

LPWWA Board of Directors Meeting Minutes for September 13, 2017
The Agenda for the meeting is as follows:

1. **Call to Order**-Called to order at 6:40pm-Board members present Barb McCall (via phone), Paul Gray, Mardi Gebhardt, Bernadette Cuthair, Deb Flick (via phone & in person), Ken Spence, Kevin Marrow, and Frank Smith (via phone). Jeff Shamburg with Bartlett and West arrived at 7:10 pm. Location: Hesperus Fire Station, 22868 Highway 140, Hesperus, CO 81326.
2. **Approve Agenda**-two addition was made to the phase 0 agenda item to add LPWWA/LDWA Agreement and Phase 1 to add LOC-roles & responsibility & entities. Bernadette Cuthair motion to approve the agenda, Ken Spence seconded the motion which was unanimously approved.
3. **Consent Agenda- a.** Minutes from August 9, 2017 meeting **b.** Invoices –Kevin Marrow motion to approve the consent agenda, Ken Spence seconded the motion which was unanimously approved.
4. **Comments and communications-**
 - Phase 3 per property needed movement of begin the conversation on easements.
 - Junk mail received by LPWWA
 - Esria publication. Barb stated Elizabeth posted the meeting minutes to the site. Mardi requested Barb to ask Jeff about the esria posting site. No other comments or communications.

Committee Reports

1. Finance – Mardi Gebhardt

- Financial Spreadsheet Posted on Board Drive
- Hold Phase I invoice.
- Letter of Conditions items still needed approved by Duane Dale, USDA.
- Contract #1 Payment will need SUIT approved before payment is initiated by LPWWA.
- \$182,750 received from Hudson Insurance Company (Purpose-screens)
- First National Bank new account completed for Phase I

2. Legal/Negotiations – Kevin Mallow

- . LPWWA-Lake Durango no movement on operation agreement. Amy will need to amend the agreement between Lake Durango and LPWWA. Lake Durango and OM&R is not part of the decision making on the agreement. LDWA is a separate agreement.
- 1780-27 RUS BULLITIN. Construction Loan \$2,754,000 as Mardi made a motion to approve and Bernadette seconded the motion (8 approve, 0 no, 0 abstain).
- Bartlett & West (Jeff) Change Order \$1900 landowner gate. Contract #4 Lake Durango Pipeline as Kevin motion to approve and Bernadette seconded the motion to approve.
- Bartlett & West (Jeff) LPWWA request USDA for a 3 month extension on Letter of Conditions to December 31, 2017. Mardi motion to approve and Deb Flick second the motion to approve (Vote: 8 Approve, 0 No, 0 Abstain). B&W will draft the extension request letter to USDA.

- Mardi-Draft local/government budget draft is due by October 15, 2017 final due by December 31, 2017 to the Colorado State Office as the final budget will be published.
- B&W (Jeff)-observation streamline design contract easements. Feedback from contractors county ROW is the acceptable easement as a final measure. How much of an issue is this if taps on every property but potential customers cross off section on the easement documents but won't give easement. Minor inconveniences on this matter. Map will help explain the easement to customers. B&W preparing on final design. Verbal agreements need to be finalizing on easements. ROW cost need to close to real cost estimate. Field change effects cost i.e. reduction of unit price.
- SCADA-3 or 4 other items #9. Legal documents should be referred to legal committee. Recommendation to get with Charlie and Amy on the SCADA document language for these items.

3. Phase 0 Design/Engineering –

- B&W (Jeff) The power is trenched in now. LPA quicker on this portion of the project as access road, foundation, install 30" pipe. They will start in Wildcat Canyon in one week. They know where utilities are in the area. Lake side drive bores are completed now. Drilling fluid on surface discharged into water. Army Corp of Engineers notified as bintint and corn starch discharge is completed. Notification post to board drive regarding this issue. Canyon passed completion date and they will request an extension. Don't anticipate any problems as the completion date of January 2018. The remainder is under 76K and cost including September 1st is not on time for 125K as reduction in rock quantities. Budget is no a challenge as of date. Canyon can push two crews to complete the project on time.
- B&W needs to prepare for change order for screens for next meeting on October 11, 2017.

4. Phase I Design/Engineering Mardi

- RUS Bulletin was completed and signed by Roy and sent to USDA.
- Trout Riley attorney letter is the invoice for attorney fees will be sent to LPWWA requesting payment.
- Bond on Skype meeting on Monday as there are outstanding questions on the bond issue.
- Draft a proposal with timeline to 3 sisters for counter offer. Lease language needs legal review by Amy.
- B&W will draft cover letter for offer.
- Tribal Triangle (SUIT) draft request for survey and ROW application. BIA representative to letter requesting survey for Chairman and attach check for fee.
- 19A a positive program-draft letter statement to customers to sign on for easement.
- 19B Service of Declaration letter is acceptable.
- 22 Permits- design Army Corp of Engineers letter of intent for crossing waterlines in US. Letter of Intent for Environmental (EA). Proposal from Ecosphere for 5K


for permitting work and letter. Change order. SOW for Bartlett & West Service 25K.

- CDOT has insurance policy as applicant LPWWA carry some insurance as contractors up to 3 million. Construction in CDOT ROW is 15 to 20K for insurance. B&W to follow-up on CDOT's requirement on insurance policy as it applies to LPWWA and contractors for the project.
 - Develop easement acquisition process.
 - Develop a strategy when map is received to get customers signed up for taps and easement.
5. **Phase 2 Boundaries** (Ken Spence)
- Out of Phase I as to where on the board drive to place them
 - Tribe triangle (SUIT) has no plans for water pipe in the future?
 - FAQ (Barb can help with these items)
6. Archive/Information Access & Naming – Ken Spence
- No comment
 - Move sign (Barb) to grainer in Breen.

New Business

1. Next LPWWA Board meetings – October 11, 2017
2. Adjourn-9:01 pm

Minutes as reported by Bernadette Cuthair, LPWWA Substitute Secretary & LPWWA Board Member-Ute Mountain Ute Tribe.


Bernadette Cuthair, LPWWA Board Member
Ute Mountain Ute Tribe-Representative

10/31/17
Date