

RECORD OF PROCEEDINGS

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

January 21, 2020

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

ATTENDEES

Directors present: Steve Wasiecko, Bill Thomas, and Linda Dillon.
Others present: Randy Warren, Luis Tovar, Toby Austin and Kelly Conover, Mulhern MRE, Inc.; Carolyn Steffl; Moses, Wittmyer, Harrison, and Woodruff, P.C.

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

PUBLIC COMMENT

There was no public comment at this time.

CONSENT AGENDA

The Board considered the Consent Agenda. The Consent Agenda included approval of the minutes from the regular meeting held December 17, 2019; authorization for staff to implement disconnect procedures on accounts listed on the delinquent list dated January 17, 2020, approval of checks 21171 through 21213 listed on the revised check register provided at the meeting, ratification of auto-payments to Xcel Energy, Century Link & CH2M, disclosure of potential conflicts of interest and ratification of Director payments on December 20, 2019.

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

DIRECTOR ITEMS

Director Dillon discussed the Garden in a Box program, assessing Board interest of participating in 2020. Staff discussed offering a \$25 rebate rather than enter into a contract with Resource Central. The Board agreed that a rebate on the bill would be a better option.

Director Dillon also asked about scheduling another Water Conservation Workshop this year. She will work with staff to circulate information earlier and schedule something for March.

ELECTION OF OFFICERS

Director Thomas nominated Director Wasiecko for the position of President. Director Dillon seconded the nomination. Director Wasiecko accepted the nomination.

Director Wasiecko nominated Director Thomas as Secretary/Treasurer and Director Dillon as Vice President. Director Thomas seconded the nomination and both Directors Thomas and Dillon accepted.

CONSIDER RESOLUTION CONCERNING 2020 ELECTIONS

Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the Resolution Concerning the 2020 Board Elections.

DISCUSSION REGARDING CHERRY CREEK PROJECT WATER AUTHORITY 1ST RIGHT OF REFUSAL

Luis Tovar provided a brief history and activity of the Authority and the membership of the District. The Board was advised to further discuss this item under executive session.

EXECUTIVE SESSION

At 6:58 p.m. the Board moved into executive session pursuant to C.R.S. 24-6-402(b)&(e) for conferences with the District attorney for purposes 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 the Cherry Creek Project Water Authority Membership.

The Board moved out of executive session at 7:54pm. Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved that the District waive the first right of refusal as discussed in executive session, provided that Castle Rock closes on the purchase no later than June 30, 2020.

MANAGER'S REPORT

Luis Tovar updated the Board on items in the Manager's Report.

The revisions to the BTS cells that were having trouble with circulation and flow have been completed and initial results are promising.

Luis discussed coordinating trades or water and infrastructure sharing with Stonegate Village and Meridian.

Luis discussed the well re-drilling project scheduled to begin late spring. The Metro District approved the application to the Town of Parker and the process is moving forward. Director Thomas asked about the sound wall and its effectiveness. Staff reassured him that in other well drilling projects, this works well. The contractor Behrens and Associates is preparing a sound mitigation report that will keep the sound at pre-drilling levels and will be monitored during the drilling.

REPORTS

Dashboard – Randy Warren reviewed the year end numbers provided in the Board packet. A map of snow pack levels was also provided which showed good projections for the year.

Legal Report – Carolyn Steffl provided an update on the trash legislation. The Bill was introduced by Kim Ransom on Feb 3rd to the local committee for feedback. Carolyn met with another metropolitan district attorney to review language on the bill with changes related to simplifying the process for bidding. There are further amendments pending and she is hoping to cover all the changes under one amendment.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for February 18, 2020 beginning at 6:30p.m. at 8334 Sandreed Circle.

Date: February 18, 2020
READ AND APPROVED BY THE BOARD:

William C Thomas, Secy

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, secy

RECORD OF PROCEEDINGS

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

March 17, 2020

at 6:30 p.m. at

188 Inverness Drive West, Suite 150,
Englewood, Colorado

ATTENDEES

Directors present: Bill Thomas was at the meeting location; Steve Wasiecko and Linda Dillon participated by phone; Others present: Randy Warren, Luis Tovar, Toby Austin and Kelly Conover, Mulhern MRE, Inc.; Carolyn Steffl; Moses, Wittemyer, Harrison, and Woodruff, P.C. by phone.

Upon motion by Director Wasiecko, seconded by Director Thomas and upon vote, the Board excused Director Bandaries.

THE AGENDA

The Board considered the proposed agenda. Randy requested that the authorization of disconnects be moved under the discussion Item VI for billing and late fees. Upon motion duly made by Director Wasiecko, seconded by Director Thomas and upon vote, unanimously carried, the agenda was revised and 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 February 18, 2020; approval of checks 21243 through 21273 listed on the check register, ratification of auto-payments to Xcel Energy, Century Link & CH2M, disclosure of potential conflicts of interest and ratification of Director payments on February 21, 2020.

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

DIRECTOR ITEMS

Director Dillon continues to promote the Garden in a Box program. An insert in this month's bill included information on the program, sales began March 2nd.

