

**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 3:00 p.m. on Thursday, August 12, 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
Lauren Florman, Customer Service Manager
Tawna Scalse, Business Services Manager
Michelle Probasco, Project Engineer
Rebecca 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

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

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

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

CONFLICTS OF
INTEREST

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

MINUTES

July 22, 2021

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

RESOLVED, that the minutes of the July 22, 2021 Board Meeting are hereby approved.

PAYMENT OF CLAIMS

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

RESOLVED, that the Board approve payables dated August 12, 2021 for \$1,355,088.39.

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

RESOLVED, that the Board ratify Interim ACH transactions dated July 23, 2021 for \$147,234.87.

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

RESOLVED, that the Board ratify Interim ACH transactions dated August 6, 2021 for \$595,590.

CONSIDERATION OF
TASK ORDER NO. 4
FROM CDM SMITH

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

RESOLVED, that the Board approve Task Order No. 4 in the amount of \$47,765 from CDM Smith, in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
CHANGE ORDER NO. 1
(CLOSEOUT) FOR THE
NORTH BOOSTER
PUMP STATION
OVERFLOW CHANNEL
PROJECT FROM TEZAK
HEAVY EQUIPMENT,
INC.

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

RESOLVED, that the Board approve Change Order No. 1 (closeout) for the North Booster Pump Station Overflow Channel Project from Tezak Heavy Equipment Co., Inc., with a decrease of \$5,242.10 with release of retainage, decreasing the total contract amount to \$673,339.19, in substantial form presented with any additional changes approved by the District Manager and legal counsel.

CONSIDERATION OF
CHANGE ORDER NO. 5
FOR THE PHASE 2
NORTHERN WATER
TREATMENT PLANT
PROJECT FROM
GARNEY COMPANIES,
INC.

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

RESOLVED, that the Board approve Change Order No. 5 for the Phase 2 Northern Water Treatment Plant Project from Garney Companies, Inc., decreasing the contingency account by \$270,165.00 and leaving the new contingency fund total as \$362,573.52, in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
STORAGE LEASE
AGREEMENT FOR
HOLTON RESERVOIR
BETWEEN UNITED
WATER & SANITATION
DISTRICT AND EAST
CHERRY CREEK
VALLEY WATER &
SANITATION DISTRICT

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

RESOLVED, that the Board approve the Storage Lease Agreement for Holton Reservoir between United Water & Sanitation District and East Cherry Creek Valley Water & Sanitation District, in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
PROPERTY EXCHANGE
AGREEMENT AND
ACCESS EASEMENT
FOR THE I-76
COMMERCE CENTER

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

RESOLVED, that the Board approve the Property Exchange Agreement
with South Beebe Draw Metropolitan District and the Access Road Grant
of Easement and Easement Agreement with South Beebe Draw
Metropolitan District and 76 Commerce Center LLC and authorize the
District Manager to execute the required real property documents related
to the Exchange Agreement, all subject to final review and approval of
the District Manager and legal counsel.

EXECUTIVE SESSION

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

RESOLVED, that the Board enter into Executive Session at 3:48 PM
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 (a) Aerotropolis Area Coordinating Metropolitan
District and Aurora Highlands, LLC action in regard to the Northern
Waterline and (b) a potential water rights purchase from Castle Pines
North Metropolitan District

Upon completion of Executive Session at 4:08 PM, 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