



Notice of Regular Meeting
Cherry Creek Basin Water Quality Authority
Board of Directors Meeting
Thursday, June 15, 2023 at 9:00 a.m.

The meeting will be conducted in-person and virtually as set forth below.

In-Person: SEMSWA
7437 S. Fairplay St.
Centennial, CO 80112

Virtual: Zoom
<https://us06web.zoom.us/j/87425775963> Passcode: CCBWQA
Phone (646)931-3860 Mtg ID 874 2577 5963# Passcode: #815374

CCBWQA Board of Directors Meeting Documents can be found online at the link below.

https://drive.google.com/drive/folders/1KqGcDC9eS_gMEdSiXPPPBGefAHTib7pf?usp=share_link

1. Call to Order and Pledge of Allegiance
2. Consent Agenda (5 minutes)
(Items on the consent agenda can be approved with a single motion or, items can be requested to be moved from the consent agenda and moved to the "discussion" or "direction and/or action" section.)
 - a. Approval of the May 18, 2023 Minutes (enclosed)
 - b. Acceptance of the Schedule of Cash Position dated June, 2023 (enclosed)
 - c. Acceptance of the Paid Claims for May, 2023 (enclosed)
 - d. Approval of Unpaid Claims as of June, 2023 (enclosed)
 - e. Authorization of IGA Amendment for Cherry Creek at Arapahoe Road (enclosed)
3. Direction and/or Action (15 minutes)
 - a. Presentation and Acceptance of 2022 Audit (enclosed, Lisa Pastore, Fiscal Focus Partners)
4. Presentations (30 minutes)
 - a. MS4 2022 Annual Report (Ashley Byerley)
 - b. Emerging Technologies in Nutrient Remediation and Colorado Watershed Projects (Stewart)
5. Board Member Items
6. Updates (25 minutes)
 - a. Technical Manager (Clary)
 - i. Partners Field Trip to Cherry Creek and Piney Creek
 - ii. Watershed Model
 - iii. Site-specific Standards
 - b. Cherry Creek Stewardship Partners Update and [Events](#) (Davenhill)
 - i. Cherry Creek Watershed Conference - August 24, 2023 at the Parker Arts, Culture, and Events Center
 - c. TAC (Erickson)
 - d. Contract Staff (see enclosed memos)
 - i. PAPM
 - a. CIP Status Report (Borchardt)
 - b. Maintenance and Operations Status Report (Goncalves)
 - ii. [Water Quality Update](#) and [Memo](#) (Stewart)
 - iii. Regulatory (DiToro)
 - iv. Land Use Referrals - [2023 Tracking](#) (Endyk)
 - e. Legal
 - f. Other - Reminder of Watershed Plan Process Workshop - September 21, 2023 8:30-11:30 am
7. Executive Session pursuant to Section 24-6-402(4) C.R.S., if necessary.
8. Adjournment

[Board Binder](#)



**Cherry Creek Basin Water Quality Authority
Minutes of the Board of Directors
Thursday, May 18, 2023 at 9:00 a.m.**

Board Members Present

Abe Laydon, Douglas County
Bill Ruzzo, Assistant Secretary, Governor's Appointee
Christopher Lewis, Vice Chair, Governor's Appointee
Jessica LaPierre, City of Aurora - Alternate (zoom)
John McCarty, Secretary/Treasurer, Governor's Appointee
John Woodling, Governor's Appointee
Joshua Rivero, Chair, Town of Parker
Leslie Summey - Arapahoe County
Margaret Medellin, Governor's Appointee (zoom)
Max Brooks, Town of Castle Rock
Mike Anderson, City of Lone Tree
Ryan Adrian, Douglas County - Alternate
Stephanie Piko, City of Centennial
Steve Sundberg, City of Aurora
Tom Downing, Governor's Appointee
Tom Stahl, City of Greenwood Village (zoom)

TAC Members Present

Alex Mestdagh, Town of Parker(zoom)
Casey Davenhill, Board Appointee, Cherry Creek Stewardship Partners
David Van Dellen, Town of Castle Rock
Jacob James, City of Lone Tree (zoom)
Jason Trujillo, Board Appointee, Cherry Creek State Park (zoom)
Jon Erickson, TAC Chair, Board Appointee, Colorado Parks and Wildlife
Lily Montesano, Wright Water Engineers representing City of Greenwood Village (zoom)
Lisa Knerr, TAC Vice Chair, Arapahoe County
Marty Easter, Arapahoe County Public Health - Alternate (zoom)
Rick Goncalves, Board Appointee
Steve Chevalier, Arapahoe County Public Health (zoom)
Wanda DeVargas, Board Appointee, E-470(zoom)

Others Present

Alan Leak, RESPEC (zoom)
Erin Stewart, LRE Water
Jane Clary, Wright Water Engineers, CCBWQA Technical Manager
Jessica DiToro, LRE Water
Richard Borchardt, R2R Engineers
Tim Flynn, Collins Cole Flynn Winn & Ulmer, PLLC
Val Endyk, CCBWQA
Larry Butterfield, CPW (zoom)

1. Call to Order and Pledge of Allegiance

Director Rivero called the meeting to order at 9:02 am and led in the pledge of allegiance.

2. Consent Agenda

- a. **Approval of the April 20, 2023 Minutes**
- b. **Acceptance of the Schedule of Cash Position dated May, 2023**
- c. **Acceptance of the Paid Claims for April, 2023**
- d. **Approval of Unpaid Claims as of May, 2023**

Director Anderson moved to approve the consent agenda. Seconded by Director Sundberg. The motion carried.

3. Direction and/or Action

a. Direction on CCBWQA Level of Involvement in April 2024 CR 72 RMH

Jessica DiToro and Jane Clary provided the Board with an [Action Item Memo](#) detailing background information on the CR72 Informational Hearing that was held on April 10, 2023 and requesting direction on the level of participation in the Control Regulation 72 stakeholder process that was proposed by Parker Water and Sanitation District and the Town of Castle Rock leading up to the formal rulemaking hearing process. The stakeholder process is expected to begin on June 6, 2023.

Director Woodling moved that the CCBWQA staff will participate in the CR 72 stakeholder process that was proposed by PWSD and Castle Rock leading up to the formal RMH process. Seconded by Director Anderson. The motion carried.

b. Preparation and Authorization of Piney Creek Reaches 1 and 2 IGA Amendment

Rich Borchardt presented background information on the Piney Creek Reaches 1 and 2 project. Project details can be found in the [Action Item Memo](#) provided to the Board. The project is located between the confluence of Cherry Creek and Parker Rd and is a partner project with SEMSWA. The IGA Amendment would include additional funding of \$252,000 (\$63,000 CCBWQA, which is in the 2023 approved budget, and \$189,000 SEMSWA). The IGA Amendment would include total funding of \$404,000. Additional IGA Amendments are anticipated to bring in future funding from the sponsors' capital improvement programs which currently include funding through 2028, when construction is anticipated.

Director Piko requested that she be notified when the work will take place so she can let the neighborhood know. Rich Borchardt will provide follow-up.

Director Piko moved to authorize the preparation of the Amendment to Intergovernmental Agreement for the Stream Reclamation on Piney Creek Reaches 1 and 2 that increases the Authority's contribution to the project by an amount not to exceed \$63,000, and to authorize a member of the executive committee to execute the IGA Amendment. Seconded by Director Lewis. The motion carried.

c. Preparation and Authorization of RESPEC's Amendment for East Shade Shelters Phase 3 and Tower Loop Phase 2

Rich Borchardt presented background information on the East Shade Shelters Phase 3 and Tower Loop Phase 2 Shoreline Stabilization Projects. Project details and a detailed background on the competitive proposal process and value engineering process can be found in the [Action Item Memo](#) provided to the Board. RESPEC has prepared the attached [scope of work](#) and fee for a cost of \$42,619, which implements the recommendations from the value engineering and additional items that were not anticipated in their original scope of work. Rich's AIM includes a table with a comparison of the original 2021 contract to the proposed 2023 contract by design and construction costs.

Director Ruzzo moved to approve RESPEC's scope of work for Additional Services for an amount not to exceed \$42,619, to authorize legal counsel to prepare the necessary RESPEC contract amendment, and to authorize a

member of the executive committee to execute the prepared contract amendment. Seconded by Director Brooks. The motion carried.

4. Discussion

Director Rivero amended the originally posted agenda and added a discussion item (4a) on the May 10-12, 2023 storm event.

a. [May 10-12th Storm Update](#) and Lone Tree Creek Pond

Erin Stewart and Jane Clary shared a presentation with information and pictures from the May 10th-12th storm event in the Cherry Creek Watershed. Significant flooding occurred, along with two road washouts on Lakeview Drive, trail damage, and sampling equipment damage. Conditions will be further evaluated after the water levels drop.