Staff continues to work on discussion points for the water conservation workshop with South Metro Water Supply Authority. The evening of April 8th has been set. Rather than a postcard advertisement for mailing, a billing insert has been provided to customers. There has been one household RSVP to date. Staff will follow the state guidelines related to the current virus outbreak and plan the workshop accordingly.

Carolyn Steffl provided a quick update on the trash legislation that was recently passed. There are delays in the legislature related to the current virus outbreak however the bill has been approved and is awaiting the Governor's signature.

Carolyn also recommended that the Board consider appointing Joshua Stewart to the vacant Board position. Upon motion duly made by Director Wasiecko, seconded by Director Thomas and upon vote, the Board unanimously appointed Joshua Stewart to the vacant Board position subject to completion of the Conflict of Interest Statement and Administration of the Oath of Office.

DISCUSSION/REVIEW OF DISTRICT BILLING AND LATE FEE PROCEDURES

Randy Warren provided a memo in the Board packet reviewing billing procedures and timelines. Director Thomas also generated a draft response to concerns regarding late fees that was addressed at the February meeting. Following Board discussion and in consideration of the state guidelines related to the current virus outbreak, Director Wasiecko presented a motion to postpone disconnection of delinquent accounts in March. Director Thomas seconded the motion and upon vote, the Board unanimously approved. The Board will revisit this item next month to consider updates from staff and evolving state restrictions related to the current virus outbreak.

MANAGER'S REPORT

Luis Tovar updated the Board on items in the Manager's Report and addressed Board questions. He updated the board on changes and accommodations made related to the COVID-19 virus and the state restrictions on social distancing and gatherings. JWPP staffing has been reduced, meetings are not held at the plant, and he has reached out to neighboring plant operators qualified to help with the RO at the plant in the event of an emergency. East Cherry Creek Valley has offered their operator services if needed. Staff informed CH2 that the operators working at the JWPP need to avoid being in the same room to keep with social distancing protocol.

Luis provided a map detailing the WISE project infrastructure to illustrate the 4 Phases of WISE; Western Pipeline, Binney Connections, DIA Connection and WISE Water Treatment Plant. Luis discussed each phase

and what is required from the WISE participants. There is a payment due to the WISE Authority for Phase 2 Infrastructure (Binney Connection) in the amount of \$1,607,155.14. This is the District's share of costs that are required to fund the project prior to startup. Randy informed the Board that ½ of the costs will be requested from the CWCB loan and ½ from District reserves.

Luis discussed protocols for District Operations related to the current virus outbreak and state restriction. The District is fully equipped with chemicals and Operators can access SCADA remotely as needed. Operators will follow state protocol on social distancing.

ACTION ITEMS

The Board considered the action items listed below:

1. Finished Water Pump Project – CH2 will complete construction design and specs. Costs will be shared between ACWWA and CW, the District cost is \$19,000.
2. WISE Phase 2 Infrastructure – Upfront funding for the Binney Connection in the amount of \$1,607,155.14.

Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the action items listed.

REPORTS

Dashboard – Randy Warren reviewed the Dashboard Report. He has not seen any large changes related to use and the current virus outbreak. It may be possible to see something next month with restaurants and hotels possibly closing. As of yesterday, the second largest user, Lifetime Fitness temporarily closed. Auditors are working on the District financial statements for 2019, and staff expects a report for review at the next meeting.

Legal Report – Carolyn Steffl is keeping tabs on COVID-19 and the effects related to special districts' policy and procedures. She discussed public meeting procedures and requirements, using conference calls and the requirements to hold entirely electronic public meetings. The SDA is going to provide guidance on meeting platforms and legislation.

Randy discussed the Mulhern office change; reducing in-office staff hours and closing temporarily to promote the health and safety of staff and customers. Customer service staff will not accept in office payments for the next 30 days encouraging customers to pay online with a credit card or sign up for ACH.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for April 21, 2020 beginning at 6:30p.m. at 8334 Sandreed Circle.

READ AND APPROVED BY THE BOARD:

Date: _____

RECORD OF PROCEEDINGS

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

April 21, 2020

at 6:30 p.m. at

188 Inverness Drive West, Suite 150,
Englewood, Colorado 80112

ATTENDEES

Directors present: Bill Thomas; Directors Steve Wasiecko, Linda Dillon, Nathan Bandaries and Josh Stewart attended via electronic communication device; Others present: Randy Warren and Luis Tovar, Mulhern MRE, Inc; Toby Austin and 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. The meeting was available through www.zoom.us and via conference call in # (312) 626-6799.

THE AGENDA

The Board considered the proposed agenda. Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, unanimously carried, 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 17, 2020; approval of checks 21274 through 21305 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 Dillon, and upon vote, unanimously carried, the Consent Agenda was approved.

DIRECTOR ITEMS

There were no Director items for discussion.

LONG TERM FINANCIAL FORECAST/MASTER PLAN

Randy Warren reviewed a memo and a preliminary 10-year financial forecast for the District along with a recommendation to have Mulhern MRE, Inc. update the District Master Plan and Rules and Regulations. The Board discussed the water supply, year-end forecast and capital

spending plan. Director Wasiecko discussed the importance of the water supply forecast and the possibility of new development bringing water. Following Board discussion, upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the board unanimously approved the Master Plan Update and the Rules and Regulations Update with MMRE in the amounts of \$30,000 and \$6,000 respectively.

