

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

Open Session

FEBRUARY 24, 2010

A duly called Regular Meeting of the Board of Water Commissioners was held Wednesday, February 24, 2010 beginning at 9:22 a.m. in the Board Room, Room 309, 1600 West 12th Avenue, Denver, Colorado. Members of the Board present during the Regular Meeting were:

Penfield W. Tate, III, President¹
John R. Lucero, First Vice President
Paula Herzmark, Vice President
H. Gregory Austin, Vice President

Board employees and others present during portions of the Meeting were:

H. J. Barry, Manager	P. L. Wells, General Counsel
D. B. LaFrance, Director of Finance	D. L. Little, Director of Planning
M. L. Bassett, Director of Public Affairs	B. D. Good, Director of Operations & Maintenance
R. J. Mahoney, Director of Engineering	C. R. Dermody, Director of Information Technology
C. Elam-Floyd, Director of Human Resources	S. Duncan, Intergovernmental Affairs Coordinator
T. L. McGuire-Collier, Manager of Community and Media Relations	P. Daukas, Manager of Environmental Planning
D. Pacetti, Local Government Conservation Coordinator	G. Heazlett, IT Manager of Enterprise Infrastructure
J. Nelson, IT Manager of Support Services	A. Beth, Supervisor of Process Control
D. Kennedy, Environmental Scientist	U. Sharma, Treasurer
M. L. Walker, Attorney	
T. Bray, Environmental Scientist	

¹ Due to an unavoidable conflict Commissioner Tate arrived following the Board's consideration of the Action portion of the Agenda.

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

Pat Fitzgerald, Distributor's Liaison
Representative, Platte Canyon Water
and Sanitation District and Southwest
Metropolitan Water and Sanitation
District

Scott Morse, Platte Canyon Water and
Sanitation District and Southwest
Metropolitan Water and Sanitation
District

Bradley S. Dullam, City of Lafayette

Doug Robotham, Colorado Department of
Natural Resources

Jim Martin, Colorado Department of Natural
Resources

Rick Cables, U. S. Forest Service

Jim Maxwell, U. S. Forest Service

Randy Karstaedt, U. S. Forest Service

Commissioner Lucero called the meeting to order.

Upon motion regularly made, seconded and unanimously passed,
Commissioner Gougeon was found to be absent for substantial cause and was
excused.

Public Comment

Commissioner Lucero issued an invitation to members of the public to comment
to the Board on any matters not included in the Agenda for the meeting. There was no
response.

Commissioner Lucero explained the Board would take up a short Action Agenda
following which the Board would meet in a Study Session. Following the Study
Session, the Board would meet in Executive Session for those matters previously
posted.

Upon motion regularly made, seconded and unanimously carried by the
Commissioners then present, unless otherwise noted, the Board acted upon the
following agenda items:

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

1. **ITEM II-A-1: CONTRACT AMENDMENT NO. 1 WITH D AND D ROOFING FOR 2009 MARSTON AND MOFFAT WATER TREATMENT PLANTS ROOF REPLACEMENT AND REPAIRS**

Approved Contract Amendment No. 1 to the September 23, 2009 contract with D and D Roofing, Contract Number 12290A, for the 2009 Marston and Moffat Water Treatment Plant roof replacement and repair program for an additional \$173,587 bringing the total contract amount to \$1,020,977 and extending the completion date to May 1, 2010, all as more specifically described in Amendment No.1, a copy of which is attached to and incorporated in these Minutes as Exhibit "A"

Mr. Mahoney explained replacement of the Marston headworks building roof was not originally included in the contract, but upon subsequent evaluation, it was determined to need replacement. The additional work is at the same cost per square-foot as the original contract.

2. **ITEM II-A-2: CHANGE ORDER NO. 3 WITH LILLARD AND CLARK CONSTRUCTION COMPANY INC. FOR THE RELOCATION OF CONDUITS 12 AND 18**

Approved Change Order No. 3 to the August 12, 2009 contract with Lillard and Clark Construction Company, Inc., Contract Number 12019A, for an additional amount not to exceed \$405,072.67 associated with testing, filtering, treatment and disposal of groundwater at the Conduit No. 12 South Platte River crossing, all as more particularly described in Change Order No. 3, a copy of which is attached to and incorporated in these Minutes as Exhibit "B"

Mr. Mahoney explained Denver Water's costs for relocation of the conduit, including costs of Change Order No. 3, are to be reimbursed by the City pursuant to an August 2009 Cooperative Agreement with the City Department of Public Works. Mr. Mahoney opined there is a possibility of encountering

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

similar contamination issues when constructing Conduit No. 18 and that additional Change Orders would be forthcoming for contractor delay costs.