Jason Trujillo provided a timeline of events at the State Park surrounding the storm event including Park staff's response and ongoing efforts. The reservoir water level went up by approximately 10 feet.

Jason reported that the CCSP website is the best place to go for updates regarding access to the park and the reservoir.

b. Proposed Revisions to Bylaws

Legal counsel for the CCBWQA provided a [redline version of the bylaws](#) for the Board to review. The Board discussed at length and requested another draft with certain changes be brought to the Board for consideration at a future meeting.

c. Lone Tree Creek Pond

Discussed; moved to agenda item 4a.

5. Presentations (postponed)

a. Water Quality Standards 101

b. Emerging Technologies in Nutrient Remediation and Colorado Watershed Projects

6. Board Member Items

a. [Board Binder](#)

b. Request for Future Presentation on Background P (Director Woodling)

Director Woodling requested time at a future Board meeting to present on background concentrations of total phosphorus.

The Board requested that Director Woodling compile his information/presentation and provide it to the executive committee and technical manager prior to the Board meeting for feedback and collaboration.

7. Updates

a. Technical Manager (Clary)

i. TAC Subcommittees

ii. Peoria Pond

Staff are working on an Operations and Maintenance agreement among CCBWQA, SEMSWA, MHFD and Greenwood Village.

iii. Cherry Creek/Piney Creek Site Visit with Partners - May 25th 1-4 pm

b. Cherry Creek Stewardship Partners Update and [Events](#) (Davenhill)

i. Cherry Creek Watershed Conference - August 24, 2023 at the Parker Arts, Culture, and Events Center

c. TAC (Erickson)

d. Contract Staff (see enclosed memos)

i. PAPM

a. CIP Status [Report](#) (Borchardt)

b. Maintenance and Operations Status [Report](#) (Goncalves)

Rick Goncalves updated the Board on the repair work to the Reservoir Destratification System detailed in his [report](#). The Board directed Director Ruzzo and Rick Goncalves to go back and look at the original request for proposal from Ingersoll Rand and determine whether the damage could be covered under the warranty. Rick Goncalves will report to the Board at a future meeting.

- ii. [Water Quality Update](#) (Stewart)
- iii. **Regulatory (DiToro)**
- iv. **Land Use Referrals - [2023 Tracking](#) (Endyk)**

e. Legal

Legal counsel will look at the recent bill passed on property taxes to see if it affects the CCBWQA fees collected. Castle Pines notified CCBWQA about an Urban Renewal Area project. Legal counsel is reviewing the information to determine what action from CCBWQA is needed.

f. Other - Reminder of Watershed Plan Process Workshop - September 21, 2023 8:30-11:30 am

8. Executive Session pursuant to Section 24-6-402(4) C.R.S., if necessary.

9. Adjournment

There being no further business to come before the Board, Director Rivero adjourned the meeting at 11:21 a.m.

Cherry Creek Basin Water Quality Authority
Schedule of Cash Position
 March 31, 2023
 as of June 8, 2023

	<u>General Fund</u>	<u>Pollution Abatement Fund</u>	<u>Enterprise Fund</u>	<u>Total</u>
<u>1st Bank - Checking Account</u>				
Balance as of 03/31/23	\$ 30,666.12	\$ 19,872.23	\$ 9,490.00	\$ 60,028.35
Subsequent activities:				
04/05/23 Alpine Trophoes VISA	(14.59)	-	-	(14.59)
04/05/23 Get Stream Online VISA	(200.00)	-	-	(200.00)
04/21/23 Jason Deli VISA	(93.75)	-	-	(93.75)
04/25/23 Monthly Transfer for AP	40,000.00	25,000.00	25,000.00	90,000.00
04/25/23 Verizon ACH	(51.45)	-	-	(51.45)
04/26/23 Bill.com Payment	(43,297.76)	(14,723.75)	(28,397.86)	(86,419.37)
04/30/23 Interest Income	4.87	-	-	4.87
05/08/23 R2R Engineers Payment	(5,996.25)	(16,938.90)	-	(22,935.15)
05/16/23 Monthly Transfer for AP	77,000.00	628,000.00	5,000.00	710,000.00
05/23/23 Bill.com Payment	(73,651.99)	(620,244.98)	(3,339.75)	(697,236.72)
05/25/23 Verizon, XCEL	(51.45)	(988.43)	-	(1,039.88)
05/31/23 VISA charges May	(266.40)	-	-	(266.40)
05/31/23 Interest Income	18.11	-	-	18.11
06/05/23 VISA Charges	(458.99)	-	-	(458.99)
<i>Anticipated Activities</i>				
Transfer from ColoTrust for bills	65,000.00	45,000.00	3,000.00	113,000.00
Bill.com open claims	(56,747.77)	(41,679.05)	(4,939.30)	(103,366.12)
<i>Anticipated balance</i>	<u>\$ 31,858.70</u>	<u>\$ 23,297.12</u>	<u>\$ 5,813.09</u>	<u>\$ 60,968.91</u>
<u>ColoTrust General - (8001)</u>				
Balance as of 03/31/23	\$ 950,349.69	\$ 2,739,536.64	\$ 1,530,942.75	\$ 5,220,829.08
Subsequent activities:				
04/07/23 Refund from CSDP Ins*	76.00	-	-	76.00
04/10/23 Ptax Arapahoe (Mar)	92,970.16	-	-	92,970.16
04/10/23 Ptax Douglas (Mar)	71,594.71	-	-	71,594.71
04/25/23 Monthly Transfer for AP	(40,000.00)	(25,000.00)	(25,000.00)	(90,000.00)
04/30/23 Deposits Dev Checks	-	-	31,601.03	31,601.03
04/30/23 Interest Income	22,060.43	-	-	22,060.43
04/30/23 Revenue Allocation	(111,975.18)	133,512.59	(21,537.41)	-
05/10/23 Ptax Arapahoe Cty (Apr)	221,026.32	-	-	221,026.32
05/10/23 Ptax Douglas Cty (Apr)	286,359.70	-	-	286,359.70
05/16/23 Monthly Transfer for AP	(77,000.00)	(628,000.00)	(5,000.00)	(710,000.00)
05/31/23 Deposits Dev Checks	-	-	45,248.19	45,248.19
05/31/23 Interest Income	23,487.08	-	-	23,487.08
<i>Anticipated Activities</i>				
Ptax Arapahoe Cty (May)	139,348.98	-	-	139,348.98
Ptax Douglas Cty (May)	133,856.41	-	-	133,856.41
Development fees deposits to date	-	-	18,122.30	18,122.30
Monthly Transfer for AP	(65,000.00)	(45,000.00)	(3,000.00)	(113,000.00)
<i>Anticipated balance</i>	<u>\$ 1,647,154.30</u>	<u>\$ 2,175,049.23</u>	<u>\$ 1,571,376.86</u>	<u>\$ 5,393,580.39</u>

Cherry Creek Basin Water Quality Authority
Schedule of Cash Position
 March 31, 2023
 as of June 8, 2023

	<u>General Fund</u>	<u>Pollution Abatement Fund</u>	<u>Enterprise Fund</u>	<u>Total</u>
<u>ColoTrust Pollution Abatement - (8002)</u>				
Balance as of 03/31/23	\$ -	\$ 55,036.19	\$ -	\$ 55,036.19
Subsequent activities:				
04/30/23 Interest Income	-	227.85	-	227.85
05/31/23 Interest Income	-	242.15	-	242.15
<i>Anticipated balance</i>	<u>\$ -</u>	<u>\$ 55,506.19</u>	<u>\$ -</u>	<u>\$ 55,506.19</u>
<u>CSAFE - Savings Account</u>				
Balance as of 03/31/23	\$ 859,161.30	\$ 42,246.04	\$ 370,439.36	\$ 1,271,846.70
Subsequent activities:				
04/30/23 Interest Income	-	-	5,163.79	5,163.79
05/31/23 Interest Income	-	-	5,524.97	5,524.97
<i>Anticipated balance</i>	<u>\$ 859,161.30</u>	<u>\$ 42,246.04</u>	<u>\$ 381,128.12</u>	<u>\$ 1,282,535.46</u>
<i>Total funds available as of date above</i>	<u><u>\$ 2,538,174.30</u></u>	<u><u>\$ 2,296,098.58</u></u>	<u><u>\$ 1,958,318.07</u></u>	<u><u>\$ 6,792,590.95</u></u>
<u>Effective monthly yield (as of 5/31/2023)</u>				
1st Bank - 0.100%* if Balance >\$20,000				
ColoTrust Plus - 5.1483%				
CSAFE - 5.08%				
	\$ -	\$ -	\$ -	\$ -

