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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: September 10, 2008

13031 E Caley Ave  
Centennial, CO 80111

**ATTENDANCE:**

Present were Directors: Hap Henderson, Marie Mackenzie, Pat Mulhern, Linda Lehrer, Alan Leak, and Jim Dyer. Also in attendance were: Gary Atkin, Jennie Achee, Martin Stegmiller, Arnie Reil, Barbara Townsley, and Legal Counsel Rick Kron of Grimshaw & Harring. Guests: John McCarty, SEMSWA; Bill Veydovec, Arber and Associates.

**CALL TO ORDER:**

Director Hap Henderson called the meeting to order at 9:10 a.m. in the Arapahoe conference room of the Arapahoe County Water and Wastewater Authority office at 13031 E Caley Ave, Centennial, CO 80111. Mr. Martin Stegmiller led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA:**

A motion was made by Director Mackenzie and seconded by Director Dyer to adopt the agenda with Item #8 being expanded to include the award of the construction contract to Scott Contracting for the actual building of the line. The motion passed 6 to 0.

**PUBLIC FORUM:**

No one requested to address the board.

**CONSENT AGENDA:**

Director Leak spoke regarding the financials from the last SEMSWA meeting. He confirmed that ACWWA is paying for of the design review for our portion of the storm drainage. ACWWA is paying for the required design review for

ACWWA's purposes and proof of that is given on the financials. A check was sent to Wright Water Engineering.

A motion was made by Director Dyer and seconded by Director Mackenzie to approve the consent agenda. The motion passed 6 to 0. The consent agenda consisted of the following items:

1. Approval of Meeting Minutes for August 13, 2008.
2. Approve payment requests for August 2008.
3. Approve Resolution No. 2008-02 Regarding Backflow Prevention.
4. Approve Recommendations from PDACC:
  - A. Approve Task Order Modification to Wright Water Engineering Agreement.
  - B. Approve Temporary Irrigation Policy.
5. Approve Recommendations from Water Committee:
  - A. Approve Additional Expenditure for Costs Associated with Cherry Creek Hydraulic Modeling Project.

#### GENERAL BUSINESS ACTION ITEMS

Item No. 6 – Discussion and Possible Action Regarding a Fee Modification to Arber and Associates for work related to the Wastewater Plant Expansion Project

Mr. Bill Veydovec addressed the board concerning an increase to the Arber contract amount. He explained the reasoning and what changes are being made going forward. Director Mulhern will meet with the appropriate party to address the concerns with a follow-up letter from ACWWA and Inverness. A motion was made by Director Leak and seconded by Director Henderson to approve the change order for Arber and Associates for work related to the Wastewater Plant Expansion Project. The motion passed 6 to 0.

Item No. 7 – Discussion and Possible Action Regarding Change Order No. 6 to the Wastewater Plant Expansion Project

Mr. Bill Veydovec also spoke on the topic of the Lone Tree Creek Water Reuse Facility Expansion Project change order. He explained the reasons for the changes and requested that the board approve the Change Order. A motion was made by Director Mulhern and seconded by Director Leak to approve Change Order No. 6 to the Wastewater Plant Expansion Project. The motion passed 6 to 0.

Item No. 8 – Discussion and Possible Action Regarding an Amendment to the ACWWA Cottonwood Agreement for the Sharing of Costs for Construction of the JWPP Raw Water Delivery Project.

Mr. Reil addressed the board to discuss the Amendment to the IGA and the JWPP Pipelines bids summary. A motion was made by Director Dyer and seconded by Director Mackenzie to approve the First Amendment to the Intergovernmental Agreement regarding Water Treatment Facility and award the contract to the lowest bidder which is Scott Contracting. The motion passed 5 to 0 with Director Mulhern abstaining.