Carolyn Steffl will work with staff on updating the Rules and Regulations.

DISCUSSION/REVIEW OF DISTRICT BILLING AND LATE FEE PROCEDURES

The Board was provided the billing procedure memo from last month along with Bill's letter and reviewed staff procedures on billing and late fees.

There was discussion regarding the late fee correspondence. Director Bandaries supported the letter regarding late fees. The Board directed staff to generate and deliver the letter to the resident as drafted with no comments related to the current situation of the COVID 19 virus.

The Board was asked by email to waive April late fees and suspend April disconnects. Randy requested that the Board ratify the email vote and extend the late fee waiver through May and suspend May disconnects as well. Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously ratified the email vote of waiving late fees and not conduct disconnection of services for April and May 2020.

DISCUSSION OF TRASH LEGISLATION AND SERVICE PLAN AMENDMENT

Carolyn Steffl updated the Board on the legislation that has been signed by the Governor. This will take effect 90 days after legislative session has ended. Carolyn provided memo on amending the Service Plan with timeline and procedures required to do so. The Board directed staff and legal counsel to begin the process of amending the District Service Plan to allow trash removal services. It was noted that amending the service plan does not commit the District to providing trash removal services.

MANAGER'S REPORT

Luis Tovar updated the Board on items in the Manager's Report and addressed Board questions.

The JWPP is working towards completion. The BTS needs to meet one last constituent, Phosphorous, to meet discharge permit standards. These levels prevent discharge to the Creek. Over the next couple of weeks, engineers will focus on meeting the discharge permit, Jacobs expects to be able to discharge to the Creek at the end of May.

Luis reviewed the lead and copper testing results for the first ½ of 2020.

Luis discussed the Binney Connection through WISE. There are no anticipated construction delays per the contractor. WISE staff has asked participants to for a 5% contingency on the project costs to allow change orders to be approved by staff to avoid delays.

Luis discussed protocols for District Operations related to the current virus outbreak and state restrictions.

Well D-1 redrill is waiting on the Town Of Parker. Staff is trying to push this project to be able to meet summer demands. The bid opening was completed on April 7th and following due diligence, staff recommends the Board approve project contractor and sound wall installation including a 5% contingency to allow staff to approve change orders and avoid delays.

ACTION ITEMS

The Board considered the action items listed below:

1. Well D-1RR Redrill – Hydro Resources is the low bid for \$578,979.
2. Well D-1RR Redrill – MMRE staff engineer will approve project change orders within a 5% contingency, \$28,900.
3. Well D-1RR Redrill – Behrens & Associates will provide project sound wall installation for \$54,090.
4. Facilities Spring Clean-Up – Baird Ground Maintenance will complete tree trimming and pruning around District for \$7,705
5. Master Plan Update – MMRE will complete an update to the 2014 Master Plan for \$30,000
6. Rules and Regulations Update – MMRE will work with Carolyn Steffl's office to update the rules for \$6,000.

Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the action items listed.

REPORTS

Dashboard – Randy reviewed the dashboard report with the Board. There was a drop in water used in multifamily and commercial accounts in March. With disconnects suspended, staff is contacting all delinquent customers by phone or email seeking payment.

Financial Statements – Staff expects the audit report for 2019 Financial Audit to be available at the next meeting.

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

EXECUTIVE SESSION

Following discussion, the Board moved the executive session to next meeting.

ADJOURNMENT

Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for May 19, 2020 beginning at 6:30p.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: May 19, 2020
William C Thomas

RECORD OF PROCEEDINGS

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

June 16, 2020

at 6:30 p.m. at

188 Inverness Drive West, Suite 150,

Englewood, Colorado 80112

This meeting will also be offered via Zoom Meeting

at <https://zoom.us>, (646) 558-8656;

Meeting ID 872-0718-1735 password 443580

ATTENDEES

Directors present: Bill Thomas and Linda Dillon; Directors Steve Wasiecko, and 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.

Upon motion duly made, seconded and upon vote, Director Bandaries was excused.

THE AGENDA

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

ELECTION OF OFFICERS

Randy Warren reviewed the position description as detailed in the Bylaws and discussed the current slate of Officers. Upon motion duly made by Director Dillon seconded by Director Thomas and upon vote, the Board unanimously approved the below slate:

Steve Wasiecko, President
Linda Dillon, Vice President
William Thomas, Secretary
Nathan Bandaries, Treasurer
Josh Stewart, Director

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 May 19,

2020; approval of checks 21340 through 21387 listed on the revised check register provided at the meeting, ratification of auto-payments to Xcel Energy, Century Link, CH2M and CO State Bank for a Bond Interest payment, and disclosure of potential conflicts of interest.

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

DIRECTOR ITEMS

Director Thomas asked about salvaging items at the wastewater treatment plant location. He asked that staff look into recycling/removing the materials.

