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RECORD OF PROCEEDINGS

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**MINUTES OF THE BOARD OF DIRECTORS OF  
THE ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY**

HELD: April 11, 2007

13031 E Caley Ave  
Centennial, CO 80111

**ATTENDANCE:**

Present were Directors: Hap Henderson, Doyle Tinkey, Rod Bockenfeld, Pat Mulhern, Marie Mackenzie, Linda Lehrer, Alan Leak and Jim Dyer. Also in attendance were: Gary Atkin, Jennie Achee, Will Koger, Martin Stegmiller, Barbara Townsley, and Legal Counsel Rick Kron of Grimshaw & Haring. Guests: Bert Bondi, Bondi & Company; Doug Barnes, The Centennial Condominiums, Inc.

**CALL TO ORDER:**

Director Hap Henderson called the meeting to order at 9:05 a.m. in the Arapahoe conference room of the Arapahoe County Water and Wastewater Authority office at 13031 E Caley Ave Centennial, CO 80111. Director Leak led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA:**

Mr. Atkin suggested that Item #10B (Service Potential to Vermilion Creek) be moved and assigned as Item #6A. A motion was made by Director Tinkey and seconded by Director Mulhern to adopt the agenda with modifications. The motion passed 7 to 0.

Director Alan Leak was sworn in as a member of the Board of Directors of the Arapahoe County Water and Wastewater Authority. He immediately began his duties as a Director.

**PUBLIC FORUM:**

Mr. Doug Barnes addressed the Board referring to an old version of ACWWA's Rules and Regulations, section 8.3.3.4 which has to do with tap fees for swimming pool discharges. Mr. Barnes is building a clubhouse for a

condominium project and is being charged for 2 sewer taps. Director Henderson referred this to the PDAC Committee.

#### CONSENT AGENDA:

Director Leak requested to move Item #5C off the consent agenda. It was moved to discussion after Item #8. Director Lehrer requested an addition to the March 14, 2007 minutes regarding her qualifications. A motion was made by Director Mackenzie and seconded by Director Henderson to approve the consent agenda with the exception of Item #5C. The motion passed 8 to 0. The consent agenda consisted of the following items:

1. Approval of Meetings Minutes for March 14, 2007.
2. Approve Payment Requests for March 2007.
3. Approve and Adopt Resolution to Health Reimbursement Agreement.
4. Approve PDAC Committee Items:
  - A. Approve Professional Services Agreement with CH2MHill for Industrial Stormwater Permit, WRF Expansion, Project P-23.
  - B. Approve Professional Services Agreement with Arber and Associates for State Loan Application, JWPP, Project P-15.
5. Approve Water Committee Items:
  - A. Approve Professional Services Agreement with Spronk Water Engineers for Lawn Irrigation Return Flows Study Update.
  - B. Approve Chatfield Reservoir Reallocation Agreement.

#### GENERAL BUSINESS ACTION ITEMS:

##### Item No. 6A (Previously No. 10B) – Update on Service Potential to Vermilion Creek

Mr. Atkin stated that the Water Committee was tasked with reviewing the Memorandum of Understanding that was provided by Vermilion Creek. The MOU had significant changes from the original “will serve” letter which was provided in August 2006. The Water Committee met and their recommendation is that the original “will serve” letter be left intact.

##### Item No. 6 – Presentation by Bondi and Company of 2006 Financial Audit

Mr. Bert Bondi addressed the Board. He went over the reports called “Financial Statements December 31, 2006 and 2005 and Report to Governance”. The year 2006 was a good financial year and the Authority improved its’ financial position. Refunding the 2003 bonds was very positive. The recommendations that were given last year were followed and posting the Board minutes to the website shows accountability. Mr. Bondi made a recommendation for better coordination between the project personnel and the finance personnel. The records were found in good condition and the auditors were able to find everything they needed for the audit. Director Mulhern would like to see the table better labeled debt vs.

assets. Director Henderson stated that he was very happy with the complete and clean audit that ACWWA received and that the financial staff as well as the auditors should be commended. A motion was made by Director Mackenzie and seconded by Director Leak to approve the 2006 financial audit. The motion passed 8 to 0.

