

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

October 20, 2022

A meeting of the Board of Directors of the Triview Metropolitan District was held on Thursday, October 20, 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 5:32 p.m.

ATTENDANCE

In attendance were Directors:

President	Mark Melville, present
Vice President	Anthony Sexton, present
Secretary/Treasurer	James Barnhart, present
Director	James Otis, via Zoom
Director	Marco Fiorito, present

Also, in attendance were on roll call:

James McGrady, District Manager
Joyce Levad, District Administrator
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
Abby King, Huntington Public Capital
Chad Schneider, Huntington Public Capital
Mike McDonald, Kiewit
Jamie Harvey, Kiewit
Mike DeGrant, Conexus
Nelson Dunford, White Bear Ankele
Jim Romanello, resident
Darcy Schoening, resident

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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 Sexton. A vote was taken, and the motion was carried unanimously.

DISCLOSURE OF CONFLICTS IF ANY:

None.

PUBLIC COMMENT:

Mr. Romanello and Ms. Schoening discussed Home Rule which will be decided on election day.

REVIEW TERM SHEET:

Review Term Sheet presented to the Triview Metropolitan District by Huntington Public Capital Corporation for a Subordinate Line of Credit in the Amount of \$5,000,000.

Mr. Schneider, explained this loan would be a revolving line of credit for the District similar to a credit card. The Board decided to have Huntington Public Capital give Triview a comparison for different types of financing for the \$5,000,000. Ms. King agreed to work on this comparison and get back with Triview on the results.

Consent Agenda

- a) Prior Meeting Minutes
 - September 15, 2022, Regular Board Meeting
- b) September 2022, Billing Summary Rate Code Report
- c) Taps for September 2022
- d) Tax Transfer from Monument

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

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OPERATIONS REPORT

District Manager Report (enclosure)

- Mr. McGrady presented a picture of the 16” pipeline for Segment C of the Northern Delivery System. The boring has been completed under the mouse habitat. The project went very well.
- Mr. McGrady met with the Corps of Engineers on October 19, 2022 to have a discussion on the discharge to the Arkansas River at Stonewall Reservoir. He was told there are no permitting requirements for this. Triview is getting a Nationwide Permit to allow work, on a small piece of land, to be done if we want to put some additional material where water is pooling by the pump.
- The road for the Monument Industrial project is complete. It was constructed by Kiewit. This was funded by the developers.
- Mr. McGrady spent 4 hours at the FMIC Board meeting today.

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

- Mr. Rayno stated the irrigation winterization started October 11, 2022.
- Detention pond cutbacks and tree wrapping is done.
- Street light audit complete, and contractors are busy repairing issues.

Utilities Department Update (Rob Lewis)

- Pumpage for month of September 2022 was 45.650 Mg
- Well A9 was reinstalled and flow meter replaced. All wells are available.
- A, B, and C plants are all running normally.
- District Bacti sampling was completed in October. No compliance issues have been reported.

BOARD MEMBER UPDATES AND COMMENTS:

Director Sexton had a question on the money received from the vote on 2A, which was approved 2 years ago. This money goes towards water infrastructure in the District. A transfer should be made every 4 years from the General Fund to the Enterprise Fund.

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ACTION ITEMS:

- a) Review and Consider approval of Resolution 2022-12, a Resolution of the Triview Metropolitan District Board of Directors declining to participate in the Famli Medical Leave Act.

A motion was made by Director Fiorito to approve Resolution 2022-12, a Resolution declining participation in the Famli Medical Leave Act. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

- b) Review and Consider approval of Resolution 2022-13, a Resolution of the Triview Metropolitan District Board of Directors, adopting a Code of Conduct, Exhibit A and a Code of Ethics, Exhibit B of said Resolution.

A motion was made by Director Sexton to approve Resolution 2022-13, a Resolution adopting a Code of Conduct, Exhibit A and a Code of Ethics, Exhibit B of said Resolution. The motion was duly seconded by Director Fiorito. A vote was taken, and the motion was carried unanimously.