PUBLIC HEARING REGARDING WATER CONSERVATION ORDER INCLUDING WATERING RESTRICTIONS

Upon motion made by Director Thomas, seconded by Director Wasiecko and upon vote, the Board opened a public hearing at 6:48 p.m. for discussion regarding the proposed water conservation order.

There was no public present. The public hearing was closed at 6:49 p.m.

CONSIDER ADOPTION OF WATER CONSERVATION ORDER INCLUDING WATERING RESTRICTIONS

The Board reviewed the water conservation order. There was a correction noted to the date for sod establishment to be effective June 16, 2020.

Upon motion duly made by Director Thomas, seconded by Director Wasiecko, and upon vote, the Board unanimously approved the water conservation restrictions with the above mentioned change. Staff is to distribute the conservation order to District customers.

PUBLIC HEARING REGARDING PROPOSED AMENDMENT TO THE RULES AND REGULATIONS

Upon motion duly made by Director Thomas, seconded by Director Wasiecko and upon vote the Board unanimously opened a public hearing at 6:54 p.m. regarding a proposed amendment to the rules and regulations.

There was no public present. The public hearing was closed at 6:54 p.m.

CONSIDER ADOPTION OF RESOLUTION AMENDING RULES AND REGULATIONS

The Board reviewed and discussed the proposed changes to the Rules and Regulations, Section 10.4 Enforcement. This section would be revised to remove the penalties from the body of the Rules and Regulations and insert it in Section 4 under Appendix A to the Rules. The changes also proposed a warning letter to the occupant/owner for the first offense prior

to monetary fines of \$100 for a second violation, \$250 for a third violation and \$500 for subsequent violations at the same premises or by the same user.

The Board discussed fines related to residential versus commercial customers violating the restrictions. Staff has scheduled a public hearing for the July 21st meeting and will propose changes to the fee schedule per the discussion.

Upon motion duly made by Director Thomas, seconded by Director Wasiecko and upon vote, the Board unanimously approved the amendment to the rules and regulations.

MANAGER'S REPORT

Luis Tovar provided a presentation regarding the JWPP progress. Jacobs has been working on options for treatment/removal of phosphorus and sulfides. Luis addressed Board questions regarding concerns from the neighboring community; liability to the District and fencing the area. Luis expects to have a special meeting in July and August in order to get approval of some of the items related to proposed changes.

Luis provided an update on the well re-drill project. The Town of Parker has provided comments and is asking for a security deposit estimated at \$17,100. Staff is discussing the requirement with the Town.

Upon motion duly made by Director Thomas, seconded by Director Wasiecko and upon vote, the Board unanimously approved the expenditure contingent upon final discussions with the Town, not to exceed \$17,100.

REPORTS

Dashboard – Randy reviewed the dashboard report with the Board. There was a large increase in use related to irrigation for May. Randy reviewed the aged accounts receivable chart and memo on service disconnect and late fees. Staff recommends suspending late fees and disconnects one more month. In August, customers can avoid disconnects with approved payment plans to bring their account current within 90 days.

Upon motion duly made, seconded and upon vote, Board voted to waive late fees and service disconnections for July. Service disconnection will commence in August with allowances for payment plans.

Legal Report – Counsel and staff reached out to Douglas County proposing to amend the District service plan to allow trash legislation. The County responded that an amendment may not be necessary and that trash service capacity could be provided through an administrative

approval. The County said this may be an administrative change and not labor intensive. The District needs to wait 90 days after the end of the 2020 legislatives to begin the administrative process.

EXECUTIVE SESSION

There was no executive session needed.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for July 21, 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, Sr.

RECORD OF PROCEEDINGS

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

July 21, 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 872 0645 6862

Meeting Password 138393 Phone (301) 715-8592

ATTENDEES

Directors present: Bill Thomas, Linda Dillon, Nathan Bandaries 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, Wittenmyer, Harrison, and Woodruff, P.C. attended via electronic communication device.

THE AGENDA

The Board considered the proposed agenda. Upon motion duly made by Director Thomas, seconded by Director Bandaries and upon vote, unanimously carried, 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 June 16, 2020; approval of checks 21388 through 21427 listed on the check register, ratification of auto-payments to Xcel Energy, Century Link, and CH2M, authorization of disconnects, disclosure of potential conflicts of interest and ratification of director payments.

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

DIRECTOR ITEMS

There were no Director's items for discussion.

PUBLIC HEARING REGARDING CHANGES IN WATER FEES/PENALTIES FOR WATER CONSERVATION VIOLATIONS

Upon motion made by Director Thomas, seconded by Director Bandaries and upon vote, the Board opened a public hearing at 6:38 p.m. for discussion regarding the proposed changes in water fees/penalties for water conservation violations.

There was no public present. The public hearing was closed at 6:39 p.m.

CONSIDER RESOLUTION ADOPTING CHANGES IN WATER FEES/PENALTIES FOR WATER CONSERVATION VIOLATIONS

The Board reviewed the resolution and the proposed fees. Following Board discussion and upon motion duly made by Director Thomas, seconded by Director Dillon, and upon vote, the Board unanimously approved the resolution adopting changes in fees/penalties for water conservation violations.

