



PUEBLO WEST METROPOLITAN DISTRICT

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MINUTES OF REGULAR MEETING THE BOARD OF DIRECTOR'S OF PUEBLO WEST METROPOLITAN DISTRICT

November 23, 2010

The Board of Director's of the Pueblo West Metropolitan District met in regular session at 109 East Industrial Boulevard, Pueblo West, Colorado, on November 23, 2010 at the hour of 6:30 o'clock p.m.

ROLL CALL: On roll call, Chair Mike French, Director's John Lisi, Jerry Martin, and Christine McCarthy were present. Director Green was excused.

Also present were Jack Johnston, District Manager; Judy Leonard, Administrative Assistant; Tom Mullans, Attorney for the District; Steve Harrison, Utilities; Brian Caserta, Fire Chief; and 36 citizens.

MINUTES: On motion by Director Martin, the regular minutes of November 9, 2010, special meeting November 10, 2010 and November 17, 2010 were approved, vote unanimous.

FINANCIAL REPORT: Members of the Board had been provided with a check register dated November 23, 2010, listing the bills for payment. On motion by Director Martin noting the large payments, the outstanding bills of \$914,486.90 is approved for payment, vote unanimous.

DIRECTOR'S COMMENTS: Director McCarthy mentioned the previous statements made by Dan Carlson on the increase of tap fees and how it would affect the builders in Pueblo West. She did her own research and presented the board and audience with her results. Director McCarthy made comparisons with St. Charles Mesa, Colorado City, and Pueblo as to vacant lot prices and total costs with tap fees and found Pueblo West to be 5% lower. She stated she supports increasing the water and tap fees and why.

Director Lisi also did some research and informed the board on what he found which is not tap fees that are hurting the builders but a lot of different factors. Director Lisi said with \$91 million in projects for infrastructure, increases in tap fees and water fees are needed. He mentioned the Parks and Recreation meeting and the need for the replacement of the bottles and harnesses at the fire department. Director Lisi went to the fire station to look at what the department has on the trucks and feels this is a necessity to replace them for safety reasons. He updated the board on the RFQ's he is reviewing and a decision will be made for a consulting firm to start a Master Plan for the district. The Desert Hawk and PEDCO meeting was mentioned. He would like to move forward with the land study. Director Lisi was contacted about putting a crosswalk on Capistrano by the High School and would like the district to look into doing that.

Chair French asked about other meetings and the need for another road task meeting.

Director Martin gave an update on Director's Green surgery.

DISTRICT MANAGER REPORT: District Manager Johnston informed the board on his attendance at the Parks and Recreation meeting. The GOCO grant was denied and looking into other sources and ideas. He updated the board of the completion of the Desert Sage Trail of 2.2 miles and hopes publication on the trails will be in the View. Sixty holiday baskets were delivered with help from employees, District Manager and son. District Manager Johnston reminded the board of the Holiday Lights Parade.

District Manager Johnston reported 5 new homes approved from the Committee of Architecture report and an update on the litigation at 1011 Desert Cove.

District Manager Johnston mentioned a task force meeting on Monday to finalize a respondent from the RFQ's. He gave an update on Streets and Roads projects. The land study was mentioned that work has been done to expedite this along. The Pueblo West Chamber brochure facilitation is in progress in hope to be completed by end of the year.

District Manager Johnston asked for direction on the regular board meeting set for December 28, 2010 as to proceed with it or cancel. Consensus of the board is to cancel that meeting.

Director Martin made a motion to cancel the regular board meeting on December 28, 2010, vote unanimous.

CITIZEN COMMENTS: Bill Vickers commented on an article concerning raising water and tap fees. He mentioned his concerns on the cost of water projects for infrastructure and increases in water and tap fees are needed to help pay for them which he feels isn't enough. He discussed his concerns and feels the builders are asking the taxpayers to subsidize them and why.

Joe Mahaney voiced his concern on purchasing land for a reservoir. He said the Parkdale area is not a good area because of silt and very expensive. Mr. Mahaney thinks conserving water is necessary and mentioned his attendance on the Super Ditch concept meeting and what was discussed.

Branson Haney reiterated on the concerns the builders have on the increase of tap fees and said building is market driven. He mentioned an article written by Tom Atley and what he had to say. Mr. Haney said the people he represents indicated due to the financial burdens put upon them such as water and tap increases Pueblo West is not a good place to live. Director Lisi asked what the builders think should be done. Mr. Haney feels a non use fee of \$100.00 per year would generate revenue but not knowing the legalities if this would be feasible. Legal Counsel explained at one time there was an AOS fee to pay off General Obligation bonds and that is the only way a fee can be assessed. Director Martin thinks people are attracted to Pueblo West for the rural setting and lower cost for property.

SPECIAL RECOGNITION: Chris McMann explained what took place and what they saw when they arrived on a scene on October 3, 2010 on a skate boarding accident of an 18 year old male. Mr. McMann commended Corbin Jensen, Mike Abernathy, and Connor Wills for saving their friends life. A Special Recognition honoring Corbin Jensen, Mike Abernathy, and Connor Wills for their life saving efforts to assist their friend Jason Martinez on October 3, 2010 from a skate boarding accident was read by Chair French and each received a copy.

PARKDALE RESERVOIR SITE INTENT TO ACQUIRE LAND: District Manager Johnston asked to proceed with a letter to the property owners with the intent of Pueblo West Metro District wanting to purchase their land. Director Martin suggested a meeting with Mr. Mahaney on his concerns and information on this site. Legal Counsel commented this area is granite based with no silt and water delivery to this site would be by pumping the water to the site. Legal Counsel mentioned Pueblo West is in dire need of storage for water because of high costs, and why it is needed to send out a notice of interest in the land. Director Martin questioned drilling access before the purchase of the land and timeline. Legal Counsel explained what the process would be and if the property owner would allow drilling before purchase.

Director Martin made a motion that the Board of Directors determines on behalf of the Pueblo West Metropolitan District that the District intends to acquire the land necessary to construct and operate the Parkdale Reservoir as described on the property owner's list presented to the board and directing staff to give notice of such intent together with a description of the property interest to be acquired, to anyone having an interest of record in the properties involved, having District Manager as signatory on letters, vote unanimous.

LAND ACQUISITION FOR 20 ACRES FOR WASTEWATER TREATMENT PLANT: Tabled

Director Martin made a motion to table this item, vote unanimous.

SETTLE CASE NO. 09CV695 BETWEEN PUEBLO WEST METRO DISTRICT AND COUNTY COMMISSIONERS: Legal Counsel gave a brief synopsis on how this first started of Pueblo West not being a part of the Flow Management Program on the SDS agreement; the County decided Pueblo West should be added. Legal Counsel explained what happened and water loss for the district, filed the lawsuit. During negotiations the pump back became an issue along with other concerns and areas. Compromises were made with negotiations and discussed what this was and benefits to Pueblo West for this settlement. Mr. Harrison explained the loss from the Flow Management Program to the district and too many unknowns to come up with an accurate number. After further discussion from the board the Resolution was voted on.

RESOLUTION 1893 – A Resolution Approving A Settlement Agreement To Settle Case No. 09CV695, Pueblo West Metropolitan District vs. The Board Of County Commissioners Of Pueblo County

Director Martin made a motion to accept Resolution 1893, vote unanimous.

ADJOURNMENT: There being no further business to come before the Board, Director Martin adjourned the meeting. The next regular meeting is scheduled for December 14, 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.