- c) Review and Consider Approval of a Purchase and Sale Agreement between The Southeastern Colorado Conservancy District by and through it Enterprise and the Triview Metropolitan District, a Colorado Special District, Quasi Municipal Corporation, and Political Subdivision of the State of Colorado for the purchase and/or lease of a 9.64 acre parcel of land located within a portion of the SW1/4 and the NW1/4 of Section 31, Township 20 South, Range 62 West of the Sixth Principal Meridian, Pueblo County, Colorado for use by Southeastern in conjunction with the Arkansas Valley Conduit Project, and authorization for the District Manager to sign said agreement.

A motion was made by Director Fiorito to approve the Purchase and Sale Agreement between Southeastern Colorado Conservancy District and through it Enterprise and the Triview Metropolitan District, a Colorado Special District, Quasi Municipal Corporation, and Political Subdivision of the State of Colorado for the purchase and/or lease of a 9.64 acre parcel of land located within a portion of the SW1/4 and the NW1/4 of Section 31, Township 20 South, Range 62 West of the Sixth Principal Meridian, Pueblo County, Colorado for use by Southeastern in conjunction with the Arkansas Valley Conduit Project, and authorize the District Manager to sign the agreement and any closing documents necessary. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

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- d) Review and Consider the Conexus Infrastructure Improvements Agreement (“Agreement”) by and between Triview Metropolitan District (“Triview”), and Conexus Metropolitan District No.1 (“Conexus”) to fund infrastructure improvements in Conexus including the portion of Old Denver Road that are within the boundaries of Conexus and Conexus Metropolitan District Nos. 1 & 2.

A motion was made by Director Sexton to approve the Conexus Infrastructure Improvements Agreement by and Between Triview Metropolitan District and Conexus Metropolitan District No.1 to fund infrastructure improvements in Conexus including the portion of Old Denver Road that are within the boundaries of Conexus including the portion of Old Denver Road that are within the boundaries of Conexus and Conexus Metropolitan District Nos. 1 and 2. The motion was duly seconded by Director Fiorito. A vote was taken, and the motion was carried unanimously

- e) Review and Consider Approval of a Term Sheet from Huntington Public Capital for a Subordinate Line of Credit in the Amount of \$5,000,000 and authorization for the District Manager to sign the Term Sheet as presented.

The Board of Triview Metropolitan District agreed to discuss decision after more financing options are determined.

- f) Review and Consider Approval of an Intergovernmental Agreement between El Paso County and the Triview Metropolitan District regarding improvements to Roller Coaster Road, Old Northgate Road and Baptist Road and authorizing the Board President and Board Treasurer to sign the Agreement on behalf of the Triview Metropolitan District.

A motion was made by Director Fiorito to approve the Intergovernmental Agreement between El Paso County and the Triview Metropolitan District regarding improvements to Roller Coaster Road, Old Northgate Road and Baptist Road and authorizing the Board President and Board Treasurer to sign the Agreement on behalf of the Triview Metropolitan District. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

LEGAL MATTERS:

None.

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FINANCIALS AND PAYABLES

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

Monthly Cash Position and Unaudited Financial Statements – The Board reviewed the August and September 2022 unaudited Financial Statements as presented. A motion to approve the District's August and September 2022 Financial Statements was made by Director Barnhart. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

PUBLIC RELATIONS:

The newsletter continues to be sent to our residents with much success.

BOARD BREAK

A motion was made by Director Fiorito for the Board to take a 5 minute break before entering Executive Session.

EXECUTIVE SESSION:

A motion was made by Director Sexton 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 Fiorito. A vote was taken, and the motion was carried unanimously. Executive Session was entered into at 7:42 p.m.

- i. Review Estimate for Construction of the NDS with Kiewit Infrastructure
- ii. Water Litigation Matters 2022
- iii. Property Transactions and instruction to negotiators

ADJOURN

There being no further business to come before the Board, a motion to adjourn the meeting was made by Director Fiorito. The motion was duly seconded by Director Otis. A vote was taken, and the motion carried unanimously. The meeting was adjourned at 9:12 p.m.

Respectfully Submitted

James C. McGrady
Secretary for the Meeting