the eyes of passing motorists.

It is my recommendation that no criminal action be taken in this matter, and I am sure I have your support in that.

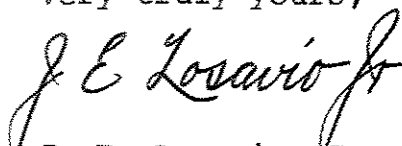
Further, I would hope that you and your fellow board members would accept this invitation to meet with the artist representatives and myself to arrange a satisfactory and productive settlement. It is my hope that you will join with me in making these youngsters welcome and to assist them in their timeless desire to express through their paintings the character and vitality of the people of Pueblo.

Ms. Pat Kelly
July 23, 1980
Page 2

Incidentally, this member of the artists group said they would be happy to provide sketches to the conservancy board for approval of any proposed renderings on the levee.

I will await word from you and your fellow board members regarding this proposed disposition of a problem which I believe, with the proper attitude and sense of balance, could be turned into a unique benefit to our community.

Very truly yours,



J. E. Losavio, Jr.

JELJ/tgl

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

July 28, 1980

J. E. Losavio, Jr. District Attorney
10th & Main Street
Pueblo, Colorado 81003

Dear Joe:

Today, at the regular meeting of the Pueblo Conservancy District, Joe Genova, representing the "Tee Hee's", met with the Board to discuss arrangements for a limited license to enter upon the levee to paint.

In his request he acknowledged, on behalf of his clients, that the method they originally used was not proper.

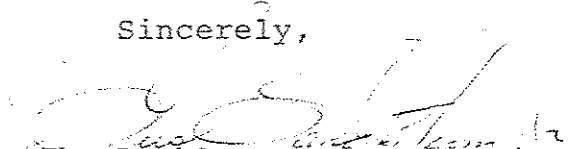
The Board maintained its original position that what the "Tee Hee's" had painted was fun, provided color to the levee and could be appreciated if done with proper waivers.

We also continue to be concerned for the safety of those who trespass on this levee. While we are willing to discuss arrangements for limited access, during the day, to paint on the levee with written authorization, the Board maintains its desire to let the public know of the danger involved in trespassing on this property.

Even last night a new painting was added. Mr. Genova has told us that it was not done by the "Tee Hee's". This demonstrates that when an example is set allowing the unauthorized entry onto the levee, others will follow.

Whether you are willing to prosecute trespassers or not, the Board stands willing to sign complaints against those who are caught trespassing.

Sincerely,


The Pueblo Conservancy District
Gus Sandstrom, Chairman

rh

G. F. SANDSTROM, JR.

Attorney at Law
4032 Hillside Drive
Pueblo, Colorado 81008

Practice Limited

(303) 544-6131

July 24, 1980

Dear Kathy and Pat:

It is unfortunate that the District Attorney has attempted to make some sort of political issue out of what we considered to be a dangerous and serious unauthorized use of the levee.

As your chairman, I believe I owe you the following explanation as to what has transpired since we announced our concern for the safety of those painting on the levee and the possibility of liability as a tax supported District.

After expressing our opinion that the art work clandestinely placed on the levee was rather cute and livened up the concrete run through town, we concluded that the unauthorized entry onto the levee system was a dangerous and potentially costly infringement. The following day a suspect was apprehended by the police and thought to be involved in what has been known as the "tee hee's".

I was informed two weeks ago by Tommy Thompson of the Southeastern Colorado Water Conservancy District that the District Attorney's office had asked him if he was going to sign a complaint and he advised that I should be the one to contact. Until the press conference of the District Attorney, I was not called. In the meantime, an attorney asked me if the Board would be willing to work something out and I invited that attorney to come to our regular meeting if he is to represent the individuals who seek permission to paint on the levee.

I believe that we were in agreement that we did not want to see someone go to jail over this issue, but that we must also consider the example set by joking about people who climb on the levee. I think it must be understood that this could cost someone their life. It could also encourage others, maybe less experienced in climbing skills to emulate the acts of the "tee hee's".

I would not oppose authorizing talented beautification of our drab cement under limited conditions, with appropriate waivers and releases and approved scenarios. I recommend, however, that we re-affirm our concern that the use of the levee is dangerous, that it is an area on which trespassing is prohibited and that we would ask for assurances from the "accused" or from the District Attorney that the Conservancy District and the taxpayers will not be liable for further intrusions.

G. F. SANDSTROM, JR.

Attorney at Law
4032 Hillside Drive
Pueblo, Colorado 81008

Practice Limited

(303) 544-6131

July 24, 1980 p. 2

I cannot apologize for the political year, but I am sorry that my candidacy has affected the credibility of what we thought would be a cooperative attitude with law enforcement agencies attempting to protect individuals and taxpayers from dangerous trespasses.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gus", is written over the printed name.

Gus Sandstrom

GFS/ss



KLH ENGINEERING CONSULTANTS, INC.

ENGINEERING • SURVEYING • LAND PLANNING

Post Office Box 234 • 111 East Fifth Street • Pueblo, Colorado 81002 • (303) 544-6823

July 28, 1980

Re: Levee Repair

The Pueblo Conservancy District
111 East 5th Street
Pueblo, Colorado

Dear Board Members:

The firm of Rice & Rice, Inc., having bid the referenced work as lowest bidder, was awarded the contract to do the levee earthwork and items of repair. The work began on July 3, 1980 and was to be complete by August 2, 1980.

On Friday, July 18, Rice indicated he was nearly finished with the work and KLH made an inspection and prepared a punch list of items not finished or needed additional work to complete the job. On inspection July 25th, all items are complete and ready for acceptance as done. Rice has furnished a Lien Waiver dated July 25, and his invoice for the entire work.

KLH Engineering Consultants, having inspected the work in progress and made the final inspection on the site, along with certifications by the contractor on the concrete and the soil compaction tests, now indicate the work is complete according to specifications and plans, and recommend payment to the contractor of \$19,500.00

Very truly yours,

K L H Engineering Consultants, Inc.

By 
Raymond F. Koester, President

rh