

RECORD OF PROCEEDINGS

100 LEAVES

MINUTES OF THE BOARD OF DIRECTORS MEETING OF THE PUEBLO CONSERVANCY DISTRICT MARCH 2, 1981

The Directors met for a regular meeting at 11:00 A.M. on the above date, in the office of the District, at 111 E. 5th Street, Pueblo, Colorado.

DIRECTORS PRESENT: G. Sandstrom, K. Farley, P. Kelly
ATTORNEY PRESENT : D. Banner
ENGINEER PRESENT : R. Koester
OTHERS PRESENT : T. McAvoy-Pueblo Chieftain

The meeting was called to order by the President.

It was moved and carried that the minutes of the January 29, 1981 meeting be approved as written.

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

16628	American Federal Savings	\$130,000.00
16629	American Insurers, Inc.	619.00
16630	KLH Engineering Consultants, Inc.	630.00
16631	Gus Sandstrom, Jr.	40.00
16632	Kathleen Farley	40.00
16633	Pat Kelly	40.00
16634	Predovich & Ward Attorneys	150.00

It was moved and carried that a \$200,000. Certificate of Deposit be purchased from American Federal, per attached bid tabulation, to mature in 179 days.

The Platte River Commission could not be here as planned, but will be rescheduled for their presentation at a later time.

The Board discussed the progress of House Bill 1377, (1981) regarding ammendments to the Statute on Conservancy Districts, and particularly, dissolution of a district when its purpose had been achieved. The Bill was introduced by Rep. Kirscht and Sen. Beno.

The Engineer reported to the Board that research of cavity and void detection programs has received the attention of the Corps of Engineers, and they have submitted material on ground-penetrating radar and surface vibratory loading techniques. Contacts will be made to administrators of the two methods for more information on commercial applications.

The Attorney reported to the Board that a preliminary agreement has been prepared for application to the Fountain Sand and Gravel Company on gravel extraction program. The Board agreed to minor revisions that Counsel for both parties will make, and have approved, in concept, the proposed agreement. (copy attached)

The Board received and approved for filing, the Audit Report (copy to be placed in the District's Files., and Attorney Banner will submit a copy to the State and one to Judge Phelps.

The next meeting of the Conservancy District is scheduled for 11:00 A.M., March 30, 1981.

There being no further business to come before the Board, the meeting adjourned at 11:45 A.M.


Kathleen Farley, Secretary

2.6
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

~~March 23, 1981~~

~~November 7, 1980~~

Jalisco International, Inc.
December 7, 1987
4439 Deatur St

Denver, CO 80211

Tony J. Beltramo & Sons, Inc.
1541 Stockyard Road
Pueblo, CO 81001

Gentlemen:

We are in receipt of your request to place ~~an office~~ ^{store equipment} ~~trailer~~ on Conservancy District property on Corona at Union Avenue.

December 4, As Engineer for the District, I ~~will~~ ^{do} recommend at the March 30th meeting of the Board, that permission be granted for you to use the ~~parking~~ space from now until about the end of May. As the Board grants this permission, you will be responsible for protecting the District from any claims for damage, injury, flooding or any other event, to equipment or materials, or injury of any kind to persons during the ~~operation of the parking of the trailer on~~ ^{land use on the} location; and that following use, ~~as a parking space~~, cleanup, and restoration of the site shall be completed by you immediately upon leaving.

Should the Board refuse to grant permission or require further commitments on your part, I will advise you; otherwise, assume you have permission to park with the above stated conditions.

When you have completed your work and the space is vacated, please write us a note regarding the final day you occupied the land. Thank you.

