



## PUEBLO WEST METROPOLITAN DISTRICT

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### MINUTES OF REGULAR MEETING THE BOARD OF DIRECTORS OF PUEBLO WEST METROPOLITAN DISTRICT

January 26, 2010

The Board of Directors of the Pueblo West Metropolitan District met in regular session at 109 East Industrial Boulevard, Pueblo West, Colorado, on January 26, 2010 at the hour of 6:30 o'clock p.m.

**ROLL CALL:** On roll call, Chair John Van Auken, Director's Mike French, Chuck Green, Jerry Martin, and Corynne Hyatt were present.

Also present were Larry Howe-Kerr, District Manager; Judy Leonard, Administrative Assistant; Tom Mullans, Attorney for the District; Steve Harrison, Utilities Director; Carol Cosby, Parks and Recreation; Greg Saweikis, Purchasing; Fire Chief Brain Caserta, Firefighters, and 32 citizens.

**MINUTES:** On motion by Director Green, the special minutes of January 4, and regular meeting January 12, were approved, vote unanimous.

**FINANCIAL REPORT:** Members of the Board had been provided with a check register dated January 26, 2010, listing the bills for payment. On motion by Director Martin, noting the large payments, the outstanding bills of \$341,741.16 is approved for payment, vote unanimous.

**DIRECTOR'S COMMENTS:** Director Martin inquired about the land secured for the reservoir site. District Manager Howe-Kerr said the district has made a claim on the property and can use eminent domain and asked Legal Counsel to address this. Legal Counsel explained a notice of intent needs to be required to the property owner, appraisals of the property, and then negotiations with the property owner. Director Martin mentioned receiving his request of goals and objectives from District Manager Howe-Kerr.

Director Green also talked about the appraising of the land for the reservoir site and Legal Counsel explained the appraisal and mineral rights on this property. Director Green mentioned his meeting with Mr. Bill Moore and the misrepresentation of the creation of the Transportation Authority Tax and the issue it presented to PACOG of misinformation and misleading. Director Green will ask for the records to be corrected at PACOG's next meeting which is January 28, 2010. Director Green asked about the makeup of the board of PACOG and who the voting members are and feels Pueblo West is lacking of representation. Director Green inquired how to change the makeup of the board which would have to be by changing the bylaws which he plans to pursue. Director Green talked about an inquiry of Director Hyatt using District facilities for a fund raiser by the Volunteer Pueblo West Firefighters Association. Director Green mentioned the total of \$65,657.16 donated from the Association to benefit the firefighters and department. Director Green read from a list of items they have purchased from these donations.

Director Green made a motion that this board extend its appreciation to the Firefighters Association for its continuing support of the Pueblo West Fire Department through its tireless and selfless fund raising activities, the Association has provided our firefighters with substantial support in the form of equipment, personal encouragement and civic pride, vote unanimous.

Director French mentioned his attendance of the Horseman's Association and commented on what they do for the community, such as a cleanup day planned in Pueblo West coming soon. Director French has attended many water issue meetings and the working progress of future plans to resolve these issues.

Director Hyatt said she was going to give Kudos to the Firefighters Association and would like it included in the budget and show what the District is receiving from other organizations in the community. Director Hyatt said there will be a meeting on setting policy with the Fire Department with herself, Chair Van Auken, District Manager Howe-Kerr and Fire Chief Caserta.

**DISTRICT MANAGER REPORT:** District Manager Howe-Kerr made reference and agreed to what Director French said about working towards agreements with the County on water issues. District Manager Howe-Kerr updated the Board on the road projects and how the 1A money timelines will go. He talked about the 1.2 million dollars from the County and the District will match for the McCulloch project and the remaining 3.4 plus million from the 1A Tabor Time out money receiving in 2011. A Road Task Force meeting is scheduled February 4<sup>th</sup> to discuss further road projects in Pueblo West with the County. He also mentioned the engineering plans on the McCulloch project and issues being worked on.

District Manager Howe-Kerr said the County would like to come out on Fridays to help with road issues and how this agreement was worked out in the past and where the money is in the budget to pay the expense of overtime for County crews. Director Martin thinks no overtime should be paid under any circumstances and if the County did come out to do so at a week at a time so their equipment is not moved back and forth. Director Martin mentioned the additional employee added to the roads department and where the roads department is for handling road issues. Director Green thinks the County should do the road work on regular time and why pay overtime. District Manager Howe-Kerr updated

the board on the traffic light match and cost. Chair Van Auken explained that the County helped on chip seal projects and does not think there are any scheduled to date but should be discussed in the future for planning on a particular road project.

