

**Eagle River Water & Sanitation District**  
**Board of Directors Meeting**  
**October 22, 2020**  
**MINUTES**

A regular, virtual meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held October 22, 2020, at 1:00 p.m., in accordance with the applicable statutes of the State of Colorado.

**ATTENDANCE**

**The following Directors were present via Skype, thereby constituting a quorum:**

1  
2 Dick Cleveland  
3 Steve Coyer  
4 George Gregory  
5 Timm Paxson  
6 Bill Simmons  
7 Robert Warner

**Also in attendance were:**

8	<u>District Staff</u>	20	Jeff Schneider
9	Linn Brooks	21	Shane Swartwout
10	Troy Clous	22	Amy Vogt
11	Jason Cowles	23	Len Wright
12	Carol Dickman	24	Brad Zachman
13	Catherine Hayes	25	<u>Consultants</u>
14	Diane Johnson	26	Jim Collins, Collins Cockrel & Cole
15	Kira Koppel	27	Kristin Moseley, Porzak Browning & Bushong LLP
16	Melissa Mills McLoota	28	Glenn Porzak, Porzak Browning & Bushong LLP
17	Parker Newbanks III		
18	Siri Roman		

**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 Cleveland disclosed that he serves on the board of Vail Health. Director Gregory disclosed that he serves on the Boards of the Upper Eagle Regional Water Authority (Authority and the Berry Creek Metropolitan District and occasionally undertakes development and construction activities within the District and Authority service areas. Director Simmons disclosed that he is the General Manager of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the boards of the Edwards Metropolitan District and Eagle River Fire Protection District. 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.

**CALL TO ORDER**

Chair Simmons called the meeting to order at 1:30 p.m.

**INTRODUCTIONS/PUBLIC COMMENT**

Public comment was called for and there was none.

**ACTION ITEMS**

**Appointment of Director to Fill Vacancy in Director District 5** – Chair Simmons noted he and Director Cleveland interviewed four candidates who submitted application materials for the vacancy in Director District 5. This vacancy was created when former Director Brian Sipes moved out of his district. After discussion and upon motion duly made and accepted, it was

**RESOLVED** that the board appoint Anna Katherine Burchenal to fill the vacancy.

The notice of appointment and oath of office are attached hereto as **Exhibits A** and **B**, respectively, and incorporated herein by this reference.

**Board Committees** – The Board agreed to appoint Director Warner to the Rules and Regulations committee; other committee appointments and filling of vacancies will be considered at the November board meeting.

## Eagle River Water & Sanitation District

1       **Consideration of Minutes** – The minutes of the joint, special meeting of September 24, 2020, with the  
2 Upper Eagle Regional Water Authority were considered. Upon motion duly made and seconded, it was  
3 unanimously

4               **RESOLVED** that the minutes of the September 24, 2020, regular meeting be accepted and  
5 hereby are approved as presented.

6       **Resolution of Support for Eagle River Fire Protection District Ballot Issue A** – The board considered  
7 a resolution of support for the ballot issue, which if approved would stabilize revenues for Eagle River Fire  
8 Protection District, a copy of which is attached hereto as **Exhibit C** and incorporated herein by this  
9 reference. Its revenues come largely from property taxes, which continue to decline due to the Gallagher  
10 Amendment. Upon motion duly made and seconded, it was unanimously

11               **RESOLVED** that the resolution of support for Eagle River Fire Protection District Ballot Issue A  
12 be and hereby is approved as presented.

13       **Information Reports** – The information reports were acknowledged and are attached hereto as **Exhibit**  
14 **C** and incorporated herein by this reference.

### 15 **STRATEGY ITEMS**

16       **Board Member Input** – Board member input was requested and there was none.

### 17 **GENERAL MANAGER REPORT**

18       **Parker Newbanks' William D. Hatfield Award by Water Environment Foundation (WEF)** –  
19 Ms. Roman discussed the prestigious award received by Mr. Newbanks for his outstanding  
20 performance and professionalism in the wastewater industry. The award is presented by the  
21 Rocky Mountain Water Environment Association. A copy of the press release is attached hereto  
22 as **Exhibit D** and incorporated herein by this reference.

