

# RECORD OF PROCEEDINGS

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## 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

December 13, 2023

A meeting of the Board of Directors of the Triview Metropolitan District was held on Wednesday, December 13, 2023, beginning at 5:30 p.m. The meeting was conducted via Zoom. This meeting was open to the public. The meeting was called to order at 5:48 p.m.

### ATTENDANCE

#### In attendance were Directors:

President	Mark Melville, excused absent
Vice President	Anthony Sexton, present
Secretary/Treasurer	James Barnhart, present
Director	Jason Gross, present
Director	Amanda Carlton, present

#### 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  
Matt Rayno, Parks, and Open Space/Public Works Superintendent  
Natalie Barszcz, Our Community News  
Cathy Fromm, Fromm and Company  
Dean Hurt, Butler Snow LLP

### 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 Secretary/Treasurer Barnhart to approve the agenda. Upon a second by Director Carlton. A vote was taken, and the motion passed unanimously 4-0.

### PUBLIC COMMENT NOT RELATED TO AMENDED 2022 BUDGET HEARING

None

#### Consent Agenda

- a) Prior Meeting Minutes  
October 19, 2023, Regular Board Meeting (enclosure)
- b) Billing Summary Rate Code Report (enclosure)
- c) Taps for November 2023 (enclosure)
- d) Tax Transfer from Monument (enclosure)

A motion was made by Secretary/Treasurer Barnhart to approve the consent agenda. The motion was duly seconded by Director Carlton. A vote was taken, and the motion passed unanimously 4-0.

### PUBLIC HEARING ON TRIVIEW METROPOLITAN DISTRICT 2024 BUDGET

Vice President Sexton opened the public session at 5:52 pm. An extended discussion of the proposed budget ensued. Mr. McGrady entertained various questions from the Board and specifically Director Gross. There were no inquiries from the public. Vice President Sexton closed the public session at 6:46 pm.

### PUBLIC HEARING ON TRIVIEW METROPOLITAN DISTRICT SUB DISTRICT A 2024 BUDGET

Vice President Sexton opened the public session at 6:47 pm. Mr. McGrady discussed the impact of Proposition HH not passing in the previous general election. As of the time of the meeting, there is no way to set the mill levy for both the Districts because valuations from El Paso County are not delivered yet. It is anticipated that the valuations will be delivered to Triview Metropolitan District by the end of 2023. Vice President Sexton closed the public session at 6:50 pm.

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### OPERATIONS REPORT

#### District Manager Report (enclosure)

- Mr. McGrady presented to the Board that the NDS pipeline is now completely installed. Roller Coaster Rd is now paved and striped. There are some small projects like signage and road shoulders that still need to be completed, but major construction is now done.
- Mr. McGrady informed the Board that section D of the NDS project on the West side on Interstate 25 will be completed by the middle of December. The cost for this part of the NDS is \$200,000.
- Mr. Cummins finalized an agreement for joint funding and participation with the Forest Lakes Metropolitan District. The agreement was unanimously approved by the FLMD Board on December 4<sup>th</sup>, 2023.
- Mr. McGrady informed the Board that he had met with Mr. Mike Foreman, from the Town of Monument, to discuss the offer to provide water to Town. Mr. McGrady wanted Mr. Foreman to have an accurate cost to compare to the Loop Project. Mr. Foreman conveyed to Mr. McGrady that the Town had set aside \$500,000 to fund an interconnect with TMD.
- Work continues for the District's Change of Use water court case for the Excelsior Ditch.
- The South reservoir is still nearly full. Work is being done by Deere and Ault to explore expansion of the reservoir capacity.
- The box culvert underneath Nyberg Rd is set to begin. The project will be completed by February 15 so that there will be no impact on the Excelsior Ditch water deliveries.
- Work continues on the legal cases for both the AVIC and Bale ditches. Water attorney Steve Sims is confident that some of the major objectors will settle soon.
- An engineering firm has been selected for the design of the NMCI. 30% of the design should be completed by end of the second quarter 2024, at which time a "go or no go" decision will need to be made.
- Repairs for the cracks in the SBR basins at the waste plant have begun.
- The Higby Rd improvement project is moving forward. Mr. McGrady was able to negotiate an additional 20' "right of way" with D-38. An IGA is proposed between TMD and D-38.

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- The latest Triview newsletter should be arriving at customers' doors very soon.

### OPERATIONS REPORT

#### Assistant District Manager (Steve Sheffield)

- Mr. Sheffield presented to the Board a training report. Mr. Sheffield went through the list with the Board. Some of the highlights were discussed such as the NDS line stop operation as well as the striping at Creekside Dr. to accommodate Bear Creek School pick up and drop off traffic. Mr. Sheffield also presented the Utilities report for Shawn Sexton who was unable to attend the meeting. Some highlights regarding the distribution and collections systems and upcoming and ongoing projects were discussed. There were no questions or comments from the Board.

