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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: August 12, 2009

13031 E. Caley Ave.  
Centennial, CO 80111

**ATTENDANCE:**

Present were Directors: Hap Henderson, Jim Dyer, Doyle Tinkey, Alan Leak, Rod Bockenfeld and Ray Wells. Also in attendance were: Gary Atkin, Jennie Achee, Arnie Reil, Martin Stegmiller, Steve Witter, Patty Pratt, Carol Bauman, and Legal Counsel Rick Kron of Grimshaw & Harring. Guests in attendance were: John McCarty, Southeast Metro Stormwater Authority (SEMSWA); Linda Lehrer, Sierra Consulting; Mark Beebe, Arber Associates; Scott Barnett, Mulhern MRE; 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 9:05 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 Bockenfeld led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA:**

A motion was made by Director Dyer and seconded by Director Tinkey to approve the Agenda. With no discussion needed, Director Henderson called for a vote. The motion passed 6 to 0.

**PUBLIC FORUM**

Linda Lehrer reported to the Board that the ACWWA booth at the Centennial Under the Stars event was a success. A lot of interest was generated and staff was able to obtain several e-mail addresses which will be added to ACWWA's e-Newsletter mailing list.

Director Henderson reminded members of the Public Relations Committee that the kick-off meeting is scheduled for Thursday, August 13, 2009.

Mr. Atkin explained that Aurora's Economic Development Council is hosting a luncheon with a "Monopoly Game" theme. Mr. Atkin expressed sincere thanks to Director Bockenfeld for negotiating to have the "utility" space printed with ACWWA's name.

## CONSENT AGENDA

Director Leak stated that the Board minutes from July 8, 2009, needed to be corrected on Page 3, and a motion for approval of the Minutes could be passed with this minor correction. Director Leak stated that the exhibits accompanying the Challenger Park HOA Agreement are not yet finalized, but the Agreement is final and can be approved. Attorney Kron stated that the Scope of Work and Proposal from AMWest for CCC-4 needed a minor amendment, but could be approved contingent on this change. A motion was made by Director Dyer and seconded by Director Tinkey 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 July 8, 2009
2. Approve Payment Requests for June 2009
3. Approve Recommendations from PDAC:
  - A. Approve JWPP Pre-purchases of Well Equipment
  - B. Approve Antonoff Pipeline Project
  - C. Ratify Approval of Challenger Park HOA Agreement

## GENERAL BUSINESS ACTION ITEMS:

Item No. 4 – Discussion and Possible Action Regarding the Date for the November 2009 Board Meeting

Director Henderson explained that the regular ACWWA Board meeting for the month of November is scheduled for Wednesday, November 11, 2009, which is recognized by ACWWA and Arapahoe County as Veteran's Day. A motion was made by Director Henderson and seconded by Director Dyer to reschedule the regular ACWWA Board meeting to Thursday, November 12, 2009. The motion passed 6 to 0.

Discussion of Item No. 5 was delayed because the presenter had not yet arrived at the meeting.

Item No. 6 – Discussion and Possible Action Regarding JWPP Bid Package #3 Opinion of Probable Cost

Mr. Beebe explained that the bid opening had been delayed by one week, explaining that the delay was necessary in order to ensure receipt of competitive bids. Mr. Beebe explained that due to the delay and the critical timing of construction, Board approval would be necessary prior to the next regular Board meeting. A motion was made by Director Wells and seconded by Director Dyer to allow Director Henderson, as President of the Board, along with Mr. Atkin, General Manager, to approve the winning bid

contingent upon the dollar amount being within the engineer's estimate, with the decision being ratified at the next regular Board meeting; and, if the dollar amount exceeds the engineer's estimate, to authorize polling of the Board, with ratification to be considered at the next meeting of the Board. The motion passed 6 to 0.

Director Dyer left the meeting at 9:30 a.m.

**Item No. 5 – Discussion and Possible Action Regarding Payment for ACWWA/Inverness Pipeline Project**

Mr. Barnett of Mulhern MRE, the Project Manager for this job, asked for approval of the final invoice in the amount of \$664,335 for construction and engineering costs of the ACWWA/Inverness Pipeline Project. Director Leak expressed his comfort with the method of calculations used for the invoice. A motion was made, on behalf of the Arapahoe County Water and Wastewater Public Improvement District, by Director Leak and seconded by Director Henderson to approve payment of the final invoice for the ACWWA/Inverness Sanitary and Effluent Pipeline Project. The motion passed 5 to 0.

