

**RECORD OF PROCEEDINGS
MINUTES
of the
Board of Water Commissioners**

Denver Water Administration Building
1600 West 12th Avenue
Denver, CO
Board Room, First Floor

Wednesday, February 12, 2020

Open Session

A duly called Regular Meeting of the Board of Water Commissioners was held Wednesday, February 12, 2020, beginning at 9:00 a.m. in the Board Room, Room 106, 1600 West 12th Avenue, Denver, Colorado. Members of the Board present during the Regular Meeting were:

**H. Gregory Austin, President
Paula Herzmark, Vice President
Craig Jones, Vice President
John R. Lucero, Vice President**

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

J.S. Lochhead, CEO/Manager	Y. Her, Procurement Manager
J.A. Anderson, Chief of Staff	E. Holck, Engineer Sr.
A.C. Bricmont, Chief Financial Officer	A. Ingram, Contract Supervisor
J. Brody, General Counsel	C. Mbakogu, Division Sr. Analyst
B.D. Good, Chief Administrative Officer	A. Menefee, Community Relations Sr. Specialist
D. Gorgemans, Chief Internal Auditor	K. Oligney, Director IT Infrastructure
M. King, Chief External Affairs Officer	B. Piede, Engineer
R. Mahoney, Chief Engineering Officer	C. Piper, Government Relations Manager
T.J. Roode, Chief Operations and Maintenance Officer	R. Porter, Legal Assistant
J. Alexander, Environmental Lead Scientist	U. Sharma, Treasurer
R. Badger, Planning Manager	J. Shaw, Community Relations Sr. Specialist
D. Bennett, Director Water Resource Strategy	R. Slade, Planner Lead

Denver Water aspires to be the best water utility in the nation.

Integrity :: Vision :: Passion :: Excellence :: Respect



D. Brinker, Engineering Manager
A. Cavallaro, Paralegal
S. Chesney, Director Public Affairs
E. Cinchock, Division Sr. Analyst
F. Davis, Rates Manager
J. Finehout, Community Relations Sr.
Specialist
A. Hase, Engineer Associate

A. Turney, Director Engineering
B. Wedll, Purchasing Specialist
J. Wittler, Attorney
Mike Cowan, Citizens Advisory
Committee
C. Lane, Platte Canyon Water and
Sanitation District
R. Newton, Trout Unlimited

INTRODUCTORY BUSINESS

Commissioner Austin called the meeting to order at 9:17 a.m. Upon motion regularly made, seconded and unanimously carried, Commissioner Reiff was found to be absent for good cause and was excused.

Public Comment and Communications

Commissioner Austin 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 public comment on any matters not included in the Agenda.

Legislative Update

Mr. Piper referred the Board to the Legislative Update Briefing Paper for a summary of bill recommendations for the first month of the 2020 Legislative Session. The Board had no questions.

ACTION ITEMS

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

1. ITEM II-A-1: MINUTES FROM JANUARY 8, 2020

Approved the Minutes from the January 8, 2020 Board Meeting.

2. ITEM II-A-2: MINUTES FROM JANUARY 22, 2020

Approved the Minutes from the January 22, 2020 Board Meeting.

3. ITEM II-A-3: DOWNTOWN MAIN REPLACEMENTS – CONTRACT 504091

Approved Contract 504091 with T. Lowell Construction, Inc. for the Downtown Main Replacements project for the contract period from February 12, 2020 to October 1, 2020, for a total contract amount not to exceed \$4,000,000.

4. ITEM II-A-4: LAB SERVICES FOR LEAD REDUCTION PROGRAM – CONTRACT 504256

Approved Contract 504256 with 120WaterAudit for logistical laboratory services and with Colorado Analytical Laboratories, Inc. for lead processing laboratory services for the contract period from February 12, 2020 to February 28, 2023, for a total contract amount not to exceed \$3,646,000.

5. ITEM II-A-5: CASE NUMBER 2017CV30894 TO ACQUIRE PROPERTY INTERESTS AT THE LUPTON LAKES SOUTH CELL

Approved settlement to increase the Lupton Lakes reservoir capacity, provide project development certainty, allow continued construction of Lupton Lakes in a timely and cost-efficient manner, and remove operational conflicts with oil and gas infrastructure for a total amount of \$2,700,000.

6. ITEM II-B-1: WATERTON CANYON ROCKFALL MITIGATION PROJECT – IGA CONTRACT 504342

Mr. Piede presented the Board with a Waterton Canyon Rockfall Mitigation Project presentation, a copy of which is attached to and incorporated in these Minutes as Exhibit A. He reported that rockfall hazards within the canyon require on-going work to maintain a safe environment for the public. The purpose of this Intergovernmental Agreement (IGA) is to: 1) reduce risk to the public; 2) maintain safe and reliable access for operations; and 3) identify locations of risk for future rockfalls for monitoring and future mitigation.