**Cherry Creek Basin Water Quality Authority
Paid Claims May 10, 2023 through June 8, 2023**

Process Date	Vendor	Invoice Number	Payment Reference	Amount
5/23/2023	*Xcel Energy	827145313	P23052201 - 6103571	988.43
5/23/2023	53 Corporation, LLC	PayApp3	P23052201 - 6103573	18,582.77
5/23/2023	B & RW Construction Co., Inc.	2023	P23052201 - 6103575	1,150.00
5/23/2023	CH2M Hill - Jacobs Engineering	D3150300-040	P23052201 - 6103577	280.00
5/23/2023	CliftonLarsonAllen LLP	3716716	P23052201 - 6103579	3,834.29
5/23/2023	Collins Cole Flynn Winn & Ulmer, PLLC	3515	P23052201 - 6103583	9,000.00
5/23/2023	Davis Graham & Stubbs LLP	Multiple	P23052201 - 6103548	16,319.50
5/23/2023	Hydros Consulting Inc.	Multiple	P23052201 - 6103558	1,172.60
5/23/2023	LRE Water	#22814	P23052201 - 6103585	28,946.20
5/23/2023	Muller Engineering Company	36390	P23052201 - 6103587	2,619.00
5/23/2023	Pinpoint Systems Inc.	9888	P23052201 - 6103590	258.75
5/23/2023	R2R Engineers, Inc.	2023-04	P23052201 - 6103593	19,969.91
5/23/2023	RESPEC	Multiple	P23052201 - 6103563	1,927.25
5/23/2023	RG and Associates LLC	153145	P23052201 - 6103595	4,578.75
5/23/2023	Special District Association	34871	P23052201 - 6103597	1,237.50
5/23/2023	The Villager Legals	INV-11204	P23052201 - 6103599	71.52
5/23/2023	Urban Drainage and Flood Control District	INV02925	P23052201 - 6103652	570,000.00
5/23/2023	Valerie Endyk	16	P23052201 - 6103655	4,200.00
5/23/2023	Wright Water Engineers, Inc.	Multiple	P23052201 - 6103568	12,100.25
			Subtotal	\$ 697,236.72
Other Payments				
5/24/2023	Office Depot		Visa	31.32
5/24/2023	King Soopers		Visa	18.12
5/24/2023	Alpine trophies		Visa	10.73
5/24/2023	Circle K		Visa	6.23
5/25/2023	Verizon		ACH	51.45
5/26/2023	*Xcel Energy - (erroneous payment applied to current)		ACH	988.43
6/5/2023	USPS - PO Boxes		Visa	124.00
6/5/2023	Get Streamline.com Website		Visa	200.00
6/5/2023	Norton.com		Visa	134.99
			Subtotal	\$ 1,565.27
			Total Payments	\$ 698,801.99

**Cherry Creek Basin Water Quality Authority
Unpaid Claims as of 06/08/23**

Date	Vendor*	Invoice #	Account Description	Amount
6/6/2023	*Xcel Energy	831215373	117701 - Utilities - Reservoir Destratification	\$ 7,772.53
5/31/2023	CliftonLarsonAllen LLP	3760747	107000 - Accounting	5,053.68
5/12/2023	Colorado Community Media	86294	117803 - Stream Reclamation - CC 12-Mile Park	46.80
5/31/2023	Ingersoll-Rand Company	31061957	117702 - O&M - Reservoir Destratification	3,657.49
5/25/2023	LRE Water	23085	107999 - General Fund accounts	39,139.09
5/31/2023	Pinpoint Systems Inc.	9971	107481 - Office expense	453.75
5/31/2023	R2R Engineers, Inc.	2023-05	107440 - Management/administration	5,021.25
5/31/2023	R2R Engineers, Inc.	2023-05	117440 - Management/administration	13,744.98
4/30/2023	RESPEC	INV-0423-1323	117728 - Reservoir Shoreline Stabilization - East Shade Shelter	505.00
4/30/2023	RESPEC	INV-0423-1324	117440 - Management/administration	225.00
5/31/2023	RG and Associates LLC	153192	107445 - TAC coordination	1,361.25
5/31/2023	RG and Associates LLC	153192	117999 - PA Fund accounts	825.00
5/25/2023	Valerie Endyk	17	107010 - Administrative Assistant	5,718.75
4/30/2023	Wright Water Engineers, Inc.	66796	407733.01 - CCBWQA Planning	3,044.05
5/31/2023	Wright Water Engineers, Inc.	66847	117440 - Management/administration	14,902.25
5/31/2023	Wright Water Engineers, Inc.	66848	407736 - Special Studies/Projects: BMP Effectiveness	1,895.25
Total Claims				\$ <u>103,366.12</u>
				General Fund \$ 56,747.77
				Pollution Abatement Fund 41,679.05
				Enterprise Fund 4,939.30
Total Claims by Funding Source				\$ <u>103,366.12</u>

* by vendor



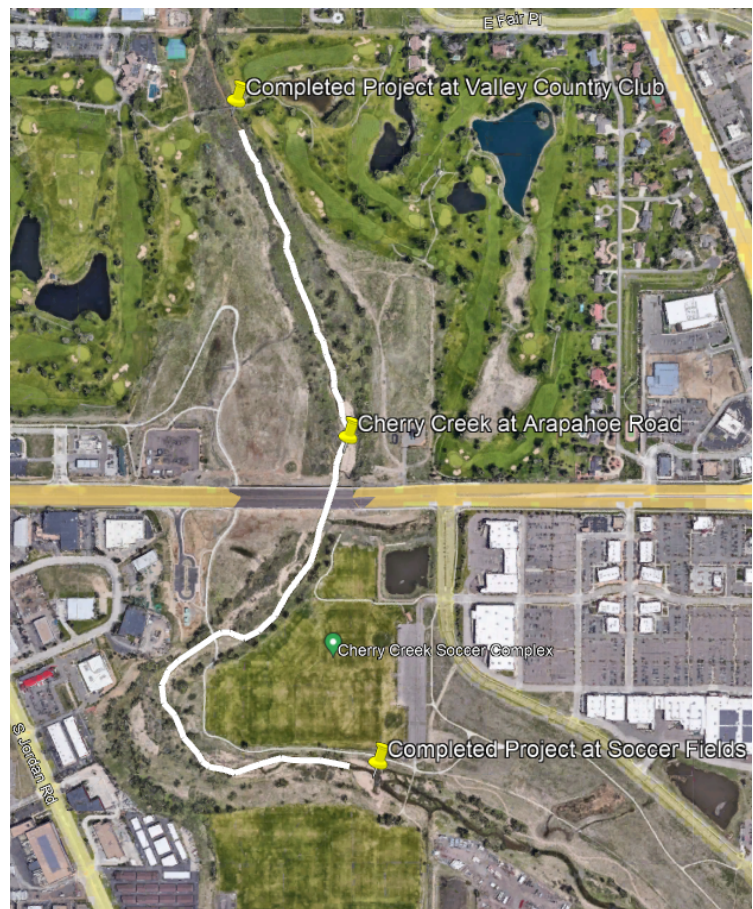
ACTION ITEM MEMORANDUM

To: CCBWQA Board of Directors
From: Richard Borchardt, Pollution Abatement Project Manager
Date: June 15, 2023
Subject: Cherry Creek Stream Reclamation at Arapahoe Road – Amendment to Intergovernmental Agreement (IGA Amendment)

Request: The Board authorize the execution of the IGA Amendment for Stream Reclamation on Cherry Creek at Arapahoe Road that increases the Authority’s contribution by an amount not to exceed \$300,000 and authorize any member of the executive committee to execute the IGA Amendment.

Project: The Cherry Creek Stream Reclamation at Arapahoe Road project is located between the Valley Country Club (north side of Arapahoe Road) and the Aurora Soccer Fields (south side of Arapahoe Road) in Arapahoe County and the Cities of Aurora and Centennial (Project, **Figure 1**). It is a partner project with the City of Aurora (CITY), Southeast Metro Stormwater Authority (SEMSWA), and Mile High Flood District (MHFD) who is the project lead. The proposed stream improvements benefit the water quality in Cherry Creek and the Cherry Creek Reservoir by reducing bed and bank erosion and immobilizing Phosphorus in the adjacent soils. It is estimated that this 0.98 mile long-project will immobilize 88 pounds of phosphorus annually. CCBWQA had a workshop on March 16, 2023 which included the Project and reinforced its priority and importance to the whole system.