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

- Mr. Rayno offered his monthly report and touched on some highlights with the Board including the new brine sprayer installed on one of the plow trucks to apply ice melt to roadways. Installation of Holiday lighting is complete. The District crack seal project is complete. The project went better than expected and will be repeated in 2024. Winter watering for trees and shrubs has now begun. Snow removal and vehicle/equipment maintenance is the short-term focus for the public works department.

#### Utilities Department Update (Shawn Sexton)

- Mr. Sheffield presented the utilities report during his presentation.

### ACTION ITEMS:

- A. The Board was asked to review and consider approval of an Audit Engagement Letter between Triview Metropolitan District and Haynie and Company to perform the District's 2023 financial audit. After a brief discussion a motion was made by Vice President Sexton to approve the letter. Director Carlton seconded the motion. A vote was taken and the motion passed unanimously 4-0.

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- B. The Board was asked to review and consider approval of the Northern Delivery System Joint Funding and Participation Agreement between Triview Metropolitan District and Forest Lakes Metropolitan District and authorization for the District Manager to sign the agreement. After a brief discussion by the Board a motion was made by Vice President Sexton to approve the agreement and authorization. The motion was seconded by Director Carlton. A vote was taken and the motion passed unanimously 4-0.
- C. The Board was asked to review and consider approval of an Intergovernmental Agreement between the Triview Metropolitan District and Lewis-Palmer School District Number 38 regarding the dedication of a twenty foot perpetual, nonexclusive easement to provide for future Higby Rd improvements between Jackson Creek Parkway and Bowstring Dr. in exchange for certain improvements to Creekside Dr. and Leather Chaps Dr. near Bear Creek Elementary School. After a brief discussion by the Board a motion was made by Director Gross to approve the agreement. The Motion was seconded by Director Carlton. A vote was taken and the motion passed unanimously 3-0 (Vice President Sexton had to leave the meeting at 7:38).
- D. The Board was asked to review and consider approval of and Amendment Number 3 between Triview Metropolitan District and Forest Lakes Metropolitan District to provide utility operations services and parks and open space operation services for calendar year 2024 and authorization for the Triview District Manager to sign the agreement. After a brief discussion a motion was made by Director Gross to approve the amendment. The motion was seconded by Director Carlton. A vote was taken, and the motion passed unanimously 3-0.
- E. The Board was asked to review and consider approval of Resolution 2023-10, A Resolution Of The Triview Metropolitan Distict Approving A Loan Contract CT2022-3328 From The Colorado Water And Conservation Board Authorizing The Form And Execution Of The Amendment To Loan Contract, Execution Of The Amendment To Promissory Note To Evidence Such Amended Loan, And The Amendment To Security Agreement In Connection Therewith; Authorizing The Execution And Delivery Of Documents Related Thereto And Prescribing Other Details In Connection Therewith. After a brief discussion between the Board and Mr. Dean Hurt who is a financial representative for Colorado Water and Conservation Board, a motion was made by Director Gross to approve the resolution.

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The motion was seconded by Director Carlton. A vote was taken and the motion passed unanimously 3-0.

### 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 Gross. The motion was duly seconded by Director Carlton. A vote was taken. The motion carried unanimously 3-0.

Monthly Cash Position and Unaudited Financial Statements - The Board reviewed the November 2023 unaudited Financial Statements as presented. After some questions from Director Gross a motion to approve the District's October 2023 Financial Statements was made by Director Gross. The motion was duly seconded by Director Carlton. A vote was taken, and the motion passed unanimously 3-0.

### LEGAL COMMENTS

Mr. Rowley made a few clarifying remarks to the Board about Proposition HH and its' defeat in the general elections.

### PUBLIC RELATIONS:

An update was provided by Mr. McGrady during the District Managers report.

### BOARD BREAK

The Board took a brief break before entering Executive Session.

### EXECUTIVE SESSION:

Entered executive session at 8:28 p.m. on a motion by Director Gross per State Statute 34-6-402(A), (B), (E), Acquisitions, Legal Advice, and Negotiations regarding general topics:

- Water supply contracts
- Property acquisitions
- Strategic planning
- Change cases

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The motion was seconded by Director Carlton. A vote was taken. The motion passed unanimously 3-0.

The Board left the executive session at 9:24 p.m. and returned to the regular session. No further actions were taken.

### ADJOURN

There being no further business to come before the Board, a motion to adjourn the meeting was made by Director Gross. The motion was duly seconded by Director Carlton. A vote was taken. The motion passed unanimously 3-0. The meeting was adjourned at 9:24 p.m.

Respectfully Submitted

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James C. McGrady  
Secretary for the Meeting