

negotiating a lease or license agreement for the use of CSU's land for the NDS and various appurtenances and has reached agreements with private landowners for all necessary easements and rights of way.

To provide reliable water supplies to Triview, the district obtained a 999 AF Excess Storage Account in Pueblo Reservoir and permission from the federal Bureau of Reclamation for the use of North Outlet Works that allows for the delivery of water to the Southern Delivery System. On Aug. 23, Triview obtained a 1041 Permit from Pueblo County for the operation of Triview's Pueblo Reservoir Account, including the North Outlet Works.

To provide sustainable and reliable water supplies through the Southern Delivery System, Triview purchased 1,057 shares in the Fountain Mutual Irrigation Co. and a 42% share interest in the Excelsior Ditch, along with the acquisition of the Arkansas Valley Irrigating Co. and the Bale Ditch. In total, Triview has purchased about 1,900 average acre-feet of consumptive use water rights that can be used and reused to extinction. These water rights are being decreed for municipal use in Triview's water system and are the subject of an application for appropriate rights of exchange filings. Triview also owns nearly 1,000 acre-feet of storage in Big Johnson Reservoir and 2,000 acre-feet of fully constructed storage in Stonewall Springs South Reservoir.

In summary, Triview has the water rights needed to complete a very robust conjunctive use project that allows renewable water to be delivered to Triview's customers while preserving Triview's nine Denver Basin wells for peaking purposes and drought reserve. Forest Lakes has an exchange contract with CSU that allows for out-of-priority storage in Bristlecone Reservoir (located in FLMD). Wastewater return flows from FLMD's existing Denver Basin wells and reusable return flows stored in Bristlecone Reservoir will provide the source water for Forest Lakes' share of the NDS.

**NDS asphalt milling and overlay**  
McGrady requested the board approve and authorize the board president and treasurer to sign an Intergovernmental Agreement (IGA) between El Paso County and the district for the district to complete milling and overlay improvements to Roller Coaster, Old North Gate, and Baptist Roads. The El Paso Board of County Commissioners ap-

proved the project.

The board unanimously approved the IGA for the improvements and authorized the designated directors to sign the agreement.

### Regional partnership approved

McGrady requested the board approve and authorize the district manager to sign the purchase and sale agreement between the Southeastern Colorado Conservancy District by and through the Southeastern Colorado Water Activity Enterprise and the district, for the purchase and/or lease of a 9.64-acre parcel of land in Pueblo County. The land will be used by Southeastern in conjunction with the Arkansas Valley Conduit Project.

McGrady said the project will provide cleaner municipal water for agricultural communities, and the parcel of land will provide storage during the construction of a pipeline 60 years in the making. The acreage will also have a facility to correct a water quality issue from one source treating the water with ammonia and the other using chlorine downstream. The two chemicals cannot be blended, but the facility will remove the ammonia and replace it with chlorine.

Water attorney Chris Cummins of Monson, Cummins, Shohet & Farr LLC said Triview pledged to be a regional partner, and this agreement maintains good neighborly relations. The property will be sold for \$25,000, with a \$5,000 down payment. The project received a lot of federal review, and the district had been in negotiations for a year, but it had not been labor intensive for him. Triview is not a heavy-handed entity and is helping the community, he said.

The board unanimously approved the agreement for the purchase and/or lease, and authorized McGrady to sign the documents.

### Family and Medical Leave Insurance (FAMLI) - declined

Attorney Nelson Dunford of the White Bear Ankele Tanaka & Waldron law firm asked the board if any questions remained about the FAMLI program. See [www.ocn.me/v22n10.htm#tmd](http://www.ocn.me/v22n10.htm#tmd). Dunford said the intent of the state-managed program is to safeguard employees that do not have a comprehensive program, and the district already provides insurance with generous benefits.

Public Works and Parks and Open

Space Superintendent Matt Rayno said the district has an existing program that is far more beneficial, with generous sick leave benefits.

Water Superintendent Shawn Sexton agreed with Rayno and said district employees are satisfied with the existing program.

The board unanimously approved Resolution 2022-12, declining district participation in the FAMLI program.

### Board code of conduct

Dunford requested the board adopt Resolution 2022-13, a code of conduct and ethics for the Board of Directors, and said the board is required to maintain comportment at all times, acting on behalf of the district, governing their behavior at public meetings and outside of the district.

The board unanimously adopted the code of conduct.

### NDS funding

McGrady said he had requested a term sheet for a line of credit in the amount of \$5 million for the NDS project from Huntington Public Capital Corp., Ohio, and he introduced Chad Schneider and Abby King to the board.

Schneider said the line of credit was not like some of the long-term debt but similar to a credit card revolving account, with the ability to draw off or pay down. The unused portion would incur a charge fee, and if the district does not use the line of credit, a \$10,000 fee would occur but not interfere with any existing credit.

