
RECORD OF PROCEEDINGS

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

HELD: March 11, 2009

13031 E Caley Ave
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Hap Henderson, Alan Leak, Doyle Tinkey, Pat Mulhern, Linda Lehrer, Marie Mackenzie, and Jim Dyer. Also in attendance were: Gary Atkin, Jennie Achee, Martin Stegmiller, Arnie Reil, Steve Witter, Barbara Townsley, and Legal Counsel Rick Kron of Grimshaw & Harring. Guests: Rick Marsicek, Upper Cherry Creek Water User's Association; Mark Beebe, Arber and Associates; Wayne Lorenz, Wright Water Engineers; John McCarty, Southeast Metro Stormwater Authority.

CALL TO ORDER:

Director Henderson called the meeting to order at 9:09 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 Mackenzie led the Pledge of Allegiance.

ADOPTION OF THE AGENDA:

A request was made by Director Henderson to move Item No. 3A and 3B off the Consent Agenda and discuss as a combined item in Executive Session at the beginning of the General Business Action Item. Mr. Atkin suggested that Item No. 3D move to General Business Action Item due to new information received. Lastly, Director Henderson requested that two items be added; an update from Director Mulhern and an item for Lost Creek. A motion was made by Director Lehrer and seconded by Director Leak to adopt the agenda with the suggested changes. The motion passed 6 to 0.

PUBLIC FORUM:

Mr. McCarty of SEMSWA addressed the board to give several updates. The first update is for Pond W4. He gave an overview of the work that has been completed and invoiced. Next, he gave an explanation of what is planned for Pond D1 and Pond D2 along with a timeline. A recent Highfield Business Park meeting went

well and the project is moving ahead. He is working on a presentation for the SEMSWA board regarding the system development fees.

Mr. Atkin asked for a brief update for the board from Mr. McCarty on the Memorandum of Understanding. Mr. McCarty explained that the MOU is between SEMSWA and Arapahoe County and its purpose is to implement the standard operating procedures between the staff of the two government bodies. Mr. McCarty explained that the MOU has been amended a few times and he is hoping for an approval by the County Commissioners next week. Director Lehrer asked Mr. McCarty for a status update on the ACWWA MS4 permit. According to Mr. McCarty, some items are being discussed in order to transfer the permit. As well, Mr. McCarty noted that respective management for the agencies will be discussing the permit transfer in further detail.

CONSENT AGENDA:

A motion was made by Director Leak and seconded by Director Lehrer to approve the consent agenda. The motion passed 6 to 0. The consent agenda consists of the following items:

1. Approval of Meeting Minutes for February 11, 2009.
2. Approve payment requests for February 2009.
3. Approve Recommendations from PDACC:
 - A. Approve East Valley Metro District Emergency Interconnection Agreement.
3. Approve Recommendations from Finance Committee:
 - A. Approve Master Services Agreement with Utility Management Services
4. Approve Recommendations from Water Committee:
 - A. Approve ACWWA Irrigation Season Water Schedule.
 - B. Approve Appointment of Alternate Board Member to Cherry Creek Project Water Authority

GENERAL BUSINESS ACTION ITEMS:

Item No. 6 – Discussion and Presentation by Rick Marsicek of Upper Cherry Creek Water User's Association

Mr. Marsicek gave a presentation regarding the Upper Cherry Creek Water Association and took questions from the board. Director Mulhern acknowledged Mr. Marsicek's expertise and willingness to help and explained that he has been a positive influence to the CCAMP model, which is appreciated by all.

Item No. 3A Wright Water Engineers Task Order 700
Item No. 3B Design Changes to Chapparral Pump Station

EXECUTIVE SESSION

A motion was made by Director Henderson and seconded by Director Lehrer to move into Executive Session to consult or receive advice from legal counsel on specific legal questions and to develop negotiating positions, strategy, instruct negotiators regarding the Chapparral Pump Station pursuant to Section 24-6-402(4) (B) (E) at 9:35 a.m. The motion passed 6 to 0. (Executive session meetings are recorded and retained for 90 days.)

A motion was made by Director Lehrer and seconded by Director Henderson to come out of Executive Session at 9:50.

Following discussion, a motion was made by Director Tinkey and seconded by Director Lehrer to accept Wright Water Engineers, Inc, Task Series 700. The motion passed 6 to 0.

A motion was made by Director Tinkey and seconded by Director Henderson to approve the Chapparral Pump Station design modification as presented. The motion passed 6 to 0.

Director Dyer joined the meeting at 10:07 a.m.

