



PUEBLO WEST METROPOLITAN DISTRICT

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**REGULAR BOARD MEETING
109 E. INDUSTRIAL BOULEVARD
TUESDAY, JANUARY 9, 2018 – 6:00 P.M.**

MINUTES

The Board of Directors of The Pueblo West Metropolitan District met at 109 East Industrial Boulevard, Pueblo West, Colorado, on January 9, 2018; at the hour of 6:00 P.M. President Leonard called the Regular Meeting to order.

- A. CALL TO ORDER**
- B. INVOCATION, Ron McPheeters**
- C. PLEDGE OF ALLEGIANCE**

D. ROLL CALL

President Leonard called the roll: Director Barbara Bernard, Director Mark Carmel, Director Terry Zupan, Director Mike French, and President Judy Leonard were present.

Also present was District Manager Darrin Tangeman; Harley Gifford, Legal Counsel; Jennifer Pearson, HR Analyst; Carol Cosby, Parks and Rec Director; Jay-Michael Baker, Community Engagement Manager; Laurie Cozzetto, Community Development Director; Brad Curtis, Public Works Director; Mike Foechterle, Information Systems; and five residents.

E. APPROVAL OF AGENDA

Director French motioned for the approval of the agenda with the removal of item G-1; seconded by Director Zupan. Motion unanimously passed.

F. INTRODUCTION OF NEW EMPLOYEES

Jennifer Pearson introduced Dustin Trestik, Utility Technician Trainee; Eric Castellano, Utility Technician Trainee; and Sara Decker, Utility Administrative Assistant I to the Board. Carol Cosby introduced Jon Kochevar, Parks Maintenance Technician I and Richard Valencia, Parks Maintenance Technician I. Brad Curtis introduced Robert "Bobby" Banham, Facilities Maintenance Technician II, and Darrin Tangeman introduced Matthew Mark, Firefighter/Paramedic.

G. SPECIAL PRESENTATIONS

1. CLAUDE "BUTCH" CHAVEZ, VETERANS ADVOCATE REQUESTING MIA VIETNAM MEMORIAL LOCATION

This item was removed from the agenda.

H. CITIZEN'S COMMENTS

Emily Price commended the efforts Public Works employees who recently cleaned weeds and debris from the fence along McCulloch Blvd.

Joe Mahaney remarked upon the dry winter season, deterring residents from watering landscaping in an effort to reduce their assessed sewer rates for the year. He asked the Board to waive consumption rate increases to encourage residents to water without repercussions on their water bill. Irrigation would reduce the chance of spilling water from Lake Pueblo.

I. COMMITTEE REPORTS

Director Zupan reported on the December Desert Hawk Management Board meeting, where three pieces of equipment were approved for replacement via lease purchase. Weather has factored into lower rounds played, yet noted the weather today enticed golfers to play.

Director Carmel applauded the Desert Hawk Golf Course's new equipment and Director Zupan's reports, then discussed Pueblo County's \$200k donation of marijuana revenue for golf carts. The Latino Chamber reports an optimistic economic outlook. A request was made to receive regular Pueblo West Economic Development Committee and Pueblo Economic Development Corporation reports from board members and staff.

President Leonard reported the Planning Commission approved the 65' Verizon cellular tower at Fire Station 3, and a proposed tower at Fire Station 2 has been postponed due to opposition and allow for community input. President Leonard stated she recuses herself regarding District-owned property issues, yet votes on issues for non-District properties and those outside District boundaries. The recent Pueblo Area Council of Government meeting did not have a quorum, therefore there were no approvals. The Road Task Force meeting mainly discussed the 59 miles of non-accepted roads and related safety concerns; Pueblo County Commissioner Hart recommended staff collaboration to address the issues and acceptance of the roads. The topic of remaining Southern Delivery System funds and project prioritizing was discussed.

J. DIRECTOR'S COMMENTS

Director French commented on the increase in vandalism at the Civic Center Park restroom, necessitating closure of the facility. He asked the community to be vigilant in reporting suspicious activity, as funds used to repair damage could be used in other ways to improve the District. Efforts are underway to improve security lighting with San Isabel Electric Association. The topic of security was discussed, and Mr. Gifford clarified police or security officers cannot be hired by the District. Considering the topic of "Form of Government" was not on the agenda, a discussion of the District's service plan and constraints as a special district ended.

Director Bernard recently drove on North Purcell after it reopened, and commented on the enhancement the road project provides the community. The Colorado Rural Tourism Office has conferences, and perhaps the District would be interested in participating.

Director Zupan commented that prior to the election, Director Carmel posted negatively on social media and emailed the Pueblo County Commissioners regarding herself and her place of employment. Legacy Bank is not the only banking institution used by the District, as indicated by the presented financial reports. The banking contract with Legacy Bank was established prior to Director Zupan's tenure with the District as an elected official and before she became a Legacy Bank employee. As indicated in the banking contract, Legacy Bank does not charge for the accounts and pays interest to the District on account balances. Director Zupan believes that by Director Carmel publicly reporting \$40 million in deposits, Legacy Bank and its employees are put at risk for other people of corrupt opportunity. She will continue to recuse herself from any vote regarding District business and any banking institution to alleviate all potential conflict of interests as she upholds herself to the upmost level of integrity, and will not tolerate further slander of her name nor her employer. Another officer was assigned to District accounts once she was elected to the Board of Directors. Director Zupan stated that if Director Carmel continues to conduct himself in the slanderous and immature manner, she will be forced to submit an ethics complaint regarding his actions.