McGrady said the following:

- It is likely the NDS project will be done before the credit line is fully paid, and the 3.36% variable rate is attractive.
- The estimate from Kiewit Infrastructure Co. is expected to be about \$20 million and by using the 2A (sales tax) money plus the \$5 million line of credit, the district will need another \$1 million.
- The district will need the spare funding for the long lead time on items, and the prices continue to rise.
- A lot can still affect the project, and the district could begin using the line of credit as early as late 2022. He requested the board sign the term sheet and have counsel review the documents.

Sexton said that at some point the principal will need to be paid down and wondered what the rates will be in two years, and he recommended exploring an option for a short-term traditional bank loan, large

enough to pay for the cost of the new tank.

President Mark Melville requested the board be provided with a comparison loan for the same amount and said that income was already going toward paying down the 30-year bond, and tap fees are drying up as the district is rapidly built out.

Fiorito said the district cannot use property taxes to pay for the NDS pipeline, because it is an enterprise.

Cummins said the district would need to pay back the loan with rates and fees.

Sexton said the NDS pipeline will be built for future residents, and fees may need to increase in the future.

Jamie Harvey, senior engineer for Kiewit, confirmed that suppliers maintain that the cost of materials is not rising and may be stabilizing, but they cannot predict it will remain that way.

The board tabled the proposal until a traditional loan comparison for the same amount could be provided.

### Financial report

McGrady said that as of Aug. 31 the district had received \$2 million in sales tax for 2022.

The board unanimously approved the checks over \$5,000 and accepted the August and September 2022 financials as presented.

### Board member updates and comments

Fiorito thanked Rayno and the district staff for cleaning up the Promontory Pointe community mailbox area after it was egged.

### Executive session

The board moved into an executive session at 7:45 p.m., pursuant to Colorado Revised Statutes 24-6-402(4) (a), (b), and (e), to receive legal advice on acquisitions and negotiations regarding water litigation matters and property transactions, and to review the construction estimate from Kiewit Infrastructure for the NDS pipeline project.

McGrady confirmed to OCN that after the executive session, the board returned to the regular session and no further action was taken.

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Meetings are usually held on the third Thursday of every month at the district office at 16055 Old Forest Point, Suite 302. The next regular board meeting is scheduled for Nov. 17 at 5:30 p.m. For meeting agendas, minutes, and updates, visit <https://triview-metro.com>.

Natalie Barszcz can be reached at [nataliebarszcz@ocn.me](mailto:nataliebarszcz@ocn.me).

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## Black Forest Fire/Rescue Protection District, Oct. 12 2023 budget options presented; commissioner seeks district opinion

By Natalie Barszcz

At the Black Forest Fire Rescue Protection District (BFFRPD) meeting on Oct. 12, the board was presented with two options for the proposed 2023 budget, discussed pension matching options, and received details of the treasurer's recent conversation with the El Paso County Commissioner for District 1. The board also approved a pre-order for crew cabs and chassis and heard about an apparatus delay.

Fire Chief PJ Langmaid was absent. *Our Community News* recorded the meeting via Zoom.

### 2023 budget proposal

Administrative Officer Rachel Dunn said Langmaid had added a column to the 2023 budget showing an option to budget for nine staff per day or eight staff per day. The board needs to decide which of the two proposed budgets to adopt, but the command staff has decided not to hire staff until July 1, 2023, if the board chooses a nine-per-day option. The alternative eight staff per day would mean no other hiring, said Dunn.

Treasurer Jack Hinton said the executive staff preference of eight would allow funds to go elsewhere, but the board and staff all agree that more staffing would be preferable. Until the dual taxation area exclusions end, or the mill levy is increased, the district will struggle for the next few years. As long as the property tax assessments remain the same, and they are not

predicted to go up or down for the next couple of years, and the district adjusts the mill levy to compensate for the two-year temporary RAR reduction, the district will be OK. The adjustment does not allow for extra staff, said Hinton. See [www.ocn.me/n22v10.htm#bffrpd](http://www.ocn.me/n22v10.htm#bffrpd).

Dunn also said the following:

- A 3% Cost of Living Allowance (COLA) increase for all staff is recommended.
  - The total compensation for the Firefighters and Police Pension Association (FFPA) went up to 9.5% in 2022, increasing costs.
  - The staff proposes 10% of the expected revenue for the Capital Improvement Fund.
- Deputy Chief of Operations Chris Piepenburg said the following:
- The eight-person staffing model is not ideal, and BFFRPD would prefer a 15-a-day staffing model, but it is not a reality with the current revenue.
  - The district is looking at alternative staffing models with eight a day to provide a larger training budget instead of having the additional person per shift.
  - The exclusion of properties from the dual taxation area had been a big hit to property tax revenue in 2022, with a larger chunk of property exclusion than expected.

BFFRPD (Cont. on 16)