

Eagle River Water & Sanitation District
Board of Directors Meeting
February 23, 2023
MINUTES

A regular meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held February 23, 2023, at 1:00 p.m., in the Walter Kirch Room of the District, 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable statutes of the state of Colorado.

ATTENDANCE

The following Directors were present and acting:

Kate Burchenal
Dick Cleveland
Steve Coyer
George Gregory
Timm Paxson
Rick Pylman
Bob Warner

Also in attendance were:

<u>District Staff</u>	22	<u>Consultants</u>
Tom Borawski	23	Mark Mitisek, LRE Water
Jason Cowles	24	Kristin Moseley, Somach Simmons & Dunn
Tim Friday	25	Page Weil, LRE Water
Jesse Hooker	26	Kathryn Winn, Collins Cole Flynn Winn & Ulmer PLLC
Diane Johnson	27	
David Norris	28	<u>Public</u>
Siri Roman	29	Tammy Baker
Crystal Siebert	30	Chris Neuswanger
Brian Thompson	31	Todd Williams
Brad Zachman	32	

DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

The board noted it had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest Statements for the following Directors indicating the following conflicts: Director Gregory disclosed that he serves on the board of the Upper Eagle Regional Water Authority (Authority) and occasionally undertakes development and construction activities within the District and Authority service areas. Director Warner disclosed that he is a developer within the District's service area and serves on the Eagle County Planning Commission, which occasionally has dealings with the District. Director Pylman disclosed that he owns a land planning consulting company, which occasionally has dealings with the District.

CALL TO ORDER

Having determined there was a quorum, Chair Cleveland called the meeting to order at 1:00 p.m.

INTRODUCTIONS

Chair Cleveland welcomed presenting consultants and members of the public. Mr. Zachman introduced senior laboratory analyst Crystal Siebert.

PUBLIC COMMENT

Public comment was called for and there was none.

ACTION ITEMS

Consideration of Minutes – The minutes of the Jan. 26, 2023, regular meeting and joint meeting with the Authority board of directors were considered. Upon motion duly made and seconded, it was unanimously

RESOLVED that the minutes of the Jan. 26, 2023, regular and joint meetings be accepted and hereby are approved as presented.

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1 **Contract Log** – The board reviewed the contract log, a copy of which is attached hereto as
2 **Exhibit A** and incorporated herein by this reference. Upon motion duly made and seconded, it
3 was unanimously

4 **RESOLVED** that the contract log be accepted and hereby is approved as presented.

5 **Approval of Minturn 1041** – Ms. Winn presented the Intergovernmental Agreement Among the Town
6 of Minturn, the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority
7 for Permitting of Bolts Lake Reservoir (Minturn 1041 IGA), a copy of which is attached hereto as
8 **Exhibit B** and incorporated herein by this reference. She also referenced her privileged memorandum.
9 Ms. Winn said the Minturn Town Council approved the Minturn 1041 IGA at first reading on Feb. 15 and
10 the second reading is scheduled for Mar. 1. She reviewed the permitting process set forth in the Minturn
11 1041 IGA and said that Minturn will waive application and impact fees. Directors discussed concerns
12 related to uncapped review reimbursements. Ms. Winn and Mr. Cowles advised that Minturn was not
13 willing to place a cap of review fees, partly because this is a new process for them. Ms. Winn and Mr.
14 Cowles also said the risk is low to the District and Authority due to the extent of outside agency
15 permitting, and that the parties will work cooperatively together to keep costs reasonable. Upon motion
16 duly made and seconded, it was unanimously

17 **RESOLVED** to approve and accept the Minturn 1041 IGA as presented.

18 **INFORMATION REPORTS**

19 Directors reviewed the development report, board committees, and Authority January meeting summary,
20 copies of which are attached hereto as **Exhibits C, D, and E**, respectively, and incorporated herein by
21 this reference.

22 **BOARD MEMBER INPUT**

23 Chair Cleveland called for board input and there was none.

24 **GENERAL MANAGER REPORT**

25 Ms. Roman had no items to discuss.

26 **BUSINESS ADMINISTRATION REPORT**

27 Mr. Norris said impact fees are now being assessed only after final plans are submitted; resources will be
28 online for customers to estimate fees during earlier planning phases. He also reviewed the criterium and
29 qualifiers for one-time credits. In response to a question, he said customers are eligible to receive the
30 credit once every ten years on indoor water use only, which is verified by reviewing repair receipts. In
31 response to another question, he said WaterSmart is a valuable tool for early leak detection and
32 communication.

33 **Turf replacement rebate funding clarification** – Mr. Friday presented a memorandum, a copy of
34 which is attached hereto as **Exhibit F** and incorporated herein by this reference. He said the District
35 and Authority each applied for a \$25,000 grant from the Colorado Water Conservation Board that would
36 increase turf replacement rebates from \$1/square foot to \$2/square foot. He also said Edwards
37 Metropolitan District has pledged additional funds for rebates within the EMD boundaries. In response

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1 to a question, he said turf replacement is verified through property inspections and evaluation of water
2 savings.

3 **Classification & compensation study final reports** – Mr. Norris presented a memorandum, the
4 Classification Study Report, and the Total Compensation Report, which are attached hereto as
5 **Exhibits G, H, and I**, respectively, and incorporated herein by this reference. In response to a question,
6 he said compensation adjustments have improved employee recruitment and retention.

7 **OPERATIONS REPORT**

8 Mr. Zachman presented the report, a copy which is attached hereto as **Exhibit J** and incorporated herein
9 by this reference. He had no further items to discuss.

10 **ENGINEERING AND WATER RESOURCES REPORT**

11 Mr. Cowles presented the report, a copy which is attached hereto as **Exhibit K** and incorporated herein
12 by this reference. He had no further items to discuss.

13 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

14 Ms. Johnson had no items to discuss.

15 **Election update** – Mr. Thompson presented a memorandum, a copy of which is attached hereto as
16 **Exhibit L** and incorporated herein by this reference. He reported on candidates for the open director
17 district seats and reminded directors of election deadlines.

18 **WATER COUNSEL REPORT**

19 Ms. Moseley presented a memorandum, the proposed legislation introduced as Senate Bill 23-150, and
20 the associated legislative primer, “Senate Bill 23-150 A Bill Requiring ‘Do Not Flush’ Labeling on
21 Disposable Wipes,” copies of which are attached hereto as **Exhibits, M, N, and O**, respectively, and
22 incorporated herein by this reference. She also said Ms. Roman and herself will testify in support of the
23 bill at the Mar. 7 Senate Business, Labor, and Technology Committee hearing.

24 **GENERAL COUNSEL REPORT**

25 The board noted Ms. Winn’s privileged written report. She had no further items to discuss.

26 **EXECUTIVE SESSION**

27 Ms. Moseley requested the board move into Executive Session to receive legal advice of counsel and
28 discuss matters in negotiation related to bulk water service agreements. Upon motion duly made and
29 seconded, it was unanimously

30 **RESOLVED** to enter into Executive Session at 1:56 p.m. to discuss matters related to
31 bulk water service agreements pursuant to §24-6-402(4)(b) and (e), C.R.S., with no
32 electronic record created as Ms. Moseley opined the contents of the discussion would
33 contain privileged attorney-client communications.*

34 Ms. Moseley requested the board enter Executive Session to receive legal advice of counsel and discuss
35 matters in negotiation related to water rights reports. Upon motion duly made and seconded, it was
36 unanimously