Very truly yours,

THE PUEBLO CONSERVANCY DISTRICT

By

Raymond F. Koester, Engineer-Administrator

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THE PUEBLO CONSERVANCY DISTRICT

BOARD OF DIRECTORS
P. KELLY
K. FARLEY
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TREASURER'S REPORT

Date Feb. 25, 1981

Acct. #	Account	1980 Spent	1981 Budget	Current Month Voucher	Total @ 2/28/81	Unused Portion of Budget
#80	Attorney's Fees	\$ 1,800.	\$ 1,800.	150.00	300.00	1500.00
#81	Director's Fees	1,360.	2,160.	120.00	240.00	1920.00
#83	Engineer-Administrative	4,560.	4,560.	380.00	760.00	3800.00
#90	Audit Fees	550.	750.	--	--	750.00
#92	Insurance & Bond Premiums	797.	1,100.	619.00	658.00	442.00
#96	Office Supplies, Postage	367.	500.	--	249.00	251.00
#97	Office REnt	600.	600.	50.00	100.00	500.00
#100	Professional Fees	8,825.	12,000.	200.00	200.00	11800.00
#105	Repairs & Maintenance of Flood Protection Works	27,802.	30,000.	--	--	30000.00
#108	Contingencies, unforeseen	000.	5,000.	--	--	5000.00
#109	Reserve for Emergency Flood Repairs	000.	81,930.	--	--	81930.00

CD # 12 American Federal

130,000.00

\$46,661. \$140,400. \$131,519. \$ 2,507. \$137,893.

TOTAL EXPENDED THROUGH CURRENT MONTH \$ 2,507.00

Vouchers # 16628 thru # 16634

Amount to be transferred \$ 34,833.82 from Tel Savings to Checking

Deposits \$147,685.18

Tel. Transfer Savings Balance \$27,058.90

Checking Account Balance \$51,150.00

Total CD's 1,470,000.

Checking Acct. Bal 1/31 = \$ 150.00
Tel Tfr Bal 1/31 = \$ 61,892.72
Matured CD = \$ 130,000.00
Interest on above CD = \$ 17,685.18
\$ 209,727.90
Purchased CD Amer Fed \$ 130,000.00
February Expenses = \$ 1,519.00

Feb. 28, 1981 cash bal \$ 78,208.90

THE PUEBLO CONSERVANCY DISTRICT

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

111 EAST FIFTH STREET
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February 27, 1981

BID TABULATION -2:00 P.M.

BIDDER	INTEREST RATE %			TYPE COMPOUNDING	EFFECTIVE ANNUAL YIELD
	364 DAYS	179 DAYS	92 DAYS		
American Federal	14.750	15.550	15.350	Quarterly	\$31,256.
				Quarterly	\$31,836.*
				Quarterly	\$30,964.
Columbia Savings	14.500	14.750	14.750	Quarterly	\$30,680.
				Quarterly	\$30,160.
				Quarterly	\$29,740.
First National Bank	14.030	15.020	14.030	Simple	\$28,060.
				Simple	\$30,040.
				Simple	\$28,060.
Midland Federal Savings & Loan	14.000	15.150	14.780	Simple	\$28,000.
				Simple	\$30,300.
				Simple	\$29,560.
Otero Savings & Loan	14.000	15.600	15.400	Simple	\$28,000.
				Simple	\$31,200.
				Simple	\$30,800.
United Bank of Pueblo	14.000	14.250	14.250	Simple	\$28,000.
				Simple	\$28,500.
				Simple	\$28,500.
Western Federal Savings	13.250	15.000	14.750	Simple	\$26,794.
				Simple	\$30,000.
				Simple	\$29,500.

*APPARENT BEST BID: American Federal Savings (179 days)

AMOUNT: \$200,000. Certificate
of Deposit

STATE OF COLORADO

Agriculture, Livestock
& Natural Resources

BY REPRESENTATIVE Kirscht;
also SENATOR Beno.

A BILL FOR AN ACT

1 CONCERNING THE POWERS OF BOARDS OF DIRECTORS OF CONSERVANCY
2 DISTRICTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the board of directors of a conservancy district to cause the dissolution of the district, subject to certain requirements. Also authorizes the board to appoint board members as custodians for funds. Allows the transfer of remaining moneys to other funds from the preliminary fund after the payment of organizational and other expenses. Allows the transfer of remaining moneys from the construction fund to the maintenance fund after the payment of costs.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 37-3-103 (1), Colorado Revised Statutes 1973, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 37-3-103. General powers. (1) (j) To cause the
7 dissolution of the district pursuant to section 37-3-104.5.

