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INCORPORATION

There is an immediate need for Pueblo West to incorporate as a Home Rule City under the statutes of the State of Colorado. I emphasize that the needs of Pueblo West demand the necessity of forming a HOME RULE CITY and not a statutory city and there is a most important difference in the two types of cities. A Statutory City operates strictly under the authority provided for in the Colorado State Statutes. A Home Rule City allows a community to develop a City Charter that takes into account the special needs of the community.

Pueblo West has very special needs and conditions that are paramount in dictating that we develop such a charter. The most important of these conditions is the vast number of absentee owners who presently pay some \$580,000.00 each year in Annual Availability Of Service charges. Without this money, a tremendous burden would be placed on the people living here. State Statutes do not provide for municipalities charging such a fee, however, under the Home Rule Charter, this charge could be preserved.

Metropolitan Districts cannot and should not be expected to take the place of municipal government. The restraints, limitations and lack of powers inherent in Metropolitan District Statutes purposely preclude this from happening.

Unfortunately, the Metropolitan District Statutes have been abused by developers wishing to create a suffuse. By organizing a District, many developers cleverly pass on development costs for certain improvements, which may have been assumed to be expenses of the developers, to the consumer. The District's ability to sell bonds at an interest rate lower than the normal rates available to developers also makes this a most attractive tool.

While a District most often serves a useful purpose, in certain cases such as Pueblo West, it can also be responsible for providing a community with a false sense of security. A District does not have the power or authority necessary to totally serve the needs of the people. Most citizens do not realize this and they criticize officials for not properly protecting the community, when in fact, the officials' hands are tied due to a lack of jurisdiction.

The statutes under which a Metropolitan District such as Pueblo West operates, very simply provides that the district may be formed to provide water service, sewer and sanitation service, recreational service, fire protection service, road service and mosquito control. The authority allows the district to impose property taxes and AOS charges on the people to pay for the same. That is all there is to the district operation from a purely legal standpoint. There is no zoning, building or police power authority within the statutes.

We are faced with a daily struggle over zoning and building regulations within Pueblo West. There are certain private covenants on the land which are extremely hard to enforce. Any attempt to enforce these covenants may result in a civil action in the courts, which can be most costly and in reality, most often takes years to resolve or we are forced to compromise the covenants that are supposed to be there to protect us. Under a Home Rule City, these covenants could be made a part of the building and zoning code allowing for quicker and more positive results without the costly delays.

At the present time, we pay a permit fee to the county for each home or building built in Pueblo West. As a City, these fees would be collected by us and would be used to operate the department. It would not be necessary to add a tax burden on the community. We would also have our own building inspector who would only have to take care of Pueblo West. At the present time, the building inspectors have to drive throughout the county, and this hinders them in their attempt to perform their jobs the way they would like.

Our community is masterplanned and zoned for our protection. A local zoning board would be present to see that this masterplan was not compromised.

There is also an urgent need for police protection in Pueblo West. As a City we could be able to deal with this problem. Needless to say, this must be approached with due care and consideration. All avenues must be considered due to the potential cost of such a department. We presently have a 24-hour dispatch service which would be able to cover the dispatching of police vehicles. The questions that would need answering are as follows: Should we contract with the Sheriff to handle the police duties for the city until we reach a certain population? Should we hire two or three police officers of our own? Should we supplement our own police force with a select volunteer force? There are many ways that we could possibly go. There is also a federal program to assist in the funding of equipment which would require review.

As a young community looking for growth, we must avail ourselves of any and all programs that will assist us. The most important of these programs are federal and state programs that provide financial assistance. There are less than 20 such agencies providing funding programs for Metropolitan Districts. There are over 100 such agencies which provide funding for municipalities.

We have recently witnessed a revenue bond sale in the city of Pueblo and Pueblo County for new homes. Due to the cost of the homes normally built in Pueblo West, most of our homes did not qualify for those low interest rate loans. As a City we could implement such a bond issue changing the provisions so people building



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in Pueblo West would qualify for low interest rate loans for their homes. This is all accomplished at no cost to the taxpayers. The people getting the loans pay all the costs.

