



## PUEBLO WEST METROPOLITAN DISTRICT

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

**April 27, 2010**

The Board of Directors of the Pueblo West Metropolitan District met in regular session at 109 East Industrial Boulevard, Pueblo West, Colorado, on April 27, 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; Carol Cosby, Parks and Recreation; Steve Harrison, Utilities; Brian Caserta, Fire Chief; department employees and 18 citizens.

**MINUTES:** On motion by Director Green, the regular minutes of April 13, 2010, and special meetings April 20, 2010, were approved, vote unanimous.

**FINANCIAL REPORT:** Members of the Board had been provided with a check register dated April 27, 2010, listing the bills for payment. On motion by Director Martin noting the large payments, the outstanding bills of \$422,774.35 is approved for payment, vote unanimous.

Chair Van Auken inquired about when the new board comes on and the old board leaves after the May 4, 2010 election. Legal Counsel explained the process and new rules on the election. Legal Counsel said there is nothing in the statutes that states when new board members can be sworn in from the results of the election. Director Green explained the canvass is not until after the board meeting on the May 11, 2010 and who is the elected board if it is not official until May 21, 2010.

Chair Van Auken introduced and welcomed the new employees of the district, Jeramy Apsley, Fleet, Frank Savage, ITS Information, and David Lawrence, Human Resources.

Legal Counsel updated the board that the County has made a condition that all SDS participants are required to take part in the Pueblo Flow Management Program. There are six parties involved; City of Colorado Springs Utilities, Fountain, South Eastern Colorado Water Conservancy District, Board of Water Works, City of Pueblo, and Aurora and in the agreement, Pueblo West was never a participant. Pueblo County has made this a condition that Pueblo West be a participant for the SDS project approval to go through Pueblo County under the 1041 regulations. He explained the District does not agree with this condition and filed a lawsuit against the County because they do not have the authority to do this and now everyone is working together to come to a reasonable settlement. Legal Counsel said there is a partial agreement or pathway to settlement but not a detailed settlement in the process. Legal Counsel mentioned the meeting with the water attorneys and thinks there will be a settlement soon including agreements with the other Pueblo Flow Management Program participants.

**DIRECTOR'S COMMENTS:** Director Martin mentioned the potential sale of Walker Ranch is not a done deal but might be. He and Mike French made contact with Fort Carson and will talk with the Garrison Commander to discuss their future plans should they purchase the land. This meeting will take place on May 10, 2010 and will report back to everyone at the next board meeting. He talked about calls and concerns about the noise and thinks it is too soon to speculate on any sale.

**DISTRICT MANAGER REPORT:** District Manager Howe-Kerr updated the board on the pump back project and in the process for a site application submitted to the state to discharge highly treated reclaimed water from the wastewater treatment plant into Golf Course Wash. This will give us 98% credit for our reuse water. He explained PACOG rejected this plan because of not meeting the 208 plan which is outdated and in various meetings tried to amend the 208 plan. The District amended the 208 plan and took it back to a PACOG meeting with a committee voting on this with an eight to two not recommending the amended 208 plan. Director Martin said our consultants agree the science of this project will be accomplished with no adverse effect on the water in Pueblo Reservoir. He mentioned other areas that do this in the river and understands their conception and others not understanding the science. Director Green reiterated the concept and Pueblo dumping into the river wastewater but not wanting Pueblo West to do the same and is politics not science.

District Manager Howe-Kerr mentioned the RFP on the Quint. He also mentioned the budget issues in the water budget of the revenues not coming in as projected and coming in approximately 1.6 million under budget and why the shortfall. This has been reduced by cutting in areas to reduce the shortfall to \$72,000 in water and in the wastewater budget \$65,000. Director Martin explained why there is a shortfall and the revenues coming in now will take care of most of the shortfall and confidence more will come but to abstain from spending now until that happens.

District Manager Howe-Kerr updated the board on the two website proposals from Navigator IT and designKiln and presentations from both. Staff is working up a recommendation to present at the next board meeting.

District Manager Howe-Kerr informed the board that scrap metal was sold and amount received. He also talked about having a public session on Parks & Recreation and the hard work Director Carol Cosby has done gathering information and how important for input from staff and community. The original date was for June 4, 2010 at Skyview Middle School but after further discussion it will be July 9<sup>th</sup> at 6:00 p.m.

District Manager Howe-Kerr discussed the roads and engineering projects for Coral Drive and RFP for West McCulloch and what the progress is on both. District Manager Howe-Kerr talked about the Fire Based EMS Study and what was Gemsbok Consulting findings. Consensus from staff and board members who made recommendations and Fire Chief decided not to move forward with EMS Transportation until other considerations and research are done for this report.

District Manager Howe-Kerr updated the board on the fiber optics company SECOM and what is going on with negotiations and communication issues to help the District. He mentioned the donations from the community, Wal-Mart, and Rotary Club. The money collected will be matched by the district. He also mentioned the Bikes Beyond Trail and the process of getting the pool ready for the community.

Mr. Ewing and Mr. McConnell approached District Manager Howe-Kerr asking the District to recognize June 21-27 as Amateur Radio Week. Consensus of the Board is to do this and how important they are during emergencies.

Discussion took place on citizens concerns with Mr. Walker selling his land to Fort Carson and calls received. Director Hyatt voiced her concern on the noise and as a citizen would be concerned if Fort Carson got any closer to Pueblo West.

**CITIZEN COMMENTS:** Bill Vickers reminded the board of the escrow of \$300,000 for roads and there is a time frame on this so will need to be used before the time runs out. He mentioned the budget shortfall and asked that to be explained and figures used. Director Martin explained at the time of projection was concerned it was high and but it would be monitored closely to see if spending cuts would be needed. He also inquired about Industrial Blvd and mentioned heaving in an area on the road and if the contractor would also take care of these issues as with the cracks.

