

Eagle River Water & Sanitation District
Board of Directors Meeting
March 24, 2022
MINUTES

A remote regular meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held Mar. 24, 2022, at 1:00 p.m., in accordance with the applicable statutes of the state of Colorado.

ATTENDANCE

The following Directors were present via Microsoft Teams, thereby constituting a quorum:

1
2 Kate Burchenal
3 Dick Cleveland
4 Steve Coyer
5 George Gregory
6 Timm Paxson
7 Bill Simmons
8 Robert Warner Jr.

Also in attendance were:

9	<u>District Staff</u>	27	Austin Robinson
10	Tom Borawski	28	Siri Roman
11	Linn Brooks	29	Jeff Schneider
12	Dan Caffery	30	Shane Swartwout
13	Jason Cowles	31	Chris Wolff
14	Sarah Crawford	32	Len Wright
15	Allison Ebbets	33	Brad Zachman
16	Chad Helmke	34	
17	Jesse Hooker	35	<u>Consultants</u>
18	Diane Johnson	36	Jim Collins, Collins Cole Flynn Winn & Ulmer, PLLC
19	Craig Malkmes	37	Kristin Moseley, Somach Simmons & Dunn
20	Melissa Marts	38	Glenn Porzak, Porzak Law, LLC
21	Niko Nemcanin	39	
22	David Norris	40	<u>Public</u>
23	Chuck Owen	41	Tammy Baker
24	Rob Ringle	42	
25			
26			

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 Burchenal disclosed that she is on the Eagle River Watershed Council board of directors. 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 Simmons disclosed that he is the General Manager of the Beaver Creek Metropolitan District, is an alternate Authority Director, and serves on the board of the 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 p.m.

INTRODUCTIONS

Three new employees were introduced. David Norris introduced Water Use Outreach Coordinator Allison Ebbets, Rob Ringle introduced Edwards Wastewater Treatment Operator Trainee Austin Robinson, and Shane Swartwout introduced Meter Services Supervisor Chad Helmke.

PUBLIC COMMENT

Public comment was called for and there was none.

Eagle River Water & Sanitation District

ACTION ITEMS

Consideration of Minutes – The minutes of the Feb. 24, 2022, regular meeting were considered. Upon motion duly made and seconded, it was unanimously

RESOLVED that the minutes of the Feb. 24, 2022, regular meeting be accepted and hereby are approved as presented.

Resolution Designating Polling Places for the 2022 Regular District Election – Ms. Johnson presented the Resolution, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference. She asked the board to revise the polling places for the May 3 election as the ones named in the January resolution were not being used by other local special districts as those entities canceled their elections. The district will partner will other special districts with overlapping boundaries that are conducting elections and so desires to coordinate polling places to share resources and reduce costs at mutual polling places that are convenient to eligible electors of the district. After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED that the Resolution Designating Polling Places for the 2022 Regular District Election be accepted and hereby is approved as presented.

Contract Log – The board reviewed the contract log, a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference and approved as presented.

Information Reports – The board reviewed the monthly development report, board committee membership, and the Authority's February meeting summary, copies of which are attached hereto as **Exhibits C, D, and E**, respectively, and incorporated herein by this reference.

STRATEGY ITEMS

Board Member Input – Director Cleveland said he would like the board to meet in person, especially with changes in the board so as to acknowledge departing directors.

GENERAL MANAGER REPORT

Ms. Brooks noted she did not include a written report.

COVID-19 update – Ms. Brooks noted that local COVID-19 trends were much improved, so masks are no longer required at any district or authority facilities. Regarding in-person board meetings, she noted the Vail office is under construction and facilities in the board room are awaiting repairs, so the April meeting will likely continue to be remote.

OPERATIONS REPORT

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

Edwards wastewater facility power failure – Ms. Roman shared a presentation about the Mar. 11 power failure that affected the headworks building and influent pump station at the Edwards wastewater treatment facility, a copy of which is attached hereto as **Exhibit G** and incorporated herein by this reference. She mentioned the incident summary in the operations report and described staff's cross-departmental emergency response, which lasted late into the night, as

Eagle River Water & Sanitation District

1 well as the incident debrief and follow up actions. The incident resulted in some wastewater
2 being discharged to the Eagle River via an upstream manhole, which was unknown when the
3 operations report was written. The discharge was reported to state and local officials. Ms.
4 Roman emphasized the extremely difficult nature of the incident, due to nighttime operations,
5 exposure to raw wastewater, electrical hazards, among other safety risks, and the overall high
6 stress and extent of the issue; she commended the high performing response team. Directors
7 expressed their appreciation for staff's professional response.