Item No. 9 – Discussion and Possible Action Regarding Adoption of Pretreatment Rules and Regulations

Mr. Stegmiller recognized Mr. Dan Messer of Inverness and Mr. Darrell Scrivner of ACWWA for their outstanding performance in the pretreatment program. He requested that the board approve a change to the ACWWA Rules and Regulations to protect the Lone Tree Creek Reuse Facility. A motion was made by Director Lehrer and seconded by Director Mackenzie to approve the Pretreatment Rules and Regulations with a formatting style according to current ACWWA standards. The motion passed 6 to 0.

Item No. 10 – Discussion and Possible Action Regarding the Status of the Revised Operations Agreement between ACWWA and Cottonwood

Mr. Atkin gave an update to the board regarding the status of the Cottonwood negotiations. A draft letter was distributed to the board members. No action was taken on this item.

Item No. 11 – Discussion and Possible Action regarding the Addition of Alluvial Wells in Happy Canyon Creek

Mr. Reil addressed the board and explained a need for three additional well sites used to provide backup water supply to the JWPP plant. A motion was made by Director Henderson and seconded by Director Leak to approve the contract with Wm. Curtis Wells & Co. to drill one well after review of the contract by Mr. Atkin and legal counsel. The motion passed 6 to 0.

Item No. 12 – Discussion and Presentation of the 2009 Capital Improvement Plan and 2009 Budget

Mr. Atkin and Mr. Reil discussed with the board the 2009 CIP and the 2009 Budget. Staff will put together a detailed presentation for a future meeting.

Item No. 13 – Discussion Regarding Potable and Non-Potable Rates

Mr. Atkin stated that potable and non-potable rates have been presented to the Water Committee and Finance Committee. Staff has a need for direction from the board as to what differential rate between potable and non-potable should be

charged, if any, before the next irrigation system. A list of bullet points will be made for distribution and discussed at the next board meeting.

## INFORMATION ITEMS AND REPORTS

### Item No. 14 – General Manager’s Report

- A. Environmental Management System Silver Award  
Mr. Stegmiller recognized Mr. Les Nelson for the outstanding work he has done in managing the EMS program. Because of Mr. Nelson’s dedication, ACWWA has recently received the Silver Award.
- B. SMWSA ASR Pilot Project Update  
Grant funds will be provided after the South Metro Group has negotiated an agreement with CWCB. Discussion took place among the board members and Mr. Atkin regarding treating water and water storage.
- C. JWPP Discharge Permit  
ACWWA and Arber met with CDPHE. The Health Department agreed to an amendment to the permit that will be a more facilitative regarding the concentrates disposal.
- D. Update on Vermilion Creek Project  
A letter went from ACWWA to Vermilion Creek, but no response has been received.
- E. Update on Stonegate Situation  
Mr. Atkin gave an update on the recent situation with Stonegate and what is being discussed going forward.
- F. Motel 6 Update  
Ms. Achee explained to the board the recent activity concerning the Motel 6 property.
- G. Update on Cost of Service Study  
Ms. Achee updated the board on the recent discussions that took place in Finance Committee meetings regarding the Cost of Service study.
- I. Zero Liquid Discharge Pilot Program  
Mr. Atkin updated the board on discharging of the reverse osmosis water and the cost.

## EXECUTIVE SESSION

A motion was made by Director Henderson and seconded by Director Lehrer to move into Executive Session to develop negotiating positions, strategy or instruct negotiators regarding East Cherry Creek Valley water supply and the HDR pump station litigation at 11:55 a.m. pursuant to Section 24-6-402(4) (E) C.R.S and to consult or receive advice from legal counsel on specific legal questions regarding

HDR under Section 24-6-402(4) (B) The motion passed 6 to 0. (Executive session meetings are recorded and retained for 90 days.)


The Executive Session ended at 11:59 a.m.

ADJOURNMENT:

A motion was made by Director Henderson and seconded by Director Lehrer to adjourn the meeting at 11:59. The motion passed 6 to 0 (Director Henderson was not present for the adjournment.)

Approved: 10-8-2008

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY

  
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President

ATTEST:

  
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Secretary