8 SECTION 2. Article 3 of title 37, Colorado Revised Statutes
9 1973, is amended BY THE ADDITION OF A NEW SECTION to read:

10 37-3-104.5. Dissolution of district. (1) At such time as

1 the board of directors of any conservancy district by unanimous
2 decision determines that the original purposes for the
3 organization of the district have been accomplished and after the
4 district has paid in full any indebtedness incurred by it, the
5 board may devise a plan of dissolution, which shall be filed,
6 together with a petition for dissolution, with the court which
7 authorized the organization of the district pursuant to section
8 37-2-105 (7).

9 (2) Such plan of dissolution shall set forth the proposal
10 by the board of directors to dispose of any assets which the
11 district may then own and to transfer any remaining
12 responsibilities of the district to a political subdivision of
13 the state.

14 (3) Immediately after the filing of such petition for
15 dissolution, the court wherein such petition is filed shall, by
16 order, fix a date, time, and place for a public hearing thereon,
17 and thereupon the clerk of said court shall cause notice of said
18 hearing to be published weekly for three successive weeks in a
19 newspaper of general circulation in the county where said court
20 is located. Any person who wishes to object to the proposed plan
21 of dissolution shall file a written objection at any time after
22 the filing of a petition for dissolution but not less than five
23 days prior to the date fixed by the order of the court for the
24 hearing upon said petition. At the hearing, the court may take
25 such testimony as the court deems proper. If the court finds
26 that the original purpose for the organization of the district

1 has been accomplished, that the district is no longer indebted to
2 any person, and that adequate provision has been made for the
3 disposition of any assets of the district and the transfer of any
4 remaining responsibilities of the district to a political
5 subdivision of the state, the court shall enter an order
6 approving the plan of dissolution.

7 (4) If such an order is entered, the board of directors
8 shall expeditiously implement the plan of dissolution and upon
9 the completion of its implementation shall file, with the court
10 and with the division of local government in the department of
11 local affairs, a notice that the dissolution of the district has
12 been completed in compliance with the plan of dissolution
13 approved by the court. Upon the receipt of such notice, the
14 court shall enter a decree granting the petition for dissolution
15 and dissolving the district. On and after the date of the
16 entering of such decree, the district shall be deemed dissolved,
17 any bonds posted on behalf of members of the board shall be
18 deemed discharged, and the board of directors shall be relieved
19 of further responsibilities and liabilities with regard to the
20 district.

21 (5) As used in this section, "political subdivision" means
22 any entity of government authorized by law to impose ad valorem
23 taxes on taxable property located within its territorial limits.

24 SECTION 3. 37-3-105 (1), Colorado Revised Statutes 1973, is
25 amended to read:

26 37-3-105. Employment of agents. (1) The secretary shall

1 be the custodian of the records of the district and of its
2 corporate seal and shall assist the board of directors in such
3 particulars as it may direct in the performance of its duties.
4 The secretary shall attest, under the corporate seal of the
5 district, all certified copies of the official records and files
6 of the district that may be required of him by this article or by
7 any person ordering the same and paying the reasonable cost of
8 transcription, and any portion of the record so certified and
9 attested shall prima facie import verity. The secretary shall
10 serve also as treasurer of the district unless a treasurer is
11 otherwise provided for by the board of directors. THE BOARD
12 SHALL ALSO HAVE THE AUTHORITY TO APPOINT OTHER MEMBERS OF THE
13 BOARD AS CUSTODIANS FOR DISTRICT FUNDS. The board may also employ
14 a chief engineer, who may be an individual, partnership, or
15 corporation; an attorney; and such other engineers, attorneys,
16 and agents and assistants as may be needed; and it may provide
17 for their compensation, which, with all other necessary
18 expenditures, shall be part of the cost or maintenance of the
19 improvement.

