
RECORD OF PROCEEDINGS

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

HELD: June 10, 2009

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Hap Henderson, Jim Dyer, Ray Wells, Doyle Tinkey, Alan Leak, and Marie Mackenzie. Also in attendance were: Gary Atkin, Jennie Achee, Arnie Reil, Martin Stegmiller, Steve Witter, Barbara Townsley, Patty Pratt, Carol Bauman, and Legal Counsel Rick Kron of Grimshaw & Harring. Guests in attendance were: Wayne Lorenz, Wright Water Engineers; Bill Ruzzo, Cherry Creek Basin Water Quality Authority (CCBWQA); John McCarty, Southeast Metro Stormwater Authority (SEMSWA); former Board members Linda Lehrer, Sierra Consulting and Pat Mulhern, Cottonwood Water and Sanitation District (CWSD) and Inverness Water and Sanitation District (IWSD).

CALL TO ORDER:

Director Henderson called the meeting to order at 9:04 a.m. in the Arapahoe Conference Room of the Arapahoe County Water and Wastewater Authority (ACWWA) office at 13031 E. Caley Ave., Centennial, CO 80111. Director Wells led the Pledge of Allegiance.

SWEARING IN:

Ms. Achee conducted the swearing-in of Ray Wells as Director to the Board of the Arapahoe County Water and Wastewater Authority.

ADOPTION OF THE AGENDA:

A motion was made by Director Tinkey and seconded by Director Henderson to approve the Agenda. Mr. Atkin requested that the Agenda be modified to include Item No. 8.5 Agreement between Trust Company of America, SEMSWA and ACWWA. Mr. Atkin requested that Item No. 7 be moved up to the first item under General Business Action Items. With no discussion needed, Director Henderson called for a vote. The motion passed 6 to 0.

PUBLIC FORUM

Nobody chose to address the board in public forum.

CONSENT AGENDA

A motion was made by Director Dyer and seconded by Director Leak 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 May 13, 2009
2. Approve Payment Requests for May 2009.
3. Approve Recommendations from PDAC:
 - A. Approve Emergency Interconnect Agreement Changes with East Valley Metro District.
 - B. Approve Drainage Facility Easement Request by SEMSWA for Pond D-1.
4. Approve Recommendations from Finance Committee:
 - A. Approve Master Service Agreement with Sierra Consulting.

GENERAL BUSINESS ACTION ITEMS:

Item No. 7 – Stormwater Sampling Program

Mr. Atkin explained that due to changes in policy by the Water Quality Authority, ACWWA is examining whether to continue its Stormwater Sampling Program in Pond L-3, W-6, and W-7 or eliminate it. Bill Ruzzo, CCBWQA, addressed the board concerning continuing the Program for an additional 3-5 years. Discussion took place. A motion was made by Director Dyer and seconded by Director Tinkey to discontinue the Program, with a subsequent referral to ACWWA's PDAC for a transfer of data and sampling equipment to the Basin Authority, with compendation to ACWWA for the value of the equipment. The motion passed 6 to 0.

Item No. 5 – Discussion and Presentation by John Lay and Lynn Myers of the Southeast Business Partnership (SEBP).

Ms. Myers and Mr. Lay explained that SEBP works to promote the southeast metropolitan area as a great place to conduct business. Director Henderson suggested that the six ads developed by ACWWA for the South Metro Denver Business Magazine also be used by SEBP. Ms. Myers stated that she would like to be sure that SEBP's and ACWWA's web pages are linked.

The board took a break at 9:58 a.m. when Director Henderson reported that, prior to the meeting, Linda Lehrer resigned her position on the ACWWA Board. Ms. Lehrer addressed the Board and offered her thanks for the opportunity to serve. Mr. Atkin reported that Ms. Lehrer will continue in her role as the Special District Representative on the SEMSWA Board.

The board resumed session at 10:08 a.m.