Industry is urgently needed in Pueblo West to help develop the tax base and bring jobs to our community. As a City we would be in a position to issue Industrial Revenue Bonds to induce industry to move here. Again, the taxpayers are not, and I repeat, ARE NOT paying for these bonds. They are paid for by the industries coming into the area and using the money.

I might point out here that the two previously-mentioned types of bonds that we have been discussing provide for low interest rate money to individuals and/or companies for construction. These bond issues allow lenders to place their money in a market where they do not have to pay taxes on the interest earned. This is why the interest rate is reduced.

If for no other reason than the last two we have just mentioned, revenue bonds for housing and revenue bonds for industry, it would be most worthwhile for Pueblo West to incorporate.

In the State of Colorado, there are state funds that are returned to municipalities. These are most valuable sources of revenue. Included in these funds are cigarette taxes, vehicle registration fees, conservation

trust fund, highway uses trust fund — we now get money through the county on this, however, as a City we would receive more money and it would come directly from the state — we would receive 50% of the funds that we presently pay into the County's Road and Bridge Fund.

The City would also have the ability to levy sales tax, lodging tax and other special taxes. While I would recommend a careful study be made prior to levying a sales tax, I could see the implementation of a lodging tax. The basic ability is there, what we choose to do would and should be determined by the people.

Are there disadvantages to incorporation? I am sure that there must be a few, but I can only think of one at the present time. However, this reason is also inherent in Metropolitan Districts and, in fact, in all divisions of government.

This problem is a human problem. The people you select to represent you in developing the Home Rule Charter, and the people you select to represent you on your City Council. It is essential that you choose extremely well qualified and knowledgeable individuals. They will have much more authority as City Councilmen than they would as District Board Members.

They need not be popular people, nor do they have to be good looking or need they be active in every organization in the community.

They do have to have the knowledge and ability to research, study and analyze the statutes, charter and laws under which the community will be governed. They must possess a great deal of common sense. They must be dedicated to the betterment of the community and the people within the community and they cannot be prejudiced in any meaning of the word. They must stand tall enough to be ridiculed continuously and be big enough to have the ability to listen to their critics with an open mind to determine if their arguments truly have merit.

To have less than this in the people representing you is the greatest disadvantage you will be faced with. As the power base is expanded, the importance of the individuals serving becomes greater.

Pueblo West is ready for and urgently needs to incorporate as a Home Rule City. This will only happen if you support this effort today with both your time and energy.

We conclude our comments by saying that the one item that we have not mentioned is that of IDENTITY... We feel that incorporation will serve us well in being able to identify our good people by placing our CITY on the MAP and in front of everyone to see.

R.W. Dick McComb

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SOME REASONS FOR NOT INCORPORATING

What would the ultimate results be if Pueblo West chooses to incorporate? The possibility is good that our taxes will go up — not drastically, but still up. Therefore, some people will probably feel that incorporation is expensive; we can't afford it. The most important question is not can we afford it, but can we afford *not* to incorporate.

Presently, Pueblo West is dependent on the Pueblo County Commissioners for most of the decisions on our services. Incorporation will make us responsible for our own police protection which could be an added expense. As long as there are not drastic increases in services expected, taxpayer expense won't go up. It's like almost everything else; you get what you pay for. If we want the best police force in the state we will have to pay for it. The point is that incorporation will force us to decide what we want.

Probably the most important point to consider is, who are the people that will govern this community if we become incorporated, and will they be qualified to make the decisions which affect us all. Actually, the change from a metro district to an incorporated municipality would not greatly change the governing body. A city council would have the responsibility, but it still would be a panel of elected officials. As is often the case with any government, qualified people are reluctant to seek office because of the commitment required to do a good job.

When I started to make a list of the reasons not to incorporate, I talked to someone who lives in a town that was recently incorporated, thinking that he would know the many negative aspects of incorporation. His list was short. The most frequent complaint was that taxpayers couldn't pay for the services required under incorporation. In fact, it ended up that revenues in Winter Park, where this person lives, were in better condition after incorporation. For sure incorporation cannot happen without some expense, but it does not have to be prohibitive.

