

**EAST CHERRY CREEK VALLEY  
WATER & 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, January 26, 2023 in person as well as telephonically.

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**ATTENDANCE**

**Directors in Attendance**

Monica Holland, Chair  
E. Peter Elzi, Jr., Vice Chair  
Martin Hill, Jr., Treasurer  
O. Karl Kasch, Secretary  
Mark Vagnerini, Asst. Secretary

**Staff in Attendance**

David J. Kaunisto, District Manager  
Rick Clark, Senior Engineering Advisor  
Scott Niebur, Operations Manager  
Lauren Florman, Customer Service Manager  
Tawna Scalese, Business Services Manager  
Michelle Probasco, Project Manager  
Rebecca 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.  
Andy Cohen, Clermont Eliot, LLC  
Carrie Bartow, CliftonLarsonAllen, LLP

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

Upon motion by Director Holland, seconded by Director Hill...  
The Board of Directors meeting was called to order, a quorum confirmed, and the agenda approved.

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CONFLICTS OF  
INTEREST

Legal counsel advised the Board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board then reviewed the agenda for the meeting, following which each Board member confirmed the contents of any written disclosures previously made, as applicable, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting.

Director Elzi disclosed his interests and association with The Bromley Companies. This disclosure is associated with approval of items on the agenda that may affect his interests.

Legal counsel advised that written disclosure of this interest had been filed with the Secretary of State at least seventy-two hours prior to the meeting.

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MINUTES

**January 12, 2023**

Upon motion by Director Hill, seconded by Director Vagnerini, and unanimously adopted, and approved...

The minutes of the January 12, 2023 Board Meeting.

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PAYMENT OF CLAIMS

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

The payables and ACH transactions dated January 26, 2023, for \$2,775,081.33.

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

The ACH transactions dated January 19, 2023, for \$127,409.56.

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CONSIDERATION OF  
OVERLAP CONSENT  
AGREEMENT WITH  
UNITED POWER, INC.

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

Overlap Consent Agreement with United Power, Inc., in substantial form presented with any additional changes approved by District Manager and legal counsel.

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CONSIDERATION OF  
CHANGE ORDER NO. 2  
FOR ZONE 2 TANKS  
ISOLATION VALVES  
PROJECT FROM  
AMERICAN WEST  
CONSTRUCTION, LLC

Upon motion by Director Kasch, seconded by Director Vagnerini and unanimously adopted and approved...

Change Order No. 2 for Zone 2 Tanks Isolation Valves Project from American West Construction, LLC, in the amount of \$279,200, increasing the total contract amount to \$874,200 with increase of contract time, in substantial form presented with any additional changes approved by the District Manager and legal counsel.

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CONSIDERATION OF  
CHANGE ORDER NO. 3  
FOR WELL SA-1  
ELECTRICAL AND  
INSTRUMENTATION  
AND CONTROLS  
UPGRADES FROM  
WEIFIELD GROUP  
CONTRACTING, INC.

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

Change Order No. 3 for Well SA-1 Electrical and Instrumentation and Controls Upgrades from Weifield Group Contracting, Inc. in the amount of \$51,656, increasing the total contract amount to \$665,450.68 with increase of contract time, in substantial form presented with any additional changes approved by the District Manager and legal counsel.

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EXECUTIVE SESSION

Director Holland moved that the Board convene in Executive Session, 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, developing strategy for negotiations, and instructing negotiators related to ECCV water main boring damage.

Director Elzi seconded the motion, which was approved by the Board at 5:39 PM.

The Executive Session included all voting members of the Board, staff and others in attendance as noted above.

Director Holland reconvened open session at 5:43 PM.

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Upon motion by Director Kasch, seconded by Director Vagnerini and unanimously moved...

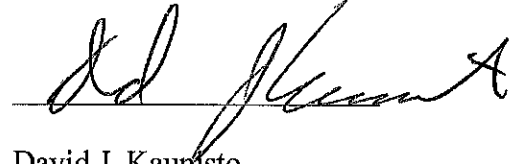
The Board of Directors authorize the District's special litigation counsel to commence litigation against Mainline Construction and its insurance company regarding Mainline's actions in boring through the District's water main while performing work for Comcast, with the District Manager and General Counsel supervising the litigation and reporting back to the Board.

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ADJOURNMENT

There being no further business to come before the Board, Director Holland adjourned the meeting at 5:45 PM.

A handwritten signature in cursive script, appearing to read "David J. Kaunisto", written over a horizontal line.

David J. Kaunisto  
Acting Secretary