

**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 3:00 p.m. on Thursday, January 11, 2024 at the offices of the East Cherry Creek Valley Water & Sanitation District located at 6201 South Gun Club Road, Aurora, Colorado 80016.

ATTENDANCE

Directors in Attendance

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

Absent (Excused)

Monica Holland, Chair

Staff in Attendance

David J. Kaunisto, District Manager
Rick Clark, Senior Engineering Advisor
Scott Niebur, Operations Manager
Lauren Florman, Customer Service Manager
Michelle Probasco, Project Manager
Tawna Scalese, Business Services Manager
Kris LaGuardia, Technology Services Manager
Rebecca A. Bellamy, Programs Administrator

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 Hill, seconded by Director Vagnerini...

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

DIRECTOR EXCUSED

Director Hill moved to excuse Director Holland from the Board Meeting. The motion was seconded by Director Kasch 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 interests had been filed with the Secretary of State at least seventy-two hours prior to the meeting.

MINUTES

December 14, 2023

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

The minutes of the December 14, 2023 Board Meeting.

PAYMENT OF CLAIMS

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

The Accounts Payables dated December 28, 2023 for \$2,430,335.53.

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

The Interim ACH transactions dated December 19, 2023 for \$202,572.05; dated December 21, 2023 for \$1,794; and dated December 28, 2023 for \$1,355,790.

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

The Accounts Payables and ACHs dated January 11, 2024 for \$1,033,668.21.

CONSIDERATION OF
ADOPTION OF
RESOLUTION NO. 2024-
001 ANNUAL
RESOLUTION OF THE
BOARD OF DIRECTORS
OF EAST CHERRY
CREEK VALLEY
WATER & SANITATION
DISTRICT

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

Resolution No. 2024-001 Annual Resolution of the Board of Directors of East Cherry Creek Valley Water & Sanitation District, in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
TEMPORARY
CONSTRUCTION
EASEMENT
AGREEMENT WITH
SOUTHEAST METRO
STORMWATER
AUTHORITY

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

Temporary Construction Easement Agreement with Southeast Metro Stormwater Authority, in substantial form presented with any additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
CHANGE ORDER NO. 1
(CLOSEOUT) FOR THE
WELL SA-1R REDRILL
PROJECT FROM HYDRO
RESOURCES – ROCKY
MOUNTAIN INC.

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

Change Order No. 1 (closeout) for the Well SA-1R Redrill Project from
Hydro Resources – Rocky Mountain Inc. in the amount of \$30,826.00,
increasing the total contract amount to \$1,555,328.00 with release of
retainage, 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 FOR
NORTHERN ON-CALL
ENGINEERING
SERVICES FROM CDM
SMITH, INC.

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

Engineering Task Order Services Contract and Task Order No. 1 for
Northern On-Call Engineering Services from CDM Smith, Inc., in the
amount of \$257,120, in substantial form presented with any additional
changes approved by District Manager and legal counsel.

CONSIDERATION OF
REAL PROPERTY
CONVEYANCE AND
SPECIAL WARRANTY
DEED TO SOUTHEAST
METRO STORMWATER
AUTHORITY

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

Real Property Conveyance and Special Warranty Deed to Southeast
Metro Stormwater Authority, in substantial form presented with any
additional changes approved by District Manager and legal counsel.

CONSIDERATION OF
PROPOSAL FOR
CONSTRUCTION OF
COPPERLEAF PARCEL
M4 ZONE 2A TO ZONE 2
CONVERSION PRV
PROJECT BY LEVI
CONTRACTORS, INC.

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

Proposal for Construction of Copperleaf Parcel M4 Zone 2A to Zone 2
Conversion PRV Project by Levi Contractors, Inc. in the amount of
\$959,545.00, in substantial form presented with any additional changes
approved by District Manager and legal counsel.

CONSIDERATION OF
PROPOSAL FOR
CONSTRUCTION OF
CHERRY CREEK
IRRIGATION WELLS
UPGRADE PROJECT BY
VELOCITY
CONSTRUCTORS, INC.

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

Proposal for Construction of Cherry Creek Irrigation Wells Upgrade
Project by Velocity Constructors, Inc. in the amount of \$717,999.00, in
substantial form presented with any additional changes approved by
District Manager and legal counsel.

CONSIDERATION OF
CHANGE ORDER NO. 1
AND NO. 2 FOR DI-2
INJECTION TUBING
REPLACEMENT
PROJECT FROM HYDRO
RESOURCES – ROCKY
MOUNTAIN INC.

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

Change Order No. 1 and No. 2 for DI-2 Injection Tubing Replacement
Project from Hydro Resources – Rocky Mountain Inc., in the amount of
\$588,478.84, increasing the total contract to \$1,500,550.84, in substantial
form presented with any additional changes approved by District
Manager and legal counsel.

EXECUTIVE SESSION

Director Hill moved that the Board convene in Executive Session,
pursuant to Sections 24-6-402(4)(b) and 24-6-402(4)(e), C.R.S. for the
purpose 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 ongoing litigation by the District and United Water
& Sanitation District against the Ogilvy Irrigating & Land Company, and
related matters.

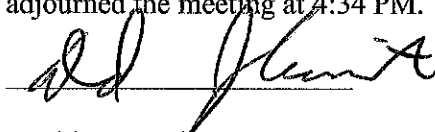
Director Vagnerini seconded the motion, which was approved by the
Board at 3:56 PM.

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

Director Hill reconvened open session at 4:33 PM

ADJOURNMENT

There being no further business to come before the Board, Director Hill
adjourned the meeting at 4:34 PM.



David J. Kaunisto
Acting Secretary