Item No. 7 – Discussion and Possible Action Regarding an Update to the 2007 ACWWPID Budget

Mr. Koger stated that ACWWA staff addresses the ACWWPID Board twice a year regarding the budget. Mr. Koger explained the recommended adjustment to the ACWWPID budget for 2007. A study session is scheduled for the ACWWPID Board on April 24<sup>th</sup>. Staff is looking for concurrence from the ACWWA Board in order to take the recommended adjustments to the ACWWPID Board. A presentation of the 2007 PID projects was given by Mr. Koger. A motion was made by Director Mulhern and seconded by Director Dyer to recommend approval of the 2007 ACWWPID budget revision proposal. The motion passed 8 to 0.

Item No. 8 – Discussion and Possible Action Regarding the Establishment of an ACWWA Service Boundary

Mr. Atkin stated that the ACWWA staff produced a boundary map with the Water Committee's suggestions incorporated. Mr. Koger went over the map with the Board. The great work that Ms. Caryn Ashbay did on these maps was acknowledged. Some modifications to the map were suggested by the Board members. Staff will make the changes and have them reviewed by the Water Committee. Discussion took place regarding the area that ACWWA would potentially provide service to. Mr. Atkin would like for the ACWWA Board at some point to formally adopt a service boundary.

Item No. 5C – Expansion of Water Service to Replatted Residential Lots in Foxfield

Mr. Atkin stated that the Water Committee discussed water service to replatted residential lots in Foxfield and referred to backup information in the Board packet. In a related matter, there are some areas within Foxfield that are contemplating commercial development. The ACWWA contract with Foxfield is specific to residential development taps. Director Leak, who is the Town Engineer for the Town of Foxfield, received a call from Mayor Sullivan asking him to request that before taking action on this item, ACWWA would discuss this further with the Town. The Mayor's concerns were expressed by Director Leak. Discussion will take place with the Mayor of Foxfield and the information will then be brought back to the Water Committee.

## INFORMATION ITEMS AND REPORTS

Written reports were provided to the Board on the following topics:

### Item No. 9 – Update on a Water System Interconnect with the City of Aurora

Mr. Koger referred to an Intergovernmental Agreement from 1988 with the City of Aurora that was presented in the Board packet. ACWWA was to build an interconnect from Aurora's system to ACWWA's Deem well facility which was not done. Staff would like to build the interconnect this year and got a proposal to do the design work. The PDAC Committee recommended that staff make the full Board aware of this agreement and also suggested that staff consider a possible design/build project approach. The preliminary cost of this project and the amount of time was discussed, but specific plans will be brought back to the Board at a future meeting.

### Item No. 10A – Update on Late Completion of Chapparral Pump Station and Loyd Well Projects

Mr. Koger gave an update on Bosco Construction. ACWWA is working through a claim issue at this time. A cross claim has been filed by ACWWA. The question was asked of Mr. Kron if ACWWA is entitled to legal fees. Mr. Kron will need to research the answer to that question.

### Item No. 11 – Financial Report

Ms. Achee presented the January 2007 financial reports and took questions from the Board.

## EXECUTIVE SESSION

A motion was made by Director Bockenfeld and seconded by Director Henderson to move into Executive Session to discuss negotiating position on acquisition of water rights at 10:59 a.m. pursuant to Section 24-6-402(4) (E) C.R.S. The motion passed 7 to 0 with Director Mulhern not present during the vote. (Executive session meetings are recorded and retained for 90 days.)

The Board took a short break at 10:59 a.m.

Meeting resumed at 11:05 a.m.

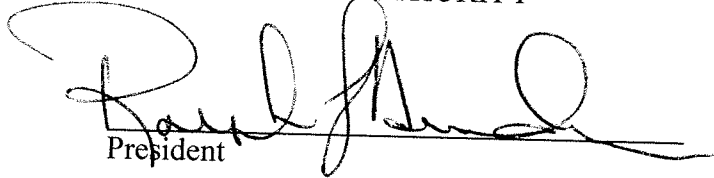
The Executive Session ended at 11:46 a.m. No formal action was taken during executive session.

## ADJOURNMENT:

A motion was made by Director Tinkey and seconded by Director Henderson to adjourn the meeting at 11:47 a.m. The motion passed 8 to 0.

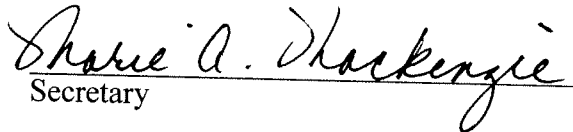
Approved: May 9, 2007

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY



President

ATTEST:



Secretary