

**MINUTES OF THE SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF  
PUEBLO WEST METROPOLITAN DISTRICT  
February 24, 2009**

The Board of Directors of the Pueblo West Metropolitan District met in a special meeting session at 109 East Industrial Boulevard, Pueblo West, Colorado, February 24, 2009 at the hour of 4:00 o'clock p.m.

**ROLL CALL:** On roll call, Chair Hren, Director Sloan, Director Vickers, Director Van Auken was present. Director Abel was excused.

Also present were Don Saling, District Manager; Judy Leonard, Administrative Assistant; Tom Mullans, Attorney for the District; Steve Harrison, Utilities; Rick Morgan, Public Works, and 15 citizens.

Also present were County Commissioner's Jeff Chostner, Anthony Nunez, John Cordova, Director of Public Works; Greg Severance, and County Attorney, Dan Kogovsek.

Chair Hren started the meeting by thanking the Commissioners for coming and asked Commissioner Chostner to give an update on the Joe Martinez extension. Commissioner Chostner voiced his concerns as well as Commissioners Nunez and Commissioner Cordova concerns with the roads in Pueblo West. He explained the extension of Joe Martinez and how it would help with another access and alleviate traffic congestion on Highway 50. This will also help the City of Pueblo with the Honor Farm project by having an access road to that area. The Commissioners have tried to obtain money from the Federal Government, of which there is none because it is not a certified state project or a CDOT project and so there are no state funds available. Commissioner Chostner feels it will be up to the County, Pueblo West, and City of Pueblo to pay for this project. Commissioner Chostner mentioned a possible way to pay for the road would be a toll road with a provision that once the road is paid for the toll amount would be eliminated and turned over to the County for the road maintenance. His suggestion for a toll fee was \$1.00 for a round trip but would need an analysis to determine a fee. Commissioner Chostner also mentioned the money set aside for the Community Center. He has been approached by a couple of Board members that the money could be used as matching money for this project. He mentioned Legal staff trying to come up with other ways to fund this project but have been unsuccessful. Chair Hren mentioned the budget figure of approximately \$10 million for this project for 2 to 3 miles of road, which is a 3 miles of road with a turn lane and the total cost, has not been determined.

Greg Severance, Director of Public Work, stated the cost would depend on what type of road design would be done and could cost as much as \$10 million. Commissioner Nunez mentioned that the City of Pueblo would also have to be involved in the cost as it is Pueblo property. Director Sloan asked if there were any formal discussions with the City of Pueblo; Commissioner Chostner did say there have been discussions and the City of Pueblo was invited to this meeting. Commissioner Cordova mentioned discussions with Scott Hobson and he was going to take the information back to the city. Chair Hren questioned if the discussion was for the city helping financially. Commissioner Chostner feels, depending on how Joe Martinez would be financed, and if there is a toll road then the cost could be financed and paid for by that. If the road is done by matching funds, then everyone should be included. Director Sloan inquired as to how toll roads are financed and if bonds are issued. Legal Counsel explained the process for Revenue Bonds or other bonds and what would be needed to be done. Dan Kogovsek, Attorney for Pueblo County, reiterated how to proceed with a General Obligation Bond or Revenue Bond. Greg Severance informed everyone that CDOT plans to have a study started by mid April to emphasize every point of the Joe Martinez access. The study will cost \$800,000.00 and as an alternative access other than Highway 50, which Joe Martinez will be included in this study and the study will take at least a year. Director Sloan inquired if funding should be held off until the study is done but was told that CDOT would not be a part of the Joe Martinez project and the consultant being used will be asked by Mr. Severance if the Joe Martinez part of the study could be expedited to get some answers sooner. After further discussions from the Commissioners and Metro Board on the Joe Martinez project, the project they feel should be started sooner than later and that information to get this going should be gathered as quickly as possible. Director Vickers inquired about the federal stimulus package and revenue from that for the County. Commissioner Chostner informed him that Congressman Salazar had requested stimulus projects and this included Joe Martinez, but he is unaware of the outcome on these discussions. Director Sloan asked if stimulus money is used with federal funds would there be strings attached and no one was able to answer. Commissioner Chostner directed Mr. Severance to get information on what would be needed to have a toll road and was told that a projection of traffic counts will be needed for toll companies to make an analysis formula as to what should be charged. Commissioner Chostner is concerned with the CDOT study not focusing just on Joe Martinez and suggested an independent company do a study for a faster result. Mr. Severance was asked to contact other companies for information on setting up a toll road and report back with the information. Traffic counts in Pueblo West were discussed and if there is an accident on Highway 50 how important it is for another access out of Pueblo West. Director Vickers would like figures for the cost of all the different avenues on how this project could be done. The Metro Board and County Commissioners agree this is a high priority as a second access. Commissioner Cordova suggested having a survey on how residents feel about a toll road. Commissioner Chostner stated it would be very important that the question be worded properly so the residents will understand what is being asked. Chair Hren will proceed with a survey.

