

**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, August 27, 2020 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
Monica Holland, Treasurer
O. Karl Kasch, Secretary
Allan H. Tenenbaum, Assistant Secretary

Absent (Excused)

E. Peter Elzi, Jr., Vice Chairman

Staff in Attendance

David J. Kaunisto, District Manager
Rick Clark, Senior Engineering Advisor
Scott Niebur, Operations Manager
Chris Douglass, Project Manager
Richard Maestas, Business Services 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 Nazarenus, Nazarenus Stack Wombacher, LLC
Scott Mefford, Hydrokinetics, Inc.
Pete Webb, Webb Strategic Communications
Andy Cohen, Webb Strategic Communications
Carrie Bartow, CliftonLarsonAllen, LLP

CALL TO ORDER,
CONFIRMATION OF
QUORUM AND
APPROVAL OF AGENDA

Upon motion by Director Tenenbaum, 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, Kasch and Tenenbaum.

MINUTES

August 13, 2020

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

RESOLVED, that the minutes of the August 13, 2020 Board Meeting are
hereby approved.

PAYMENT OF CLAIMS

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

RESOLVED, that the Board ratify the payables dated August 27, 2020
for \$1,634,866.01.

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

RESOLVED, that the Board ratify ACH transactions dated August 19,
2020 for \$163,739.96.

BOARD MEMBER
ITEMS

Board of Directors thanked Peter Webb of Webb Strategic
Communications for his years of service to the District.

CONSIDERATION OF
PROPOSAL FROM
GRANITE INLINER, LLC
FOR THE 2020 SEWER
CAPITAL
IMPROVEMENTS
PROJECT

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

RESOLVED, that the Board approve the contract with Granite Inliner, LLC for 2020 Sewer Capital Improvements Project in the amount of \$244,273.50, in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
RESOLUTION AND
ORDER 2020-010
REGARDING THE
EXCLUSION OF REAL
PROPERTY OWNED BY
AURORA HOLDINGS,
LLC

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

RESOLVED, that the Board adopt the attached Resolution and Order 2020-010 regarding the Exclusion of Real Property described in the petition from Aurora Holdings, LLC in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
ENGINEERING TASK
ORDER SERVICES
CONTRACT AND TASK
ORDER NO. 1 AND NO. 2
FROM CDM SMITH, INC.

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

RESOLVED, that the Board approve the Engineering Task Order Services Contract and Task Order No. 1 in the amount of \$199,500 and Task Order No. 2 in the amount of \$155,500 from CDM Smith, Inc., in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
CONTRACT
AMENDMENT NO. 2
FOR CONSTRUCTION
MANAGEMENT
SERVICES FOR PHASE 2
BOOSTER PUMP
STATIONS WITH CDM
SMITH, INC.

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

RESOLVED, that the Board approve the Contract Amendment No. 2 for Construction Management Services for Phase 2 Booster Pump Stations with CDM Smith, Inc. in the amount of \$154,698, increasing the total contract amount to \$1,780,456, in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
RESOLUTION 2020-009
TO IMPOSE
EMERGENCY
TEMPORARY WATER
RESTRICTIONS

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

RESOLVED, that the Board approve the attached Resolution 2020-009,
imposing emergency temporary water restrictions, and delegating
authority to the District Manager to establish, adjust, and eliminate the
restrictions as necessary.

EXECUTIVE SESSION

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

RESOLVED, that the Board enter into Executive Session for a
conference with the attorney for the District 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 which may be subject to negotiation and instructing
negotiators related to (a) a license agreement with Public Service
Company of Colorado for the North Booster Pump Station overflow
channel and (b) the Greenfield West Development.

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

RESOLUTION NO. 2020-009

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
EAST CHERRY CREEK VALLEY WATER & SANITATION DISTRICT**

IMPOSING EMERGENCY TEMPORARY WATER RESTRICTIONS

WHEREAS, the East Cherry Creek Valley Water and Sanitation District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado organized and operating pursuant to Sections 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, pursuant to Section 32-1-1001(1)(h), C.R.S., the District’s Board of Directors (the “Board”) has the power to manage, control, and supervise all of the business and affairs of the District and all construction, installation, operation, and maintenance of District improvements; and

WHEREAS, the Board has adopted District Rules and Regulations, dated July 12, 2018, as the same may be amended from time to time (the “Rules and Regulations”); and

WHEREAS, pursuant to Article 12.3 of the District’s Rules and Regulations, the District shall, from time to time, determine the amount of available potable water supply for use and shall determine the expected demands for that water by all customers of the District’s water system for any given period of time, and should the Board determine at any given time there are insufficient potable water supplies to meet all of the present and anticipated needs, the Board may order restrictions, curtailments, or prohibitions upon the use of water; and

WHEREAS, pursuant to Article 12.5 of the District’s Rules and Regulations, in the event of a water shortage or drought emergency that requires the reduction of the use of water from the District, the District Manager shall have the authority to immediately require and implement mandatory reductions as deemed necessary for the protection of the public, and such reductions or water restrictions shall be in effect until such time as the Board or the District Manager removes them; and

WHEREAS, in light of current public health conditions related to the COVID-19 pandemic and the District’s monitoring of existing water conditions in the State, the Board finds a water shortage and drought emergency exists necessitating the imposition of certain immediate temporary water restrictions, curtailments, and prohibitions; and

WHEREAS, the Board desires to delegate additional authority to the District Manager to adjust and eliminate the restrictions as necessary and appropriate to meet the fluctuating needs and supplies of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT AS FOLLOWS:

Whereupon, a motion was made and seconded, and upon a majority vote this Resolution was approved by the Board.