Figure 1. Cherry Creek at Arapahoe Road Location Map



Funding: The attached IGA Amendment includes additional funding of \$1,200,000 (\$300,000 CCBWQA, \$300,000 MHFD, \$500,000 CITY, and \$100,000 SEMSWA). The IGA Amendment brings the total funding for the project to about \$2,204,000. **Table 1** provides a breakdown of funding by sponsors rounded to the nearest dollar and shows CCBWQA’s participation is 25% which is consistent with the limit historically used on partner projects. This item is included under the

consent agenda for Board Authorization because it is a continuation of previous approvals , now in its 3rd year of funding, and within CCBWQA’s 2023 Budget amount. Additional IGA Amendments are anticipated to bring in future funding from the sponsors’ capital improvement programs which currently include funding through 2024. The Project is starting design and accumulating funds for construction (which is anticipated in 2025 or later).

Funding Source	2021-2022	2023		
	Previous Contributions	Project Sponsor %	Additional Annual Funding	Cumulative Project Funding
MHFD	\$440,531	33.6%	\$300,000	\$740,531
CITY	\$240,259	33.6%	\$500,000	\$740,259
SEMSWA	\$71,791	7.8%	\$100,000	\$171,791
CCBWQA	\$251,247	25.0%	\$300,000	\$551,247
Total	\$1,003,828	100%	\$1,200,000	\$2,203,828

Table 1. Cherry Creek at Arapahoe Road IGA Amendment Funding

TAC Review: TAC recommended that the Board authorize the execution of the IGA Amendment for Stream Reclamation on Cherry Creek at Arapahoe Road that increases the Authority’s contribution by an amount not to exceed \$300,000 and to authorize any member of the executive committee to execute the IGA Amendment.

Budget: CCBWQA’s 2023 Budget includes \$605,000 for the Project.

Motion: **No separate motion is required. This item is included under the consent agenda for Board Authorization.**



Photo of Cherry Creek downstream of Arapahoe Road



Photo of Cherry Creek downstream of Arapahoe Road

SECOND AMENDMENT TO
 AGREEMENT REGARDING
 FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION
 OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR CHERRY CREEK
 RESTORATION AT ARAPAHOE ROAD

Agreement No. 21-06.17B
 Project No. 108670

THIS SECOND AMENDMENT TO AGREEMENT (hereinafter called "SECOND AMENDMENT"), by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") and CITY OF AURORA, Colorado, a Colorado home rule municipal corporation of the counties of Adams, Arapahoe, and Douglas acting by and through its Utility Enterprise (hereinafter called "CITY"); SOUTHEAST METRO STORMWATER AUTHORITY (hereinafter called "SEMSWA"); CHERRY CREEK BASIN WATER QUALITY AUTHORITY (hereinafter called "CCBWQA") and collectively known as "PARTIES"; and ARAPAHOE COUNTY, Colorado (hereinafter called "Arapahoe County") ONLY as to Paragraphs 10 and 11 of the original AGREEMENT;

WITNESSETH:

WHEREAS, PARTIES have entered into " Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Cherry Creek Restoration at Arapahoe Road " (Agreement No. 21-06.17) dated December 21, 2021, as amended (hereinafter called "AGREEMENT"); and

WHEREAS, PARTIES now desire to proceed with the design, right-of-way acquisition and construction of drainage and flood control improvements for Cherry Creek Restoration at Arapahoe Road (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to increase the level of funding by \$1,200,000; and

WHEREAS, DISTRICT's Board of Directors has authorized additional DISTRICT financial participation for PROJECT (Resolution No. 52, Series of 2023); and

WHEREAS, the City Council of CITY; Board of Directors of SEMSWA; Board of Directors of CCBWQA; and the Board of Directors of DISTRICT have each authorized, by appropriation or resolution, each party's share of the PROJECT costs.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:

4. PROJECT COSTS AND ALLOCATION OF COSTS

A. PARTIES agree that for the purposes of this AGREEMENT, PROJECT costs shall consist of and be limited to the following:

1. Final design services;
2. Delineation, description and acquisition of required rights-of-way/ easements;
3. Construction of improvements;
4. Contingencies mutually agreeable to PARTIES.

B. It is understood that PROJECT costs as defined above are not to exceed \$2,203,828.30 without amendment to this AGREEMENT.

PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AS AMENDED</u>	<u>PREVIOUSLY AMENDED</u>
1. Final Design	\$ 845,000	\$ 345,000
2. Right-of-way	\$ -0-	\$ -0-
3. Construction	\$ 1,158,828.30	\$ 658,828.30
4. Contingency	\$ 200,000	\$ -0-
Grand Total	\$ 2,203,828.30	\$ 1,003,828.30

* It is anticipated that additional funding for construction will be added through future amendments.

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest, if applicable.

- C. At the request of the CITY, SEMSWA, and CCBWQA, the following CITY, SEMSWA, CCBWQA, and DISTRICT funds pursuant to a prior amendment have been transferred to PROJECT from a separate special fund held by DISTRICT: Transfer from: Cherry Creek at Arapahoe Road; Project No. 100407; Account No. 5603; Agreement No. 12-08.04 Amendment E; Amount: \$288,828.30.

- D. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	Percentage Share	Previously Contributed	Previous Special Funds Transfer from Account No. 5603	Additional Contribution	Maximum Contribution
DISTRICT Special Funds Transfer	33.60%	\$325,000	\$115,531.32	\$300,000	\$740,531.32
CITY Special Funds Transfer	33.59%	\$150,000	\$90,258.84	\$500,000	\$740,258.84
SEMSWA Special Funds Transfer	7.80%	\$70,000	\$1,790.74	\$100,000	\$171,790.74
CCBWQA Special Funds Transfer	25.01%	\$170,000	\$81,247.40	\$300,000	\$551,247.40
TOTAL	100.00%	\$715,000	\$288,828.30	\$1,200,000	\$2,203,828.30

- E. DISTRICT Acknowledges that (i) CCBWQA does not by this Agreement irrevocably pledge present cash reserves for payments in future fiscal years, and (ii) It is understood and agreed that notwithstanding any other provision contained herein to the contrary, any additional contribution obligation of CCBWQA hereunder, whether direct or contingent, shall extend only to funds duly and lawfully appropriated and

encumbered by the Board of Directors of CCBWQA for the purposes of the Agreement, and paid into the Treasury of CCBWQA, and shall under no circumstances exceed \$551,247.40 without CCBWQA's prior express written consent.

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each PARTY's full share (CITY - \$740,258.84; SEMSWA - \$171,790.74; CCBWQA - \$551,247.40; DISTRICT - \$740,531.32), to the extent not previously paid, shall be made to DISTRICT subsequent to execution of this AGREEMENT and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to PARTIES of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each PARTY shall receive a share of such monies, which shares shall be computed as were the original shares; or at PARTIES request, PARTY's share of remaining monies shall be transferred to another special fund held by DISTRICT.

3. All other terms and conditions of this AGREEMENT shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this SECOND AMENDMENT to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT D/B/A
MILE HIGH FLOOD DISTRICT

By _____

Name Laura A. Kroeger

Title Executive Director

Date _____

Checked By

CITY OF AURORA, COLORADO,
ACTING BY AND THROUGH ITS
UTILITY ENTERPRISE

Mike Coffman, Mayor

Date

ATTEST:

Kadee Rodriguez, City Clerk

Date

APPROVED AS TO FORM FOR AURORA:

Ian Best, Assistant City Attorney

Date ACS#

STATE OF COLORADO)
) ss
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by Mike Coffman, Mayor, acting on behalf of the Utility Enterprise of the City of Aurora, Colorado.

