

RECORD OF PROCEEDINGS

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

July 20, 2021

at 6:30 p.m. at 8334 Sandreed Circle, Parker, CO 80134

**ATTENDEES**

Directors present: Bill Thomas and Linda Dillon attended in person. Steve Wasiecko and Josh Stewart attended via electronic device.

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

Public Present: Elizabeth "Bobbie" Bergman residing at 8490 Wheatgrass Circle and Ron Hilton residing at 15878 Red Bud Drive.

**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 unanimously adopted.

**PUBLIC COMMENT**

Residents Elizabeth "Bobbie" Bergman from Wheatgrass Circle and Ron Hilton from Red Bud Drive were present at the meeting. Ms. Bergman commented that she was in support of the consolidation of trash service. Ron Hilton noted that he is currently receiving trash service through his HOA provided by Dove Village.

Luis Tovar explained that trash service currently provided by an HOA contract would not change. Service costs are currently estimated at about \$15 per month for weekly trash and biweekly recycling. The District would form a Request for Proposal to receive bids on specified services.

**CONSENT AGENDA**

The Board considered the Consent Agenda. The Consent Agenda included approval of the minutes from the regular meeting held June 15 and a special meeting held June 26, 2021; approval of checks numbered 21823 through 21864 listed on the revised check register provided at the meeting; ratification of auto-payments to Xcel Energy and Century Link; authorization of disconnect list dated July 17, 2021; disclosure of potential conflicts of interest and ratification of director payments.

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

**DIRECTOR ITEMS**

Director Wasiecko provided a clarification related to the proposed trash services. He noted that a transition period to trash services available to customers would

be long. This would allow some private contracts to conclude prior to joining the District services.

## **DISCUSSION REGARDING POSSIBLE NOVEMBER 2021 ELECTION**

Luis Tovar provided the public in attendance with a brief background of the District's plan to secure renewable water supply, especially during drought periods. He discussed the District's financial position and the District's options to fund the capital improvements through a General Obligation or Revenue Bond.

Luis discussed a plan to participate in the May 2022 director election with a ballot question for the Cottonwood voters to consider a General Obligation Bond.

Director Thomas liked the idea of posting the ballot question in the May 2022 election. This would allow time to provide the community with information on the issue and the necessity of the bond.

Luis proposed holding two more board workshops and gathering a community advisory board to receive feedback.

Following Board discussion, the members agreed that waiting until the May 2022 election was appropriate. The Board directed staff to contact the County and withdrawal the intent to coordinate an election previously submitted.

## **MANAGER'S REPORT**

Luis reviewed the Manager's Report dated July 20, 2021. This discussion included the results of the contractor bid for the Walker Reservoir Construction (Phase I) project as members of the Cherry Creek Project Water Authority. Infrastructure for this project will be Phase II and bid later.

Staff recommends approval of HPM Contracting for the Walker Reservoir Construction project for \$11,576,219 of which, the District's share is 11.5% (\$1,476,662). This amount also includes a 5% contingency on construction costs and services during construction.

Carolyn Steffl discussed her change in legal firms. She will be joining the firm of Dietze and Davis, P.C. after 12 years with Moses, Wittemyer et al. She will begin with the new firm August 1. Her billing rate will remain the same. The Board was asked to consider engagement of Dietze and Davis, P.C. retaining Carolyn as the District Counsel beginning August 1.

Richard Mehren with Moses, Wittemyer et al has provided water rights legal consulting to the District for a number of years. The Board was asked to consider retaining Richard Mehren with Moses, Wittemyer et al as water rights legal consultant.

## **ACTION ITEMS**

The Board considered the below action items for approval;

- 1. Well D-1RR – Prime Construction, LLC.** – Labor and materials to install pipeline and connect the new well to the well house and the system. - \$ 19,663

2. **Well D-1RR Trail Restoration – BGM** – Labor and materials to restore the trail near the new well. - \$ 9,750
3. **Walker Reservoir Construction** – District’s participation costs according to the membership percentage for construction of the reservoir. - \$ 1,476,662
4. **District General Counsel** – Carolyn Steffl is changing firms to Dietze and Davis, P.C. Carolyn would like to continue providing services to the District as general counsel.
5. **District Water Rights Counsel** – Richard Mehren with Moses, Wittemyer, Harrison and Woodruff, P.C. would like to continue providing water rights services for the District.

Upon motion duly made by Director Thomas, seconded by Director Stewart and upon vote, the Board unanimously approved the above expenditures, items 1 - 3 for **Total Amount Requested: \$ 1,506,075**

Upon motion duly made by Director Thomas, seconded by Director Stewart and upon vote, the Board approved the engagement of Dietze and Davis P.C. and retention of Moses, Wittemyer, Harrison and Woodruff P.C. for general legal counsel and water rights counsel respectively.

**REPORTS**

Dashboard – Toby Austin reviewed the Dashboard comparing use monthly and year to date. He was available to answer Board questions. Director Thomas asked to have the stage 1 conservation-watering schedule available on the website. The approved “schedule” was to allow 3 days watering however the customer would be able to choose those days. Director Thomas suggested posting last year’s schedule for guidance.

Legal Report – Carolyn Steffl reviewed the requirements of becoming a Board member related to the interviews of the Board vacancy. The Committee is recommending meeting independently to provide a recommendation to the Board at the August meeting.

Any action or decision on trash services are on hold until the 45-day notice period concludes on August 16<sup>th</sup> and the District receives a response from the County.

**EXECUTIVE SESSION**

Luis reported that there is no executive session needed. The District is waiting on further information from Jacobs related to their contract modifications.

**ADJOURNMENT**

Upon motion duly made, seconded and unanimously carried, the meeting was adjourned. The next meeting is scheduled for August 17, 2021 beginning at 6:30 p.m. to be held at the District Meeting House at 8334 Sandreed Circle, Parker, CO.

READ AND APPROVED BY THE BOARD:

Date: August 17, 2021  
William C. Thomas