

Triview Metropolitan District – Board Meeting Minutes – October 25, 2011

TRIVIEW METROPOLITAN DISTRICT BOARD OF DIRECTORS

Monument Town Hall - Board Room

645 Beacon Lite Road

Monument, Colorado 80132

MEETING MINUTES

Board of Director's Special Meeting – October 25, 2011

1. **Call to Order:** President Bob Eskridge called the meeting to order at 5:00 p.m. Other Board members present were: Vice President Robert Fisher, Secretary/Treasurer Steve Remington, Director Steven Cox. Director Steven Hurd was Absent and excused. Visitors present were Triview residents Monica and Tom Harder, Walt Schwartz and Josh Baile, water consultant with Hydrolysis. Contractors present were: Mark Carmel, District Manager; Gary Shupp, General Counsel, Chris Cummins, Water Counsel, Pam Smith, District Finance and Accounting, Steve Sheffield and Tom Tharnish, Triview Operations, , and Jim Kendrick, reporter for *Our Community Newspaper*.
2. **Declaration of a Quorum, Notice & Posting:** President Eskridge declared a quorum present and confirmed from the District Manager that public notices of this Board meeting have been duly posted.
3. **Approval of Agenda:** Upon unanimous consent, President Eskridge declared the agenda approved.
4. **Approval of September 13, 2011 Regular Board Meeting Minutes; October 3, 2011 Special Meeting Minutes; October 10, 2011 Special Meeting Minutes:** Director Remington moved, with second by Director Fisher to approve the September 13, 2011 regular meeting minutes; October 3, 2011 special meeting minutes and the October 10, 2011 special meeting minutes. The motion was approved by unanimous vote.
5. **Public Comment:** President Eskridge requested public comment from any interested member of the audience. No public comments were received.
6. **Board Announcements:** There were no announcements.
7. **Financial Reports:**

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- A. Acceptance of August, 2011 Financial Statement:** Pam Smith presented the August, 2011 financial statement. Upon discussion and unanimous consent, the August 2011 financial statements were accepted as presented.
- B. Approval of Expenditures over \$5,000:** Pam Smith presented three disbursements for a new 300KA TVSS unit at well A-8 (Applied Ingenuity \$5,079); for 4th quarter expenses of the upper Monument Creek regional wastewater treatment facility (Donala Water and Sanitation District \$80,178.69); and for the Kitchener Park shade structure (Summit Recreation \$14,645). Director Remington moved, with second by Director Fisher for approval of disbursements over \$5,000 as presented. The motion was approved upon unanimous vote.
- C. Sales Tax Report:** Pam Smith presented the sales tax report accounting for \$111,713.36 in sales tax in August 2011. The sales tax report was accepted as presented upon unanimous consent.
- 8. Public Meeting On CWRPDA Directed Rate Adjustment:** President Eskridge provided an overview of the recent Colorado Water Resources Directed Rate Adjustment of \$5.00 per account which was directed by the CWRPDA to remain in compliance with loan covenants relative to financing Triview costs for expansion of the Upper Monument Creek Regional Wastewater Treatment Facility. President Eskridge opened the public meeting and requested public comment from any member of the audience. Mr. Walt Schwartz, Triview resident stated that he would like more information on the rate increase. Upon further explanation and discussion, President Eskridge stated the Board's intent when deciding this issue is to request and receive public input prior to considering and acting upon rate increases. Mr. Schwartz stated he is satisfied with the information and thanked the Board for the opportunity to be heard.
- 9. Ratification of Family of Christ Inclusion Agreement - Public Hearing:** President Eskridge opened the public hearing and requested public comment including any objections as to why the petition for inclusion should not be granted. There was no public comment received. President Eskridge closed the public hearing. Director Remington moved with second by Director Fisher to ratify the Board of Director's May 6, 2011 approval of the inclusion agreement and to authorize the district manager and attorney to perform all steps necessary to complete the inclusion process to obtain the court's decree of approval. The motion was approved upon unanimous vote.
- 10. Preliminary 2012 Budget Presentation and Public Hearing**
- A. Establish Date for Final Budget Adoption – December 13, 2011**
- Pam Smith presented the preliminary 2012 budget. President Eskridge opened the public hearing and requested public comment on the 2012 budget. No public comment was received. Upon discussion and unanimous consent, the Board confirmed December 13, 2011 as the date for the final 2012 budget hearing and resolution and directed the district manager to plan for a Board work session whereat the budget will be the sole issue of focus.

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11. **District - Booster Pump Design Contract – Applegate Group:** Upon extensive discussion, the Board directed the district manager to modify the proposed agreement to clarify all deliverables including the complete final design package that meets the requirement to solve water pressure problems in all of Jackson Creek and Promontory Pointe; to specify the not-to-exceed maximum price; to add the specific design codes to the agreement from the American Water Works Association and Colorado Springs Utilities standards that apply to this design; to clarify the measurable resulting water pressure in pounds per square inch that will be delivered; and to ensure as-built plans are provided accurately.
12. **District - Booster Pump Construction Oversight Contract – Merrick & Co.:** Upon discussion, the district manager was directed to modify the agreement by adding to the scope of work the requirement to perform final demonstration testing prior to project acceptance to ensure all design code and pressure specifications have been met; to establish May 1, 2011 as the firm, not approximate, date of completion; and to coordinate with all the residents of Triview to be affected by the increase water pressurization works to ensure that the proper precautions and planning is performed to adjust all residential pressure reducing valves to prevent problems at the time increased water pressure is delivered to each residence.
13. **Operations Report (Steve Sheffield; Tom Tharnish):** The operations report was received and filed which included reports on the Board questions on water operations and on general operations of streets, parks, landscaping maintenance services.
14. **Development Services Report (Kassawara):** None
15. **Legal Report (Shupp):** None
16. **District Manager Report:** Mark Carmel reported on the offer by the chip seal contractor to perform remedial work on the sections of roadways in question and that the offer is to treat next spring, for no cost, one street as a test section, with a surface coat of liquefied asphalt, and if acceptable to the district, to offer a reduced price for applying the surface coating to other streets that received the chip seal work. The district manager indicated he will solicit additional price proposals for the Board's consideration for remediation of this work. Upon discussion, the Board directed that clear specifications for quality results and performance be established for future roadway improvement projects. Further the district manager reported that the curb inlet and sidewalk repairs are underway in locations throughout the district.
17. **A. Land Donation and Escrow Release Agreement for Miles Grant Pond and Habitat Parcel**
18. **Board Consideration of Contract Negotiations**
 - A. **Water Operations Contract Proposal**
 - B. **Water Purchase Agreement**
 - C. **2012 Service Delivery Agreement**

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Director Fisher moved with second by Director Remington to convene an executive session pursuant to C.R.S. 24-6-402(4) (e) to discuss negotiations on agenda items 17. A., 18. A., 18 B. and 18 C. The motion was approved by unanimous vote and the executive session was convened at 7:25 p.m. The Board returned to regular session at 9:30 p.m. Mark Carmel noted that negotiations were discussed, negotiation direction was provided and no decisions were made.

- 19. Adjournment:** There being no further business before the Board, President Eskridge declared the meeting adjourned at 9:35 p.m.
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