

LA PLATA WEST WATER AUTHORITY

BOARD OF DIRECTORS

Meeting Minutes for November 9, 2016

1. Call to Order- Paul Gray called the meeting to order at 6:33pm. Board members in attendance were Roy Horvath, Paul Gray, Mardi Gebhardt, Kevin Mallow, Bernadette Cuthair, Jeanette Haas, Barb McCall, Ken Spence, and Frank Smith, also in attendance were Rick Hardesty who recently purchase property in the area, Edwina Silas coworker of Bernadette's at UMUT. Jeff Shamburg with Bartlett & West arrived at 6:52 pm.
2. Approve Agenda- Barb made a motion to approve the agenda was amended. Seconded by Mardi and approved.
3. Review minutes from October 12, meeting/ July 13, 2016, August 10, 2016, September 14, 2016 meeting? Ken made a motion to approve the July Minutes, Roy seconded the motion which was approved. Ken asked for some corrections to be made to the August to the minutes. The corrections were made during the meeting. Roy made a motion to approve the minutes of August 10, 2016, seconded by Mardi and approved. Ken made a motion to approve the September 14, 2016 minutes, Mardi seconded the motion which was approved. October 12, 2016 Barb had already revised the minutes based on feedback she received. Bernadette made a motion to approve the minutes, seconded by Roy and approved.
4. Comments and communications-UMUT- Bernadette updated the board that recent elections of the UMUT resulted in Priscilla Blackhawk-Rentz is no longer on the UMUT Council. Bernadette reported that Deanne House will be temporary representative until confirmed November 29 & 30. Bernadette is authorized to act on behalf of the UMUT tribe for tonight's meeting. Mardi went through the mail. Letters from the tribes pertaining to the excess capacity were given to Frank for the records. Mardi reported that she spoke with Mr. Hardesty who recently purchased land and a tap. Letter back from CWCB stating they are processing the pay application for the 16" pipe material. Roy attended the "Think" conference and reported that it really didn't pertain to our project, but he did have a chance to speak to local representatives about our project.
5. Treasurer's update & current invoices-Mardi reported that we got concurrence from both tribes to pay all invoices. Mardi provided the bank statement for review. Invoice from B&W phase 0 construction observation \$9,480.14, project wide costs. B&W services for Sept 24 to Oct 21, 2016 \$4,994. Colorado Water and Land Law Invoice #1881 is for LPWWA operating items only in the amount of \$175. Kevin made a motion to approve and pay the bills, Roy seconded the motion which was approved. Mardi asked how we want to pay the bill for the Environmental Assessment in the amount of \$48,273.00. Jeff stated that even if we pay the bill now we can capitalize it through the USDA loan to reimburse the money spent. Roy suggested using the ALP grant funds, and the remaining SWCD grant to pay for what it will of the invoice and submit the remaining amount of the invoice to CWCB grant for reimbursement. Kevin asked if the grant funds were specifically slated to be spent on certain items, Mardi reported that they are. Jeff stated that if we had known that the EA would be required we would have asked for it to be included in the cost appropriation for the grant. Bernadette asked if there are provisions to amend the contract? Mardi stated that there isn't anything that prohibits making the request. Bernadette suggested a cover letter stating what the board intended to do to reimburse the accounts for audit purposes. Kevin made a motion to pay off this bill that we use \$6,920 from ALP engineering funds, \$19,600 from SWCD engineering funds and the remainder \$24,943 be submitted to CWCB for the balance of the invoice. After further review there was an adjustment made to request \$25,000 from CWCB, use \$19,600 from SWCD engineering funds and \$3,673 from ALP engineering funds. Mardi made the motion to pay the bill according to the above information, Bernadette seconded the motion which was approved.

1. Financial/Budget/Audit – Mardi Gebhardt asked if we can set a date for a work session to finalize the budget prior to the December meeting. November 18, 2016 at 5pm at Mardi's house was set for the meeting; plan on 1 hour.
2. Legal/Negotiations/Tribes response on Excess Capacity – Kevin Mallow-been working on the information for the excess capacity sale. Roy, Mardi, Paul and Kevin have met with LDWA to discuss the operating agreement. Kevin has prepared a draft agreement, has sent it to Amy for review, and will meet with Charlie next week. The meeting will be November 15, 2016 at 3:30 at LDWA.
3. Phase 0 Design/Engineering/LDWA-LPWWA operating agreement– Kevin Mallow- SWPPP plan is not covered by Colorado state permit Contractor must submit to EPA notice of intent and SWPP for approval. Site visit went well. Jeff stated that the contractor is being proactive and asking questions. Jeff is pleased that the rock is being excavated in some places where it was expected to require blasting. Arch monitoring under a work change directive to remain under \$2,000. Canyon Construction has asked for compensation for \$6,375 lump sum for arch monitoring throughout the contract. Jeff asked board action to consider paying the bill. Kevin made a motion to approve the change order #1 for arch monitoring along the 210 pipeline. Barb seconded the motion which was approved. Jeff presented pay application for Contract 1 pay application #2 in the amount of \$53,810.20. Jeff asked for a motion to pay the pay application. Jeanette made a motion to pay the pay application, Bernadette seconded the motion which was approved. Kickoff meeting with RPM to discuss their work Friday, November 18, 2016 1pm.
4. PR/Marketing/Web Presence/Board Timeline – Ken Spence-Ken showed the board task items. Ken also stated that he can build a sign and Barb is willing to paint it. Letter to stakeholders (progress update for phase 1).
5. Phase 1 Design/Engineering – Mardi Gebhardt-Ken suggested executive session to discuss rate structure and potential costs to our customers. Enter executive session at 8:25pm, Exit Executive session at 9:05pm. Jeff asked for board action to expand the scope of work to cover the costs from SWCA \$12,748 for overruns due to expansion of the footprint, Ecosphere EA scope of work in the amount of \$13,500 and Bartlett and West in the amount of \$5,000 to work incorporate the revision to the PER and the section 106 consult. There is a potential to reduce the scope by a possible \$750 if USDA indeed accepted the civil rights portion of the SWCA report, Ecosphere would not have to do it. Mardi made a motion to do a Change of scope to B&W to include SWCA overrun, Ecosphere EA work and B&W work to incorporate the revisions to the PER and perform the section 106 consult on the condition of the confirmation of the availability of funds. Kevin seconded the motion which was approved.
6. Archive/Information Access & Naming – Ken Spence- agenda item was not covered at this meeting
7. Grants/Fundraising – Roy Horvath- item was not directly covered at this meeting.
8. Engagement/Capacity Building – Roy Horvath-item was not covered at this meeting.
9. Concluding Remarks

New Business

1. Next LPWWA Board meetings –December 14, 2016 & January 11, 2017
2. Adjourn- 9:15pm

Minutes as reported by Frank Smith, LPWWA Secretary
Approved on December 14, 2016