8 **Wastewater Conditions Supplemental Pay** – Mr. Ringle referenced his memo, a copy of which
9 is attached hereto as **Exhibit H** and incorporated herein by this reference, concerning recent
10 changes to how the supplemental pay is applied to employees who qualify for it. The board
11 acknowledged current wage issues and noted the compensation study is underway.

12 **Avon Wastewater Nutrient Upgrade Project Update** – Ms. Marts presented a project update
13 memo, a copy of which is attached hereto as **Exhibit I** and incorporated herein by this reference,
14 and shared video about the ongoing project at the Avon wastewater treatment facility. She
15 highlighted the modified aeration basins that provide multiple treatment zones and improve
16 operator access. The new aeration basins were successfully commissioned during busy holiday
17 operations and Avon staff maintained permit compliance throughout. Ms. Marts stated that the
18 project is on schedule and within budget, with completion expected in January 2023.

19 **ENGINEERING AND WATER RESOURCES REPORT**

20 Mr. Cowles noted that he did not have a written report this month.

21 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

22 Ms. Johnson noted she did not include a written report. She mentioned news about Lake Powell hitting a
23 critical low water elevation threshold below which power generation efficiency will begin to decrease.

24 **GENERAL COUNSEL REPORT**

25 Mr. Collins mentioned that Bolts Lake related escrow funds should be returned soon. He also noted a
26 claim by a supplier that he expects to wrap up relatively soon; Mr. Schneider provided the current status.
27 Ms. Johnson mentioned Ms. Winn's memo on special district voting eligibility, a copy of which is attached
28 hereto as **Exhibit J** and incorporated herein by this reference, in relation to the May 3 board of directors'
29 election. Mr. Collins summarized allowable activities under the Fair Campaign Practices Act.

30 **WATER COUNSEL REPORT**

31 **Piney River Unit** – Ms. Moseley said the water judge favorably ruled on the motion to extend
32 the period of time to do a change case; with the extension, diligence was filed in December.

33 **EXECUTIVE SESSION**

34 Mr. Collins requested the Board enter Executive Session to receive legal advice of counsel and discuss
35 negotiations related employee housing, water supply, and potential claims pursuant to §24-6-402(4)(a)(b)

Eagle River Water & Sanitation District

1 and (e) C.R.S. He asked that no electronic record be made, as the discussion would be entirely privileged
2 attorney-client communications. Upon motion duly made and seconded, it was unanimously

3 **RESOLVED** to enter Executive Session at 2:09 p.m. to discuss employee housing, water
4 supply, and potential claims pursuant to §24-6-402(4)(a)(b) and (e) C.R.S. with no electronic
5 record created as Mr. Collins opined the contents of the discussion would contain privileged
6 attorney-client communications.*

7 Mr. Porzak requested the Board continue Executive Session to receive legal advice of counsel and
8 discuss negotiations related to Colorado River Cooperative Agreement matters and Eagle Park Reservoir
9 water right cases pursuant to §24-6-402(4)(b) and (e) C.R.S. He asked that no electronic record be made,
10 as the discussion would be entirely privileged attorney-client communications. Upon motion duly made
11 and seconded, it was unanimously

12 **RESOLVED** to enter Executive Session at 2:40 p.m. to discuss CRCA and Eagle Park
13 Reservoir matters pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record
14 created as Mr. Porzak opined the contents of the discussion would contain privileged
15 attorney-client communications.*

16 Mr. Collins requested the Board continue Executive Session to receive legal advice of counsel and
17 discuss succession planning pursuant to §24-6-402(4)(b) and (e) C.R.S. He asked that no electronic
18 record be made, as the discussion would be entirely privileged attorney-client communications. Upon
19 motion duly made and seconded, it was unanimously

20 **RESOLVED** to continue Executive Session at 3:03 p.m. to receive advice of counsel and
21 discuss succession planning pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic
22 record created as Mr. Collins opined the contents of the discussion would contain privileged
23 attorney-client communications.*

24 The regular meeting resumed at 4:07 p.m.

25 26 27 **ADJOURNMENT**

28 There being no further business to come before the Board, the meeting adjourned at 4:08 p.m.

29 Respectfully submitted,
30
31

32 _____
33 Secretary to the Meeting
34