
RECORD OF PROCEEDINGS

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

HELD: January 13, 2010

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Doyle Tinkey, Ray Wells, Jim Dyer, Alan Leak, and Rod Bockenfeld. Also in attendance were: Gary Atkin, Jennie Achee, Arnie Reil, Martin Stegmiller, Steve Witter, Patty Pratt, Carol Bauman, Barbara Townsley and Legal Counsel Rick Kron. Guests in attendance were: David Campbell and Jim Chris, CDM; Pat Mulhern, Cottonwood Water and Sanitation District (CWSD) and Inverness Water and Sanitation District (IWSD); John McCarty, Southeast Metro Stormwater Authority (SEMSWA); and Linda Lehrer, Sierra Consulting.

CALL TO ORDER:

Director Tinkey called the meeting to order at 9:02 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 Leak led the Pledge of Allegiance.

Director Wells left the meeting at 9:03 a.m.

ADOPTION OF THE AGENDA:

A motion was made by Director Dyer and seconded by Director Bockenfeld to approve the Agenda as presented. With no discussion needed, Director Tinkey called for a vote. The motion passed 4 to 0.

PUBLIC FORUM

John McCarty of the Southeast Metro Stormwater Authority (SEMSWA) addressed the Board. Mr. McCarty gave updates on various projects.

Director Well returned to the meeting at 9:07.

CONSENT AGENDA

Director Leak indicated that because his firm was involved with Items 4A and 4C of the Consent Agenda, he would recuse himself from voting on those items. A motion was made by Director Dyer and seconded by Director Leak to approve the Consent Agenda. The motion passed 5 to 0. The consent agenda consists of the following items:

1. Approval of Meeting Minutes for December 9 and December 22, 2009
2. Approve Payment Requests for December 2009
3. Approve Proposed Legal Counsel Fee Changes.
4. Approve Recommendations from PDAC Committee:
 - A. Approve Caley Gravity Main Upsizing Amendment (CIP 95).
 - B. Approve Antonoff Well #1 Equipping Cost Proposal.
 - C. Approve Windmill Channel Improvements Project (CIP 68).
 - D. Approve Arapahoe Well A-2 Repair Work.
 - E. Approve Construction of a Loop Line from Antelope to Creekside Elementary School.

GENERAL BUSINESS ACTION ITEMS:

Item No. 6 – Discussion and Possible Action Regarding Raw Water irrigation System Improvements.

Mr. Reil reported that CDM had been hired to consult regarding the raw water irrigation system improvements. Attorney Kron stated that the current contract presented by CDM, specifically the work to be done by Pipestone Equipment, does not allow for any retainage. Mr. Kron stated that this needs to be changed to read that ACWWA will have retainage according to state law. Mr. Campbell indicated that CDM would clarify this language with the contractor and make any necessary changes. Director Dyer made a motion for the Board to approve the contract, pending review and approval of the Authority Engineer and legal counsel. The motion was seconded by Director Leak and passed 5 to 0.

Item No. 7 – Discussion and Possible Action Regarding the Bronco's Parkway Trailhead Easement Dedication.

Director Leak explained that after extensive negotiations with the Parker Jordan Metropolitan District, an acceptable agreement had been reached regarding the existing and future use of the proposed property. After brief discussion, a motion was made by Director Leak and seconded by Director Dyer to approve the proposed Easement Agreement. Motion passed 5 to 0.

Item No. 8 – Discussion and Possible Action Regarding Approval for CDOT to Install Certain Utility Improvements on behalf of ACWWA.

Director Leak reported that an agreement had already been signed with the Colorado Department of Transportation (CDOT) for betterments to ACWWA’s facilities at the Parker/Arapahoe interchange. This Agreement formally allows CDOT to use their contractor to complete the work. After brief discussion, a motion was made by Director Leak and seconded by Director Dyer to approve the Colorado Department of Transportation Contractor Adjusted Utility Agreement. Motion passed 5 to 0.

Item No. 9 – Discussion and Possible Action Regarding Formation of an ACWWA Officer’s Nominating Committee.

Mr. Atkin explained that each year the Board appoints a Nominating Committee, who will report to the Board in February with recommendations for officers and committee assignments for the new year. Mr. Atkin recommended that Directors Leak and Wells serve on the Nominating Committee. After a brief discussion and consent of Directors Leak and Wells, Director Bockenfeld made a motion to appoint Directors Leak and Wells to the Nominating Committee. The motion was seconded by Director Dyer and passed 5 to 0.

INFORMATION ITEMS AND REPORTS

Item No. 11 – General Manager Report.