He reported that in accordance with the 1983 Foothills Agreement 07804A, Denver Water and the City of Aurora share the costs of Denver Water's work in the canyon on an approximate 84%-16% allocation. Per the Foothills Agreement, a separate IGA is required for any individual project that exceeds \$250,000. Mr. Mahoney noted that this is a perpetual contract. Mr. Lochhead commented that the Board will be notified in advance of subsequent contracts.

Approved Intergovernmental Agreement Contract 504342 with the City of Aurora for rockfall mitigation work reimbursement of 15.73%, or \$81,598.87, of the project cost.

Authorized the CEO/Manager to enter into subsequent Intergovernmental Agreements with the City of Aurora to implement the cost sharing arrangement as provided by Agreement 07804A.

7. ITEM II-B-2: RESOLUTION FOR THE ACQUISITION OF HIGH LINE CANAL – H AND ANTERO CONTRACTS

Mr. Slade provided the Board with the Resolution for the Acquisition of High Line Canal - H and Antero Contracts. The High Line H contracts are for direct diversion and delivery of water under the Canal's 1879 water right, and the Antero contracts are for delivery of water from Antero Reservoir. He reported that the resolution will authorize the acquisition of contracts for original irrigation customers along the High Line Canal.

Denver Water currently diverts and delivers 5 to 10 acre-feet of water to a declining number of customers along the High Line Canal. Depending on conditions, much of the water diverted is lost through seepage and evaporation, which means those deliveries are increasingly inefficient. Denver Water has acquired about 80% of these contracts to date and converted customers to more efficient water sources. With 43 remaining customers, and the desire to more fully utilize the Canal for stormwater and recreation purposes, contract holders will be offered alternative water supplies and/or compensated for their contracts, depending on their needs and location in Denver Water's service area.

In response to a question from the Board, Mr. Slade enumerated three alternative supply options for remaining customers: 1) an irrigation tap option; 2) a recycled water option, depending on feasibility of connecting to an existing recycled water main; and 3) a groundwater or irrigation well option.

Adopted the Resolution for the Acquisition of High Line Canal – H and Antero Contracts.

8. ITEM II-B-3: UPDATE TO CHAPTER 15 OF THE DENVER WATER OPERATING RULES

Mr. King presented the Board with the Update to Chapter 15 of the Denver Water Operating Rules, a copy of which is attached to and incorporated in these Minutes as Exhibit B. He reported that staff received comments from the Citizens Advisory Committee (CAC), Trout Unlimited, and Summit, Park, and Grand Counties. After careful consideration, staff has incorporated relevant suggestions to the revised draft of Chapter 15. As with the original draft, depending on the hydrology and circumstances, four levels of response will be employed based on various drought/water shortage indicators.

Mr. Cowan commented that the CAC is off to a great start with a very productive year planned. He thanked the Board for the opportunity to comment on the proposed amendments and for its involvement and response to concerns regarding specific drought triggers.

Mr. Newton, on behalf of the Colorado River Headwaters Chapter Trout Unlimited (Trout Unlimited), commented on the proposed revisions to Chapter 15, recommending revisions to the language of Chapter 15 and requesting the Board withhold approval to allow for further consideration of certain proposed modifications.

Commissioner Austin responded that the Board is grateful for the working relationship with Trout Unlimited and, in view of current testimony, recommended the Board continue this Item to a future Board meeting to allow staff to consider whether to propose any further modifications.

The Board voted to continue consideration of the proposed revisions to Chapter 15 of the Denver Water Operating Rules.

EXECUTIVE UPDATE**9. ITEM IV-B: CFO REPORT**

Ms. Bricmont noted that the Board will be receiving the January financials at the next Board Meeting.

10.ITEM IV-C: OPERATIONS REPORT

Ms. Anderson provided the Board with an updated report on Denver Water's 2019 Year in Review, advising that the full year in review would be forthcoming in the 4th Quarter Performance Report.


BRIEFING PAPERS & REPORTS


11.ITEM V-A-1: BRIEFING PAPER FOR LEGISLATIVE UPDATE

The Board received a Briefing Paper for Legislative Update, a copy of which is incorporated and attached to these Minutes as Exhibit C.

ADJOURNMENT

No further business appearing, the Board voted unanimously to adjourn into an Executive Session at approximately 9:50 a.m.

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Secretary

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President