

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

March 23, 2023

A meeting of the Board of Directors of the Triview Metropolitan District was held on Thursday, March 23, 2023, 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
Director	James Otis, present

Secretary/Treasurer James Barnhart was absent. This absence was approved by the Board of Directors.

Also, in attendance were on roll call:

James McGrady, District Manager
Steve Sheffield, Assistant District Manager
Joyce Levad, District Administrator
Chris Cummins, District Water Attorney
George Rowley, Triview General Counsel, Zoom
Shawn Sexton, Water Superintendent, Zoom
Rob Lewis, Distribution and Collection Manager, Zoom
Matt Rayno, Parks, and Open Space Superintendent, Zoom
Natalie Barszcz, Our Community News
Jamie Harvey, Kiewit
Max McClean, Kiewit
Ann-Marie Jojola, resident

DISCLOSURE OF CONFLICTS

None.

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ADMINISTRATIVE MATTERS

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

PUBLIC COMMENT

Ms. Natalie Barszcz had a question on calcium in the water system after the NDS is delivering water to the District. Jim McGrady said he does not anticipate more calcium in the water system.

Ms. Ann-Marie Jojola had a question on what is being built just north of the Walmart. She was told a Kentucky Fried Chicken and an Apartment complex along with several other businesses will be built in that area.

Consent Agenda

- a) Prior Meeting Minutes
 - February 16, 2023, Regular Board Meeting
- b) Billing Summary Rate Code Report
- c) Taps for February 2023
- d) Tax Transfer from Monument

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

OPERATIONS REPORT

District Manager Report (enclosure)

- Mr. McGrady stated he, Steve Sheffield and Chris Cummins attended the Convey Treat and Deliver meeting at the Colorado Springs Utility Board Hearing on March 22, 2023. The discussion about the Convey Treat and Deliver system will be presented to the City Council on March 28, 2023, for final approval.

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- The second Pueblo County 1041 Permit is continuing to proceed. CDOT had a question about how the Reservoir would impact Highway 50. A drainage study was done along the highway. Based on the modeling, the study confirmed there will be no impact on Highway 50 from the Reservoir.
- The South Reservoir construction is going along great. The foundation of the building for the controls of the pump station is getting poured. The installation of the building will be finished in approximately 6-8 weeks. It should be completed in May.
- Mr. McGrady and Steve Sheffield took a trip, on March 24, 2023, to Buena Vista and Salida to determine where Triview is going to install the diversion and augmentation structures for the Bale Ditch, which is located in Salida, and the AVIC Ditch, which is located in Buena Vista.
- Work continues on the study for the Upper Monument Wastewater Treatment Facility evaluation. The Board discussed how the different Commercial development in the area that would effect the study.

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

- Mr. Rayno stated the parks in the District were revamped and repairs have been done.
- Mulching and Aeration/overseeding to start later this month, weather permitting. The irrigation process will start in April.
- Old Creek Park playground has been completed. A shade structure will be added to this park and several other parks in the District. An ADA ramp will be added to the sidewalk.
- District street sweeping has been completed.

Utilities Department Update

- Pumpage for the month of February 2023 was 12.805 Mg.
- JDS Hydro is working on the VFD for Well A7.
- The pump motor on Well D9 failed.
- Well A4 was pulled for maintenance, the well screen needs to be cleaned.
- All other wells are operating normally.
- Water treatment plants A, B, and C are all running normally.

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ACTION ITEMS:

Review and Consider approval of an Agreement between Colorado Springs Utilities and the Triview Metropolitan District for Convey Treat and Deliver Regional Water Service.

A motion was made by Director Otis to approve an Agreement between Colorado Springs Utilities and the Triview Metropolitan District for the Convey Treat and Deliver Regional Water Service, pending approval of the exact same document from CSU. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

Review and Consider approval of an Agreement by and between Pueblo, a Municipal Corporation, acting by and through the Board of Water Works of Pueblo, Colorado and the Triview Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado.

A motion was made by Director Otis to approve the Agreement by and between Pueblo, a Municipal Corporation, acting by and through the Board of Water Works of Pueblo, Colorado and the Triview Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

Review and Consider an Agreement between Kiewit Infrastructure Corporation and the Triview Metropolitan District that includes the following:

- A guaranteed maximum Price for the installation of a pipeline known as the Northern Delivery System
- Early Procurement of Pump Station material and Equipment
- Draw Schedule
- Construction Schedule

A motion was made by Director Otis to approve the Agreement between Kiewit Infrastructure Corporation and the Triview Metropolitan District that includes the following:

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- A guaranteed maximum Price for the installation of a pipeline known as the Northern Delivery System
- Early Procurement of Pump Station material and Equipment
- Draw Schedule
- Construction Schedule

The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

Review and Consider a Water Lease Agreement between the Triview Metropolitan District and FONTANA ENTERPRISES for the lease of 40 shares of Fountain Mutual Irrigation Company Stock for water years 2023 through 2029.

A motion was made by Director Otis to approve the Water Lease Agreement between the Triview Metropolitan District and FONTANA ENTERPRISES for the lease of 40 shares of Fountain Mutual Irrigation Company Stock for water years 2023 through 2029. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

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 Otis. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

Monthly Cash Position and Unaudited Financial Statements - The Board reviewed the February 2023 unaudited Financial Statements as presented. A motion to approve the District's February 2023 Financial Statements was made by Director Otis. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

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LEGAL COMMENTS (George Rowley, Triview General Counsel)

- a) George Rowley recommended that Triview put a candidate statement and a photo of the candidate on the Triview website for the election on May 2nd. The statement should have a limit of 400 words. The reason for the recommendation is because people will call their office with many questions. They will then direct them to the Triview website.
- b) The mail in ballots should go to the address stated on the ballot. If the voter wants to save a stamp, Triview will post a sign at their office, stating a ballot box is available and this box will be locked up at the end of each day. If the voter tries to put the ballot in the drop box at King Soopers there will be a sign stating not to drop the ballot off at this location.
- c) The new Board member will be given a New Board Member Orientation Manuel. A recommendation was made to have the new Board members come into the office and get some training on water education.

PUBLIC RELATIONS:

Triview has been working on the current newsletter for April.

BOARD BREAK

The Board took a ten-minute break at 7:17 p.m. 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 Sexton. A vote was taken, and the motion was carried unanimously. Executive Session was entered into at 7:31 p.m.

- Negotiations associated with water delivery infrastructure.
- Water Acquisitions.
- Property Acquisitions.

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The Board came out of Executive Session at 8:39 for approval of the Resolution 2023-02.

Review and Consider Approval of Resolution 2023-02, a Resolution of the Triview Metropolitan District authorizing the District Manager to initiate eminent domain proceedings for the acquisition of easements and real property interests necessary for Pipelines, Utilities, and Infrastructure associated with the Northern Delivery System project, should good faith negotiations for the same fail.

A motion was made by Director Otis to approve Resolution 2023-02, a Resolution of the Triview Metropolitan District authorizing the District Manager to initiate eminent domain proceedings for the acquisition of easements and real Property interest necessary for Pipelines, Utilities, and Infrastructure associated with the Northern delivery System project, should good faith Negotiations for the fail. The motion was duly seconded by Director Sexton. The vote was taken, and the motion was 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 was carried unanimously. The meeting was adjourned at 8:41 p.m.

Respectfully Submitted

James C. McGrady
Secretary for the Meeting