Witness my hand and official seal. _____
Notary Public

My commission expires: _____

(SEAL)

CHERRY CREEK BASIN
WATER QUALITY AUTHORITY

By _____

Name _____

Title _____

Date _____

CCBWQA Checked By

ATTEST:

APPROVED AS TO FORM FOR CCBWQA:

Timothy J. Flynn, General Counsel

Date: _____

AUTHORITY

SOUTHEAST METRO STORMWATER

By _____

Name _____

Title _____

Date _____

DRAFT

ARAPAHOE COUNTY

By _____

Title _____

Authorized by Resolution Number 22-049
As to the obligations contained in
Paragraphs 10 and 11 only

Date _____

DRAFT

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
Cherry Creek Basin Water Quality Authority
Arapahoe and Douglas Counties, Colorado

Opinions

We have audited the financial statements of the governmental activities, the business-type activities, and each major fund of Cherry Creek Basin Water Quality Authority (the Authority), as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the Authority, as of December 31, 2022, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Authority, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

I

Fiscal Focus Partners, LLC

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we

- exercise professional judgment and maintain professional skepticism throughout the audit.
- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, no such opinion is expressed.
- evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages IV through X be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Authority's basic financial statements. The supplementary information as identified in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. The supplementary information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Arvada, Colorado
May 10, 2023

Draft

CHERRY CREEK BASIN WATER QUALITY AUTHORITY
ARAPAHOE and DOUGLAS COUNTIES, COLORADO

May 10, 2023

Fiscal Focus Partners, LLC
PO Box 740339
Arvada, CO 80006

Auditors:

This representation letter is provided in connection with your audit of the financial statements of Cherry Creek Basin Water Quality Authority (the "Audit"), which comprise the respective financial position of the governmental activities, business-type activities, and each major fund as of December 31, 2022, and the respective changes in financial position and cash flows for the year then ended, and the related notes to the financial statements, for the purpose of your expressing opinions as to whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material; regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

With regard to representations in this letter the Authority has relied specifically upon the expertise and representations of the District's accounting firm, and its management and professional consultants acting on our behalf, without undertaking to verify the same by independent investigation.

Whenever the representations contained herein with respect to the existence or absence of facts is indicated to be based on the District's knowledge, it shall mean that during the course of your preparation of the Audit as described above and the relevant period leading up to the Audit, no information has come to the District's attention which has given actual knowledge contrary to the existence or absence of such facts. The Authority has not undertaken any independent investigation to determine the existence or absence of such facts, nor has it undertaken any such investigation with respect to facts certified by anyone, and no inference as to their knowledge of the existence or absence of such facts may be drawn from the representations made herein.

No elected official, director, officer, manager agent or employee of the Authority shall be charged personally or held contractually liable by or to you because of its or their execution, approval or attempted execution of this representation letter.

We confirm, to the best of our actual knowledge and belief, as of the date of this letter, the following representations made to you during the Audit.

Financial Statements

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated November 9, 2022.
- 2) To the best of our actual knowledge related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with Colorado law.
- 3) To the best of our actual knowledge all events subsequent to the date of the financial statements which would have a material impact on the accuracy of the same, if any, have been disclosed.
- 4) To the best of our actual knowledge the effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed.
- 5) To the best of our actual knowledge guarantees, whether written or oral, under which the Authority is contingently liable, if any, have been properly recorded or disclosed.

Information Provided

- 6) We have provided you with:
 - a) Access to all information that you have requested from us for the purpose of the audit.
 - b) Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
 - c) Minutes of the meetings of the Board of Directors or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 7) To the best of our actual knowledge all material transactions have been recorded in the accounting records and are reflected in the financial statements.
- 8) We have no actual knowledge of any fraud or any allegations of fraud or suspected fraud that affects the Authority or its financial statements.
- 9) To the best of our actual knowledge we have disclosed to you the identity of the entity's related parties and all the related party relationships and transactions of which we are aware.

Government-specific

- 10) To the best of our actual knowledge we have made available to you all financial records and related data and all audit or relevant monitoring reports, if any, received from funding sources.
- 11) We have not been informed of any communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 12) The Authority has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or equity.
- 13) We acknowledge responsibility for compliance with the laws, regulations, and provisions of contracts

and grant agreements applicable to us, including tax or debt limits and debt contracts.

- 14) We have no actual knowledge of any violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
- 15) We have reviewed and accepted the financial statements reflected in the Audit and related notes.
- 16) To the best of our actual knowledge the Authority has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- 17) To the best of our actual knowledge the Authority has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
- 18) We have followed all applicable laws and regulations in adopting, approving, and amending budgets.
- 19) To the best of our actual knowledge expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
- 20) To the best of our actual knowledge revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.
- 21) To the best of our actual knowledge interfold, internal, and intra-entity activity and balances, if any, have been appropriately classified and reported.
- 22) To the best of our actual knowledge deposits and investment securities and derivative instruments, if any, are properly classified as to risk and are properly disclosed.
- 23) To the best of our actual knowledge capital assets, including infrastructure and intangible assets, if any, are properly capitalized, reported, and, if applicable, depreciated.

Signature:

Cherry Creek Basin Water Quality Authority

By: _____
Joshua Rivera, Authority Chair

*This letter is executed by Joshua Rivera, as Chair of the Board of Directors of the Cherry Creek Basin Water Quality Authority ("Authority") and delivered with the understanding that the statements made herein are made on behalf of the Authority in my capacity as a Board Member and to the best of my current, actual, and personal knowledge with out separate independent investigation and without imputation of any other person's knowledge.

CHERRY CREEK BASIN WATER QUALITY AUTHORITY
2023 Capital Project Status Report
June 8, 2023

RESERVOIR PROJECTS

1. East Shade Shelters Phase III and Tower Loop Phase II Shoreline Stabilization (CCB-17.5 and CCB-17.7)
 - a. Description: These projects were identified in 2014 through the annual inspection. The Tower Loop Phase II connects to the Phase I project and extends shoreline protection 570 feet to the southeast towards Dixon Grove. The East Shade Shelters Phase III starts on the north end of the Shade Structure and goes 400-feet to the south.
 - b. Status: Consultant selection is scheduled for the 1st quarter. A consultant selection committee will be set in February (1/29/21). At the February TAC meeting Jason Trujillo, Jon Erickson, Lanae Raymond, Bill Ruzzo were interested in serving on the consultant selection committee (2/11/21). This selection committee was discussed at the 3/18/21 Board Meeting, and no further members were added. The Request for Proposals (RFP) has been posted on BidNet and Proposals are due 04/21/21 (3/25/21). The pre-proposal meeting was held on 4/7/21. 5 proposals were received on 4/28/21; the selection committee is reviewing them. Interviews were held and a selection is being brought to the May Board meeting (5/14/21). Board authorized negotiations with RESPEC (5/27/21). Agreement has been executed with RESPEC (10/15/21). Field Survey of project areas and topographic mapping is underway (12/30/21). A design kickoff meeting was held on 4/22/22. A design sprint workshop was held on 7/12/22 which included a site visit and evaluation of alternatives. RESPEC is developing a recommended alternative (9/8/22). RESPEC provided updated project costs for budgeting (10/13/22). The 30% submittal was received on 11/16/22 and is under review. CCBWQA provided comments on 30% review on 1/17/23; a value engineering effort is recommended as the project costs exceed the budget. The value engineering meeting was held on 2/24/23. *RESPEC's request for additional services was approved by TAC and Board in May (5/25/23).*

STREAM RECLAMATION PROJECTS

1. Cherry Creek Stream Reclamation at Arapahoe Road aka Reaches 3 and 4 (CCB-5.14C)
 - a. Description: This project continues the work on Cherry Creek by CCBWQA, MHFD, and local partners. It ties into the previous stream reclamation projects of Cherry Creek Eco Park to Soccer Fields (CCB-5.14A) and Cherry Creek at Valley Country Club (CCB-5.14B). The 5,167 Linear Feet of stream reclamation reduces bed and bank erosion immobilizing approximately 88 pounds of phosphorus annually. The project is anticipated to be funded over several years and likely be broken into phases.
 - b. Status: In 2021, an IGA was executed between CCBWQA, MHFD, City of Aurora, and SEMSWA to begin this work. IGA Amendment that brings in 2022 funding is under review (5/13/22). Board authorized IGA Amendment for 2022 funding on 7/21/22 (8/12/22). IGA Amendment has been revised to show Aurora's lower participation; CCBWQA's participation was lowered accordingly to meet 25% partner project level; revised IGA Amendment received TAC recommendation and is being taken to Board for their consideration in October (10/13/22). Board authorized the IGA Amendment for 2022 funding at their 10/22/22 meeting. It appears that CCBWQA's 2023 participation will be reduced as a result of less partner funding available for this project (2/24/23). *The IGA Amendment that brings in 2023 funding is scheduled for TAC and Board action at their June meetings (5/25/23).*
2. Cherry Creek Stream Reclamation – Upstream of Scott Road (CCB-5.17)
 - a. Description: Design and construction of stream reclamation is in partnership with Douglas County and MHFD. It improves 4,100 feet of Cherry Creek and is located upstream of Scott Road.