CONSIDER EXTENSION OF CONSENT TO SELL AND WAIVER OF RIGHTS FOR THE CHERRY CREEK PROJECT WATER AUTHORITY MEMBERSHIP

Following Board discussion and upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the extension and waiver of rights through March 3, 2021.

MANAGER'S REPORT

Luis Tovar provided a presentation regarding the JWPP progress and proposed changes. A final technical memo from Jacobs is due this week outlining a 30% design. Luis addressed the Board's concerns regarding fencing around an open wetland and the use of native grasses on site.

Luis also noted that the EPA is in the process of writing our ASR permit. The Town of Castle Rock received a permit identical to Meridian which is good news showing that there could be a standard in awarding ASR permits.

Luis provided an update on the well re-drill project. Additional unexpected costs related to surging the well are expected. Staff will have costs at the next meeting.

ACTION ITEMS

Luis reviewed the action item requested below;

1. **Well Re-Drill - HRS** - Proposal provided to complete well re-drill including pumping test analysis and well documentation for an amount of **\$37,340**.

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

REPORTS

Dashboard – Randy reviewed the dashboard report with the Board. Commercial volume is still down vs last year. Irrigation use is up and indoor use is slightly less.

Legal Report – Carolyn has been focusing on trash legislation and the next steps required by statute. A full amendment to the District Service Plan is not necessary with Douglas County. There has been direction from the County that publication of a Notice of Intent to provide services and allowing for a public comment period would be sufficient. Carolyn discussed the District working on a public campaign prior to publishing notice to address any community concerns. The next steps are for staff to gather information of surrounding communities/HOAs providing trash services, contact trash companies for pricing information and draft survey for Board review.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for August 18, 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: August 18, 2020

William C Thomas, secy.

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

RECORD OF PROCEEDINGS

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

September 15, 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 840 3763 0931

Meeting Password 713127 Phone (312) 626-6799

ATTENDEES

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

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.

Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, unanimously carried, 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 August 18, 2020; approval of checks 21467 through 21500 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, disclosure of potential conflicts of interest and ratification of Director payments. There was discussion of the Parker Hospital accounts being listed on the delinquent list. Staff will contact the representative in the morning and follow up with and email to the board.

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

There were no Director's items for discussion.

DRAFT 2021 BUDGET

Randy Warren reviewed the draft budget for 2021 for the District. Randy and Luis both addressed Board questions regarding rates, large item expenditures as well as capital projects estimated through 2028. There was no Board action at this time. This is for discussion and review only.

MANAGER'S REPORT

Luis Tovar provided a presentation on the JWPP BTS redesign. Luis compared the 30% and 60% design sets. There is a meeting scheduled for September 23, 2020 via Zoom, for staff and Board to attend.

There is a draft amendment to the design build agreement that remains under review with Jacobs.

Director Thomas asked for clarification on the WISE Water supply over the 5 year ramp-up period. SMWA has completed an extension with Denver Water and Aurora for the Binney Connection and also extended the ramp-up period by one year.

Luis also provided a visual aid for the Well D-1 Re-drill. There was board discussion regarding the drilling process.

CCC-4 Wall is scheduled for repair in the next week or so.

ACTION ITEMS

Luis reviewed the action items requested below;

1. **Well D-1 Re-Drill – Hydro Resources** – Ratification of additional work, airlifting and jetting for continued efforts of sediment removal for **\$55,660**.
2. **Well D11 Fencing** – Commercial Fence has provided a proposal to replace the current fence in disrepair for **\$3,770**.
3. **District Roof Repairs** – Staff has a proposal from Tecta America for facility repairs for **\$1,450**.

Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously ratified item #1 and approved items 2 & 3 discussed and listed above.

REPORTS

Dashboard – Randy reviewed the dashboard report with the Board. August use was similar to July. There was no Board action.

Legal Report – Carolyn asked Luis to update the Board on the Cherry Creek Alluvial Study that was extended/amended through May 2021 recently. Carolyn’s office has been working with staff on the Well D-1 redrill and the amendment for the Design Build Agreement. She will also be working on amending the Operation Agreement for the JWPP.

EXECUTIVE SESSION

There was no executive session needed.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for October 20, 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: October 20, 2020

Melissa C Thomas, Secretary

RECORD OF PROCEEDINGS

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

October 20, 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 856 5566 4647

Meeting Password 807184 Phone (346) 248-7799

ATTENDEES

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

Others present: Randy Warren, Toby Austin and Luis Tovar, Mulhern MRE, Inc; Kelly Conover with Mulhern MRE, Inc. attended via electronic device;

Carolyn Steffl; Moses, Wittemyer, Harrison, and Woodruff, P.C. attended via electronic device.

Public Present: Cottonwood resident, Simone Aiken of 8983 Cloverleaf Circle.

THE AGENDA

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

PUBLIC COMMENT

Ms. Aiken stated she primarily wanted to observe and had no comments.

CONSENT AGENDA

The Board considered the Consent Agenda. The Consent Agenda included approval of the minutes from the regular meeting held September 15, 2020 and October 5, 2020; approval of checks 21501 through 21548 listed on the revised check register provided at the meeting, ratification of auto-payments to Xcel Energy and Century Link, 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

Director Thomas presented a Resolution of Service for Director Bandaries. Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the Resolution.

