

**MINUTES OF SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF  
PUEBLO WEST METROPOLITAN DISTRICT**

**September 29, 2011**

The Board of Directors of the Pueblo West Metropolitan District met in special session at 109 East Industrial Boulevard, Pueblo West, Colorado, on September 29, 2011, at the hour of 6:30 o'clock p.m.

**ROLL CALL:** On roll call Board Members Chair Jerry Martin, Director's John Lisi, Christine McCarthy, and Mike French were present.

Also present were Jack Johnston, District Manager, and Tom Mullans, Attorney for the District, Judy Leonard; Administrative Assistant, Laurie Cozzetto, COA; and 15 citizens.

Director Lisi made a motion to amend the agenda to add the District Manager update, vote unanimous.

District Manager Johnston refrained from the interviews for a board position.

**Board Director Applicant Interviews:** Chair Martin decided for the applicants to draw a number and that would be their position for their interview. The other applicants were asked to leave the room.

The board applicants were Joe Valenti, Rick Clark, Bill Vickers, Roberta Coxen, and Joe Mahaney. Each applicant was asked to describe something about themselves and qualifications. Chair Martin explained the process that everyone will be asked four different questions based on the same questions for everyone starting with an introduction of themselves and qualifications.

All the applicants gave a brief synopsis of their qualifications, backgrounds, achievements, and what they could bring to the board. They also stated why they would like to serve on the board. They mentioned concerns, issues, and topics they would like to address. The questions were; what they see as a 5 year vision for Pueblo West, heart and soul of the community, capital projects, funding, sound tax base, what the demographics of Pueblo West was, what type of businesses needed and what issues they face in this economy, economic development, what was thought of the McCulloch project median, roles and responsibilities as a board member, what identifies Pueblo West, what skills and qualification would they bring to the board, and top 3 issues the district faces.

After all board applicants were interviewed, Chair Martin said it always is a difficult decision to appoint someone. He would like to hear from the board on their comments and what they would like to do for appointing someone and it would be up to them. Director Lisi said the applicants all had good answers and would like to mull over his decision, look at his notes and take some time to make the right decision. Director French thanked the applicants and would also like more time to go over his notes before deciding. Chair Martin would like to discuss this openly and be transparent and sit with the board to do the right thing for the district and is ready to decide tonight but will go with the wishes of the board to wait until the next meeting. Director McCarthy agreed and it doesn't make sense to wait and heard what she wanted to hear with having discussions behind the scenes would feel more comfortable hearing the District Manager report and then voting. Director French also changed his decision.

District Manager Johnston updated the board with information from John Cordova's voice mail the Commissioners did decide to keep the median in as designed on Main McCulloch. Director Lisi asked if they were going to notify Mr. Ordorf which was not mentioned. Sheriff Taylor will be at the October 25 meeting discussing the trending of crime and initiatives in Pueblo West. District Manager Johnston heard the individuals that did the tagging discussed at the September 27 meeting were caught and identified.

District Manager Johnston mentioned the bond authority loan and there is

a cost for the bond issuance fee. The cost will be around 1.5% to 3%, deciding going forward with the bond loan of not to exceed \$5,340,000, with a 15% profit margin, and 10% contingency felt it was a good move for the district.

District Manager Johnston informed the board of the technical workshops listed in the Pueblo West View with dates and times. Invitations will be distributed in the future and if the board knows of someone who they would personally like to invite to let him know. He also mentioned his meeting with Mr. Quigley, City Manager of Florence, discussing water issues and felt it was very productive.

After a ten minute recess, the board reconvened to make a decision on an appointee. Legal Counsel was asked how they could proceed, he suggested they nominate someone by motion then board votes until there is a majority vote for someone. Chair Martin asked if there were a ballot and wrote their choice down. Legal Counsel said that was one way but gave a brief synopsis of a case where this was done and upheld and feels the public should know how the board votes. The board wrote down their choices, Rick Clark 2 votes, Roberta Coxen 1 vote, and Bill Vickers 1 vote.

Director Lisi would like a person who stands up for the community. Director French said all had good answers and could do the job. Director McCarthy thinks all could do a good job, will commit a lot of time, and look at those who have attended meetings. Director Lisi would like someone with another voice and look outside the box and not those that have voices in the past. Chair Martin mentioned he knew four of the appointments and spoke on all and wants to find the best fit with different visions and ideas.

Director Lisi made a motion to appoint Roberta Coxen to the Metropolitan Board. Director Lisi and Director McCarthy vote aye, Chair Martin and Director French voted nay.

Director McCarthy made a motion to appoint Bill Vickers. Director McCarthy, Chair Martin, and Director French voted aye, Director Lisi voted nay.

Legal Counsel said an oath was needed for Mr. Vickers to take his seat. The oath was given and he took his seat on the board.

**MODIFICATIONS/COVENANTS:** Legal Counsel talked about the three versions he presented for modifications based on the language needed for the tracts with the 90% build out and how this is needed to inform the residents in those tracts what they need to do. He talked about the terms to be established by the COA board to charge fees and what the District board would like to decide as to how to do this. Legal Counsel talked about what the fees would impact, legalities, and have a fee structure. Chair Martin asked when this would take effect. Legal Counsel stated that 50% of residents would have to sign for continued enforcement which will not be until 2014 does the first tract come up for the ten year anniversary. This would have to be recorded and explained how to proceed from there. Legal Counsel then explained the declarant, enforcement, and should any modification be done it can be recorded if prior to a ten year anniversary. The first one coming up is 2014 which includes those that were recorded in 1969. Director Vickers mentioned to collect the fee you would have to take them to court and explained the process on accessing a fee which would be approximately \$800 for legal costs. Legal Counsel said any judgment would be the fee and attorney fees collected at the time. Director McCarthy does not like the idea of charging fees and to further discuss this. Legal Counsel thinks discussions and ideas need to be discussed with both boards as to how to proceed. Director Lisi would like to know how the board would know any of the residents receive a letters. Legal Counsel thinks it should be published in the Pueblo West View on the tracts that are 90% build out and what the board is considering. If letters are received back signed then you would know they were received. Laurie Cozzetto, COA; explained how the letters are sent out from the department. Chair Martin said that this portion of the meeting will be published and Director Vickers take the role and come up with something working with Laurie Cozzetto, District Manager, and Legal Counsel. Legal Counsel gave a brief synopsis of the declarant and authority of what the district can do. Director McCarthy thinks the drafted letter is fine. After further discussion the board will think about a fee structure, how a letter should be drafted, and collection of fees assessed for another meeting. Mr. Purfield suggested an editorial be done on this. Director Vickers thinks the next alternate for the COA board should be considered or it will be advertised.

**ADJOURNMENT:** There being no further business to come before the Board, on motion by Director French, the meeting was adjourned. The next regular meeting is scheduled for October 11, 2011, 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.