Chair Hren brought up the West McCulloch project and thinks the Purcell project should wait until the SDS project is determined it will come through Pueblo West than Colorado Springs will be responsible for road repair. Rick Morgan, Pueblo West Public Works, talked about the classification needed on West McCulloch and asked if the existing standards could be used for the project. He gave the Board and Commissioners information on road standards for rural classification and explained the 8-ft. shoulder and why it is needed. He feels the road standards existing today would suffice according to his research from the Green Book on road specifications. He explained he found the book recommends a 24-ft. roadway with an 8-ft. shoulder, and the reason for this standard is for emergency access and will extend the drainage away from the roadway; the book does not say the shoulder has to be paved. He mentioned the cost estimate for the 3.53 miles of road at 26-ft. width, with two 12-ft. lanes, 1-ft. paved shoulder, with 4" asphalt on 12" stabilized base at an estimate of \$1,700,000.00, for which there is money in the budget. He talked about other scenarios of 32-ft. width and 38-ft. width with higher costs. He asked for direction from the County as to what standards will be required. Commissioner Nunez asked about the deterioration on this roadway and Mr. Morgan explained what had been done to help save West McCulloch and the drainage costs involved from his study. This project standard would be a deviation from County standards and Commissioner Chostner questioned what the County and District's road standards are. Mr. Morgan stated there are 20-ft. lanes in each direction with a 16-ft. median and 20-ft. lane; 12 feet is for driving with an 8-ft. shoulder. Shoulder to shoulder width is 56 ft. Commissioner Chostner asked who has the authority to approve the standards and deviation, which is the County Commissioners. Mr. Severance talked about the traffic count and is concerned that a 24-ft. wide roadway is wide enough to allow for safe turning lanes. Mr. Severance mentioned other options and will try to find a way to make it work within budget for the District, but he is not in favor of a 24-ft. roadway. Chair Hren mentioned the driveways would have to be shortened with a wider road and this would add more cost to the project. After further discussion from the Commissioners and District Board, consensus are for County and Metro District work together and make recommendation. District Manager Saling mentioned the total amount of \$2,197,835.00 the District has for road projects for 2009 and with other standard requirements there would not be any money for the chip seal project. There would be \$497,000.00 left for chip sealing if the standard was left the way it is.

