

**EAST CHERRY CREEK VALLEY
WATER AND SANITATION DISTRICT**

**MINUTES OF A MEETING OF
THE BOARD OF DIRECTORS**

A regular meeting of the Board of Directors of East Cherry Creek Valley Water & Sanitation District was held at 5:00 p.m. on Thursday, April 22, 2021 telephonically to preserve the health, safety, and welfare of the public in light of the imminent threat caused by the COVID-19 pandemic.

ATTENDANCE

Directors in Attendance

Martin Hill, Jr., Chairman
E. Peter Elzi, Jr., Vice Chairman
Monica Holland, Treasurer
O. Karl Kasch, Secretary
Allan H. Tenenbaum, Assistant Secretary

Staff in Attendance

David J. Kaunisto, District Manager
Rick Clark, Senior Engineering Advisor
Scott Niebur, Operations Manager
Chris Douglass, Projects Manager
Lauren Florman, Customer Service Manager
Rebecca A. Bellamy, Programs Administrator
Diane Day, Accountant

Others in Attendance

Tamara Seaver, Icenogle Seaver Pogue, P.C.
Gordon Meurer, Kennedy Jenks Consultants, Inc.
Brian Nazareus, Nazareus Stack & Wombacher LLC
Scott Mefford, Hydrokinetics, Inc.
Andy Cohen, Clermont Eliot, LLC
Carrie Bartow, CliftonLarsonAllen, LLP

**CALL TO ORDER,
CONFIRMATION OF
QUORUM AND
APPROVAL OF
AGENDA**

Upon motion by Director Elzi, seconded by Director Kasch, and unanimously adopted, it was...

RESOLVED, that the Board call the meeting to order, confirm a quorum, and approve the agenda as amended.

CONFLICTS OF INTEREST

The Board acknowledged the reaffirmation of potential conflicts of interest by Directors Hill, Elzi, Kasch and Tenenbaum.

MINUTES

April 8, 2021

Upon motion by Director Holland, seconded by Director Tenenbaum, and unanimously adopted, it was...

RESOLVED, that the minutes of the April 8, 2021 Board Meeting are hereby approved.

PAYMENTS OF CLAIMS

Upon motion by Director Kasch, seconded by Director Tenenbaum, and unanimously adopted, it was...

RESOLVED, that the Board approve the payables and ACH transactions dated April 22, 2021 for \$695,533.76.

Upon motion by Director Kasch, seconded by Director Elzi, and unanimously adopted, it was...

RESOLVED, that the Board ratify ACH transactions dated April 19, 2021 for \$71,900.94.

CONSIDERATION OF CHANGE ORDER NO. 2 FOR THE ECCV HEADQUARTERS EXPANSION AND REMODEL PROJECT FROM HPM, INC.

Upon motion by Director Kasch, seconded by Director Tenenbaum and unanimously adopted, it was...

RESOLVED, that the Board approve Change Order No. 2 for the ECCV Headquarters Expansion and Remodel Project from HPM, Inc., decreasing the contingency account by \$92,317.46 and leaving the new contingency fund total as \$307,682.54, in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
ECCV HEADQUARTERS
EXPANSION AND
REMODEL FURNITURE
FROM OFFICE SCAPES

Upon motion by Director Holland, seconded by Director Tenenbaum and unanimously adopted, it was...

RESOLVED, that the Board approve the ECCV Headquarters Expansion and Remodel Furniture from Office Scapes for \$279,360.02, in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
SECOND AMENDMENT
TO THE WATER LEASE
AGREEMENT
BETWEEN THE TOWN
OF ERIE AND ECCV

Upon motion by Director Holland, seconded by Director Elzi and unanimously adopted, it was...

RESOLVED, that the Board approve the attached Agreement and authorize the District Manager to sign the amendment to the Water Lease Agreement with the Town of Erie, in substantial form presented with any additional changes approved by District Manager and legal counsel.

EXECUTIVE SESSION

Upon motion by Director Kasch, seconded by Director Holland and unanimously adopted, it was...

RESOLVED, that the Board enter into Executive Session at 5:51PM pursuant to C.R.S., Section 24-6-402(4)(b) and Section 24-6-402(4)(e) for the purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations related to Aerotropolis Area Coordinating Metropolitan District and Aurora Highlands, LLC action in regard to the Northern Waterline.

Upon completion of Executive Session at 6:25PM, the Board reconvened in open session.

Director Hill moved that the Board of Directors authorize the filing of an action for declaratory judgement related to the District's easement for the Northern Waterline in regard to relocation and related obligations, and further that the Board delegate authority to District Manager to take all actions necessary to work with staff and counsel related thereto.

The motion was seconded by Director Elzi and approved unanimously by the Board of Directors.

EXECUTIVE SESSION

Upon motion by Director Kasch, seconded by Director Holland and unanimously adopted, it was...

RESOLVED, that the Board enter into Executive Session pursuant to Section 24-6-402(4)(f), C.R.S. for the purpose of discussing personnel matters related to the District Manager's annual review and compensation.

Upon completion of Executive Session, the Board reconvened in open session.

ADJOURNMENT

There being no further business to come before the Board, Director Hill, adjourned the meeting.

David J. Kaunisto
Acting Secretary