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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 9, 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, Jeff Brooks, Barbara Townsley and Legal Counsel Rick Kron of Grimshaw & Harring. Guests in attendance were: Roger Hartman, *the* Consultants; John McCarty, Southeast Metro Stormwater Authority (SEMSWA); Linda Lehrer, Sierra Consulting; Mark Beebe, Arber Associates; 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 Tinkey led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA:**

Director Henderson stated that the Agenda would be modified to include two new items and that due to time constraints of Director Bockenfeld, some items would be addressed out of order. A motion was made by Director Dyer and seconded by Director Bockenfeld to approve the Agenda. With no discussion needed, Director Henderson called for a vote. The motion passed 5 to 0.

**PUBLIC FORUM**

No one came forward to address the Board.

**CONSENT AGENDA**

Director Tinkey asked for clarification on the Financial Report. Director Henderson asked for clarification regarding the contract with Wright Water Engineers for work

related to ACWWA's MS4 Permit. A motion was made by Director Dyer and seconded by Director Leak to approve the Consent Agenda as modified. The motion passed 5 to 0. The consent agenda consists of the following items:

1. Approval of Meeting Minutes for August 12, 2009
2. Approve Payment Requests for August 2009
3. Approve Recommendations from PDAC:
  - A. Approve Professional Services Contract Amendment with Arber Associates for the JWPP Project
  - B. Approve Contract with Wright Water Engineers for Professional Services Regarding Stormwater Work Related to ACWWA's MS5 Permit
  - C. Approve Contract with Wright Water Engineers for Professional Services for the New Chapparal Pump Station
  - D. Approve Contract for Professional Services with Arber Associates for Valley Country Club Control Vault Project
  - E. Approve Contract for Professional Services with DLT&V for Flow Metering and SCADA Design.
  - F. Approve Contract for Professional Services with CDM for GIS Services.
  - G. Approve Contract for Professional Services with Optimum Networking for Hardware, Software and Migration Support Services
  - H. Ratification of the Selection of Scott Contracting Inc. to Provide a Portable Interconnect with JWPP Raw Water Delivery Piping System.

#### GENERAL BUSINESS ACTION ITEMS:

Item No. 6 – Discussion and Possible Action Regarding the Intergovernmental Agreement with South Metro Water Supply Authority, Denver Water and Aurora

Mr. Witter explained that the WISE IGA has been approved by Denver, Aurora and the South Metro Water Supply Authority (SMWSA). Several individual members of SMWSA have approved the related Participation Agreement. A list of Pros and Cons was passed out to the Directors. The Directors discussed the various aspects of the Agreement, including some perceived inconsistencies in the language of the Agreement.

#### EXECUTIVE SESSION

At 9:40 a.m., a motion was made by Director Henderson and seconded by Director Dyer to adjourn to Executive Session, pursuant to Section 24-6-402(4)(e), C.R.S.; to develop negotiating positions, strategy, or instructing negotiators concerning the South Metro Water Supply Authority Participation Agreement and joint Intergovernmental Agreement. The motion passed 5 to 0. (Executive Session meetings are recorded and retained for 90 days.)

Director Ray Wells arrived at 9:42 a.m.

At 9:55 a.m., a motion was made by Director Henderson and seconded by Director Dyer to adjourn the Executive Session. Motion passed 6 to 0.

A motion was made by Director Dyer to approve signing the Participation Agreement and seconded by Director Tinkey. The vote was 3 to 3, thus the motion did not carry. Director Henderson expressed a desire to reconsider this issue at the next regular Board meeting and asked that the matter be placed on the agenda.

#### Item No. 5 – Discussion and Presentation of Draft 2010 ACWWA Budget.

Roger Hartman, *thc* Consultants, made a presentation to the Board regarding proposed rate increases for 2010. Mr. Hartman explained that these rate increases are necessary to support the capital program and maintain the fund balance. The Directors asked that a matrix be developed for the proposed October Study Session, where various rate scenarios will be presented. The Directors also asked that a broader comparison of current rates be made.

Director Bockenfeld left the meeting at 10:30 a.m.

Jennie Achee presented Draft No. 1 of the 2010 Annual Budget for ACWWA. Ms. Achee reviewed the three key areas of emphasis: the Capital Improvement Project needs, proactive maintenance of the water and wastewater infrastructure, and operating costs. The Directors asked that before the EPA mandated “Pretreatment Program” is implemented that it be presented to the Board.

#### Item No. 4 – Discussion and Possible Action Regarding the ACWWA 2010 CIP Budget

Mr. Brooks presented the Draft of the ACWWA 2010 Capital Improvement Plan Summary of Projects. Mr. Brooks reviewed the three areas of emphasis: water, non-potable water and wastewater. The Directors asked staff to prepare the list in a color-coded order of priority.

