

LPWWA Board of Directors
Meeting minutes for May 10, 2017

Paul Gray called the meeting to order at 6:30 pm. Board members in attendance were Roy Horvath, Paul Gray, Mardi Gebhardt, Bernadette Cuthair, Kevin Mallow, Ken Spence, Jeanette Haas, and Frank Smith. Others in attendance were Deb Flick, Tom Hartnett, and Jeff Shamburg with Bartlett & West.

The agenda as published will be used.

Consent agenda- Roy asked to pull the two Bartlett & West invoices. Kevin made a motion to approve the other items on the consent agenda. Bernadette seconded the motion which was approved.

Public comments and communications- Mardi spoke with Boland's and the transfer is taking place to the new owners. Deb Flick has been in contact with?

Jeanette will be resigning her position on the board. Deb Flick was nominated by Roy to complete the term that Jeanette resigned from and seconded by Mardi. Approved by all.

Finance report- Mardi has only had time to reconcile four of the five accounts as she has been gone on vacation. Two invoices from Canyon Construction under contract 4 pay application #4. 125 section of the pipeline. 16" rock excavation, bore under CR210, \$34,352.00 split between LDWA and our 16" line. Pay application #6 contract #1 in the amount of \$42,010.80. Colorado Water and Land Law invoices in the amount of 17.50 for email LPWWA? LDWA agreement, invoice for RPM contract document copying contract #2 amount of \$110, Invoice in the amount of \$367.50

Roy made a motion to approve the payment applications and invoices from Colorado Water and Land Law, Kevin seconded the motion, further discussion Kevin asked that Amy track the costs associated with the RPM contract so we can seek compensation from the bonding company. Approved by all.

LPEA invoices for powerline construction \$201,771 for overhead and underground & transformer at booster station. \$153,716.00 for underground portion of the project not including the transformer and the associated underground line.

Bartlett & West- Invoice for \$9554.50 Jeff asked to hold the invoice until he can research the \$500 difference came from and will let us know if a correction will be made.

Mardi reported the funds came in from CWCB for the payment we approved at a previous meeting for B&W invoice.

Legal & Negotiations- Kevin reported that Amy is trying to track things down with regard to the RPM contract. Amy is looking to arrange a meeting with the RPM Bonding company, Jeff got a call from Hudson Insurance RPM's Bonding Company, he stated it sounded like they would be cooperative. Jeff advised to work through Amy to get things handled correctly. Jeff stated that the work under that contract will not be done in time. Roy read an email from Amy regarding the contract. Kevin made a motion that we provide Roy the authority to work with Amy to carry out the actions needed to remedy the bonding issues with Richard Phillips Marine to declare the contract in default and pursue termination of the contract. Ken seconded the motion. Approved by all. Roy received the disbursement from the UMUT for the excess capacity agreement. Roy stated that the intent was to hold this money to cover any overages in phase 0. Roy asked that

we consider holding this money to possible offset costs on phase 1. Jeff stated that the budget for phase 0 is tracking on budget at this point.

Phase 0 update- Kevin reported the contractor is encountering rock that would need to be blasted. Under section 106 consultation there is no blasting allowed in the area at this time. Jeff stated that he didn't seek an RFP to do the work, they have contracted with Ecosphere in the past and they are competitive. So they will pass on the cost to LPWWA for observance of potential nesting areas within ½ mile of the pipeline.

Contract ending date is August 1, final completion September 1, 2017. Jeff stated he brought up the delay issue with Canyon Construction and asked if they were going to seek damages for the delays. Sequencing

B&W- Jeff has projected out and he states he can make it to January without exceeding the NTE amount, if everything stays as it is now.

May 10, 2017- was the date set by CPW as if the eagles have not fledged by May 10, they would determine the nest to be off the watch list for this season.

Phase 0- OM&R- Roy received confirmation from Charlie and Tom that they can be available May 16, 2017 at 10am to meet. Jeff mentioned having an accountant at the meeting to discuss depreciation.

Roy would like to go to the ALP meeting next week with a number so we can tell them what we will need to purchase for water.

35gpm is for 144 taps considering them all as primary taps.

PHASE 1- Ken reported on the three meeting with the focus groups. Not overly bothered by the high costs but were concerned with others on the system and how they may react. Ideas that were brought up- get more people to buy reserve taps. Buy in with a lump sum but not pay the monthly rate.

Focus on people along current pipe routes who haven't signed up yet.

Two action items needed soon- declare ourselves in the final design phase. Cut B&W loose on the final design.

Mardi asked if we are about to get with a bunch of charges now that we are funded, Jeff stated the we will not be billed for charges that were racked up in past years, as those have been written off by B&W.

Roy – focus on Phase 1 committee in order to get everything done. Go through letter of conditions- to get things put together. Set hypothetical bid date and work back from there.

At 30% design B&W will know exactly where we will need to have easement and we must be able to demonstrate easement whether in county R.O.W. or private easement.

Ken requested feedback on the two letters that he presented at the meeting tonight. He wants the feedback by tomorrow night.

Adjourned-9:00pm Deb moved we adjourn the meeting at 9:12pm, Roy seconded the motion which was approved.

Minutes as reported by Frank Smith, LPWWA Substitute Secretary.

Phase 1 meeting- Wednesday, May 17th, 2017

Frank Smith

Approved May 31, 2017