- b. Status: IGA was approved by the Board at their April 2020 meeting. Muller had been selected as consultant, and design scope of work is being prepared. Kickoff meeting was held on 12/11/20; a follow-up field visit will be scheduled for early 2021. Site visit was held on 1/29/21. Conceptual design is complete, negotiations are underway to contract for 60% design (4/8/21). Muller is working on alternatives (4/30/21). Muller is working on preliminary design and an IGA Amendment to bring in additional 2021 funding from Douglas County is being brought to the Board in October (10/15/21); IGA Amendment has been executed (11/11/21). Muller is preparing 60% Design Submittal (1/28/22). Muller submitted 60% Design on 2/2/22; comments have been provided on 60% Design Submittal (3/10/22). IGA Amendment bringing in 2022 funding is scheduled for TAC and Board consideration in June (5/27/22). IGA Amendment was authorized at the June 16th Board Meeting (6/30/22). Muller is working on Final Design and held a progress meeting on 4/14/23, a site visit is being scheduled to support the 90% design submittal. *The 90% site visit was held on 5/22/23.*
3. Cherry Creek Stream Reclamation at Dransfeldt (CCB-5.17.1B)
 - a. Description: Design and construction of stream reclamation is in partnership with Town of Parker and MHFD. It improves 2,400 feet of Cherry Creek near the future location of Dransfeldt bridge which is just downstream of the Cherry Creek at KOA project.
 - b. Status: Initial scoping has begun, and a partners meeting was held on 1/30/21. IGA is scheduled for CCBWQA's May TAC and Board meetings (4/30/21). IGA was approved by all parties and has been executed (6/25/21). Muller Engineering has submitted their Draft Scope of Work for Design Services, and the project sponsors have reviewed it (7/8/21). Design kickoff meeting was held on 10/14/21. Alternatives are being evaluated (12/9/21). Pre-submittal meeting for the 404 permit is being scheduled (12/30/21). CLOMR is being prepared for project (3/10/22) and was submitted to FEMA on 3/31/22. CEI was selected for as project partner to provide contractor input during the design (5/27/22). CLOMR is under review by FEMA (8/12/22). Muller has received comments on CLOMR and is preparing responses; 90% Submittal is scheduled for early February (1/27/23). Comments on 90% Submittal were provided on 2/22/23; project is experiencing substantive cost increases due to current market conditions (2/24/23). TAC at their 3/2/23 meeting recommended that the Board authorized the IGA Amendment to bring in 2023 funding along with an increase in CCBWQA's 2023 funding from \$170,000 to \$570,000. The Board authorized the IGA Amendment with the increased 2023 funding of \$570,000 at their 3/16/23 meeting. The Conditional Letter of Map Revision (CLOMR) was issued by the Federal Emergency Management Agency (FEMA) on April 28, 2023 (5/12/23).
4. McMurdo Gulch Priority 3 Stream Reclamation (CCB-7.2)
 - a. Description: The design and construction of stream reclamation is in partnership with Castle Rock. Castle Rock is the lead agency. This phase continues the work from the previous phase. Muller Engineering is the design consultant.
 - b. Status: Board authorized IGA for Priority 3 at their May 19,2022 meeting. Muller submitted their 30% deliverable on 10/31/22, review comments were returned on 11/8/22. Easements needed for projects have been identified (1/23/22). The 60% Submittal was received on 1/30/23 and comments have been provided on 2/7/23. Muller is working on updating their construction cost estimate (2/8/23). On 2/23/23, Castle Rock requested that CCBWQA's 2023 funding be deferred to 2024 to match their schedule.
5. Lone Tree Creek in Cherry Creek State Park (CCB-21.1)
 - a. Description: This project includes a trail connection to Cherry Creek State Park and includes 570 linear feet of stream reclamation on Lone Tree Creek from the State Park Boundary to the Windmill Creek Loop Trail. The City of Centennial is the project lead. CCBWQA participation is for stream reclamation only.
 - b. Status: 95% submittal is under review (5/13/22); review comments have been returned (5/27/22). Project funding was brought to TAC at their 7/7/22 meeting, during drafting of IGA it was discovered that future maintenance of stream reclamation should be considered, project will be brought back to TAC at an upcoming meeting for maintenance discussion and

recommendation (8/12/22). A stakeholder meeting was held on 9/29/22 to discuss maintenance. A stakeholder meeting was held on 11/2/22 to discuss findings from CCBWQA's site visit and findings included in Wright Water Engineers report. The Board supports CCBWQA's partnering with Centennial at their 11/17/22 meeting. A Memo of Understanding is under review by Colorado Parks and Wildlife (CPW) affirming maintenance responsibilities for the stream reclamation fit under the current agreement between CCBWQA and CPW (3/30/23). *CCBWQA sent the Draft IGA to Centennial for review on 5/23/23.*

6. Happy Canyon Creek – County Line to Confluence with Cherry Creek (aka Jordan Road, CCB-22.1)
 - a. Description: The design and construction are in partnership with Southeast Metro Stormwater Authority and MHFD and includes 2,500 feet of stream reclamation. The Authority's water quality component share for design and construction is estimated to be \$325,000. The total project cost is estimated at \$1,300,000.
 - b. Status: IGA is scheduled for June TAC and Board meetings (5/27/21). IGA has been approved and executed by all parties (7/29/21). Jacobs has been selected as design consultant and project scoping is underway; limits have been extended upstream to the County Line and sediment capture area and transport will be included with the project (10/15/21). Jacobs has submitted their scope of work and fee for design which is under review by project sponsors (11/11/21). Project sponsors have completed a review of Jacobs' fee and scope of work and the agreement is being routed for signatures (1/28/22). IGA Amendment to bring in 2022 funding is in process (3/10/22). A project kickoff meeting was held on 3/28/2022. A site visit was performed on 4/12/22 to document existing conditions and identify sediment source/transport/deposition areas. Project Team is preparing a sampling plan for bank and bed materials to determine phosphorus content (5/13/22). The project team met on 5/24/22 to discuss project goals and Jacobs is progressing through the study. Jacobs and ERC are working on sediment transport analysis and model (6/30/22). The results from the sediment transport model were presented at the 8/23/22 progress meeting and an upstream sediment capture area just south of the JWPP was included in the alternatives analysis (8/26/22). The alternative analysis report is expected to be completed before the end of 2022 (10/13/22). Lab results from stream soil samples were sent to Jacobs so that they include phosphorus reduction in the alternatives analysis report; a groundwater investigation is needed to inform sediment capture facility and stream reclamation alternatives, scoping and negotiations are in progress (11/11/22). Groundwater scope of work has been reviewed and approved by project sponsors (1/13/23). The IGA Amendment bringing in the 2023 funding was recommended by TAC and authorized by the Board in April (5/12/23).
7. Happy Canyon Creek - Upstream of I-25 (CCB-22.2)
 - a. Description: The design and construction are in partnership with Douglas County, City of Lone Tree, and MHFD and includes 2,500 feet of stream reclamation. The Authority's water quality component share for design and construction is estimated to be \$500,000. The total project cost is estimated at \$2,000,000.
 - b. Status: Douglas County, City of Lone Tree, and MHFD have initially funded and selected Muller Engineering as the design engineer. Design has started and a progress meeting was held on 1/27/21. Design is progressing (2/11/21). Muller has submitted 60% Design Deliverables (5/27/21). IGA for 2021 Funding is being brought to Board in September (9/9/21). 2021 IGA Amendment has been executed (11/11/21). Coordination with CDOT and easement acquisitions are on-going (1/13/22). Board authorized 2022 funding and IGA Amendment at their June 16th meeting (6/30/22). The project received environmental clearance from CDOT (8/12/22). The 90% design submittal is scheduled for delivery by end of September (8/26/22). The 90% design submittal is being reviewed (10/13/22). Comments were provided on 90% submittal (11/11/22). Muller completed the 100% design submittal on 11/22/22. CDOT permit was issued, and pre-construction meeting was held on 1/10/23; construction start is scheduled for 1/30/23 pending execution of easement documents from Surrey Ridge which has agreed to terms and easement language. Notice to Proceed on construction is pending execution of easement documents (1/27/23). Easements have been signed by property owners and Notice to Proceed has been issued to Naranjo Civil

Constructors (2/8/23). Construction is underway with initial construction BMPs/stormwater controls in place; water diversion and control is being set up for the downstream section of the project (3/10/23). Water control is in place and construction of stream reclamation is underway for downstream sections of the project (3/30/23). Riffle and Boulder Cascade drop structures on downstream third of project are nearing completion (4/13/23). Construction is underway in the middle third of the project; efforts consist of stream grading and installation of Riffle and Boulder Cascade drop structures (5/12/23). *The storm damage from May 11 to 13, 2023 event is being identified and repaired (5/25/23).*

