

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

November 17, 2022

A meeting of the Board of Directors of the Triview Metropolitan District was held on Thursday, November 17, 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, Zoom
Secretary/Treasurer	James Barnhart, present
Director	James Otis, present
Director	Marco Fiorito, Zoom

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
Mike McDonald, Kiewit
Jamie Harvey, Kiewit

ADMINISTRATIVE MATTERS

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

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DISCLOSURE OF CONFLICTS IF ANY:

None.

PUBLIC COMMENT:

None.

Consent Agenda

- a) Prior Meeting Minutes
 - October 20, 2022, Regular Board Meeting
- b) October 2022, Billing Summary Rate Code Report
- c) Taps for October 2022
- d) Tax Transfer from Monument

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

OPERATIONS REPORT

District Manager Report (enclosure)

- Mr. McGrady said he met with CSU to discuss the Northern Delivery System on November 16, 2022. They discussed the review and the finalizing of the Convey, Treat and Deliver Contract. The timeline for approval goes to their Utility Board sometime in February 2023 and to the City Council in March 2023.
- Mr. McGrady presented a letter from the Pueblo Board of Water, that was addressed to the Pueblo Director of Planning, for the Pueblo County 1041 permit application for Stonewall Springs. The letter had a very positive recommendation for Triview.
- The 1041 with El Paso County has received no negative comments.
- Triview has received the building permit for the Pump Station in Pueblo County.
- The application for the AVIC water right has been refiled. We continue to refine our revegetation plan and address comments from the Town of Buena Vista.

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

- Mr. Rayno stated the crew continues to do maintenance and repairs to the District detention ponds.
- Crack seal is being done on Jackson Creek Parkway and Leather Chaps.
- Fall tree watering is being done.
- Landscape design and estimation is being done for Agate Creek Park.
- Scheduling for work on rehabilitation at Old Creek Park for 2023.

Utilities Department Update (Rob Lewis)

- Pumpage for month of October 2022 was 25.531 Mg
- All wells are working and being exercised if not in use.
- Future plans are to do a replacement of the Booster pump at C Plant.
- District Bacti sampling was completed. No compliance issues have been reported.

BOARD MEMBER UPDATES AND COMMENTS:

The Board had a discussion on the future election and term limits.

ACTION ITEMS:

- a) Review and Consider approval of an Engagement Letter between the Triview Metropolitan District and Haynie and Company to conduct the District's 2022 Financial Audit not to exceed the amount of \$25,000.

A motion was made by Director Barnhart to approve the Engagement Letter Between the Triview Metropolitan District and Haynie and Company to conduct the District's 2022 financial Audit not to exceed the amount of \$25,000. The motion was duly seconded by Director Otis. A vote was taken, and the motion was carried unanimously.

- b) Review Construction Schedule and prepurchase of materials for the NDS with Kiewit Infrastructure.

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LEGAL MATTERS:

Chris Cummins spoke about money sitting in escrow from the Stonewall Springs closing which was left there for the purpose of acquiring an easement for the outlet works. He suggested to the Board for the release some of the money to Stonewall Springs Quarry, and their membership, in exchange for taking the time to acquire the easement by December of 2023. It's Mr. Cummins recommendation for the Board to direct Mr. McGrady to execute this transaction.

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

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

PUBLIC RELATIONS:

The next newsletter will come out in January 2023 with a recap of 2022 .

BOARD BREAK

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

EXECUTIVE SESSION:

A motion was made by Director Otis 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 Barnhart. A vote was taken, and the motion was carried unanimously. Executive Session was entered into at 8:00 p.m.

- i. Water Litigation Matters 2022
- ii. Property Transactions and instruction to negotiators
- iii. Water Right Acquisitions and instruction to negotiators
- iv. Legal Advice regarding Board Interactions with Public and Private persons and organizations.

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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 Barnhart. A vote was taken, and the motion carried unanimously. The meeting was adjourned at 9:21 p.m.

Respectfully Submitted

James C. McGrady
Secretary for the Meeting