

RECORD OF PROCEEDINGS

**MINUTES OF THE BOARD OF DIRECTORS OF  
THE COTTONWOOD WATER & SANITATION DISTRICT**

April 20, 2021

at 6:30 p.m.

This meeting was offered at <https://zoom.us>

Meeting ID: 811 1743 3549 Meeting Passcode: 878895 Phone (346) 248-7799

**ATTENDEES**

Directors present: Bill Thomas, Linda Dillon, Steve Wasiecko and Josh Stewart attended via electronic device;

Others present: Luis Tovar, Toby Austin, and Kelly Conover, Mulhern MRE, Inc; Carolyn Steffl; Moses, Wittemyer, Harrison, and Woodruff, P.C. attended via electronic device.

**THE AGENDA**

The Board considered the proposed agenda. Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the agenda was adopted.

**PUBLIC COMMENT**

There was no public present.

**CONSENT AGENDA**

The Board considered the Consent Agenda. The Consent Agenda included approval of the minutes from the regular meeting held March 16, 2021; approval of checks numbered 21709 through 21749, with voided check 21735, listed on the revised check register provided at the meeting, ratification of auto-payments to BOKF, Xcel Energy, Payroll Specialists and Century Link, authorization of April disconnects, and disclosure of potential conflicts of interest.

Upon motion duly made by Director Thomas, seconded by Director Dillon, and upon vote, unanimously carried, the Consent Agenda was approved.

Upon motion duly made by Director Thomas, seconded by Director Wasiecko, and upon vote, unanimously carried, the Board authorized staff to provide a second signature on the approved checks.

**DIRECTOR ITEMS**

Director Dillon followed up on a resident's request made to her regarding reseeded and trail restoration related to the Well Redrill project. Following completion of the project, the site will be restored to its previous condition with reseeded of natural grasses and crusher fines for the trail as provided in the contract and approval through the Town of Parker. Any upgrades requested were directed to the Cottonwood Metro District.

**FOURTH AMENDMENT TO CHAMBERS PIPELINE LEASE**

Luis Tovar and Carolyn Steffl discussed the amendment as is consistent with prior amendments allowing use of the pipeline by ACWWA for one year. This amendment extends the deadline until May 1, 2022.

Upon motion duly made by Director Thomas, seconded by Director Wasiecko and upon vote, the Board unanimously approved the Amendment.

**CONSIDER APPROVAL OF PARTY STATUS IN DIVISION OF WATER RESOURCES RULEMAKING REGARDING WELL PERMITS PURSUANT TO 37-90-137(4), C.R.S.**

Luis briefed the Board on the proposed limits on the use of the Denver basin wells for 100 years. Staff and legal counsel recommend that the District join the rulemaking to provide comments and to monitor developments.

Upon motion duly made by Director Thomas, seconded by Director Dillon, and upon vote, the Board unanimously approved the District's filing of an application for party status in the rulemaking.

**MANAGER'S REPORT**

Luis Tovar reviewed with the Board the Manager's Report dated April 20, 2021. This included updates regarding the JWPP pilot testing, a potential agreement with ACWWA for treatment of the BTS brine and permitting with the CDPHE.

Luis also discussed the Cherry Creek Project model for sizing Walker Reservoir and capacity in the Rueter Hess Reservoir, the completed tributary well testing for the Cherry Creek Aquifer Study and the federal funding opportunity for water infrastructure projects.

WISE water is expected at 5,000 AF this water year. Depending on drought conditions, the delivery schedule may change with more supply provided in winter months.

**ACTION ITEMS**

The Board considered the following action items for approval:

1. **Federal Funding Due Diligence** – Mulhern MRE will work with the South Metro Water Supply Authority to prepare documents required for potential federal funding through new legislative venues related to water infrastructure projects. **Not to Exceed \$10,000.**
2. **Ratification of revised Tolling Agreement with Jacobs/CH2M**

Following Board discussion and upon motion duly made by Director Thomas, seconded by Director Stewart, and upon vote, the Board unanimously approved the above action items.

**REPORTS**

Dashboard – The dashboard was provided for Board review. There was no board action.

Legal Report – Carolyn provided a legal report for the Board packet and addressed legal questions in executive session.

**EXECUTIVE SESSION**

At 7:35 pm, upon motion duly made by Director Thomas, seconded by Director Wasiecko and upon unanimous vote, the Board moved into an executive session pursuant to C.R.S. 24-6-402(4)(b) for a conference with an attorney for the

District for the purpose of receiving legal advice on specific legal questions relating to trash collection by the District.

Legal counsel for the District, Carolyn Steffl, advised the Board that the nature of this discussion is for legal advice and the session does not need to be recorded.

At 8:13pm upon motion duly made Director Wasiecko, seconded by Director Thomas and upon unanimous vote, the Board moved out of executive session.

The Board discussed options for proceeding with trash collection services, including whether to pilot test providing services to a small group of residents and methods for obtaining additional resident feedback. The Board expressed interest in publishing and providing the County and the district court with a notice of intent to provide trash collection services and to clarify the service plan. The Board provided direction to management and legal counsel to draft a Notice of Intent regarding a non-material modification to the District's service plan to allow for trash collection services in the future, for Board review at the May 2021 meeting. Also, the Board discussed the possibility of circulating a request for proposals to obtain more information about available services and prices. The Board discussed beginning with providing service to residents who already receive services from the selected provider and allowing other residents a period of time to elect whether or not to receive trash services from the District.

**ADJOURNMENT**

Upon motion duly made, seconded and unanimously carried, the meeting was adjourned. The next regular meeting is scheduled for May 18, 2021 beginning at 6:30 p.m. to be held at the District Management Office at 188 Inverness Drive West, Suite 150, Englewood, CO and via Zoom meeting.

READ AND APPROVED BY THE BOARD:

Date: May 18, 2021

William C Thomas, 2021