Aside from all the questions of cost, leadership, what services will be provided and how long will it take, one benefit (more than likely) will be an improved image. No longer will Pueblo West be a struggling, disorganized subdivision in the county. Instead, it will be a real city, planning for the future and having the means to carry out those plans. I can really find nothing negative about that.

Daryl Jacobs

DARLE M. WALLIN, President
(a former midwesterner)

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ARE WE READY FOR INCORPORATION?

Can our community afford incorporation? Do we have the leadership within our community to run an incorporated city? What will incorporation do for us?

In my judgment, the answer to all four of the questions most asked about incorporation is yes, yes, yes, and yes.

Only a handful of our citizenry understand the unique position Pueblo West finds itself in, in regard to tax base. A very simple explanation is that even though our present population is approximately 3,000, there are 16,000 property owners within our vast boundaries. Therefore, the tax base and tax burden is spread over a large number of taxpayers. As we continue to grow, our tax base will increase, thus lowering the proportionate share of the tax burden for each property owner. We can afford incorporation.

Pueblo West is blessed with a large number of learned persons. As is the case in any community, the voting taxpayer will be faced with the decision of separating true community leaders from the individuals who might have personal motives to sit on a city council.

The time is right for self government. We have seen and are experiencing a crucial time in the life of our young community, when the developer (McCulloch Properties) has just about completed its portion of the development. Our Metropolitan District, which is nothing more than a management fiasco, has now reached a point where, due to its limited power, is nothing more than a maintenance tool. The concept of Metropolitan Districts, as defined in the Special Districts Act of 1947, has been so changed by amendments through the years that it is now nothing more than a method land developers skillfully use to develop new communities and subdivisions at the taxpayers' expense. A Metropolitan District is not a form of government.

The time has come when we must start planning our own destiny. Incorporation is the only answer. Less than 5% of the reported crimes against people and property in Pueblo West are ever solved. We have relied on private security, the Sheriff's Department and the State Patrol long enough. Incorporation will enable us to provide our own law enforcement. We have attempted to develop our community for the past ten years using a developer sales tool known as the Declaration of Reservations, which is a civil process with very limited power. Incorporation will provide us with our own planning and zoning powers, which are urgently needed.

The incorporation process is not as complicated as it might seem. For those who would take the time to study

the subject, I suggest you make a trip to the public library and familiarize yourself with the Colorado Revised Statutes of 1973, Volume 12, Section 31. My study reveals there are no incorporation experts in the State of Colorado. There are, however, countless thousands of incorporated communities in the United States. Let us study the successful city charters and go forth in the next few months and design our model city. The time is right. We are ready to quit crawling and start walking.

The benefits of incorporation over our present system are so in depth, that much time and effort must be put forth in the next few months to point out the details to you, the citizens and taxpayers, before you are afforded the opportunity to vote on such an important matter. I am sure we will all be looking forward to the next few issues of our Pueblo West Bulletin.

Len McDaniel

CITIZENS ASSOCIATION MEETING

The regular meeting of the Pueblo West Citizens Association was called to order by Robert Faubert, president, with approximately 60 people present.

Mr. John Tipton of Calkins, Dramer, Grimshaw and Harrings, attorneys at law, was introduced by Bob Faubert. The order of business was changed because Mr. Tipton had to return to Denver after his talk.

Mr. Tipton spoke on the various facets of incorporation. The key factor in the determination of whether to organize a municipality would be the necessity of the entity (Pueblo West) to have the "powers of local government."

A Metropolitan District has only specific statutory powers and can't be granted the power of local government. The District can make regulations which are administrative in nature relating to special services with which they are charged. They have no strict enforcement powers, Pueblo County holds this responsibility.

Special legislature passed House Bill 1594 which would allow incorporation. Included is a 2-year limit, which began July 1, 1979.