A motion was made by Director Henderson and seconded by Director Dyer to extend the regular ACWWA Board meeting by fifteen minutes. The motion passed 5 to 0.

### INFORMATION ITEMS AND REPORTS

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

In the interest of time, Mr. Atkin stated that he would only report on Item H. Update on the 2009 Fire Inspection. The remaining items could be deferred to the next regular Board meeting. Director Henderson requested that a report also be made on Item G. Update on Water Meeting with US Representative Coffman.

#### A. Update on South Metro Water Supply Authority Activity – Deferred

- B. Update on Cherry Creek Alluvial Modeling Group – Deferred
- C. Cherry Creek Project Water Authority – Deferred
- D. Update on Stonegate Village Metro District – Deferred
- E. Update on JWPP Tours – Deferred
- F. Chaparral Pump Station Update – Mr. Atkin reported that this item would be discussed in Executive Session.
- G. Update on Water Meeting with US Representative Coffman – Mr. Witter reported that representatives from the South Metro Group, Arapahoe and Jefferson Counties, as well as representatives from Denver and Aurora Water met with US Representative Coffman who had concerns regarding how the accessibility of water might be affecting the home values in the area. Mr. Witter stated that the WISE IGA was presented as well as various conservation efforts that are ongoing. Representative Coffman offered his influence in spreading the word about the positive things that the various agencies are doing regarding securing renewable water supplies. It was suggested that this group to meet every quarter regarding this issue.
- H. Update on the 2009 Fire Inspection – Matt Langridge reported that the most recently completed fire inspection went very well. The fire department requested a few minor corrections, but that ACWWA is effectively at a perfect level.

Director Tinkey requested an update to the ASR Pilot Study Project. Mr. Witter reported that Phase I – Data Gathering is ongoing and will be wrapped up within the next few months. The grant application for Phase II is being considered by the Colorado Water Conservation Board.

#### Item No. 7.a – Discussion and Possible Action Regarding the Antonoff Wells IREA Electrical Feed

Mr. Reil reported that IREA is the electrical utility that supplies power to the Antonoff well sites and that IREA is requiring payment in full, in advance before submitting the Grading, Erosion and Sediment Control plan to the Town of Parker, and before they will complete the final electrical design of the project. A motion was made by Director Leak and seconded by Director Henderson to approve payment in full to IREA, in the amount of \$133,881. Motion passed 5 to 0.

#### Item No. 7 – Discussion and Possible Action Regarding the Castle Rock Water Lease Agreement

Mr. Witter reported that ACWWA's water attorney, Steve Williamson had reviewed the Water Lease. In the interest of time, the Directors asked to defer any action on this matter and directed staff to have ACWWA attorney Rick Kron review the Lease as well.

#### Item No. 10 – Legal Report

Mr. Kron reported that the Colorado Department of Transportation agreement (CDOT) regarding the pipeline relocation at the interchange project is expected to be received today. This entails CDOT's payment of ACWWA's replacement of the pipeline and ACWWA paying for upsizing of the pipeline. Mr. Kron would like to the Board to grant

Gary Atkin, General Manger, the authority to sign the agreement as modified, assuming it is reasonable. A motion was made by Director Dyer and seconded by Director Henderson to give signature approval to Gary Atkin, General Manager. Motion passed 5 to 0.

EXECUTIVE SESSION

At 12:10 p.m., a motion was made by Director Dyer and seconded by Director Leak to adjourn to Executive Session, 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. and to develop negotiating positions, strategy, or instruct negotiators concerning the same pursuant to Section 24-6-402(4)(e), C.R.S. The motion passed 5 to 0. (Executive Session meetings are recorded and retained for 90 days.)

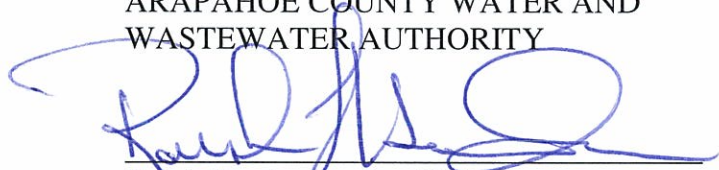
At 12:30 p.m., a motion was made by Director Henderson and seconded by Director Dyer to adjourn the Executive Session. Motion passed 5 to 0.

ADJOURNMENT

A motion was made by Director Henderson and seconded by Director Tinkey to adjourn the meeting at 12:30 p.m. The motion passed 5 to 0.

Approved: October 14, 2009.

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY



Ralph Henderson, President

ATTEST:



Secretary