

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR
MEETING OF THE BOARD OF DIRECTORS OF
THE TRIVIEW METROPOLITAN DISTRICT
AND THE BOARD OF DIRECTORS OF THE
WATER ACTIVITY ENTERPRISE
HELD**

January 15, 2019

A regular meeting of the Board of Directors of the Triview Metropolitan District was held on Tuesday, January 15, 2019, beginning at 5:30 p.m., at the Triview Office, 16055 Old Forest Point, Suite 300, Monument, Colorado 80132. This meeting was open to the public. The meeting was called to order at 5:30 p.m.

ATTENDANCE

In attendance were Directors:

President: Mark Melville
Vice President Marco Fiorito
Secretary/Treasurer: James Barnhart (Absent/Excused)
Director James Otis
Director Anthony Sexton

Also in attendance were:

James McGrady, District Manager
Joyce Levad, District Administrator
Shawn Sexton, Water Superintendent,
Jay Bateman, Parks and Open Space Superintendent
Chris Cummins, District Water Attorney
Gary Shupp, District General Counsel
Jennifer Kaylor, Our Community News
Steve Remington, Resident

ADMINISTRATIVE
MATTERS

Agenda – Mr. McGrady distributed for the Board’s approval the proposed agenda. A motion was made by Director Fiorito to approve the agenda. Upon a second by Director Otis a vote was taken and the motion carried unanimously.

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Consent Agenda –

- a. Prior Meeting Minutes December 11, 2018 Regular Board Meeting
- b. Billing Summary Rate Code Report
- c. Sanctuary Point Taps for December, 2018
- d. Total Taps sold during 2018
- e. Tax Transfer from Monument

A motion to approve the Consent Agenda was made by Director Fiorito. The motion was duly seconded by Director Sexton. A vote was taken, and the motion carried unanimously.

PUBLIC COMMENT

None

OPERATIONS REPORT

District Manager Report

The District Manager review some of the items in his report, however, the report was included in the Board Packet. There were not any questions or comments regarding the report. Other topics discussed by the Manager included the following:

- Work continues on a regional wastewater delivery pipeline that will result in wastewater treatment being provided by Colorado Springs Utilities at their J.D. Phillips Wastewater Treatment Plant.
- Jackson Creek Parkway Design Update. The design continues to move along. The plans are at a 30% design level.

Public Works and Parks and Open Space Updates

- Introduction of Park and Open Space Superintendent Jay Bateman
- Monthly activities and accomplishments. Mr. Bateman went over his monthly report.

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- The Board discussed developing a trail rehabilitation program over the next 3 years – 4 years.
- Director Sexton suggested that the District should eliminate a safety hazard near Agate Creek Park. Mr. McGrady indicated that the hazards that were present were removed by Brightview last Summer. Director Sexton mentioned there appears to be some Elm Saplings that have taken root in the Train Park. Mr. Bateman indicated he will remove them immediately.
- The District's work crews have been working on trimming and general clean up of beds. Some large pine trees are being trimmed to improve visibility.
- Began winter cutback of grasses. Started in Promontory Point and will work westward.
- Street light poles on Leather Chaps and Bowstring was replaced.
- TruGreen deep root waters 700 trees in the District on January 4, 2019.
- Brightview watered the newly planted trees on January 8th, 2019.
- During an inspection of the Swing Park at Promontory Point, it was found that an adequate safety area had not been constructed. District crews are helping repair the situation, working in conjunction with the HOA. To date curb has been removed as has the pea gravel. New curb was installed by the District's curb and gutter repair crew in such a manor that an adequate landing area can be created. The HOA will then install wood chip mulch as soon as possible and the swing will be reinstalled so that the park can be used again.

Utilities Department Updates (enclosure)

Superintendent Sexton wen over his monthly report. Highlights included the following:

- Monument Creek Interceptor Project Update. The I-25 crossing has been completed and tested.

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- All Piping and floor painted at C-Plant. Work continues at B-plant getting ready for SCADA project scheduled to begin in June. A Plant will support the water requirements during the planned outage at B-Plant. Ran A-Plant exclusively and it is working well. PRV vaults are being repaired. There is one more on Split Creek and Lyons Tail that remains to be done. The work was delayed due to the receipt of damaged parts. Fire hydrant at near Qdoba repaired. DRC is inspecting sewer lines. Baptist Road still has to be inspected.