District Manager Howe-Kerr updated the board on the tower and issues with Stelera and their contract. Greg Saweikis has taken over straightening the issues out and is working with the lessee on the tower. Greg Saweikis updated the board on the situation. A new amendment is needed for Stelera which Legal Counsel drew up but corrections were needed on the amendment. Greg Saweikis explained what happened on the tower with Stelera. He explained to the board what they were. Director Hyatt inquired seeing the original contract and lease payments. Legal Counsel explained the original contract and what caused the problems and explained the revised amended contract and what changes need modified. After further discussion and questions from the board the contract on changes in Exhibit C was voted on.

Director French made a motion to accept the contract with correcting the contract on the one line, vote unanimous.

District Manager Howe-Kerr informed the board of a meeting he attended with Steve Harrison with the State Health Department and PACOG members on amending the 208 permit. Steve Harrison updated the board on the prior meeting with PACOG about the pump back project and their denial of it. This meeting was to find a solution with the County to amend the 208 permit and what process can be done to resolve issues. The site application was explained having preliminary engineering, preliminary affluent limits and associated studies that have been done.

District Manager Howe-Kerr talked about a grant submitted by Fire Chief Caserta called a SAFER Grant, (Staffing Adequate Fire Emergency Response). The terms of the grant was changed for funding and this year the grant will fund 100% of the first two years and the third year the District will have to fully fund staff and the District is behind the standard of firefighters safety for staff and this is part of a 2005 five year plan to add additional firefighters. Director Green asked for clarification. Fire Chief Caserta explained how the grant works and approximately \$540,000 would have to be paid by the District in the third year to retain the firefighters. Director Martin voiced his concerns and said it should have been discussed prior to the grant application obligating the District to hire up to twelve more people without any budget or consideration from the board. District Manager Howe-Kerr thinks with the EMS proposal these positions would be funded through a cooperative agreement. The grant will be discussed in the future on the outcome.

Director Green alerted the audience on the joint meeting with the Commissioners on February 8, 2009 at 1:30 p.m. with discussion on the 1A money and other issues open to the public.

**CITIZEN COMMENTS:** John Lisi talked about his organization and gave the board information on their sponsorship proposal and also working on a proposed field complex passing out a copy of the complex which would be privately funded and why one is needed. He suggested the board look at what SDS is doing for other communities and how they are helping funding projects in communities. The board will have him return for a work session to discuss his plans. District Manager Howe-Kerr and Carol Cosby has met with him in the past in which Mr. Lisi has briefed them on his future plans.

**YMCA:** Don Banner updated the board on what has been going on at the YMCA with what the facility has now, new additions, programs, and membership. Mr. Banner went into detail as to the activity room sizes, equipment, aquatics and outside amenities. Mr. Banner talked about the next phases and costs. Mr. Banner talked about 4,175 memberships being from Pueblo West and 24% of those memberships is taking advantage of the scholarships. Director Green inquired about transportation. Mr. Lockwood informed him that there are at least 6 buses daily and during vacations and weekends the Pueblo transit offers free service to children to the YMCA, Art Center and other areas. Mr. Lockwood talked about partnerships with other entities. Mr. Lockwood gave examples of issues in other areas due to economics. He talked about activities and programs for healthy lifestyles for all ages. Director French asked about public transportation and Mr. Lockwood would like to sit down with Pueblo West constituents and YMCA board to discuss this and how this can be done. Mr. Lockwood informed him of the program they plan to offer to the 6<sup>th</sup> grade students by giving them a free membership and how they plan to award this. Director Green talked about the survey on a community center that was initiated in Pueblo West with results from it stating there is not a need for a community center from the minority that voted and yet there are 3,000 plus members from Pueblo West interested in a community center to join the YMCA. Mr. Lockwood explained how the membership is determined by units. Chair Van Auken clarified that there is an interest by citizens for community center activities from the amount of Pueblo West residents having membership at the YMCA.

**QUINT UPDATE:** Fire Chief Caserta presented the board with extensive information on new and used Quint vehicles as explained by District Manager Howe-Kerr. Director Van Auken asked about Quint compliance standards verses those that did not. Fire Chief Caserta explained what criteria is needed for compliance. Insurance ratings were discussed giving discounts to Pueblo West residents on their insurance with Director Martin's research is approximately \$10.00 to \$15.00, Fire Chief explained the point system associated with an ISO rating and how it could be lowered with the equipment that is needed.

