

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

September 15, 2022

A meeting of the Board of Directors of the Triview Metropolitan District was held on Thursday, September 15, 2022, beginning at 5:30 p.m. The meeting was conducted via Zoom and in person. 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, present
Vice President	Anthony Sexton, present
Secretary/Treasurer	James Barnhart, present
Director	James Otis, present
Director	Marco Fiorito, present

Also, in attendance were on roll call:

James McGrady, District Manager
Joyce Levad, District Administrator
George Rowley, District Legal Counsel
Chris Cummins, District Water Attorney
Shawn Sexton, Water Superintendent
Rob Lewis, Distribution and Collection Manager
Matt Rayno, Parks, and Open Space Superintendent
Natalie Barszcz, Our Community News

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.

RECORD OF PROCEEDINGS

DISCLOSURE OF CONFLICTS IF ANY:

None.

PUBLIC COMMENT:

None.

Consent Agenda

- a) Prior Meeting Minutes
 - August 18, 2022, Regular Board Meeting
- b) August 2022, Billing Summary Rate Code Report
- c) Taps for August 2022
- d) Tax Transfer from Monument

A motion was made by Director Otis to approve the consent agenda with exception of item d. The motion was duly seconded by Director Fiorito. A vote was taken, and the motion carried unanimously.

OPERATIONS REPORT

District Manager Report (enclosure)

- Mr. McGrady stated Triview received one million dollars from ARPA (American Recue Plan Act). Jim thanked Mario DiPasquale, from JDS Hydro, for submitting the application to ARPA. This will go towards construction of another water tank at the B Plant which will provide additional water storage for the District.
- The bore for Segment C of the NDS will begin at the end of September. The pipe will be about 1,400 feet long. It will start with a tap in Agate Park, it will extend north through a walking trail up to Home Place Ranch extending through to the existing pipe in Jackson Creek North, filing 3 through 6. This will allow us to feed water to the west side of I-25 for future development. This should be completed in 6 weeks.
- Triview has received the 1041 from Pueblo County. Mr. McGrady will deliver the Resolution and a check for payment on the conditions of the 1041.
- Mr. McGrady explained that Triview and Forest Lakes needs to understand the cost and timeline of the NMCI project. Jim met with a firm by the name of Carollo to tour the WWTP. They are doing an evaluation of the plant. The cost of the study will be shared by Triview, Donala and Forest Lakes Metro District.

RECORD OF PROCEEDINGS

Public Works and Parks and Open Space Updates (Matt Rayno)

- Mr. Rayno stated District concrete repair will start on September 9, 2022.
- Irrigation systems are being worked in the District.
- A meeting with a playground contractor to get some ideas for future needs in the District parks.
- Matt is in the process of getting quotes for repair of the traffic light at Jackson Creek Parkway and Higby Road.

Utilities Department Update (Rob Lewis)

- Pumpage for month of August 2022 was 40.179 Mg
- Well A8 is being flushed so it can be used if needed.
- A, B, and C plants are all running normally.
- District Bacti sampling was completed in September. No compliance issues have been reported.

BOARD MEMBER UPDATES AND COMMENTS:

Director Fiorito suggested the Board discuss having an electronic sign on the northside of Baptist Road saying Welcome To Monument. This may be discussed in the future.

ACTION ITEMS:

- a) Review and Consider approval of Resolution 2022-10, a Resolution of the Triview Metropolitan District Board of Directors Recognizing the commitments by the Triview Metropolitan District as Detailed in the Pueblo County Board of County Commissioners Resolution Number P&D22-030.

A motion was made by Director Fiorito to approve Resolution 2022-10 concerning acknowledgment and acceptance of terms, conditions and requirements and entitlements under the 1041 Permit approved by the Board of County Commissioners for Pueblo County, concerning the use of Pueblo Reservoir and the north outlet works. The motion was duly seconded by Director Barnhart. A vote was taken, and the motion carried unanimously.

- b) Review and Consider approval of Resolution 2022-11, a Resolution of the Triview Metropolitan District Board of Directors Amending and Replacing the District's Prior Records Request Policy Approved on August 14, 2012.

RECORD OF PROCEEDINGS

A motion was made by Director Fiorito to approve Resolution 2022-11 regarding amending and replacing the District's Prior Records Request Policy. The motion was duly seconded by Director Otis. A vote was taken, and the motion carried unanimously.

LEGAL MATTERS:

- George Rowley explained the FMLA Act adopted by the State of Colorado. It is structured a lot like unemployment insurance where the employer pays part of a premium and the employee pays part of the premium. He submitted a FAQ sheet for discussion by the Board. Mr. Rowley suggested the Board draft a Resolution for the next meeting, with a decision to opt out or not.

A motion was made by Director Otis to do a nonbinding stray poll to ask the Board to consider opting out on the FMLA Act. The motion was duly seconded by Director Barnhart. A vote was taken and the motion to opt out was carried unanimously.

- Chris Cummins spoke about Triview's role in long term management of the various wetland litigation going on in the District. He suggested the Board authorize Mr. McGrady to sign the letter committing Triview to the long-term management of the wetlands for mitigation.

FINANCIALS AND PAYABLES

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

Financials were not submitted in this packet. They will be approved at the October 20, 2022, meeting.

PUBLIC RELATIONS:

Mr. McGrady stated he just reviewed the upcoming newsletter. It will talk about the NMCI with very good detail.

BOARD BREAK

A motion was made by Director Fiorito for the Board to take a 10 minute break before entering Executive Session.

RECORD OF PROCEEDINGS

EXECUTIVE SESSION:

Executive Session pursuant to C.R.S. Section 24-6-402(4) (b), (e) (f) Acquisitions, Legal Advice, Negotiations, and Personnel regarding the following general topics, if needed.

- Negotiation regarding the Northern Delivery System CMGC Services.
- Water Litigation Matters 2022.
- Property Transactions and instruction to negotiators.
- Speakers: Mike McDonald, from Kiewit and Mario DiPasquale from JDS Hydro, to discuss General Contractor Services for the NDS Project.

A motion was made by Director Fiorito for the Board to enter Executive Session pursuant to C.R.S. Section 24-6-402(4) (b), (e), (f) Legal Advice and Negotiations. The motion was duly seconded by Director Sexton. A vote was taken, and the motion carried unanimously. Executive Session was entered into at 7:18 p.m.

The Board came out of executive session at 8:50 pm.

A motion was made by Director Fiorito to reconvene the public meeting for September 15, 2022. The motion was duly seconded by Director Sexton. A vote was taken, and the motion carried unanimously.

ACTION ITEM

Review and Consider Award of Construction Manager General Contractor Services for the Northern Delivery System Project AKA NDS Pipeline to Kiewit Infrastructure Company.

A motion was made by Director Fiorito to award the Construction Manager General Contractor Services for the Northern Delivery System Project, AKA NDS Pipeline, to Kiewit Infrastructure Company. The motion was duly seconded by Director Otis. A vote was taken, and the motion carried unanimously.

ADJOURN

There being no further business to come before the Board, a motion to adjourn the meeting was made by Director Otis. The motion was duly seconded by Director Sexton. A vote was taken, and the motion carried unanimously. The meeting was adjourned at 8:52 p.m.

Respectfully Submitted

James C. McGrady
Secretary for the Meeting