3. **ITEM II-A-3: INTERGOVERNMENTAL AGREEMENT BETWEEN THE BOARD, THE CITY OF LAFAYETTE AND THE CITY OF BOULDER FOR AN ENVIRONMENTAL POOL IN GROSS RESERVOIR**

Approved entering into an Intergovernmental Agreement (IGA) for the creation of an environmental pool in the enlarged Gross Reservoir for which the cities of Boulder and Lafayette will pay \$4 million, all as more particularly described in the IGA, a copy of which is attached to and incorporated in these Minutes as Exhibit "C."

Mr. Little introduced Mr. Bradley Dullam of the City of Lafayette and explained Mr. Dullam had been instrumental in many of the negotiations regarding the establishment of the environmental pool.

Commissioner Austin inquired whether the IGA would be in effect if the Corps of Engineers approved a smaller expansion of the reservoir. Mr. Little and Ms. Wells explained Denver Water only applied for enlargement of the reservoir to approximately 120,000 acre-feet. If the Corps of Engineers were to deny the permit or approve a smaller sized reservoir, many of the environmental considerations would need to be revisited. The agreement between the parties would be null and void if the full permit is not approved.

No further business appearing, the Board voted unanimously to adjourn the Action portion of the meeting and take up the Study Session Agenda at approximately 9:28 a.m.

The Study Session Agenda for the meeting included a briefing regarding watershed assessments and the need to protect critical watersheds from the impacts of forest fires. Following the watershed assessment presentation, the Board requested that Staff to develop a plan, including a proposed method of partnering with the U.S. Forest Service, the Colorado State Forest Service, the Division of Natural Resources

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

and other entities, to share the cost of protecting the watersheds from the impacts of wild fires, addressing first the critical watersheds above Strontia Springs and Gross Reservoirs. The second matter discussed in the Study Session was the first phase of a comprehensive briefing by Mr. Dermody of the ongoing projects of the Information Technology Section. The IT briefing was not able to be concluded because of time constraints. The presentation will be resumed at the next Board meeting.

No further business appearing, the Board voted unanimously to adjourn the Executive Session at approximately 11:35 a.m.

EXECUTIVE SESSION

On Wednesday, February 24, 2010, commencing approximately at 11:40 a.m. in the Board Room, located in the Administration Building, 1600 West 12th Avenue, Denver, Colorado, the Board of Water Commissioners met in Executive Session. The following matter, which is authorized by C.R.S. § 24-6-402 or D.R.M.C. § 2-34, was discussed during the Executive Session:

1. Colorado River Mediation § 24-6-402(4)(a)(b)&(e)

There being nothing further for the Board to consider, the Executive Session concluded at approximately 12:19 p.m., and the Open Session was reconvened for discussion of legislative matters.

RECONVENED OPEN SESSION

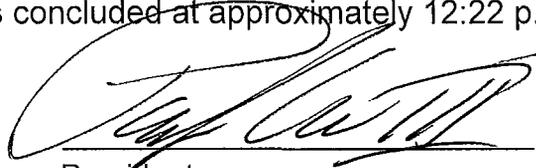
On Wednesday, February 24, 2010, commencing approximately at 12:20 p.m. the Board of Water Commissioners reconvened the Open Session to discuss legislative matters.

Ms. Duncan reported to the Board regarding the status of House Bills 1162, 1188 and Senate Bill 165. The Commissioners discussed the Board's position regarding the pending legislation.

RECORD OF PROCEEDINGS

MINUTES
OF THE
BOARD OF WATER COMMISSIONERS

There being nothing further for the Board to consider, the Regular Meeting of the Board of Water Commissioners concluded at approximately 12:22 p.m.



President



Secretary