DISCUSSION REGARDING COMMUNITY TRASH SURVEY

There was Board discussion regarding the memo provided in the packet summarizing current survey results and public comments. The Board discussed option for placing the service on the next ballot in 2020. Carolyn will research ability to refer a ballot question to the voters.

The Board also discussed some of the comments toward the District going for the lowest bidder placing the residents in a situation where they have sub-par services. Through the RFP process, the District has the ability to choose the best contractor, which is not always the lowest bidder.

Discussion continued about the possibility of the service being voluntary but residents would have to agree for a year of service. This could create an administrative burden on the District and the contractor of tracking residents' participation.

Director Thomas suggested the District wait until the next meeting and see what results are at the end of Oct.

MANAGER'S REPORT

Luis Tovar reviewed items in the Manager's Report. He mentioned a successful meeting with Parker Water to discuss options and infrastructure needed to get water supply into the RHR with CCPWA water. The District would also need to provide plan on how to get it out as well. Parker Water will no longer trade effluent water from the WWTP.

Luis discussed Well D-1 redrill with contractor costs under negotiation. Further discussion will be under executive session.

The meter replacement/upgrade project had the bid opening today. Staff will complete due diligence and anticipates having a discussion or recommendation at the next meeting.

ACTION ITEMS

Randy Warren reviewed the action items requested below;

1. District Billing/Customer Service – Mulhern MRE requests a contract increase for **\$6,000** for additional time spent following up on collections during COVID.
2. JWPP Start Up Management – Mulhern MRE requests a contract increase of **\$20,000** to monitor and manage the start up project completion.

3. Meter Upgrade Project – Phase I – Mulhern MRE requests a contract for time spent on compiling information for contractors and the bid process. **\$17,500**
4. District Well Fencing – Commercial Fence has provided proposals for 3 more well houses with deteriorating fences for **\$7,954**.

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

REPORTS

Dashboard – Randy reviewed the dashboard report with the Board. Precipitation is still below previous year’s average. There was no Board action.

Legal Report – Carolyn has been working with staff on the JWPP Design Build Agreement Amendment.

EXECUTIVE SESSION

Upon motion duly made by Director Thomas, seconded by Director Dillon, and upon vote, the Board unanimously moved into executive session pursuant to C.R.S. 24-6-402(4)(b) and 4(e) for conference with an attorney for the District 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 concerning the Well D-1 redrill.

Upon motion duly made, seconded and upon vote, the Board unanimously moved out of executive session. There was no Board direction or action.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for November 17, 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: _____ November 17, 2020 _____

William P. Thomas, acy

RECORD OF PROCEEDINGS

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

November 17, 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: 878 0734 7133 Meeting Passcode: 055449 **Phone** (346) 248-7799

ATTENDEES

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

Others present: Randy Warren, Luis Tovar, Toby Austin and Kelly Conover Mulhern MRE, Inc; attended via electronic device;

Carolyn Steffl; Moses, Wittemyer, Harrison, and Woodruff, P.C. attended via electronic device.

Public Present: Cottonwood Residents Mr. James Horine of 8865 Cottonwood Way and Mr. John Dougherty of 8881 Cottonwood Way. Mr. Richard Nielsen of 16907 Blue Mist Circle (attended via phone).

THE AGENDA

The Board considered the proposed agenda. Director Thomas proposed a Resolution authorizing District Managers to sign checks approved at this meeting. Upon motion duly made by Director Wasiecko, seconded by Director Thomas and upon vote, the Board approved the Resolution.

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

PUBLIC COMMENT

Mr. Nielsen inquired about the status of the 2020 Trash/Recycling service survey results. Randy Warren informed him that the District received about 466 responses to date with about 62% for and 36% against the service with some undecided responses. The Board is considering all the comments received and has not made a decision on whether or not to provide the service.

Next, Mr. Horine and Mr. Dougherty asked questions regarding the District's ability to legally provide these services and the reason(s) for mandatory participation. Mr. Horine expressed his beliefs that the District cannot legally provide trash services without a service plan amendment and a public vote and that existing trash service is sufficient. Mr. Dougherty asked whether the District could offer optional trash services,

noting that he would only want to participate if there was a cost saving, recycling was included, and the contract was with a responsible trash provider.

Director Wasiecko responded that the Board is aware of the concern about mandatory participation and that the Board has not made any decision whether to provide the service or not, as it is still in the information gathering stage. The reason for mandatory participation was to lessen the administrative burden on account changes related to service, as well as obtaining the best pricing from contractors.

Carolyn Steffl discussed the District's participation with the Special District Association Legislative Committee, proposing and supporting the legislative change to remove population limits. Through the Committee, other special districts expressed an interest in and supported the change.

Mr. Nielson summarized the Cottonwood Metropolitan District's prior discussions regarding whether to begin providing trash services and their decision not to move forward.

Mr. Wasiecko and Mr. Warren outlined prior discussions by the Cottonwood Water and Sanitation District regarding trash services, noting that they pursued the option based on comments and requests from citizens. Director Wasiecko discussed his experiences with another special district that provides trash services. Director Wasiecko noted that the agenda includes further discussion of whether to provide trash services under Director's items.