**Item No. 7 – Presentation of Various Water Supply Sources for “Taste Test” Demo**

For informational purposes only, Operations Manager, Martin Stegmiller, displayed gallon jugs of water taken from the various sources available to ACWWA. Board members tasted and discussed the various features of the sources and management of the potable water system.

**Item No. 8 – Discussion and Possible Action Regarding U.S. Senate Bill 787**

Mr. Atkin explained that staff, at the direction of the Water Committee, drafted a letter in opposition to Senate Bill 787, which is a proposed amendment to the Federal Water Pollution Control Act. A motion was made by Director Henderson and seconded by Director Bockenfeld to approve signing and mailing the letter to the co-sponsors of the bill as well as the entire Colorado delegation. The motion passed 5 to 0.

**Item No. 9 – Discussion and Possible Action Regarding the SMWSA Participation Agreement**

Mr. Witter reported that the water boards of Denver, Aurora and South Metro Water Supply Authority (SMWSA) have entered into an Intergovernmental Agreement that focuses on the development of future joint water acquisitions. ACWWA, as a member of SMWSA, has the option of participating in the IGA by way of a participation agreement. Due to the complexity of the issue, at the request of the Water Committee, the Board was asked to review the participation agreement and deliberate until the September board meeting, where it will be brought back to the Board for action.

Mr. Atkin reported that Item No. 10, Water Supply Projects, would be discussed in Executive Session.

## INFORMATION ITEMS AND REPORTS

### Item No. 11 – General Manager Report.

- A. Update on South Metro Water Supply Authority Activity – Mr. Atkin stated that this update was covered when Item No. 9 was previously discussed.
- B. Update on Cherry Creek Alluvial Modeling Group – Mr. Atkin reported that the group has been meeting without Parker Water and Sanitation District, at their own omission, and that the Technical Advisory Board is currently reviewing the Modeling Report.
- C. Cherry Creek Project Water Authority – Mr. Atkin reported that this group is in the process of evaluating the feasibility of the purchase of Grange water from Douglas County as well as the feasibility of storing water in the Walker Pit.
- D. Update on Stonegate Village Metro District – Mr. Atkin reported that ACWWA and Stonegate have contacted Arber Associates regarding a recommendation on the practicality of sharing facilities.
- E. Chaparral Pump Station Litigation – Mr. Atkin reported that this item would be discussed in Executive Session.

Mr. Atkin indicated that he wanted to include an update on the Elbert County Ratepayer. On July 3, 2009, staff discovered that someone had forcibly removed the meter lock. Subsequently ACWWA closed the valves to the line via the street and ACWWA, in consultation with its attorneys, filed a complaint with the Elbert County Sheriff.

## EXECUTIVE SESSION

At 10:10 a.m., a motion was made by Director Henderson and seconded by Director Tinkey to adjourn to Executive Session, for the purpose of discussion concerning the purchase, acquisition, transfer, lease or sale of property, in particular water rights, pursuant to Section 24-6-402(4)(a), C.R.S.; for the purpose of developing negotiating positions, strategy, or instructing negotiators concerning the purchase, acquisition, transfer, lease or sale of property, in particular water rights, pursuant to Section 24-6-402(4)(e), C.R.S.; for the purpose of developing negotiating positions, strategy, or instructing negotiators concerning the Chaparral Pump Station, pursuant to Section 24-6-402(4)(e), C.R.S.; and, to consult or receive advice from the attorney on specific legal questions regarding the Chaparral Pump Station litigation pursuant to Section 24-6-402(4)(b), C.R.S. The motion passed 5 to 0. (Executive Session meetings are recorded and retained for 90 days.)

At 11:12 a.m., a motion was made by Director Tinkey and seconded by Director Henderson to adjourn the Executive Session. Motion passed 5 to 0.

Item No. 12 – Financial Report

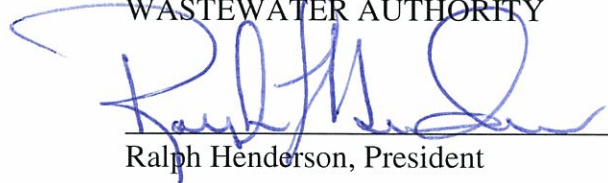
Director Leak directed staff to review and check the Financial Report, specifically, the Budget-to-Actual Comparison, showing the Remaining Actual and the Usage Budget percentages.

ADJOURNMENT

A motion was made by Director Bockenfeld and seconded by Director Henderson to adjourn the meeting at 11:15 a.m. The motion passed 5 to 0.

Approved: 8-12- 2009.

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY



Ralph Henderson, President

ATTEST:



Secretary