

MINUTES OF PUBLIC MEETING

OF THE

BOARD OF DIRECTORS OF

LA PLATA WEST WATER AUTHORITY

The Board of Directors of the La Plata West Water Authority held a regular public meeting open to the public Wednesday, February 8, 2017 at 6:30 p.m. at the Marvel Methodist Church, 103 CR 133, Marvel, CO 81329.

The minutes for the meeting are as follows:

1. Call to Order by Paul Gray at 6:44 pm. In attendance were Roy Horvath, Frank Smith, Mardi Gebhardt, Deb Flick, Tom Campion, Bernadette Cuthair, Ken Spence, Paul Gray, Barb McCall. Kevin Mallow arrived at 6:50 pm. Harold Cuthair arrived at 7:03 pm. Jeanette Haas arrived at 7:13 pm.
2. Approve Agenda: motion by Bernadette ; seconded by Ken; approved by all.
3. Review minutes from January 11, 2017 meeting: discussion included changes previously submitted to Frank. Motion to approve by Mardi; seconded by Roy; approved by all.
4. Comments and communications: Mardi stated she had phone calls from the following:

Gerald Mowrer's son – does not want to grant easements on CR 129;

Ilyse Gold – will sign easements, but needs a new copy;

Justin Osborn – easement questions;

Brenda Isgar – meeting scheduled for future for easements

and Mardi received a letter from SUIT regarding concurrence on invoices from last month;

a letter from Frank Anesi concerning easement locations on the Cugnini property;

an application for a Water User Agreement for Nicholas Anesi on CR 102 & Hwy 140;

an email from Duane Dale needing financials clarification;

a letter from the Federal Communications Commission for LPWWA's radio frequency registration.

Ken stated he received an email from Doug Kingsley, on CR 119, with concerns of easement locations since several neighbors are tied into the same well along the roadway.

Bernadette stated that UMUT wants to schedule a presentation from LPWWA with tribal counsel for a project overview. March would be a good month and she will email dates that will be possible.

Committee Reports

1. Finance report- invoices, receipts, questions – Mardi Gebhardt discussed all docs are now on board drive. No financials printed tonight due to printer ink low except for balance sheet printed and provided for board. Invoices presented were from Huff Water Law for \$280.00, for review of letters on Phase 1 and emails with Peter Ortego on purchase agreement, and repayment plan for CWRPD. A contribution was received for \$200 from the Water Information Program. B & W invoice for \$22,193.50, for environmental assessments and consultant fees for LPWWA. B & W Phase 0 Construction Observation invoice for \$11896.00. B & W Phase 0 Construction invoice for \$2,885.00. Mardi submitted to CWCB for Canyon Const. Contract 4 PA two, they replied that it was approved. Mardi wanting direction for paying environmental invoice from B & W and wondering when reimbursement from USDA would be available and what the process is. Board recommended waiting to pay that invoice until more discussion at March meeting. Mardi submitted previously to ALP for their agreed monies for LPWWA. Motion for paying invoices from Huff, and 2 raw water project split invoices from B & W, and the donation to WIP made by Mardi; seconded by Kevin; motion carried, all approved.

2. Legal/Negotiations – Kevin Mallow discussed committee's work on operating agreement with LDWA, after comments returned from Bud Smith, attorney for LDWA, we will submit to Amy Huff for review. Next is OM&R agreement, but it is not needed until later this year. Task line needs to be finished prior to start of pumping plant (may be as soon as August when construction is finished). Depreciation is concern from LDWA on pipeline in the operating agreement with them. A temporary agreement may be started with with costs preliminarily identified. Recitals are interactive in all the agreements so far, and Roy is planning on getting a letter to Tribes and LDWA to start assigning representatives for the OM&R committee. Bernadette suggested a temporary initial operating agreement to get the ball rolling sooner with LDWA. Once the committee is decided, then further decisions can be made within the operating agreement. Having rates defined then will be important. Met with Phase 1 Committee to discuss legal issues pending regarding rules and regulations for the Water User Agreements, especially after Phase 1 pipeline are defined. That will make the rules and regs easier to define instead of basing notions on speculation. Needs to be down the road on the task line.
3. Phase 0 Design/Engineering – Kevin Mallow discussed that no construction meeting occurred last week since project is on winter shutdown right now. Kevin said that Jeff reported that Canyon has been trying to rectify the stormwater prevention plan BMPs even though no construction occurring. Kevin feels that we are really ahead of schedule due to so much work that was performed before winter really set in and emphasizing the positive side of this with B & W staffing. No pay app received from Canyon this past month which is correct... no work performed.
4. Phase 1 Design/Engineering – Mardi Gebhardt discussed speaking with Duane Dale (USDA) about his presentation of our design to his board. He had some numbers incorrect and they have been revised. Committee is working with Jeff on easements, and working with Amy on the WUA revisions, fielding calls, and training on GIS collection data. Mardi presented draft of WUA revisions with Amy's corrections which include permissions for easements and surveys. A motion was made to accept the WUA dated today to utilize it for sign-ups hereon by Kevin and seconded by Frank; motion carried as approved by all. Roy had a phone call with Duane of USDA and the confusion on the loan repayment of interest to CWRPD. Discussed taking enough proceeds to pay that off, but since there is latitude on timing and no interest we have time. Timeframes applicable on the agreements with Tribes was a concern with Duane. Roy is checking as all should have been drawn up in perpetuity. Duane has a new supervisor, jr position to state director, and Duane told Roy that there is money to fund this project this year since they haven't funded a project of this caliber for a while. Needs a few more weeks to review the environmental portion with a timeline of "sometime this Spring". Roy emphasized timeliness, and Duane assured him, the funding will be there, but gave no other indication of time.
5. Review of Documents, Agreements, policies, procedures & guidelines - Roy presented CWRPD agreement for repayment with Amy's signature and Roy has Resolution #2017-2 drawn up ready for motion and signatures. A motion was made by Mardi for acceptance of Resolution agreement as written; Ken seconded; motion carried; all approved. Paul asked if everyone looked at Board Manual. Roy cleaned up edits from Amy. Discussion by Kevin, Ken, and Mardi re Contract Staff direction from board members; difference between in scope and out of scope work and costs incurred. Roy discussed the consent agenda area based on the assumption that information is available prior to meeting to review and ultimately save time at the monthly board meeting. Deadline of 5 days prior to regular scheduled meeting (6:30 pm Friday) is written into the manual. Board meetings need to be productive and efficient and this will serve to aid in that quest. Motion made by Frank to accept the Board Manual as written as a living document to guide us through new policies; seconded by Kevin; motion carried, approved by all. Roy discussed the contract documents from Bartlett & West on a flashdrive that was provided from Jeff; some physical copies of documents were destroyed and will need to be recreated with new signatures pertaining to Phase 0 project. Ken and Roy to work with Jeff on signatures after printing from board drive and obtaining accurate date in minutes to go with signatures.