ADOPTED AND APPROVED this 27th day of August, 2020.

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

Monica E. Holland
By: Monica E. Holland
Its: Treasurer

ATTEST:

David J. Kaunisto
By: DAVID J KAUNISTO
Its: DISTRICT MANAGER

**RESOLUTION 2020-010
OF THE
BOARD OF DIRECTORS
OF
EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT**

RESOLUTION AND ORDER

REGARDING THE EXCLUSION OF REAL PROPERTY

WHEREAS, in accordance with and pursuant to Section 32-1-501(1), C.R.S., Aurora Holdings, LLC (the “Petitioner”), signed a petition for exclusion requesting the East Cherry Creek Valley Water and Sanitation District (the “District”) exclude, from the District’s boundaries, the real property located in the County of Arapahoe, State of Colorado as more particularly described on **Exhibit A** attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, said petition is attached hereto and made a part hereof as **Exhibit B** (the “Petition”); and

WHEREAS, public notice was published on August 13, 2020 in the Aurora Sentinel in accordance with Section 32-1-501(2), C.R.S., calling for a public hearing on the prayer of said Petition; and

WHEREAS, on August 27, 2020, the Board of Directors of the District (the “Board”) held a public hearing on the Petition in accordance with Section 32-1-501(2), C.R.S.; and

WHEREAS, no objecting parties appeared at the public hearing nor were any written objections filed with the Board; and

WHEREAS, in accordance with Section 32-1-501(3), C.R.S., the District has taken into consideration and determined and found the following:

1. The proposal is in the best interest of the property seeking exclusion;
2. The exclusion is in the best interest of the District;
3. The exclusion is in the best interest of Arapahoe County;
4. There is no substantial cost or economic detriment to the subject property;
5. The exclusion will not affect the District’s ability to serve properties remaining within the boundaries of the District;

6. The exclusion will not affect provision of public facilities and services by the District to the property being excluded to the extent such facilities and services have already been provided to the said property;
7. The District will continue to be able to provide services at reasonable costs compared with costs which would be imposed by other entities in the surrounding area to provide similar services;
8. Denying the petition has no effect on the employment and other economic conditions in the District or Arapahoe County;
9. Denying the petition or adopting the resolution has no economic impact on the District, Arapahoe County or the state as a whole;
10. Economically feasible service alternatives are available to the property being excluded; and
11. No additional costs are expected to be levied against the property remaining within the District as a result of the exclusion.

WHEREAS, pursuant to Section 32-1-501(4)(a)(I), C.R.S. the Board desires to grant the petition, in whole, subject to the conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT AS FOLLOWS:

1. The Board hereby orders the exclusion of the Property from the boundaries of the District and orders the petition to be granted in whole.
2. The name and address of the Petitioner and description of the Property to be excluded are as follows:

PETITIONER:	Aurora Holdings, LLC
ADDRESS:	901 New Hampshire, #201 Lawrence, Kansas 66044
PROPERTY DESCRIPTION:	See Exhibit A

3. The Board shall seek an Order from the District Court in and for Arapahoe County, Colorado, which shall provide the effective date of this exclusion and shall recite in the findings a description of any bonded indebtedness in existence immediately preceding the effective date of the order from which the excluded property is liable and the date that the bonded indebtedness is then scheduled to be retired.

4. This resolution shall be certified and filed with the Clerk of the District Court of Arapahoe County, Colorado in accordance with Section 32-1-501(4)(b), C.R.S.

5. The exclusion shall be subject to the District obtaining an Order of the District Court ordering the exclusion of the Property effective upon issuance thereof.

6. The Board hereby directs legal counsel to record, upon its issuance, the Order of the District Court ordering the exclusion of the Property, together with a description of the area concerned, with the Clerk and Recorder of Arapahoe County, Colorado in accordance with Section 32-1-503(3), C.R.S.


[Remainder of this page left intentionally blank.]

DONE AND ADOPTED this 27th day of August, 2020.

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

Monica E. Holland
By: Monica E. Holland
Its: Treasurer

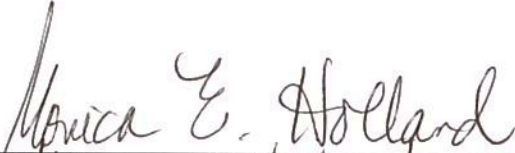
ATTEST:


By: MARTIN HILL J
Its: CHAIRMAN

CERTIFICATE

COMES NOW, _____, the _____ of the East Cherry Creek Valley Water and Sanitation District, and hereby certifies that the attached resolution is a true and accurate copy of the resolution adopted by the Board of Directors at its regular meeting held August 27, 2020, at 6201 S. Gun Club Road, Aurora, Colorado 80016.

WITNESS my hand this 27th day of August 2020.


By: Monica E. Holland
Its: Treasurer
East Cherry Creek Valley Water and Sanitation District