

RECORD OF PROCEEDINGS

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

August 18, 2020

at 6:30 p.m. at

188 Inverness Drive West, Suite 150,

Englewood, Colorado 80112

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

Meeting ID 889 7485 1636

Meeting Password 888155 Phone (312) 626-6799

ATTENDEES

Directors present: Bill Thomas, Linda Dillon and Steve Wasiecko; Director Josh Stewart attended via electronic communication devices; Others present: Randy Warren, Toby Austin and Luis Tovar, Mulhern MRE, Inc; Kelly Conover with Mulhern MRE, Inc. attended via electronic communication device; Carolyn Steffl; Moses, Wittemyer, Harrison, and Woodruff, P.C. attended via electronic communication device.

Public Present: Kyle Logan with Logan and Associates.

Upon motion duly made by Director Thomas, seconded by Director Dillon, and upon vote the Board excused Director Bandaries.

THE AGENDA

The Board considered the proposed agenda. Randy Warren requested that Consideration of the 2019 Draft Audit Report, Item VI, to be moved to follow adoption of the Agenda.

Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, unanimously carried, the agenda was adopted as revised.

CONSIDER 2019 DRAFT AUDIT REPORT

Kyle Logan was present to discuss and review the 2019 Draft Audit Report with the Board. Kyle also reviewed the management letter accompanying the Audit Report.

Following Board discussion and upon motion duly made by Director Thomas, seconded by Director Dillon, and upon vote, the Board unanimously accepted the 2019 Draft Audit Report, authorized staff to execute the management letter and directed staff to file forms with the State Auditor's Office.

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 July 21, 2020; approval of checks 21430 through 21466 listed on the revised check register provided at the meeting, ratification of auto-payments to Xcel Energy, Century Link, US Bank and CH2M, authorization of disconnects, and disclosure of potential conflicts of interest.

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

DIRECTOR ITEMS

Randy Warren provided a memo regarding trash services. There was discussion regarding the new proposed survey for distribution and the 'draft' pricing chart that staff generated through discussions with different trash providers. The Board discussed the format of the survey and the information it includes as well as the language used for the survey question. The Board also discussed ways to encourage resident responses, such as a stamped return envelope, using text messaging for responses, paper mail, email, an electronic survey or offer a drawing for a gift card.

MANAGER'S REPORT

Luis Tovar updated the Board on the work being done with the JWPP BTS. Jacobs is preparing a 60% design set and is moving forward with opening up the inoperable cells. There was a request to amend the Operating Contract and the Design Build Contract with Jacobs. Luis discussed the 4 key points of the proposed amendment:

1. Extension of the final acceptance date of the BTS portion of the project
2. Separation of the warranty for the in-plant components of the project and the BTS components, with the BTS Warranty to run until one year after final acceptance of the BTS.
3. Confirmation that the work being done to modify the BTS is warranty work,
4. Reservation of the right to liquidated damages for approximately one year of the delay from the original deadline for final acceptance.

Following Board discussion, Director Thomas made a motion to approve a second amendment to the JWPP Design- Build Contract, with the key points identified by Luis Tovar as listed above; to authorize management and legal counsel to draft and finalize the amendment with comments via email from the Directors; and to authorize management to sign the second amendment. The motion was duly seconded by Director Dillon and upon vote, the Board unanimously approved said motion.

Luis provided a diagram depicting the Well D-1 redrill. Purging of the well has been delayed as the sediment continues to build up in the newly drilled well. HRS has provided a plan to the contractor for flushing out the sediment which requires additional time and manpower. Hydro Resources has submitted a change order for the work.

Randy Warren prepared a meter reading upgrade memo that was distributed at the meeting. Staff requests Board direction on further investigation of pricing and contractor costs. The Board agreed that staff should pursue further information by drafting an RFP. Under an integrated project delivery contract, proposal acceptance would depend on several factors, including items offered with any particular system, and the District is not required to accept the lowest bid contractor.

Luis discussed the landscape wall repair surrounding CCC-4. Luis reviewed the history of the well drilling and the District's action to landscape the area for neighborhood aesthetics. Neighbors are complaining about the disrepair of the wall that was installed. The Metro District was to maintain the landscaping of the easement property however they do not consider the wall to be part of that. Luis estimates the cost of repair to the wall at approximately \$4,500.

Following Board discussion, the Board directed staff to repair the wall.

ACTION ITEMS

Luis reviewed the action items requested below;

1. **Well D-1 Re-Drill – Hydro Resources** - Change Order to provide additional hours to purge well of sediment in the amount of **\$65,373.98.**
2. **Well CCC-4 Wall repair - \$4,500** Contractor to be determined
3. **Spronk water** – water rights preliminary accounting for the LIRFs for an amount not to exceed **\$5,000**

Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the expenditures discussed and listed above.

REPORTS

Dashboard – Randy reviewed the dashboard report with the Board. Irrigation volumes are higher due to the lack of precipitation however commercial indoor use is down. There was no Board action.

Financial Report – Randy reviewed the district expenditures and financial position related to the lower indoor water volumes and revenue.

Legal Report – Carolyn noted that legal items were addressed during the course of the meeting and was available to address any questions.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for September 15, 2020 beginning at 6:30 p.m. to be held at the District Management Office at 188 Inverness Drive West, Suite 150, Englewood, CO.

READ AND APPROVED BY THE BOARD:

Date: September 15, 2020

William C Thomas, CEO