

**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, July 14, 2022 in person as well as telephonically.

ATTENDANCE

Directors in Attendance

Monica Holland, Chair
E. Peter Elzi, Jr., Vice Chair
Martin Hill, Jr., Treasurer

Director Absent (Excused)

O. Karl Kasch, 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 A. Bellamy, Programs Administrator

Others in Attendance

Shannon Smith Johnson, Icenogle Seaver Pogue, P.C.
Paul Goldfain, Kennedy Jenks Consultants, Inc.
Brian Nazarenus, Nazarenus 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 Hill, seconded by Director Elzi...

The Board of Directors meeting was called to order, a quorum confirmed, and the agenda approved.

DIRECTOR EXCUSED

Director Elzi moved to excuse Director Kasch's absence from the Board Meeting. The motion was seconded by Director Holland and approved unanimously by the Board.

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 has been filed with the Secretary of State at least seventy-two hours prior to the meeting.

MINUTES

June 23, 2022

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

The minutes of the June 23, 2022 Board Meeting.

PAYMENT OF CLAIMS

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

The payables and ACH transactions dated July 14, 2022 for \$567,513.81.

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

The ACH transactions dated July 7, 2022 for \$675,723.

CONSIDERATION OF
NORTHERN PIPELINE
OVERLAP CONSENT
AGREEMENT WITH
BROMLEY OWNER LP
AT THE BROMLEY
INDUSTRIAL PARK –
LOVETT 76 LOGISTICS
CENTER

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

Northern Pipeline Overlap Consent Agreement with Bromley Owner LP
at the Bromley Industrial Park – Lovett 76 Logistics Center, in
substantial form presented with any additional changes approved by
District Manager and legal counsel.

CONSIDERATION OF
SURFACE FLOW
EASEMENTS WITH
SIGNATURE PINEY
CREEK LLC AND
BELLCO FIRST
FEDERAL CREDIT
UNION AT WELL
STATION A-16

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

Surface Flow Easements with Signature Piney Creek LLC and Bellco
First Federal Credit Union at Well Station A-16, in substantial form
presented with any additional changes approved by District Manager and
legal counsel.

CONSIDERATION OF
CONTRACT FOR THE
2022 NORTHERN
SYSTEM SURGE
ANTICIPATOR VALVE
REPLACEMENT
PROJECT FROM
VELOCITY
CONSTRUCTORS, INC.

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

Contract for the 2022 Northern System Surge Anticipator Valve
Replacement Project from Velocity Constructors, Inc., in the amount of
\$682,547.00, in substantial form presented with any additional changes
approved by District Manager and legal counsel.

CONSIDERATION OF
RECLASSIFICATION OF
FACILITIES
MAINTENANCE
TECHNICIAN POSITION
IN THE PROJECTS
DEPARTMENT

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

Reclassification of Facilities Maintenance Technician position in the
Projects Department.

CONSIDERATION OF
TASK ORDERS NO. 19
AND NO. 20 FOR 2022
WATER RIGHTS
ENGINEERING
SERVICES FROM
BROWN & CALDWELL

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

Task Orders No. 19 and No. 20 for 2022 Water Rights Engineering
Services from Brown & Caldwell, in substantial form presented with any
additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
ADOPTION OF
RESOLUTION NO. 2022-
004 REGARDING AN
AMENDMENT TO
ARTICLES XI AND XII
OF THE DISTRICT'S
RULES AND
REGULATIONS

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

Resolution 2022-004 Regarding an Amendment to Articles XI and XII of
the District's Rules and Regulations, in substantial form presented with
any additional changes approved by District Manager and legal counsel.

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 (a) ECCV water main boring damage and (b)
matters related to water service legal compliance.

Director Hill seconded the motion, which was approved by the Board at
4:35 PM.

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

Director Hill reconvened open session at 4:42 PM

CONSIDERATION OF
ENGAGEMENT OF
HOWARD KENISON OF
JONES & KELLER, P.C.
AS SPECIAL COUNSEL

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

Howard Kenison of Jones & Keller, P.C. as special environmental
counsel to advise on operational matters, including a total not-to-exceed
amount of \$7,500, in substantial form presented with any additional
changes approved by District Manager and legal counsel.

ADJOURNMENT

There being no further business to come before the Board, Director Holland, adjourned the meeting at 4:50 PM.

David J. Kaunisto
Acting Secretary