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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: July 13, 2022

13031 E. Caley Ave.  
Centennial, CO 80111

**ATTENDANCE:**

Present in person were Directors: Jeff Baker, Brad Cromer, and Geri Santos-Rach. Directors present via Zoom were Doyle Tinkey and Tom Wood. Directors Derek Killebrew and Nancy Sharpe were absent and excused. Director Deeds was absent and not excused. Also in attendance were Steve Witter, Matt Vigil, Kevin McBrien, Patty Pratt, Sandor Rebek, Sam Waxlax, and Legal Counsel Ron Fano. Guests in attendance were Alan Leak, of Respec, Kent Sanford and Chris Sibilia of Intergroup Architects; Harold Smith, Todd Cristiano, Justin Rasor and Lundyn Harrelson of Raftelis, and Steven Dutschke of Kennedy Jenks.

**CALL TO ORDER:**

Director Tinkey called the meeting to order at 9:02 a.m. The Pledge of Allegiance was recited.

**ADOPTION OF THE AGENDA:**

Director Baker made a motion to adopt the agenda as presented. The motion was seconded by Director Cromer and passed unanimously 5 to 0

**PUBLIC FORUM**

No one came forward to address the Board.

**CONSENT AGENDA:**

Director Santos-Rach made a motion to approve the Consent Agenda as presented. The motion was seconded by Director Baker and passed unanimously 5 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 June 8, 2022
2. Request for Approval of Payment Register for June 2022

3. Request for Approval of Variance Request for Landings at Lima Project
4. Request for Approval to Change the Date of the September Board Meeting.

## GENERAL BUSINESS ACTION ITEMS

### ITEM No. 5 – Discussion and Possible Action Regarding the ACWWA Office Building Project

Mr. Vigil presented on the status of the Office Building Project including alternatives to the building and site alternatives. After extensive discussion, the Board directed staff, as a possible alternative to construction of a building, to enlist the assistance of a real estate agent to present an exhaustive list of available buildings that may be for sale in the near proximity of the current ACWWA administrative offices. The Board also directed staff to have a survey done of the current building location and of the property in front of the Lone Tree plant and to bring back to the Board a complete evaluation of both the feasibility of these buildings and sites to meet ACWWA's needs as well as estimates of the sale price and the costs to retrofit the building and site to meet ACWWA's needs. Mr. Sibilia, Intergroup Architects, one of the architects working on this project explained that the cost to retrofit an existing building can vary dramatically depending on the number of previous retrofitting iterations which have previously occurred and that a general contractor should be able to give a cost assessment once buildings are identified.

### ITEM No. 6 – Discussion and Presentation Regarding the ACWWA 2022 Cost of Service Study

Mr. Vigil stated that ACWWA aims to conduct a cost of service study every five years. Mr. Vigil then introduced consultants Harold Smith and Todd Cristiano, Raftelis, who attended the board meeting in person and Jason Razor and Lundyn Harrelson who were connected via Zoom to present the preliminary findings of this study. After the presentation, the consultants asked for feedback to identify any additional areas regarding rates, that the board would like Raftelis to look into prior to finalizing their report later this fall. Once the study is complete, staff will present it to the Finance and Planning, Water Resources, and Capital Projects committees and then onto the Board.

### ITEM No. 7 – Discussion and Presentation Regarding the Strategic Asset Management Plan (SAMP) Project

Due to time constraints, discussion of this item was deferred to a future meeting.

### ITEM No. 8 – Discussion and Possible Action Regarding a Third Arapahoe Formation Well for the Elkhorn Ranch Subdivision

Mr. Leak, ACWWA's Authority Engineer, reported that an engineering analysis has shown there exists a need for an additional well in the Elkhorn Ranch service area. This analysis also provided information regarding the best location for this new well. Mr. Leak reported that previous cost estimates from 2015 have increased quite substantially. After consulting with two well drillers, the cost to drill, amongst other costs has doubled since early discussions. Consequently, staff is currently only seeking approval of funds

for the design, permitting and actual drilling; and will seek approval of additional funds to construct the well vault and other necessary work to complete the project at a later date, once the well pumping and water quality testing confirm the usability of the well. After discussion Director Baker moved to direct staff to move forward with the final planning and design of the third Arapahoe formation well in the Elkhorn Ranch subdivision and authorize \$1.2M (\$1.1M plus 10% contingency) for the engineering and construction needed to design, bid, drill, and test the third Arapahoe formation well. The motion was seconded by Director Cromer and passed unanimously, 5 to 0.