20 SECTION 4. 37-5-102 (1), Colorado Revised Statutes 1973, is
21 amended, and the said 37-5-102 is further amended BY THE ADDITION
22 OF A NEW SUBSECTION, to read:

23 37-5-102. Preliminary fund. (1) As soon as any district
24 has been organized under articles 1 to 8 of this title and a
25 board of directors has been appointed and qualified, such board
26 has the authority to fix the amount of an assessment upon the

1 property within the district not to exceed one mill for every
2 dollar of valuation for assessment thereof as a level rate to be
3 used for the purpose of paying the expenses of organization, for
4 surveys and plans, and for other incidental expenses which may
5 have been incurred prior to the time when money is received from
6 the sale of bonds or otherwise, AND FOR THE GENERAL
7 ADMINISTRATION OF THE DISTRICT. The amount of assessment for
8 each dollar of valuation for assessment shall be certified to the
9 boards of county commissioners of the various counties in which
10 the district, or any portion thereof, is located, and by them
11 included in their next annual levy for state and county purposes.
12 Said amount shall be collected for the use of such district in
13 the same manner as are taxes for county purposes, and the revenue
14 laws of the state for the levy and collection of taxes on real
15 estate for county purposes, except as modified in this article,
16 shall be applicable for the levy and collection of the amount
17 certified by the directors of such district as aforesaid,
18 including the enforcement of penalties and forfeiture for
19 delinquent taxes.

20 (3) If all the expenses of organization, for surveys and
21 plans, and for other incidental expenses which may have been
22 incurred prior to the time when money is received from the sale
23 of bonds or otherwise have been paid in full, any or all of the
24 moneys remaining in the preliminary fund may be transferred by
25 the board of directors to any of the other funds of the district.

26 SECTION 5. 37-5-104, Colorado Revised Statutes 1973, is

1 amended BY THE ADDITION OF A NEW SUBSECTION to read:

2 37-5-104. Construction fund. (5) After the cost of the
3 works set out in the official plan or of additional work done has
4 been paid in full, any or all moneys remaining in the
5 construction fund may be transferred by the board of directors to
6 the maintenance fund.

7 SECTION 6. Safety clause. The general assembly hereby
8 finds, determines, and declares that this act is necessary for
9 the immediate preservation of the public peace, health, and
10 safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
COLORADO:

Section 1. 37-3-105(1), Colorado Revised Statutes 1973, is amended to read as follows:

37-3-105. Employment of agents. (1) The secretary shall be the custodian of the records of the district and of its corporate seal, and shall assist the board of directors in such particulars as it may direct in the performance of its duties. The secretary shall attest, under the corporate seal of the district, all certified copies of the official records and files of the district that may be required of him by this article, or by any person ordering the same and paying the reasonable cost of transcription, and any portion of the record so certified and attested shall prima facie import verity. The secretary shall serve also as treasurer of the district unless a treasurer is otherwise provided for by the board of directors. The board of directors shall have authority to appoint other board members as custodians for district funds. The board may also employ a chief engineer who may be an individual, partnership, or corporation; an attorney; and such other engineers, attorneys, and agents and assistants as may be needed; and it may provide for their compensation which, with all other necessary expenditures, shall be part of the cost or maintenance of the improvement.

WHEREAS, the Pueblo Conservancy District was created by judicial decree of the Pueblo District Court on September 14, 1922, pursuant to the Conservancy Law of Colorado, C.R.S. 1973, 37-1-101 through 37-8-101, and

WHEREAS, said Conservancy Law of Colorado does not include provisions for dissolution of a district once it is formed, and

WHEREAS, the Board of Directors of the Pueblo Conservancy District have petitioned the Legislature for legislation authorizing the dissolution of a conservancy district as set forth hereinafter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF COLORADO:

Section 1. 37-3-103(1), Colorado Revised Statutes 1973, is amended by the addition of the following new subsection to read:

37-3-103(1)(j). To cause the dissolution of the District pursuant to Subsection 105 of Article 7 of this Title 37.

Section 2. Article 7 of Title 37, Colorado Revised Statutes 1973, is amended by the addition of the following new subsection to read:

37-3-105. Dissolution of District. (1) At such time as the Board of Directors by unanimous decision determines that the original purposes for the organization of the District have been accomplished and provided that the District has paid in full any indebtedness incurred by it, the Board may devise a plan of dissolution for presentation to the court which authorized the creation of the District.

(2) The plan of dissolution shall set forth the proposal by the Board of Directors to dispose of any assets which the District may then own and to transfer any remaining responsibilities of the District to a political subdivision of the state.