Bruce Salsbury voiced his concerns if the budget was a guess there may be a flawed budget somewhere else. Director Martin talked about other revenues within the budget and the water and wastewater funds are based on tap fees and plant investment fees and finding the shortfall early, will not have a problem in the future. He also inquired about the work session on Parks and Recreation. The public meeting will cover all aspects of what the community wants to do for recreation. Director Green does not think a survey from water users is a good idea. Further discussions were on a survey and the criteria it should follow and recreation needs.

JD Stelle asked about the off road vehicles on the equestrian paths and the Sheriff department requesting signs posted by the district before they have any legal right to issue a ticket. Direction from the board is to have signs posted in these areas of concerns and how it will be determined for replacement of signs.

Bob Hyatt asked why there are two ambulances constantly chasing one another on all calls, one from Pueblo West and AMR, and why two are there. Fire Chief Caserta explained the dispatching of the calls and how the process works and why both are called out to an emergency situation. Fire Chief Caserta explained the fire department is always the first to be called and the importance of why. Should there be a need for multiple transports and the need for more responders dual service is needed. Legal Counsel explained it is a policy of the District set by the board and if it needs to be changed should be discussed at another time. Phil Weber agrees with the policy but would like AMR do the whole thing and put it for discussion before the 2011 budget. Randy Linnen mentioned the Fire Department is saving the district money by sending their equipment.

**DAVIS PAVING & SEALCOATING:** In the 2010 Conservation Trust fund budget, \$30,000 was put in to complete the project. This project will overlay the road that goes into the north end of the park by the soccer fields, baseball fields and parks office. It will also include paving an additional area for parking and widening the entrance into the park. This project bid came in under budget.

**RESOLUTION 1876:** A Resolution Awarding A Construction Contract To Davis Paving & Seal coating, Inc. For The Lovell Park Driveway Overlay & Additional Paving

Director French made a motion to accept Resolution 1876, vote unanimous.

**PLAYGROUND EQUIPMENT GRANT PROPOSAL:** Director Carol Cosby was approached by the Rotary and Mr. Don Saling regarding a potential Rotary Foundation Grant for the purchase of a playground unit for a park on the north side of US 50 in Pueblo West. The Rotary Club is proposing submitting a grant application to the Rotary Foundation for \$28,000 if the District is willing to provide funds in the amount of \$58,000. Director Martin explained the match money for the grant through the Rotary Club and the importance of the location on the north side. Director Martin also mentioned it could be less than the amount quoted and the funds would be less. Director Cosby talked about the need for more playgrounds and why and what the amount includes. Director Green feels this can be done for less than what has been quoted. Director French knows other vendors that will give lower quotes. After further discussion, direction is to get a fast response on their concerns, price changes, location, and bathroom. The size of ground space is 67 x 72 feet.

Director Martin made a motion for the District to match the Rotary Grant of \$50,000 maximum from the Conservation Trust Fund. Chair Van Auken, Director French, Director Martin, and Director Hyatt voted aye, Director Green voted nay.

**LAND VALUES AND MARKETING STRATEGY:** Director Martin would like John Van Auken to form a committee to investigate a procedure for pricing the properties, commercial and industrial. Representatives would be from the three major realtors and find a pricing strategy with the strengths and weaknesses of the properties, recapturing of any assessment fees and promote a program as to how to market the real estate. His concern is emphasizing commercial and industrial property for the tax base and all on the committee will be a volunteer group. A report will be provided in thirty days of what the committee comes up with for selling the land and economic development once the committee is formed. After further discussion on how this idea was determined and why this committee could help to get the land on the market, establishing strategies for the board to approve and accept, the board gave direction to John Van Auken to go ahead with forming a committee.

Chair Van Auken discussed a proposal with the board, mutually agreeing, District Manager Howe-Kerr back out of the relationship with the district with a severance package. Larry Howe-Kerr accepted the proposal and why. He feels this is best for the District and commended the staff and all those he worked with. Director Green as well as the other board members thanked him for his service, hard work, dedication, and wished him the best for his future.

Director French made a motion to accept the proposal as outlined, vote unanimous.

Chair Van Auken proceeded to explain the next process for a new District Manager and Brian Caserta being the interim.

Chair Van Auken made a motion to accept Brian Caserta as Interim Manager. Director Hyatt suggested there were other people in the District who should be considered. Legal Counsel reminded the board there is a nepotism policy that a relative could not supervise another relative. Director Martin is not opposed to Mr. Harrison but feels he needs to be focused on SDS. Mr. Harrison fully supports Mr. Caserta as the interim. Fire Chief Caserta stated he will take the position. After further discussion the board voted.

Chair Van Auken made a motion for Brian Caserta to be the Interim District Manager. Director Green, Director Martin, Director French and Chair Van Auken voted aye, Director Hyatt voted nay.

Chair Van Auken asked Legal Counsel what the requirement was on Larry Howe-Kerr being the DEO. He explained it could be anyone, not necessarily a District Manager.

The board decided to keep Mr. Howe-Kerr as the DEO for the election. Chair Van Auken would like this board to start the hiring process and discuss Brian Caserta's salary. A special meeting will be set for Monday, May 3, 2010 and what he would like to discuss at this meeting. Director Green would like the process open and transparent as the last process from the previous board right or wrongly was somewhat suspect and to meet openly for discussion. Legal Counsel reminded the board that some requirements will be not public.

**EXECUTIVE SESSION:**           None

**ADJOURNMENT:**                    There being no further business to come before the Board, Director Hyatt adjourned the meeting. The next regular meeting is scheduled for May 11, 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.