8. Dove Creek - Otero to Chambers Rd. (CCB-23.1)

- a. Description: The design and construction are in partnership with Southeast Metro Stormwater Authority (SEMSWA) and with Mile High Flood District (MHFD) being a key stakeholder; it includes 1,300 feet of stream reclamation. The Authority's water quality component share for design and construction is estimated to be \$175,000. The total project cost is estimated at \$700,000.
- b. Status: SEMSWA is drafting the Intergovernmental Agreement to bring in the 2021 funding for the project (3/12/21). RESPEC is the design consultant; two conceptual design alternatives have been prepared and reviewed during meeting on 3/15/21. IGA is scheduled for CCBWQA's May TAC and Board meetings (4/30/21). IGA has been approved and executed by all parties (7/29/21). 30% Design Review Meeting was held on 8/23/21. A Progress meeting is scheduled for 2/26/22 with 60% Plan submittal expected to follow (1/28/22). The 60% Design was submitted on 2/16/2022, comments were provided, and a design review meeting was held on 2/23/2022. IGA Amendment to bring in 2022 funding is in process (3/10/22). Construction costs were prepared by CEI based on 60% submittal (5/13/22). A design progress meeting was held 6/14/22 and 90% design submittal is being prepared (6/30/22). 90% design submittal is expected by the end of July (7/15/22). The 90% design submittal was reviewed, and comments were submitted on 8/22/22. *Construction is anticipated in 2023 (10/13/22).* A progress meeting was held on 11/8/22, project will likely be done in 2 phases, IGA Amendment will be needed early in 2023 so that construction can start ahead of storm season. Dove Creek IGA for construction of Phase 1 is scheduled for TAC and Board in January 2023, construction is expected to start shortly afterwards (12/30/22). Construction is scheduled to start mid-February; construction agreement and engineering construction services amendment are currently being reviewed (1/27/23). Construction and engineering construction services have been finalized and a preconstruction meeting was held on 2/2/23. Notice to Proceed has been issued to Concrete Express; construction is underway with initial construction BMPs/stormwater controls in place (3/10/23). Water control is in place and construction of stream reclamation is on-going (3/30/23). Step pool drop structures have been constructed and work on soil wraps is underway (4/13/23). Low-flow or bank full channel work (soil wraps and erosion control blanket) and step-pool structures are complete, water diversion has been removed, and is active to storm flows; work continues in upland areas and higher elevations of stream reclamation (5/12/23). *Storm damage from May 11 to 13, 2023 event is being repaired (5/25/23).*
- c.

9. Piney Creek from Fraser Street to Confluence with Cherry Creek aka Reaches 1 and 2 (CCB-21.1)

- a. Description: This project includes 2900 linear feet of stream reclamation on Piney Creek. The project partners are SEMSWA and CCBWQA.
- b. Status: Project coordination meeting was held with SEMSWA on 6/29/22. IGA drafted and is being reviewed by SEMSWA (8/12/22). IGA was approved by CCBWQA at the 9/15/22 Board meeting. *IGA Amendment to bring in 2023 funding was approved by TAC and Board in May (5/25/23).*

10. Mountain and Lake Loop Shoreline Stabilization Phase II (OM 4.6)

- a. Description: This project was identified through the 2020 annual inspection and design and permitting started in 2021. It adds about 40 feet of shoreline protection where it has eroded leaving a 1-2 foot tall vertical bank.

- b. Status: Construction Plans have been prepared and the GESC was submitted to Arapahoe County for review (1/13/22). Plans are being reviewed by the US Army Corps of Engineers for 408 clearance (5/13/22).
11. Cherry Creek from Reservoir to Lake View Drive (OM 4.6)
- a. Description: This project is in follow-up to CCBWQA's study of Cherry and Piney Creeks in Cherry Creek State Park (CCSP). Muller completed two reports on Cherry Creek from Reservoir to State Park Boundary, Stream and Water Quality Assessment and Baseline Channel Monitoring Report, in 2022. These reports highlight the need for this project.
 - b. Status: A workshop is scheduled for 3/16/23, to seek CCBWQA Board and TAC input on this project and Cherry and Piney Creeks in CCSP (3/10/23). The follow up from workshop is underway – project overview and funding flyer have been created. Muller is scoping the next step of design for Reach 1 and providing a fee, and multi-pronged approach is in development for workshop priority reaches that prioritizes Reach 1 and reduces risk from upstream reaches; these items will be brought to TAC and Board for discussion, direction, and/or action at upcoming meetings (3/30/23). A site visit for partner outreach and funding was held on 5/25/23 at 1-4 pm (6/8/23).



RDS Maintenance Report

To: CCBWQA Board
From: Rick Gonçalves, RDS Maintenance Manager
Date: June 4, 2023
Subject: RDS Piping Repair Warranty Question

Basis: At the May 18th Board meeting, following my brief report that the damage to the compressor piping and pressure reducing valve had been repaired, the Board requested that I review available documents to determine if there was any justification to request that part or all of the repair could be performed under warranty by Ingersoll Rand. Board member Ruzzo volunteered to assist me.

Conclusion: Mr. Ruzzo and I reviewed a number of documents, including the original Request for Proposal (RFP), the Ingersoll Rand proposal in response to that RFP, the ensuing contract documents, and the PackageCare Maintenance Agreement and found that all original warranties had expired. Also, there was not any language in the documents that could be interpreted as a breach of contract because the compressor piping was not sufficiently protected from freezing. Therefore, there was nothing to justify that Ingersoll Rand pay for any of the repairs under any kind of warranty or that Ingersoll Rand sustained any other kind of liability for the repairs. We recommend that the repairs be paid for and the matter closed.

MEMORANDUM

Date:	June 6, 2023
To:	Cherry Creek Basin Water Quality Authority Board of Directors Jane Clary, CCBWQA Technical Manager
From:	Erin Stewart, LRE Water
Subject:	Water Quality Update – June 2023

CCBWQA Data Portal Water Quality Update Page Link - <http://ccbwwqportal.org/wq-update/chlorophyll-a>

- Navigate to Chl- α , CCR Inflow Concentrations and Comparison, Field Depth Profile, Nutrients Depth Profile

The Water Quality Update pages provide a brief visual of the data collected during the current water year (WY 2023 - October 2022 through September 2023) with the data from previous years available as a reference. This memo provides a brief description of the highlights from the most recent monitoring data available on the data portal.

CCR Inflow Phosphorus and Nitrogen Concentrations and Comparison to Previous 5-Year Average

Site		Cherry Creek @ CC-10		Cottonwood Creek @ CT-2	
Month	Flow	Total Phosphorus ($\mu\text{g/L}$)	Total Nitrogen ($\mu\text{g/L}$)	Total Phosphorus ($\mu\text{g/L}$)	Total Nitrogen ($\mu\text{g/L}$)
February	Base	104 (126)	1,460 (1,733)	31 (47)	3,400 (2330)
March	Base	105(175)	810 (1,297)	39 (50)	2,990 (1844)
April	Base	121 (164)	970 (1,055)	48 (43)	1,710 (1,555)

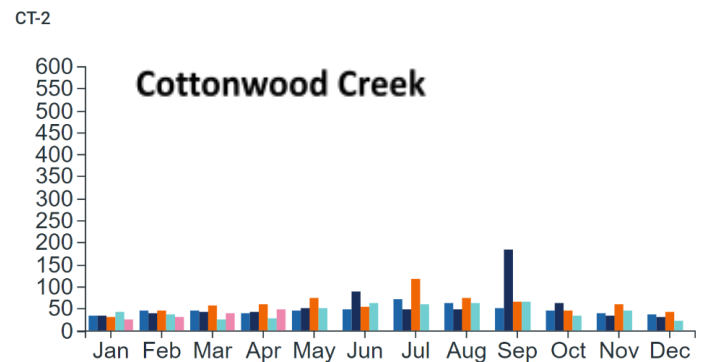
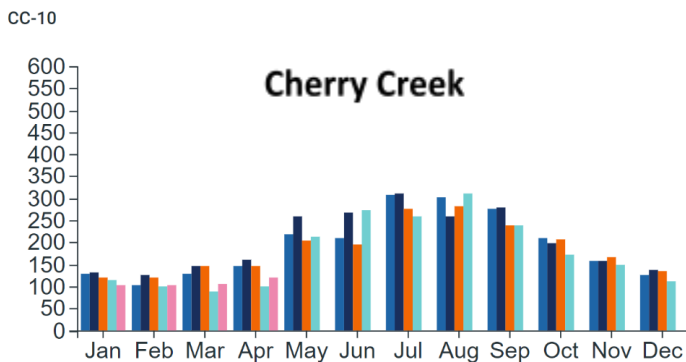
* 5-year mean concentration values are shown in parentheses for reference. Values in green or red are respectively lower or higher than the previous 5 year mean.