Chair Hren talked about his efforts working with animal control and trying to get animals under control in Pueblo West. Chair Hren is in favor of an ordinance banning pit bulls and restrictive breeds. He discussed his research on other city ordinances and bans and feels it is a great concern for residents in Pueblo West. He also mentioned the lack of services for two weeks due to budgetary issues without contacting Pueblo West. His concerns are for the safety of the community and the need for an animal control officer stationed in Pueblo West and asked how this could be budgeted. Commissioner Chostner suggested that for an animal control officer to be hired for Pueblo West he suggested this be addressed with the Animal Control Board and asked the County's Legal Council if Pueblo West Metro District had any enforcement power for a ban on selective breeds. Legal Council for the District informed him that the District did not and it would have to come from the County. Legal Council from the County also mentioned a ban County wide is not appropriate but banning could be done by a rezoning ordinance in an urbanized area such as Pueblo West but the north side may not be considered urban. Legal Council for the County will do research on banning selective breeds. Commissioner Chostner suggested a question. Director Vickers asked if enforcement is in place in Pueblo West and if it is, is it just lack of enforcement. Revenue sources were talked about to find ways to help fund the Animal Control Department. A survey for the residents of Pueblo West to voice their opinions on banning selective breeds and requiring a license fee for all animals was agreed as a good idea.

Marilyn June spoke against any licensing and why. She feels that Pueblo West needs its own animal control service. She feels the people need to be responsible for their animals by educating them and providing programs such as dog training.

Chair Hren inquired about the road to the Desert Hawk Golf Course. Mr. Severance stated the road design is almost complete and explained that at the last Desert Hawk Board meeting it was discussed that the road would be torn up and graveled in the winter and then come back in the spring and chip seal it for a cost of \$125,000.00 or \$109,000.00 for a gravel road with he help from the District for equipment and manpower. Commissioner Chostner thought the County was going to pay for this and \$56,000.00 was available from the County budget. This has been tabled until the next Desert Hawk Board meeting for discussion.

Donna Straub from Animal Services had stated that any time the County passes any ordinances they are enforced by them. They do not believe in bans but should the County pass one it would be enforced and will get information on the constitutional rights to Board members and Commissioners about selective breed banning. She does think a survey to the residents is a good idea. Ms. Straub mentioned that they are out in Pueblo West more than any of the County and will provide statistics to the Board. She said it is hard to enforce violations if there is no evidence because no one involved will sign complaints against the other. She feels the community needs to get involved on animal control. Ms. Straub did mention the two week period that only minimal services were available due to budget constraints from the County. She does agree that by having a licensing fee this will give the department a better idea of the animals in an area and generate revenue into the department. She thinks it will take more than one officer in Pueblo West by calls being 24 hours a day and the cost would be enormous for this service.

Chair Hren asked if Commissioner Chostner could explain where the funds are on the Tabor Time Out and as to how they were distributed. Commissioner Chostner referred to the agenda item 2010 budget explaining everything was flat funded and the 1A money went to the Health Department. Approximately \$1.5 million went to the Ice Irena. The County gave \$4 million to Vestas, but this came from general fund. He

explained other costs and projected revenues for the 2010 budget and deferred to the County's Legal Council for Tabor. Legal Council for the County explained that in 2006 1A was passed, and explained the increases in amounts for each year and projections in future years and how the first \$12 million was spent. According to the County, Pueblo West should get their money of \$3 million dedicated to the District in 2011. Chair Hren voiced his concerns of not receiving any money for Pueblo West projects. Commissioner Nunez confirmed the money is earmarked for Pueblo West from the 1A money, which does not go to the General Fund of the County. Mr. Severance explained the projects the \$3.5 million was earmarked for in Pueblo West and if the SDS pipeline goes through Colorado Springs will be spending an additional \$800,000.00 on road repairs on Purcell in Pueblo West from their SDS pipeline project.

John Verna pleaded his case on the requirements needed to develop his property. He feels that with all the restrictions he has lost a lot of prospects to lease his property. He did have a prospect but could not lease the property due to placing a 32 foot road and other requirements with storm water drainage which the prospect could not afford. He feels the requirements from the District and County are too expensive for any new prospects to start a business on his property and asked for less requirements and restrictions. Director Vickers questioned what exactly Mr. Verna was asking. Mr. Verna feels due to economic times these requirements need to be lifted. Research will be done on Mr. Verna's request and background on the property.

**ADJOURNMENT:** There being no further business to come before the Board, on motion by Director Sloan, and unanimously carried, the meeting was adjourned.

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Secretary

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