

RECORD OF PROCEEDINGS

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

February 18, 2020

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

ATTENDEES

Directors present: Steve Wasiecko, Bill Thomas, Nathan Bandaries and Linda Dillon. Others present: Luis Tovar, Toby Austin and Kelly Conover, Mulhern MRE, Inc.; Carolyn Steffl; Moses, Wittemyer, Harrison, and Woodruff, P.C. by phone.

Public Present: Josh Stewart; 8890 Greengrass Way
Rick Nielsen; 16907 Blue Mist Circle

THE AGENDA

The Board considered the proposed agenda. Luis requested an addition as Item VII - CCPWA Purchase Agreement Exhibit A & B. Upon motion duly made by Director Thomas, seconded by Director Bandaries and upon vote, unanimously carried, the agenda was revised and adopted.

PUBLIC COMMENT

Mr. Rick Nielsen addressed the Board regarding late fees for his account. He requested that the Board reconsider the District late fee policy. A 3% late fee is applied to accounts that have a balance greater than \$30 and have not been paid by the last day of the month in which it is due. Following discussion the Board advised Mr. Nielsen that they would review the billing procedures and related late fees with staff and consider Mr. Nielsen's account. A letter would be drafted and sent out with the Board's decision.

Mr. Joshua Stewart was present to observe the proceedings as a candidate for the vacant Board position in the election.

CONSENT AGENDA

The Board considered the Consent Agenda. The Consent Agenda included approval of the minutes from the regular meeting held January 21, 2020; authorization for staff to implement disconnect procedures on accounts listed on the delinquent list dated February 13, 2020, approval of checks 21214 through 21242 listed on the check register, ratification of auto-payments to Xcel Energy, Century Link & CH2M, and disclosure of potential conflicts of interest.

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

DIRECTOR ITEMS

Director Dillon discussed her work on promoting the Garden in a Box program. Staff has been editing the marketing tools with Resource Central's permission.

Staff has been working on discussion points on the water conservation workshop with South Metro Water Supply Authority and a postcard advertisement for mailing. Staff proposed purchasing home water audit kits found online to hand out at the workshop and make available to customers who visit the office. There was Board discussion of other ways to encourage public attendance including dinner. Following discussion, the Board suggested that the content be kept to basic conservation tips for residents.

Director Wasiecko discussed the legislative approval of the trash bill. It is now moving to the Senate. Carolyn filled the Board in on bipartisan bill sponsors. She will let us know when the date for a hearing is set, and asked if a District rep would be available to attend.

CONSIDER COLORADO WATER CONSERVATION BOARD LOAN AGREEMENT, AMENDMENT NO. 1 FOR WISE PHASE 1 INFRASTRUCTURE

Luis discussed the loan secured by South Metro Water Supply Authority that was shared among the members for the 4 phases of the WISE project. The District's line of credit was \$2.6 Million for Phase 1. The District funded the connection and a final draw has been requested for \$347,967.31 to reimburse the District funds. This could then be used to fund other capital projects planned for the District. Carolyn would review the contract and confirm the ability for the District to use the funds in that manner.

Upon motion duly made by Director Thomas to approve Amendment No. 1 to contract #CT2015-106 for the WISE Project – Phase 1 Infrastructure and authorize the President to sign the amendment subject to legal counsel review that the proposed use of funds are legally permissible. The motion was seconded by Director Bandaries, and upon vote, unanimously approved.

DISCUSSION REGARDING CHERRY CREEK PROJECT WATER AUTHORITY PURCHASE AGREEMENT, EXHIBIT A & B

Luis discussed the pending sale of the ACWWA membership in the Cherry Creek Project Water Authority to the Town of Castle Rock. This agreement has an exhibit that excludes the District as an individual entity

and excludes the District from any representations or warranties related to the Authority activities.

Upon motion duly made by Director Thomas, seconded by Director Bandaries, and upon vote, the Board unanimously approved these exhibits and authorized the President to execute.

MANAGER'S REPORT

Luis Tovar updated the Board on items in the Manager's Report and addressed Board questions. The BTS is working and water quality is at levels acceptable to the design. Luis also discussed the well re-drill project and its timeline.

ACTION ITEMS

The Board considered the action items listed below:

1. General On-Site Repairs – C&L Water Solutions will provide repairs to a hydrant and gate valve on a time and materials basis.
2. Water Conservation Workshop – Mulhern will coordinate workshop advertisements and presentation, purchase of giveaways and possible food as discussed not to exceed \$2,000.

REPORTS

Dashboard – Toby Austin discussed the Dashboard Report with the Board and addressed Board questions.

Legal Report – Carolyn Steffl was available to address any questions regarding the legal report.

EXECUTIVE SESSION

Upon motion duly made, seconded and unanimously carried, the Board moved into executive session at 7:46 pm pursuant to C.R.S. 24-6-402(4) Subsection (a) for discussion related to the purchase, acquisition, lease, transfer, or sale of any real, personal or other property interest; Subsection (b) for a conference with legal counsel for the purpose of receiving legal advice on specific legal questions; and Subsection (e) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, all related to East Cherry Creek Valley pipeline issues.

Upon motion, duly seconded and unanimously carried, the Board moved out of executive session at 8:17pm.

Staff was directed to accept the dilution offered by ECCV and retain capacity at 0.380 MGD in the pipeline without additional funding.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for March 17, 2020 beginning at 6:30p.m. at 8334 Sandreed Circle.

READ AND APPROVED BY THE BOARD:

Date: March 17, 2020

William C. Horn, scy