Statutory City vs. Home Rule City

Statutory Cities derive their powers as granted by the State Legislature. They are also organized along state lines; any changes must be voted by the Legislature.

Home Rule Cities form their own organization and power without interference in matters of local concern. If a matter is of both local and statewide concern, charter provision and state statutes can both co-exist. If there is a conflict, the courts have created a presumption of State control.

The main issue of Statutory vs. Home Rule is not one of legislative power, but one of flexibility. Statutes for cities are general in nature and this may not meet all



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needs and wishes of people in various cities. Generally, cities adopt Home Rule because they want broader financial powers. Three percent of assessed evaluation is the limit of debt for a Statutory City, there is not that limitation for a Home Rule City.

Steps required to organize: A petition signed by 150 registered electors residing in the area presented to Pueblo County Court. At least 5% registered voters for Home Rule. Proposed name, map and discription of territory. Proof of inhabitants, using latest census, updated by records of County Planning Office. Bond set by court to cover cost if election fails.

Estimated average cost \$8,000 minimum, required for attorney's fees, publication costs, court and filing fees.

The District Bond indebtedness would be absorbed by the new municipality, the School District and Regional Library levies would not be affected by incorporation. The property tax would change. Incorporation would permit receipt of some Federal and State Revenue Sharing funds.

The Metropolitan District should prepare a cost analysis for study.

In order to initiate Home Rule at the time of Incorporation, the petition for Incorporation should be in the form and meet the requirements of State Statutes. The petition requires the signature of 5% of the registered voters of the District. Upon presentation to the court, they then appoint nine commissioners. These commissioners supervise the election. If you vote for Home Rule, you must also vote for 21 commissioners to draw up the Home Rule Charter. Within 120 days of its election, the Commission must submit to the governing body a proposed Charter. Within the following 30 days, they shall publish and give notice of election to determine whether the proposed Charter shall be approved.

Any ideas or questions concerning Incorporation should be submitted to the Bulletin.

The September minutes were not read but accepted as published in the Pueblo West Bulletin. The treasurer reported a balance of \$288.98 with a membership of 85.

Under New Business it was decided to donate \$30 to the annual Kids Halloween Party.

Bud and Joan Findley, Beth and Barry Binford, and Bob and Jane Boyce were introduced as new residents.

The meeting adjourned after which refreshments were served.

The November 14 meeting will have Steve Albright from the Pueblo Regional Planning Commission as guest speaker.

WHAT DO YOU KNOW ABOUT REFUNDING?

1. Do you know that the recent \$3,490,000.00 debt refunding had nothing to do with the fact you received a refund on your 1978 tax payment?

2. Why was an emergency clause placed in the resolution, when apparently no emergency existed? Funds were on deposit and available for the October 1, 1979 principal and interest payments on the outstanding bonds.

3. Do you know that it cost Pueblo West Metropolitan District approximately \$300,000.00 in commissions and other costs to issue these bonds? Approximately \$250,000.00 of the above was paid to Kirchner Moore Co. as commission on issuance of these bonds; the remaining \$50,000.00 was for costs.

4. Is it true that the cost of refunding over the specified period of time, will cost approximately \$2,876,000.00 more than the original payments if refunding had not been instigated?

5. Do you know that this is the first of a series of questions that will be published in future issues of the Bulletin? For the answers to these and other questions, consult your current board meetings and "you all come, 'hear?'"

*Concerned citizens of Pueblo West
Paul S. Deyerle
John M. Maroni
Al Land
Jack Phillips*

PARKS AND RECREATION

Next year the ball players will have grass to play on at Lovell Park. Grass has been planted on the outfield and the infield has new clay. A 12 ft. warning track surrounding the outfield inside the fence also has new clay. A new sprinkling system will be installed to keep the grass green.

PUEBLO WEST BUSINESS ASSOCIATION

The next regular meeting of the Pueblo West Business Association will be held on November 21 at the Recreational Center and will feature a presentation by the Small Business Commission of the Pueblo Chamber of Commerce. This should be of interest to all businesses in Pueblo West.