#### ITEM No. 9 – Discussion and Possible Action Regarding Revised Terms for the Hunt Water Rights Sale

##### FIRST EXECUTIVE SESSION

At 11:16 a.m., Director Baker made a motion to enter into the First Executive Session, pursuant to §24-6-402(4)(e) to develop negotiating positions, strategy, or instruct negotiators regarding the Hunt water rights sale. The motion was seconded by Director Cromer and passed 5 to 0. The following Board Members were present either in person or via Zoom in the Executive Session: Doyle Tinkey, Brad Cromer, Geri Santos-Rach, Tom Wood, and Jeff Baker. Also in attendance were Steve Witter, Matt Vigil, Kevin McBrien, Sandor Rebek, Patty Pratt, Alan Leak, and Legal Counsel Ron Fano. (Executive Session recordings are retained for 90 days.)

At 11:32 a.m., a motion to adjourn the First Executive Session was made by Director Baker. The motion was seconded by Director Cromer and passed unanimously 5 to 0.

Director Cromer opened the meeting to the public.

In Open Session, Director Baker made a motion to instruct staff and legal counsel to continue to negotiate the terms of the sale as discussed in Executive Session. The motion was seconded by Director Cromer and passed unanimously, 5 to 0.

#### ITEM No. 10 – Discussion and Possible Action Regarding the Vermilion Creek Development

##### SECOND EXECUTIVE SESSION

At 11:34 a.m., Director Baker made a motion to enter into the Second Executive Session, pursuant to §24-6-402(4)(e) to develop negotiating positions, strategy, or instruct negotiators regarding the Vermilion Creek Development. The motion was seconded by Director Cromer and passed 5 to 0. The following Board Members were present either in person or via Zoom in the Executive Session: Doyle Tinkey, Brad Cromer, Geri Santos-Rach, Tom Wood, and Jeff Baker. Also in attendance were Steve Witter, Matt Vigil, Kevin McBrien, Patty Pratt, Alan Leak, and Legal Counsel Ron Fano. (Executive Session recordings are retained for 90 days.)

At 11:40 a.m., a motion to adjourn the Second Executive Session was made by Director Tinkey. The motion was seconded by Director Santos-Rach and passed unanimously 5 to 0.

Director Cromer opened the meeting to the public.

In Open Session, Director Santos-Rach made a motion to approve the variance based on the specific circumstances of the Vermilion Creek water rights at issue. The motion was seconded by Director Baker and passed unanimously, 5 to 0.

ITEM No. 11 – Discussion and Possible Action Regarding Cottonwood Water and Sanitation District Requests

### THIRD EXECUTIVE SESSION

At 11:42 a.m., Director Santos-Rach made a motion to enter into the Third Executive Session, pursuant to §24-6-402(4)(e) to develop negotiating positions, strategy, or instruct negotiators regarding Cottonwood Water and Sanitation District's pending requests. The motion was seconded by Director Cromer and passed 5 to 0. The following Board Members were present either in person or via Zoom in the Executive Session: Doyle Tinkey, Brad Cromer, Geri Santos-Rach, Tom Wood, and Jeff Baker. Also in attendance were Steve Witter, Matt Vigil, Kevin McBrien, Patty Pratt, Alan Leak, and Legal Counsel Ron Fano. (Executive Session recordings are retained for 90 days.)

At 12:02 p.m., a motion to adjourn the Third Executive Session was made by Director Tinkey. The motion was seconded by Director Baker and passed unanimously 5 to 0.

Director Cromer opened the meeting to the public.

### REPORTS

ITEM No. 12 – General Manager's Report to the Board of Directors - Nothing further to report at this time.

ITEM No. 13 – Finance and Administration Report – Nothing further to report at this time.

ITEM No. 14 – Legal Report – Mr. Fano reported that in regards to the Joint Water Purification Plant negotiations, litigation counsel for both ACWWA and Cottonwood were out of the country on vacation over the last two weeks and talks will resume soon with further update to be given to the Board in August

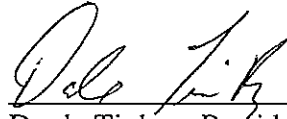
ITEM No. 15 – Updates – No further report necessary at this time.

### ADJOURNMENT

At 12:05 p.m., the meeting was adjourned.

Approved: \_\_\_\_\_ 2022.

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY



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Doyle Tinkey, President

ATTEST:



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Geri Santos-Rach, Secretary