(3) Upon the filing of the plan of dissolution with the court, the court shall set a date and time for a public hearing on the proposed plan of dissolution and notice of same shall be published weekly for three successive weeks in a paper in general circulation in the county where the court which created the District is located. Any person

desiring to object to the proposed plan of dissolution shall file a written objection five days prior to the public hearing on the proposed plan of dissolution. At the hearing, the court may take such testimony as the Court deems proper. If the court finds that the original purpose for the creation of the District has been accomplished, that the District is no longer indebted to any person, that adequate provision has been made for the transfer of any assets of the District and any remaining responsibilities of the District to a political subdivision of the state, the court shall approve the plan of dissolution and enter an order approving same.

(4) Upon approval by the court of any proposed plan of dissolution, the Board of Directors shall expeditiously implement the plan of dissolution and upon the completion of its implementation shall file with the court and with the Colorado Division of local Government, Department of Local Affairs a notice that the dissolution of the District has been completed in compliance with the plan of dissolution approved by the court. From and after the filing of said notice the District shall be dissolved, any bonds posted on behalf of members of the board discharged and the Board of Directors relieved of further responsibilities and liabilities with regard to the District.

(5) "Political Subdivision" means any entity of government authorized by law to impose ad valorem taxes on taxable property located within its territorial limits.

NON EXCLUSIVE LICENSE

THIS AGREEMENT is entered into this _____ day of _____, 1981, by and between THE PUEBLO CONSERVANCY DISTRICT, whose mailing address is P. O. Box 234, Pueblo, Colorado 81002, hereinafter referred to as Licensor, and LOUIS KASTELIC, whose mailing address is 422 Clark Street, Pueblo, Colorado 81003, hereinafter referred to as Licensee.

FOR AND IN CONSIDERATION of the following mutual covenants and conditions, the parties agree as follows:

1. Licensor grants to Licensee the non exclusive license to enter upon and traverse for ingress and egress purposes and to occupy the surface of certain real property in Pueblo County, Colorado described as follows:

A portion of Lots 4, 5 and 6, Block 127, in the former town of South Pueblo, now part of the City of Pueblo, according to the recorded plat thereof, more particularly described as follows:

Beginning at the most northerly corner of said Lot 6, said corner being on Clark Street; thence along the Northeasterly line of said Lot 6, Southeasterly 140 feet more or less to the most easterly corner thereof; thence South, along the Southeasterly lines of said Lots 6 and 5, a distance of 41.80 feet, to a point on the toe of the Pueblo Conservancy District levee structure; thence Westerly, along approximately the toe of slope of said levee, a distance of 142.25 feet, more or less, to a point on the Northwesterly line of said Lot 4; thence Northeasterly, along the lines of said Lots 4, 5 and 6, a distance of 67.00 feet, to the Point of Beginning; Containing approximately 7616 square feet.

The Licensee agrees to keep the alleyways and streets located on said property open for use by the public.

2. The terms of this Agreement shall be for a one year period commencing with the date hereof and terminating one year from the date hereof. Notwithstanding the foregoing, the term shall terminate immediately upon the happening of

any one or more of the following conditions:

(a) The sale by Louis Kastelic of any interest he may have in Lots 7 and 8, Block 127 South Pueblo, Pueblo County, Colorado.

(b) The death of Louis Kastelic, or

(c) Written notice is given by Licensor to Licensee stating that Licensor desires to terminate the License Agreement.

3. Licensee agrees to pay Licensor the sum of \$45.00, receipt for which is hereby acknowledged, covering the license period during the term hereof. Should the term be terminated prior to the expiration of the one year period, Licensor agrees to refund a prorated portion of the license fee.

4. The parties may extend this license agreement for additional one year periods by entering into a simple memorandum to be signed by the parties setting forth any changes of the terms or conditions of the License Agreement.

5. The Licensee specifically acknowledges the right of the Licensor to permit other persons to use the alleyways and streets situate upon the property for which this license is being given.

6. Licensee agrees to make no claims against Licensor for any damage which the Licensee may suffer of any kind, at any time, which results from the Licensee's use of the property described herein.

7. Licensee shall make no improvements to the property described herein without the written consent of the Licensor.

8. This License Agreement is non-assignable and non-transferable and any attempted transfer of the interest of the Licensee created by this agreement shall be void.

THE PUEBLO CONSERVANCY DISTRICT

By _____

Louis Kastelic