Item No. 6 – Discussion and Update Regarding ACWWA’s Safety Program and Insurance Rebate

Safety Director, Matt Langridge, reported that ACWWA has reached a significant milestone of 1500 days without a lost time incident. This equates to roughly four years or 250,000 work hours. ACWWA’s insurance company recognized this milestone with a rebate check in the amount of \$12,000. This is in addition to the \$8,000 rebate check which was received at the end of 2008. Mr. Atkin reported that staff will be honored with a luncheon later this month.

Item No. 8 – Discussion and Update Regarding SEMSWA’s Proposed Stormwater Development Fees

Mr. McCarty presented information to the Board concerning SEMSWA’s proposed Stormwater Development Fees. As the Special District Representative, Ms. Lehrer reported that there are areas of concern as they relate to development opportunities. Mr. McCarty acknowledged the concerns and indicated that at an upcoming SEMSWA board meeting, they will be considering the recalculation of the system development fees in basins where there is a lot of growth, while making adjustments in value over the next year.

Item No. 8.5 – ACWWA/Trust Company of America/SEMSWA Agreement

Attorney Rick Kron explained that this Agreement allows for Trust Company of America to drain its Phase II stormwater into Pond L-2 if and when it is completed and that Pond L-2 is to have the capacity to accept that stormwater. A motion was made by Director Dyer and seconded by Director Tinkey to approve the agreement between ACWWA, Trust Company of America and SEMSWA. The motion passed 6 to 0.

INFORMATION ITEMS AND REPORTS

Item No. 9

- A. Update on South Metro Water Supply Authority (SMWSA) – Mr. Atkin reported that this item will need to be discussed in Executive Session.
- B. Update on Cherry Creek Alluvial Modeling Group – Mr. Atkin reported that the group met regarding the upcoming court cases.
- C. Cherry Creek Project Water Authority – Mr. Atkin reported that the group is working on the due diligence process in anticipation of the purchase of the Grange water rights in Douglas County.
- D. Update on Stonegate Village Metro District – Mr. Atkin reported that meetings are held every 2-3 weeks to determine the feasibility of facility sharing.
- E. Chapparal Pump Station – Mr. Atkin reported that the settlement conference originally scheduled for June 24, 2009 has been moved to September 14, 2009.
- F. First Industrial Settlement Agreement – Mr. Reil reported that ACWWA received payment in full for the settlement with First Industrial.

EXECUTIVE SESSION

A motion was made by Director Henderson and seconded by Director Dyer to move into Executive Session to develop negotiating positions, strategy, instruct negotiators regarding the SMWSA joint project agreement, pursuant to Section 24-6-402(4)(E) at 11:20 a.m. The motion passed 6 to 0. (Executive Session meetings are recorded and retained for 90 days.)

A motion was made by Director Henderson and seconded by Director Tinkey to come out of Executive Session at 11:45 a.m. The motion passed 6 to 0.

Item No. 11

A. Jordan Arapahoe Settlement Agreement – Mr. Kron updated the Board, that according to the 2005 settlement agreement interest will not start accruing until July 1, 2010, and not 2009.

Mr. Atkin reported, in response to a question, that the Aquifer Storage Recovery demonstration program has been approved by the Colorado Water Conservation Board and it is being reviewed by the SMWSA.

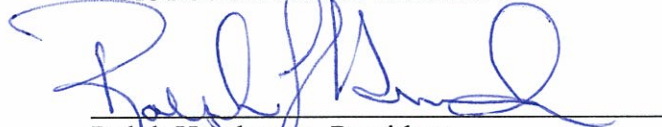
Mr. Atkin reported that the bid opening for the Chapparral Pump Station is scheduled for Friday, June 12, 2009. There has been a lot of interest in this project.

ADJOURNMENT:

A motion was made by Director Henderson and seconded by Director Tinkey to adjourn the meeting at 11:47 a.m. The motion passed 6 to 0.


Approved: 7-8-09 2009.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Ralph Henderson, President

ATTEST:


Secretary