DIRECTORS ITEMS

Director Fiorito reported that he attended the Board of Trustees meeting during which time the Sanctuary Point Plat was discussed. The Town of Monument apparently does not have an overall strategic plan for traffic. There is not a master planned street network. Director Fiorito stated that he is concerned about emergency access in and out of the District especially Sanctuary Point and Promontory Point. Director Fiorito would like to encourage a connection to Higby Road but recognizes that Higby Road needs to be widened before this is practical. Director Fiorito also mentioned that the Town of Monument is developing three committees. One Committee will focus on public works. Director Fiorito asked Mr. McGrady to contact Mr. Foreman, the Interim Town Manager of the Town of Monument, to see if a Triview Board member could sit on this committee. Mr. Foreman has done this in other towns he has managed, and it appears to be successful. The Board would like to see the widening of Higby Road moved up and asked Mr. McGrady and/or HR Green to urge El Paso County to move Higby improvements up in their capital improvement plan. Director Sexton would like to get snow that is plowed on Jackson Creek Parkway to be plowed onto a wide sidewalk along Jackson Creek Parkway and then move it to the east into the landscaped area. To do this the District should look at an 8-foot-wide sidewalk.

ACTION ITEMS

- a. Review and consider approval of a purchase and sale agreement between the Triview Metropolitan District and Comanche Resources LLC. for the purchase of Comanche's FMIC Shares and assign to the Triview Metropolitan District all of its interest in the Comanche Contracts and Comanche Augmentation Plans, a.k.a. the "Transferred Assets" at a price of \$2,300,000. Triview

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purchasing 410 Shares in FMIC with 244 under a lease to Fountain Valley Power.

This purchase creates a revenue stream of approximately \$155,000 per year and escalates at 5.5% per year. The District is also purchasing 166 shares of FMIC water. As a result of this transaction Triview will become an assignee of litigation of the 166 shares. Under the terms of the agreement the District proposes paying \$2,300,000 for the Comanche assets. The District will not become an operator of the Wigwam Water Company. Some of the share certificates that were in escrow that were being used to augment Fountain Valley Power's pumping have been lost and have to be reissued by FMIC. This reissuing requires five weeks of publication in the Fountain Valley News.

Director Fiorito made a motion directing Mr. McGrady to sign the purchase and sale agreement as long as there are no substantive changes to the agreement and associated attachments after Fountain Valley Power has signed the contract agreeing to assign their shares to Triview Metropolitan District. The motion was duly seconded by Director Otis. A vote was taken. The motion carried unanimously.

FINANCIAL MATTERS

Approve or Ratify Checks Greater than \$5,000 - The Board reviewed the payment of claims greater than \$5,000. A motion to approve the checks greater than \$5,000 was made by Director Fiorito. The motion was duly seconded by Director Otis. A vote was taken. The motion carried unanimously.

Monthly Cash Position and Unaudited Financial Statements – the Board reviewed the December 2018 unaudited Financial Statements as presented. A motion to approve the District's December 2018 Financial Statements was made by Director Fiorito. The motion was duly seconded by Director Otis. A vote was taken. The motion carried unanimously.

LEGAL

No report.

PUBLIC

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RELATIONS

Mr. McGrady discussed the 2019 public relations contract with Ground Floor Media. The Board directed Mr. McGrady to execute said contract for media services in 2019 calendar year.

OTHER BUSINESS

None.

EXECUTIVE SESSION

A motion was made by Director Otis for the Board to enter into Executive Session pursuant to C.R.S. Section 24-6-402(4) (b), (e), Legal Advice and Negotiations. Upon a second by Director Sexton, a vote was taken. The motion carried unanimously. Executive session was entered into.

The executive session was adjourned, and the Board returned to regular session at approximately 8:45 p.m.

ADJOURNMENT

There being no further business to come before the Board, a motion to adjourn the meeting was made by Director Fiorito and was duly seconded by Director Otis. The meeting was adjourned at approximately 8:46 p.m.

Respectfully submitted,

James C. McGrady
Secretary for the Meeting