A motion was made by Director Henderson and seconded by Director Lehrer to direct legal counsel to work with Wright Water Engineers and WRC Engineering to develop the optimal structure for the bid package for the Chapparral Pump Station. The motion passed 7 to 0.

Item No. 3D – Discussion and possible action regarding Public Use Easement by Arapahoe County

Director Leak discussed the need for an Intergovernmental Agreement regarding Construction and Funding of Effluent Water Line Improvements (Broncos Parkway from Peoria Street to S. Potomac Street). A motion was made by Director Henderson and seconded by Director Tinkey to approve the IGA pending review by legal counsel. The motion passed 7 to 0.

Item No. 7 – Discussion and Possible Action Regarding a Contract Amendment to Arber and Associates for the JWPP

Mr. Reil and Mr. Beebe addressed the board concerning the contract amendment to Arber for JWPP. After further discussion, Director Mulhern made a motion with a second by Director Leak to approve the Contract Amendment to Arber and

Associates for the Joint Water Purification Project subject to the approval of the Cottonwood board. The motion passed 7 to 0.

Item No. 8 – Discussion and Possible Action Regarding Funding for a Well Site in Cottonwood

Mr. Reil addressed the board regarding the funding to drill a Cottonwood well site (CCC-4) for ACWWA's use in raw water delivery to JWPP. A motion was made by Director Lehrer and seconded by Director Leak to proceed with phase 1 of the drilling of well CCC-4 at the cost of approximately \$54,000. The motion passed 7 to 0.

Item No. 9 – Discussion and Update Regarding First Industrial Realty Trust

Mr. Reil gave the board an update on the First Industrial Realty Trust account.

Item No. 10 – Discussion and Action Regarding ACWWA Board Members and Contract Services

Director Leak and Director Mulhern left the room at 10:43 due to potential conflicts of interest.

Director Lehrer recused herself from discussing and voting on Item #10 due to a potential conflict of interest. However, her presence was counted as having a quorum at the meeting.

Discussion took place regarding the board members and contract services.

A policy regarding the ACWWA board members and contract services will be written by legal counsel and brought to the full board next month. Director Lehrer asked if an emergency situation would be addressed under this policy. Mr. Atkin answered by stating that the situation falls under another ACWWA policy.

A motion was made by Director Henderson and seconded by Director Dyer to have all future proposals for contracts with board members as paid vendors to the Authority brought directly to the committee, which consists of the President and Vice President. Other bids must be received for the services needed. The proposal will be reviewed in a timely manner and brought to the board with a recommendation. The board will take a vote. The motion passed 4 to 0 without Director Lehrer voting and Director Leak and Director Mulhern absent from the room and recusing themselves.

Item No. 11 – Special Study Session on Water Supply

A special study session on water supply will be done with the full board, but as a special meeting.

Item No. 11A – Director Mulhern’s Update

Director Mulhern updated the board on the Cherry Creek Basin Water Quality Authority meeting that he recently attended.

Item No. 11B – Lost Creek Designated Groundwater Basin Water Supply System

Mr. Witter addressed the board and discussed the possible opportunity for ACWWA.

Item No. 12 – General Manager’s Report

12B – Cherry Creek Alluvial Modeling Group

Mr. Atkin stated that there is continued modeling and the results are favorable.

12D – Chapparal Pump Station

Mr. Reil updated the board on the current status of the pump station.

12E – Billing Software Update

Ms. Achee informed the board of a billing software change.

12F – 2008 Audit Update

Ms. Achee informed the board that the audit will be starting soon.

12G - Non-potable Program Policy Committee Update

Mr. Witter summarized the purpose of the committee and indicated that its first meeting would be held shortly.

Director Mulhern discussed several issues with the board regarding Reg 84.

Director Leak discussed the non-potable supply for the Broncos Training Facility.

Mr. Atkin discussed the upcoming State of Our City Address.

Mr. Kron requested a spokesperson from the PDAC Committee for the Chapparal legal issue. It was decided by the board that Director Leak will fill the role.

Director Mulhern left at 11:45 a.m.

ADJOURNMENT:

A motion was made by Director Tinkey and seconded by Director Lehrer to adjourn the meeting at 11:46 a.m. The motion passed 6 to 0.

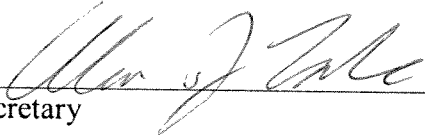
Approved: April 8, 2009

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



President

ATTEST:



Secretary