After approximately 50 minutes of discussion regarding the above topics, the public comment session was closed and the Board moved forward on the agenda.

CONSENT AGENDA

The Board considered the Consent Agenda. The Consent Agenda included approval of the minutes from the regular meeting held October 20, 2020; approval of checks 21549 through 21579 listed on the revised check register provided at the meeting, ratification of auto-payments to Xcel Energy and Century Link, authorization of disconnects, disclosure of potential conflicts of interest and ratification of Director payments.

Staff noted that the minutes of the October 20 meeting did not record the public attendance. Following Board discussion, upon motion duly made by Director Thomas, seconded by Director Dillon, and upon vote, unanimously carried, the Consent Agenda was approved with said correction to the minutes.

The Board considered a Resolution authorizing staff to sign the approved checks for the November meeting. Upon motion duly made by Director Wasiecko, seconded by Director Thomas and upon vote, the Resolution was unanimously passed.

PUBLIC HEARING ON 2021 RATES

At 7:45pm, upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously opened a public hearing regarding the proposed 2021 Rates and Fees.

Randy Warren reviewed the memo provided in the Board packet regarding rates and the proposed increase. Staff recommends that the water and sewer base fees remain the same with an increase of 3% to the water and sewer usage fees to offset the District's increased use of renewable supplies and the anticipated increase in sewer costs from ACWWA. Staff also recommends a 2% increase in tap fees to reflect inflationary costs to replace District infrastructure.

Mr. Dougherty commented that commercial users are the largest abusers, observing irrigation systems running in the rain.

At 7:50pm, upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously closed the Public Hearing.

PUBLIC HEARING ON 2021 BUDGET

At 7:51pm, upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board opened the Public Hearing on the proposed 2021 Budget.

Randy Warren reviewed the proposed budget and the proposed mill levy reduction. Director Wasiecko asked if the repeal of the Gallagher Amendment would affect the District. Randy was not sure of the effects on the District over time but commented that the District is fairly distributed between Residential and Commercial assessed values. The District also does not have a mill levy based on operational expenses but on debt service.

Director Wasiecko stated that the proposed budget was provided to the Board for review at a previous meeting and that their consideration today was not based solely on today's meeting.

The hearing was open to public comments, there being none and upon motion by Director Thomas, duly seconded by Director Dillon and upon vote the Board closed the public hearing at 7:56pm.

CONSIDER RESOLUTION ADOPTING 2021 RATES AND FEES

Following Board consideration, upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the Resolution Adopting the 2021 Rates and Fees authorizing staff to update Exhibit A of the Rules and Regulations to reflect these changes.

CONSIDER RESOLUTION ON ADOPTION OF BUDGET AND APPROPRIATION OF FUNDS

Following Board consideration, upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the Resolution Adopting the 2021 Budget and Appropriation of Funds.

CONSIDER RESOLUTION CERTIFYING 2021 MILL LEVY

Following Board consideration, upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the Resolution Certifying the 2021 Mill Levy at 13.5 Mills, subject to minor adjustment based on the final assessed valuation certification.

DIRECTOR ITEMS

Director Wasiecko asked Carolyn about the possibility of providing a ballot question to the electors related to the community trash service. Carolyn Steffl responded that the ballot question could be structured as a TABOR ballot issue. Carolyn discussed the structure of a ballot question. She believes that there is no requirement for a public vote, though she is going to review the statutes cited by Mr. Horine to confirm their inapplicability to the District. These statutes would apply to a different type of District, and the District was formed and is governed under the Special District Act.

The Board discussed the format of a ballot question. Carolyn's concern is to structure the question so that it would not limit the Board's discretion in running the program.

Luis Tovar discussed the ability of the District to detail its requirements in developing a Request For Proposals and in selection of a contractor. The District is not required to accept the lowest bidder but would do its due diligence in researching the contractor's ability to perform services to the District's satisfaction.

Following the Board discussion, Carolyn was directed to look into some of the comments and questions raised tonight regarding the legal authority of the District and the statutes cited by Mr. Horine.

The Board discussed having the drawing for the gift cards awarded among those who responded to the survey at the December meeting.

MANAGER'S REPORT

Luis Tovar reviewed items in the Manager's Report. The JWPP pilot study was put on hold for about two weeks due to the lack of Phosphorous precipitating with then-current chemical dosing. Now, the pilot is up and running as of yesterday and Jacobs has already observed results in the BTS that were observed in the bench scale testing of the polymer. This 2 week delay could affect the startup scheduled in June of 2021.

Luis informed the Board of the status of the Well D-1 re-drill. He provided a table of costs showing proposed credits from the contractor for the first well drilling and their estimated costs and discounts to complete a second well drill. Luis further explained, for the benefit of the public present, that the District has a well repair and rehab program to maintain the wells to meet District needs, which consists of cleaning, videoing and assessing pumping equipment. He also explained why the well needs to be re-drilled.

Luis informed the Board that the bids for the AMI meter installation project have been moved to the end of the month, and outlined the benefits of installing smart meters.