**2018-2022 5-year mean.

The averages of the base flow and storm flow concentrations are calculated monthly. Although the values do not represent flow-weighted concentrations, the simple averages are included to compare long-term monthly average concentrations.

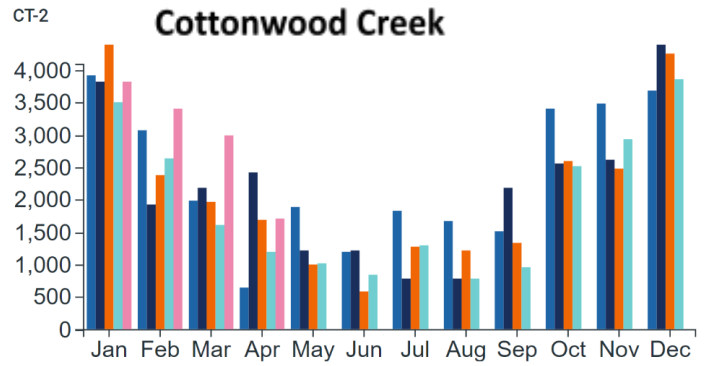
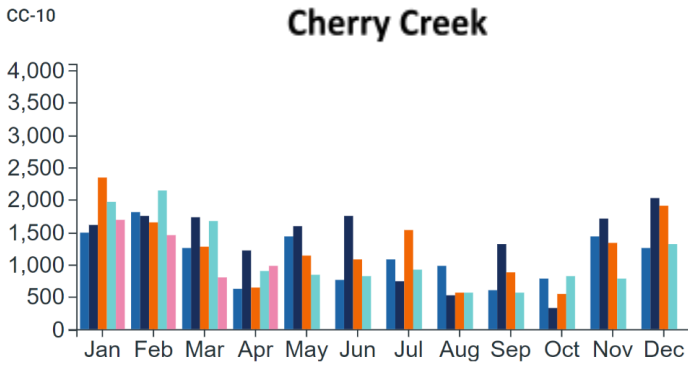
Total Phosphorous (ug/l)

● 2015 ● 2016 ● 2017 ● 2018 ● 2019 ● 2020 ● 2021 ● 2022 ● 2023



Total Nitrogen (ug/l)

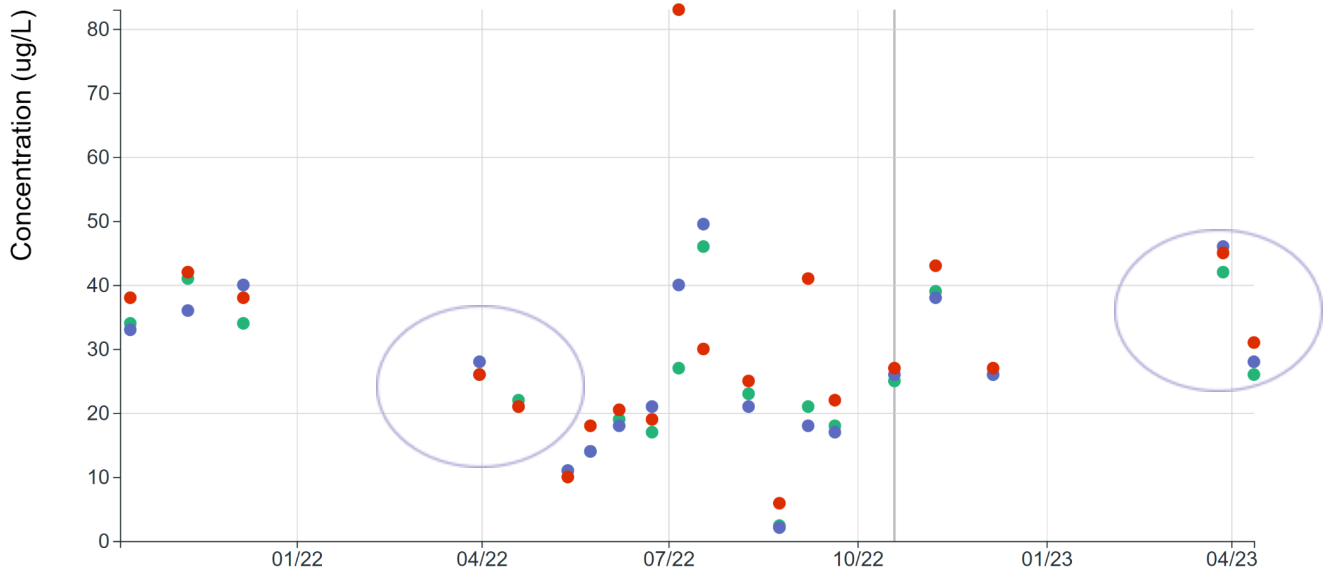
● 2015 ● 2016 ● 2017 ● 2018 ● 2019 ● 2020 ● 2021 ● 2022 ● 2023



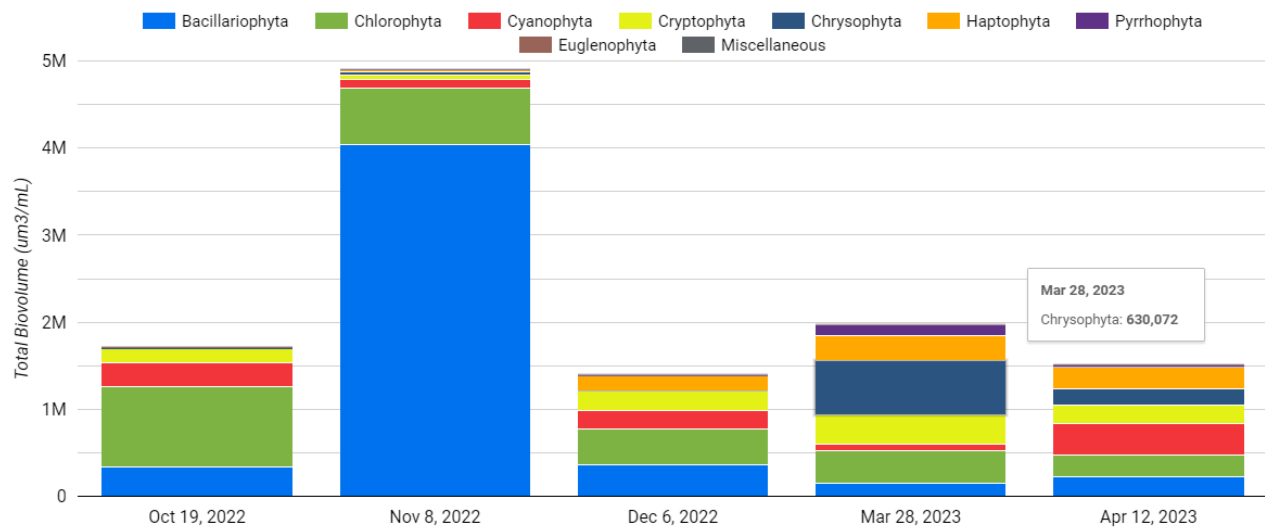
Chl-α

Cherry Creek Reservoir has a chlorophyll-α seasonal standard of 18.0 μg/L which is based on the mean concentrations between the months of July and September. The chlorophyll-α μ concentration averaged 44.3 μg/L in March and 28.3 μg/L in April. The 2023 concentrations are slightly higher than those observed during the same months in 2022.

● CCR1 ● CCR2 ● CCR3 ● CCR Composite



Plankton



Cherry Creek Reservoir demonstrated a diverse species of phytoplankton in the fall and early spring. The cyanobacteria started increasing again in April. During the last two monitoring visits, a mild bloom, of what appeared to be Dolichospermum, a potentially toxic cyanobacteria, was observed. CPW was notified and they are closely monitoring and will test for toxin if there is any accumulation in public areas.

May 10-12, 2023 Storm Information

Although many of the monitoring locations were flooded during the storm, most of them appear to be okay. However, some damage to the CC-10 monitoring site occurred during the storm. The staff gauge, level sensor, and some of the sampler pump parts will need to be replaced. Based on the lost equipment and changes to the stream channel, a new rating curve will need to be developed to accurately estimate flows at that site again.