23 Mr. Newbanks left the meeting at 1:10 p.m.

24       **Budget Process** – Ms. Roman discussed the ongoing budget process. A draft budget was sent  
25 to board members on Oct. 15, in compliance with the statutory requirement. Ms. Roman is  
26 awaiting finalization of modeling, after which the expected rate increase can be determined. A  
27 budget subcommittee meeting is scheduled for next week, with final budget approval by the entire  
28 board expected at the Nov. 19 meeting.

### 29 **OPERATIONS REPORT**

30 Ms. Roman presented the operations report, a copy of which is attached hereto as **Exhibit E** and  
31 incorporated herein by this reference.

32       **Gilman Mine Fire Overview** – Ms. Roman discussed a recent fire at the Eagle Mine, during  
33 which sparks from a saw ignited some old timber inside the mine shaft. The sawing was part of  
34 an effort to seal the mine shaft. Staff collaborated with Eagle River Fire Protection District and  
35 other mine stakeholders. The fire is out and the incident is now closed.

## Eagle River Water & Sanitation District

1 **CDOT West Vail Pass Environmental Assessment** – Ms. Roman said staff was working on  
2 comments regarding the environmental assessment (EA) and continues to be vocal about the  
3 desire to protect water quality throughout the project. She noted most of the Authority and  
4 District's comments were incorporated into the EA. Ms. Roman also said CDOT committed to the  
5 in-basin restoration of any wetlands affected by the project; 19 acres of wetland are expected to  
6 be affected in the course of the project.

7 **Eagle Mine Consent Decree** – Ms. Roman said staff and consultants reviewed the draft Eagle  
8 Mine consent decree, which looks favorable. The Authority and District requested a 30-day  
9 extension of the original Nov. 4 public comment deadline to ensure staff can prepare detailed  
10 comments with the help of consultants. She said coordination and relationships with stakeholders  
11 has been positive, particularly with employees Dustin McNeil (CDPHE) and Jamie Miller  
12 (Environmental Protection Agency).

### 13 **ENGINEERING REPORT**

14 Mr. Cowles noted he did not include a written report in packets.

### 15 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

16 Ms. Johnson presented her report, a copy of which is attached hereto as **Exhibit F** and incorporated  
17 herein by this reference.

### 18 **GENERAL COUNSEL REPORT**

19 Mr. Collins referred to his confidential legal report included in the confidential packet.

### 20 **WATER COUNSEL REPORT**

21 Mr. Porzak referred to his confidential legal report included in the confidential packet.

22 At 12:15 p.m., Mses. Dickman, Koppel, and Vogt, and Messrs. Cerny, Schneider, and Wright left  
23 the meeting.

### 24 **EXECUTIVE SESSION**

25 Mr. Collins requested the Board enter Executive Session to receive legal advice of counsel regarding the  
26 Bighorn Terrace Subdistrict and the Capital Cost Recovery Policy, pursuant to §24-6-402(4)(a)(b) and (e)  
27 C.R.S. He asked that no electronic record be made, as the discussion would be entirely privileged  
28 attorney-client communications. Upon motion duly made and seconded, it was unanimously

29 **RESOLVED** to enter Executive Session at 1:30 p.m. to receive advice of counsel regarding  
30 Bighorn Terrace Subdistrict and the Capital Cost Recovery Policy, pursuant to §24-6-  
31 402(4)(b) and (e) C.R.S. with no electronic record created as Mr. Collins opined the contents  
32 of the discussion would contain privileged attorney-client communications.\*

33 The regular meeting resumed at 2:51 p.m.  
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# Eagle River Water & Sanitation District

1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 2:52 p.m.

3 Respectfully submitted,

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7 \_\_\_\_\_  
8 Secretary to the Meeting

9 **MINUTES APPROVED, FORMAL CALL, AND**  
10 **NOTICE OF MEETING WAIVED**

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15 **Dick Cleveland, Director**

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19 **Steve Coyer, Treasurer**

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23 **George Gregory, Secretary**

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27 **Timm Paxson, Director**

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31 **Bill Simmons, Chair**

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34 \_\_\_\_\_  
35 **Robert Warner, Director**

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37 \*The undersigned attorney for the applicable Executive Session affirms that the portion of the discussion  
38 in Executive Session not recorded constituted privileged attorney-client communications.

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41 \_\_\_\_\_  
42 **James P. Collins, General Counsel**  
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