ACTION ITEMS

There were no action items for approval.

REPORTS

Dashboard – Luis reviewed the dashboard report with the Board. There was no Board action.

Legal Report – Carolyn continues to work with staff on the JWPP Design Build Agreement Amendment.

EXECUTIVE SESSION

At 9:15 pm, upon motion duly made by Director Thomas, seconded by Director Dillon, and upon vote, the Board unanimously moved into executive session pursuant to C.R.S. 24-6-402(4)(b) and 4(e) for conference with an attorney for the District 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 concerning the Well D-1 redrill.

At 9:50 pm, upon motion duly made, seconded and upon vote, the Board unanimously moved out of executive session.

Upon motion duly made by Director Thomas, seconded by Director Stewart and upon vote, the Board unanimously approved the change order provided by Hydro Resources for an amount not to exceed \$275,000, to bring the total contract amount to \$890,000, subject to possible adjustments to be considered at the December meeting.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for December 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: December 15, 2020

William C Thomas, acting

RECORD OF PROCEEDINGS

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

December 15, 2020

at 6:30 p.m. at

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

Meeting ID: 872 1667 5906 Meeting Passcode: 429284 Phone (346) 248-7799

ATTENDEES

Due to the current gathering restrictions, this meeting was held via Zoom Meeting only.

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

Others present: Randy Warren, Luis Tovar, Toby Austin and Kelly Conover Mulhern MRE, Inc; attended via electronic device;

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, unanimously carried, 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 November 17, 2020; approval of checks numbered 21580 through 21606 listed on the revised check register provided at the meeting, ratification of auto-payments to Xcel Energy and Century Link, consideration of waiving December disconnects, disclosure of potential conflicts of interest and designation of posting location and set meeting dates for 2021.

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

CONSIDER RESOLUTION AUTHORIZING STAFF SIGNATURES ON DECEMBER CHECKS

The Board considered a Resolution authorizing staff to sign the approved checks for the December meeting. Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Resolution was unanimously passed.

DIRECTOR ITEMS

Director Dillon informed the Board that Mr. Donald Parrot had a recent family loss. The Board agreed to send a card expressing their condolences.

MANAGER'S REPORT

Luis Tovar reviewed items in the Manager's Report. He discussed the success of the pilot study and the lengthy approval process required by the CDPHE. There is a 4-8 month approval timeline for the chemical polymer proposed. Carolyn addressed the 2nd Amendment to the Design-Build Contract approved at the last meeting and discussed revisions for approval. The 2nd Amendment will only include the extension of the startup period to continue through final acceptance of the project. A 3rd Amendment is in process to address further items including separation of the warranty items between the BTS and the in-building improvements.

Luis discussed the change order proposed for the Well D1-RR Redrill. The negotiations with Hydro Resources resulted in a credit of \$290,000 to the cost of the first well. The second well is proposed at \$568,230. Staff will work on a notification to Cottonwood neighbors to update them on the project.

Luis and Randy presented the results of the meter replacement project, comparing and contrasting the bids from 6 companies. Staff recommends using Badger. Following Board discussion, staff was directed to engage with Badger to prepare the contract documents for the AMI System implementation with Badger for Board approval at the January 2021 meeting. Staff to also present the contract for the meter and end point installation, separate from Badger's contract, for Board approval at the January 2021 meeting.

ACTION ITEMS

The Board considered the following action items for approval:

1. 2021 District Management – Mulhern MRE;
 - a. Management - \$171,000
 - b. Accounting/Billing/Customer Service - \$144,000
2. 2021 JWPP Start-up Management – Mulhern MRE; \$20,000
3. 2021 District Operations – Inverness Water; \$180,000
4. 2020 Financial Audit – Logan & Associates; \$5,800
5. On-Call Emergency Repairs – C&L Water Solutions; T&M
6. 2021 Landscape Maintenance – Baird Solutions;
 - a. District facilities - \$975 monthly
 - b. Maintain/Mow Open field - \$595 per mow
7. 2020-2021 Snow Removal – Baird Solutions; T&M
8. JWPP-BTS Discharge Analysis – ACCWA shared costs; \$7,500

9. Well D1-RR Re-drill Project – Hydro Resources Change Order #3;
\$568,230

Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the above action items.

Following Board discussion and upon motion by Director Thomas, duly seconded by Director Dillon and upon vote, the Board unanimously approved the revised 2nd Amendment to the Design-Build Contract extending the startup period as presented by Carolyn.

REPORTS

Legal Report – Carolyn continues to work with staff on the JWPP Design Build Agreement Amendments. The Board was provided a confidential memo on trash services and recommended that the January meeting provide for an executive session discussion on the topic.

ADJOURNMENT Upon motion duly made, seconded and unanimously carried the meeting was adjourned at 8:05 p.m. The next regular meeting is scheduled for January 19, 2021 beginning at 6:30 p.m. to be held at the District Management Office at 188 Inverness Drive West, Suite 150, Englewood, CO or via Zoom meeting.

READ AND APPROVED BY THE BOARD:

Date: January 19, 2020
William C Thomas, pres