A. Update on South Metro Water Supply Authority Activity – Mr. Witter reported the following:

1. Rangeview Metropolitan District has officially joined the South Metro Water Supply Authority.
2. ACWWA will need to determine if it wants to purchase the 122 acre-feet it has reserved through the South Metro group and how that should be managed. The Master Plan for this project will be drafted this year.
3. The WISE IGA was discussed. CDM is working with the South Metro group to develop a capital plan of costs in regards to moving water through the south metro area.

Mr. Atkin updated the Board regarding a letter that was sent to all customers regarding the Water System Investment Fee. Staff has received 10-12 calls from customers regarding the Fee. Once customers are given an explanation regarding the value of the project, most customers understand and accept it.

B. Update on Cherry Creek Alluvial Modeling Group – Mr. Witter indicated that there as no new information to report.

C. Cherry Creek Project Water Authority – Mr. Witter reported that a new slate of officers was elected; that the Grange water rights was moving forward; and that the Master Plan was expected to be completed within the next 2-3 months.

D. Chaparral Pump Station Update – Mr. Kron reported that by Court order, any confidential information the ACWWA Board receives regarding the pending court case is

to remain confidential. Mr. Atkin reported that he will be attending the depositions of the business office personnel from HDR this coming Friday. A trial date has not yet been set. Mr. Reil reported that after some delays, construction on the pump station is set to begin next week.

Item No. 12 – Financial Report – None required.

Item No. 13 – Legal Report

Mr. Kron reported that Bond Counsel, Blake Jordan, has indicated an amendment to the bond resolution is required to allow monies from the reserve fund to be available for the last bond payment. This is essentially a technicality and it will not affect the current bond rating and there will be no cost change. A motion was made by Director Wells and seconded by Director Bockenfeld to approve this amendment, contingent on Bond Counsel's final approval. Motion passed 5 to 0.

Mr. Kron reported that a motion was filed in Elbert Count by Jeffrey Lavenhar, pro se, against ACWWA. This was not filed on behalf of the Laurie H. Lavenhar Living Trust customer account. ACWWA's Attorney, Lisa Mayers, responded and the motion has been dismissed by the Elbert County Judge.

Mr. Atkin reported that a Bond Closing Dinner is scheduled for January 21, 2010, 6:00 p.m. and that this event will be calendared and posted as a Board Meeting. The County Attorney, Jack Bush, has expressed some concern about attendance at this event. Director Bockenfeld stated that he will not attend the dinner.

Mr. Atkin reported that staff will be attending an ACWWPID Board Meeting, seeking adoption of the CIP on January 26, 2010.

The Board took a break at 9:53 a.m.

The meeting resumed at 10:08 a.m.

Item No. 10 – Presentation and Discussion by Sandy Laws Regarding Media Relations Training.

Ms. Laws reported that she conducted two sessions of media training. The first session was directed to the entire staff and the training focused on how the media works, the employee's role and ACWWA's media policy, as well as the various topics surrounding water and how they are covered by the media. The second session was directed to managers and the training focused on how to prepare for an interview, how to handle the media during a crisis as well as managing the public.

Recognition for Retiring Director Mackenzie

Mr. Atkin explained that Director Mackenzie had tendered a letter of resignation earlier in the week and as a result, staff prepared an impromptu celebration. Director Mackenzie thanked the Board for the opportunity to serve.

Directors Bockenfeld and Wells left the meeting at 10:47 a.m.

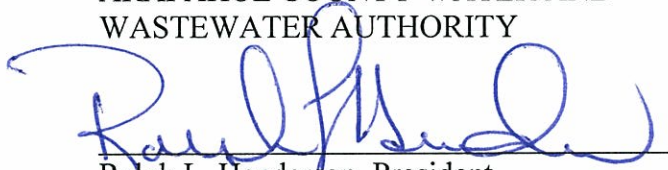
Mr. Atkin reported that the South Metro Water Supply Authority, in conjunction with Denver Water and Aurora Water is hosting a breakfast on February 9, 2010, 7:00 a.m. at the Inverness Hotel. The purpose of the meeting is to learn about exploring regional water supply opportunities

ADJOURNMENT

The meeting adjourned at 11:10 p.m.

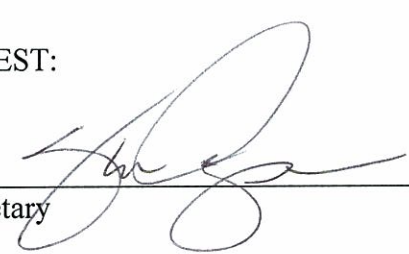
Approved: 2-10- 2010.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Ralph L. Henderson, President

ATTEST:



Secretary