Director Carmel responded to Director Zupan's comments, that he never had the thought that Director Zupan nor Legacy Bank were corrupt in any way, shape, or form, nor doing anything improper in any way by having the banking contract for the District. It was recognized the contract was enacted prior to her tenure at Legacy Bank and with the District. Director Carmel thanked the Board for the opportunity to clarify that it is his intent that professional services contracts for District services be bid or solicited, as recent bid results have been favorable. Director Zupan and Legacy Bank, and its employees, have nothing to do with the Board's current policy that prohibits professional solicitation. The question he posed to the District's Facebook page, regarding resident's opinion if the banking contract should be put out to bid, contained no derogatory nor was there any derogatory intent toward Director Zupan, Legacy Bank, and its employees as he is a Legacy Bank customer himself and commends their service. It is his recommendation for the future Board to review the professional services policy, specifically regarding the banking contract. In addition, Director Carmel commented on Mr. Mahaney's recommendations on sewer fees and consumption, and agreed in general the current policy makes sense for the January through March calculations during times of excess moisture, but it discourages water use during dry spells, increases fire hazards, and decreases revenue. He is open to changing the name of the community and recommended "Sunshine City", as many sun-chasers are drawn to the ample amount of sunshine and amenities the community offers. A brief discussion was held on the proposed expense a name change could create. Lastly, Director Carmel addressed vandalism in Civic Center Park and the close proximity of the Pueblo County Sheriff's substation and their tight budget. The effectiveness of the City of Greeley's security system installed in their parks was described. Also, the topic of Road Shows was discussed, and Director Carmel requested information not be presented to the newspaper eluding to changing the service plan in order for the County to maintain responsibility of Pueblo West roads into perpetuity. Director Carmel did not present his policy positions to the Road Task Force because it is comprised of mostly staff members and not elected officials to make policy, and feels it is inaccurate to report to the public that the service plan needs amended in order to retract from the existing Intergovernmental Agreement. Mr. Tangeman clarified that changing the service plan has not been stated in the meetings.

Director Bernard, regarding Mr. Mahaney's comments, stated it could be beneficial to use only December's consumption, to which Mr. Tangeman stated he would review possibilities with District staff.

K. APPROVAL OF CONSENT AGENDA

Director Zupan motioned for the approval of the consent agenda and it was seconded by Director Bernard. Motion passed 5-0.

- 1. FINANCIAL REPORTS AS PRESENTED
- 2. DISTRICT MANAGER REPORT AS PRESENTED

L. OLD BUSINESS

- 1. RESOLUTION NO. 2018-01 A RESOLUTION DESIGNATING THE PUBLIC AREAS FOR POSTING OF MEETING NOTICES FOR CALENDAR YEAR 2018

Director Bernard motioned for the approval of the resolution; seconded by Director Zupan. Motion unanimously passed.

- 2. DISCUSSION ON COA APPLICANTS INTERVIEW PROCESS

Mr. Tangeman provided a copy of the questionnaire to the Board, and asked for changes and recommendations prior to the January 18 interviews. Seven candidates are selected, and each interview slot is scheduled for 30 minutes in duration. A discussion on COA term limits, deliberation process, and scoring sheets was held. After

the interviews, which take place in executive session, deliberation and formal action will take place in the special meeting. Mr. Gifford discussed the resolutions and appointments that will occur during the public session. Committee of Architecture seats and term limits mirror those of the Board of Directors.

3. IDENTIFY AGENDA ITEMS FOR JOINT COA AND BOARD MEETING

The joint meeting is scheduled for January 25, and Mr. Tangeman clarified the intent of the meeting is to clarify issues and receive legal counsel as needed during meetings. Ms. Cozzetto presented items identified by the COA members for discussion. They include addressing issues related built-out tracts: covenant enforcement constraints, application fee charges and processing new-home construction and accessory structure applications, variances for setback limit line encroachment and exceeding height restrictions. Also, recommended discussion items include COA fee collection processes, District-wide enforcement of the covenants and the need for Pueblo County code and zoning enforcement within the community. A discussion was held on solutions to re-establish the COA's authority to enforce the Declaration of Reservations, elections pertaining to the COA, and the appeals process between the COA and Board of Directors. Ms. Cozzetto will create a draft agenda for the meeting.

M. ANNOUNCEMENTS

See agenda for list.

N. ADJOURN

There being no further business to come before the Board, President Leonard adjourned the meeting at 7:22 pm. The next regular meeting is scheduled for January 23, 2018 at the hour of 6:00 P.M., presently set for the meeting room of the Board of Directors, 109 East Industrial Boulevard, Pueblo West, Colorado.

Secretary

Approved April 10, 2018