Fire Chief Caserta talked about the other equipment and what they have and what is lacking. Director Hyatt inquired about the EMS cabinet's verses seating for six firefighters. Chair Van Auken asked about the expense of sending two people down to inspect the vehicle and Fire Chief Caserta explained why. The arrangement and cost was questioned as to who set the expense up for sending two people to inspect the vehicle. Director Martin wanted to know why this vehicle was considered a demonstrator. Fire Chief Caserta informed them it is a spec truck that was built to send out to other dealers without the buyer giving specifications on the truck and is known as a demonstrator. Questions on what will happen with the equipment from the other truck and what will be used which Fire Chief Caserta stated will utilize as much of it as he can. Director Hyatt asked about over hauling the 1972 pumper and Fire Chief Caserta explained why this would not be feasible. Director Martin reiterated the importance of a low ISO rating having proper equipment. Fire Chief Caserta updated the board on the cost of insurance without fire protection running up to \$17,000 a year. Fire Chief Caserta explained the requirement of firefighters per pumper and when ISO looks at the equipment how they determine their rating standards. Director Green inquired about future purchases. Director Hyatt talked about the 1999 Vehicle and why this was not considered. Fire Chief Caserta stated it did not meet the needs of the community. Chair Van Auken had asked for information on updating and refurbishing the 1978 pumper and concerned that buying a new vehicle was the only option. Director French wants the continuation of searching for grants. The audience was allowed to comment which Mr. Hyatt talked about how the fire department wanted a new

ambulance being a four wheel drive and saw Med 3 at Safeway and looked underneath to find this truck is not a four wheel drive. Mr. Vickers mentioned economics and buying a new truck verses a used one and saving money and he talked about why this would be more feasible and if the pumper had any effects on the water system. Mr. Stahle wanted the board and audience to know new rules and regulations and importance of having qualified equipment to service the community. Mr. Weber stated the two functions of the fire department servicing fire protection and EMS which should be sourced out but sees the importance of them buying a new vehicle. Mr. Mears asked how long Fire Chief Caserta was Chief and how long a replacement plan has been in effect and why Colorado is below safety standards. After further questions on delivery, equipment, cost, and meeting the needs of the fire department it was voted on.

Director Green made a motion to accept the purchase a Quint vehicle for \$569,900.00, Director Green, Director Martin, and Director French voted aye, Director Hyatt and Chair Van Auken voted nay.

Director Green commented on a future plan in the change of EMS responses.

**CATTAIL CROSSING:** Fire Chief Caserta and Director Carol Cosby presented the board with a proposal and gave reasons why special equipment is needed for the pond at Cattail Crossing. This was initiated from a rescue of a dog that had gone out on the ice and fell in and how important it is to have equipment on site and not lose time waiting for it. Some of the firefighters have had cold water training. Fire Chief Caserta mentioned the time it took for the required equipment to get to the pond which was totally unacceptable for a rescue should this have happened to a small child. Director Martin thinks there maybe civic organizations that would donate for this equipment which will be pursued. After further discussions on the building location, size, and security it was voted on.

Director Green made a motion to approve the proposal of \$5,635.00 for equipment at Cattail Crossing Pond, vote unanimous.

District Manager Howe-Kerr told the board this was not budgeted for and will keep a running list of those items and have one amendment for non budgeted items at the end of the year.

District Manager Howe-Kerr explained the issues with the fountain and why an aerator is needed. Chair Van Auken further explained the importance of an aerator and his support of one. Director French asked if the Division of Wildlife contributes to this and if they had been asked.

Director French made a motion for the purchase of an aerator for the pond, vote unanimous.

**ELECTING A DESIGNATED ELECTION OFFICIAL (DEO):** State Statues requires the District to pass a Resolution appointing a Designated Election Official for the Special Election scheduled for May 4, 2010 and permits the cancellation of the election should there be no more candidates than offices for the election. Legal Counsel explained why this is needed and someone had to be named.

**RESOLUTION 1865:** A Resolution Appointing A Designated Election Official And Authorizing Designated Election Official To Cancel Election

Director Martin made a motion to accept Resolution 1865, vote unanimous.

**EXECUTIVE SESSION:** An executive session is needed for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators – C.R.S. 24-6-402(4)(e) – Southern Delivery System, Pump Back and "Personnel matters" – C.R.S. 24-6-402(4)(f) or conferences with an attorney for the district for the purpose of receiving legal advice on specific legal questions C.R.S. 24-6-402(4)(b).

Director Martin made a motion for an executive session, vote unanimous.

**ADJOURNMENT:** There being no further business to come before the Board, Director French adjourned the meeting. The next regular meeting is scheduled for February 9, 2010 at the hour of 6:30 p.m., presently set for the meeting room of the Board of Directors, 109 East Industrial Boulevard, Pueblo West, Colorado.

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Secretary

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