
RECORD OF PROCEEDINGS

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

HELD: March 13, 2019

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Ken Beard and Jeff Baker. Present via phone were Directors: Nancy Sharpe, Tom Wood, Geri Santos-Rach, and Brad Cromer. Director Doyle Tinkey was absent and excused. Also in attendance were Steve Witter, Kate McRae, Martin Stegmiller, Patty Pratt, Sandor Rebek, Rhonda Ruitter, and Legal Counsel Ron Fano. The guests in attendance were Alan Leak, Respec; Randy Ross and Tom Kahn, Randy Ross Tennis Center.

CALL TO ORDER:

Director Beard called the meeting to order at 9:45 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. The Pledge of Allegiance was recited.

ADOPTION OF THE AGENDA:

Director Beard indicated that the Agenda would need to be modified by removing Item 6 – Discussion and Possible Action Regarding Chambers Reservoir Litigation, as staff indicated there were no new updates or information to be discussed. Director Beard then made a motion to Adopt the Agenda as modified. The motion was seconded by Director Baker and passed 4 to 0.

PUBLIC FORUM

No one came forward to address the Board.

CONSENT AGENDA:

Director Beard made a motion to approve the Consent Agenda as presented. The motion was seconded by Director Baker and passed 4 to 0. The Consent Agenda consisted of the following:

1. Request for Approval of Minutes of the Board of Directors of the Arapahoe County Water and Wastewater Authority from February 13, 2019
2. Request for Approval of Payment Register

GENERAL BUSINESS ACTION ITEMS

ITEM No. 3 – Discussion and Possible Action Regarding a Variance Request Related to the Randy Ross Tennis Center Development

Director Sharpe joined the meeting at 9:47 a.m. via telephone.

Alan Leak gave a brief history of the project, explaining that during design review of the project, it was discovered that a concrete pad which will support mechanical equipment for the proposed tennis facility will encroach on an existing ACWWA sewer line easement. Mr. Leak explained that typically, an encroachment of this type is not approved, but he explained that staff has carefully evaluated the plans and has worked with the developers of the facility to protect ACWWA's interests and accessibility. Mr. Leak indicated that staff recommends approval of the proposed variance. Mr. Fano reported that he has reviewed the proposed terms and suggested subsequent terms, which have been incorporated into the agreement. After discussion, Director Sharpe moved to approve the variance request related to the Randy Ross Tennis Center development, pending the drafting of an agreement along with final staff and legal review. The motion was seconded by Director Baker and passed 5 to 0.

ITEM No. 4 – Discussion and Possible Action Regarding a Memorandum of Understanding Related to the Centennial Medical Plaza Expansion

Alan Leak reported that Centennial Medical Plaza (CMP) is in the process of expanding to accommodate twenty additional beds. This expansion will eventually require a 4" domestic meter and CMP is asking for a variance to install two 4" diameter taps and service pipe extensions with reducers so that two 2" meters can be installed and utilized for the demands of the current expansion. The 2" meters will be replaced with two 4" meters during the future expansion project. Upon questioning, Mr. Leak explained that the dual meters and piping connections must be made per hospital regulations for redundancy. Centennial Medical Plaza will be required to pay the 2" tap fees for the current expansion and then at future expansion be required to pay the difference between the current 4" tap fee and the 2" tap fee already paid. After discussion, Director Beard moved to approve the variance request of Centennial Medical Plaza pursuant to the items listed in the Memorandum of Understanding between ACWWA and CMP. The motion was seconded by Director Baker and the motion passed 5 to 0.

The Board directed staff to conduct research regarding whether the hospital regulation for redundancy could place the pipes more than five feet apart.

Director Wood joined the meeting via telephone.

FIRST EXECUTIVE SESSION

ITEM No. 5 – Discussion and Possible Action Regarding Valley Country Club Litigation Issues

At 10:12 a.m., a motion was made by Director Beard and seconded by Director Baker to enter into the First Executive Session, pursuant to §24-6-402(4)(b) to consult or receive legal advice from the attorney regarding the Valley Country Club litigation. The motion passed 6 to 0. The following people were present in the Executive Session: Directors: Ken Beard and Jeff Baker. Present via phone were Directors: Nancy Sharpe, Tom Wood, Geri Santos-Rach, and Brad Cromer. Also in attendance were Steve Witter, Kate McRae, Patty Pratt, Alan Leak, and Legal Counsel Ron Fano.

At 10:20 a.m., a motion to adjourn the First Executive Session was made by Director Beard. The motion was seconded by Director Baker. The motion passed 6 to 0.

Mr. Witter invited members of the public to return to the meeting.

In Open Session, Director Beard made a motion to accept in principle, the terms and conditions as discussed in the First Executive Session for the Valley Country Club Settlement, pending legal review with any principle changes to be presented to the Board. The motion was seconded by Director Baker and passed 6 to 0.

ITEM No. 7 – General Managers Report to the Board of Directors

Mr. Witter gave a brief review of the various matters in the General Manager's Report, including an update on the JWPP, and how staff is handling the three items the Board asked staff to work on at the last Board meeting. Mr. Witter also mentioned that the 15th Annual State of our City for the City of Centennial luncheon is scheduled for Wednesday, April 17, 2019. ACWWA has secured a table for ten and invited all Directors to come. An Outlook meeting request will be sent in the near future.

ITEM No. 8 – Committee Updates – No report necessary at this time.

ITEM No. 9 – Staff Updates

- A. Development Report – No report necessary at this time.
- B. Monthly Financial Statements – Ms. McRae gave a brief overview of the financials, as of the end of December 2018. Updated financials will be forthcoming, once the 2018 audit is complete.
- C. Legal Report – Mr. Fano reported that the only pertinent matter was discussed in Executive Session.

Director Sharpe left the meeting at 10:26 a.m.

ITEM No. 10 – Informational Updates

- A. Water Informational Dashboard – No report necessary at this time.
- B. Customer Service and Website Activity – No report necessary at this time.
- C. Investments – No report necessary at this time.
- D. Billing Activities – No report necessary at this time.

ADJOURNMENT

At 10:32 a.m. Director Beard made a motion to adjourn the meeting. The motion was seconded by Director Baker and passed 6 to 0.


Approved: 4-10- 2019.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Ken Beard, President

ATTEST:



Geri Santos-Rach, Secretary



SpencerFane

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File No. 5113777-4

March 15, 2019


Arapahoe County Water and
Wastewater Authority
Attn: Patty Pratt
13031 E. Caley Avenue
Centennial, CO 80111

Re: Opinion Concerning Executive Session Held March 13, 2019

Members of the Board:

In my opinion, the executive session concerning the Valley Country Club litigation that occurred during the Board meeting that I personally attended on March 13, 2019 was properly announced and was a privileged attorney-client communication. Therefore, no record or electronic recording of this executive session was required pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Very truly yours,



Ronald L. Fano

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