

Upper Eagle Regional Water Authority

Board of Directors Meeting

March 24, 2022

MINUTES

1 A remote regular meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held Mar. 24, 2022, at 8:30 a.m., in accordance with the applicable statutes of the state of Colorado.

3 4 **ATTENDANCE**

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

6 Geoff Dreyer, Arrowhead Metropolitan District
7 Pam Elsner, Beaver Creek Metropolitan District
8 George Gregory, Berry Creek Metropolitan District
9 Sarah Smith Hymes, Town of Avon
10 Kim Bell Williams, EagleVail Metropolitan District
11 Mick Woodworth, Edwards Metropolitan District

12 13 **Also in attendance were:**

14 <u>District Staff</u>	27	Len Wright
15 Linn Brooks	28	Brad Zachman
16 Jason Cowles	29	
17 Sarah Crawford	30	<u>Consultants</u>
18 Jesse Hooker	31	Jim Collins, Collins Cole Flynn Winn & Ulmer, PLLC
19 Diane Johnson	32	Kristin Moseley, Somach Simmons & Dunn
20 Melissa Marts	33	Glenn Porzak, Porzak Law, LLC
21 David Norris	34	
22 Chuck Owen	35	
23 Siri Roman	36	<u>Public</u>
24 Jeffrey Schneider	37	None
25 Shane Swartwout	38	
26 Chris Wolff		

39 40 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

41 The Board noted it had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest
42 Statements for the following Directors indicating the following conflicts:

43 Director Elsner disclosed her membership with the Vilar Performing Arts Center Guild, which operates within the Authority's service
44 area. Director Gregory and alternate Director Simmons disclosed that they serve on the board of the Eagle River Water & Sanitation
45 District. Director Gregory also disclosed that he occasionally undertakes small development and construction activities within the
46 Authority and District service areas. Alternate Director Simmons noted he serves on the board of the Eagle River Fire Protection
47 District and is employed by Beaver Creek Metropolitan District, an Authority member. Director Williams disclosed that she is the
48 Eagle County Housing Director. Director Woodworth disclosed that he is employed by the Eagle River Fire Protection District, which
49 operates within the Authority's service area.

50 **CALL TO ORDER**

51 Chair Gregory called the meeting to order at 8:30 a.m.

52 **INTRODUCTIONS**

53 There were no guest or consultant introductions.

54 **PUBLIC COMMENT**

55 Public comment was called for and there was none.

56 **ACTION ITEMS**

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

59 **RESOLVED** that the minutes of the Feb. 24, 2022, regular meeting be accepted and hereby
60 are approved as amended.

Upper Eagle Regional Water Authority

1 **Information Reports** – The board reviewed the monthly development report, board committee
2 membership, and the February meeting summary, copies of which are attached hereto as **Exhibits A, B,**
3 **and C**, respectively, and incorporated herein by this reference. Chair Gregory clarified that water for the
4 West End project had been previously allotted and paid for. Vice-Chair Hymes asked Mr. Cowles to
5 confirm the number of SFEs proposed for the McGrady Acres development.

6 **STRATEGY ITEMS**

7 **Board Member Input** – Chair Gregory asked for general input and there was none.

8 **GENERAL MANAGER REPORT**

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

10 **COVID-19 update** – Ms. Brooks noted that local COVID-19 trends were much improved, so
11 masks are no longer required at any district or authority facilities. She said the board could
12 resume in-person meetings when ready.

13 **OPERATIONS REPORT**

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

16 **Monitoring for COVID-19 in wastewater** – Ms. Roman confirmed Chair Gregory's statement
17 that Eagle River Water & Sanitation District wastewater facilities can sample for COVID-19 in
18 wastewater but cannot tell how high the incidence is; the test only confirms the presence or
19 absence of COVID-19. Ms. Roman mentioned that the new variant had been detected in
20 wastewater at the Vail facility, and that information is shared with public health officials.

21 **Edwards wastewater facility power failure** – Ms. Roman said the Mar. 11 power failure that
22 affected the headworks building and influent pump station at the Edwards wastewater treatment
23 facility resulted in some wastewater being discharged to the Eagle River via an upstream
24 manhole, which was unknown when the operations report was written. The discharge was
25 reported to state and local officials.

26 **Avon Wastewater Nutrient Upgrade Project Update** – Ms. Marts presented a project update
27 memo, a copy of which is attached hereto as **Exhibit E** and incorporated herein by this
28 reference, and shared video about the ongoing project at the Avon wastewater treatment facility.
29 She highlighted the modified aeration basins that provide multiple treatment zones and improve
30 operator access. The new aeration basins were successfully commissioned during busy holiday
31 operations and Avon staff maintained permit compliance throughout. Chair Gregory noted staff
32 dedication to ensuring a smooth startup, including starting their day at 3 a.m. to take advantage
33 of low influent flows. Ms. Marts stated that the project is on schedule and within budget.

34 **ENGINEERING AND WATER RESOURCES REPORT**

35 Mr. Cowles referenced his report, a copy of which is attached hereto as **Exhibit F** and incorporated
36 herein by this reference. He noted a request for a conditional capacity to serve letter for the Margaux

Upper Eagle Regional Water Authority

1 PUD, a new development being proposed in Edwards, which will require approximately 3.47 acre-feet of
2 augmentation water from the Authority's unallocated water supply. With the inclusion of the Margaux
3 PUD, the Authority's unallocated water is projected to be 227.31 acre-feet and reduces the unrestricted
4 Eagle Park Reservoir water to 51.19 AF (including 25AF pledged to the Authority by the District) for the
5 Authority to serve future uses.

6 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

7 Ms. Johnson noted she did not include a written report. She mentioned news stories about Lake Powell
8 hitting a critical low water elevation threshold below which power generation efficiency will begin to
9 decrease. Director Dreyer noted the difference between two recent opinion pieces on upper and lower
10 basin states efforts to conserve. Ms. Johnson said the lower basin states have substantially cutback but
11 overused their allotment for years whereas upper basin states have never used their full allotment and
12 are also working to conserve; these efforts are intended to preserve reservoir levels above the threshold
13 going forward. In response to a question, Ms. Moseley briefly reviewed why the state of Nebraska wants
14 to build a new canal in northeast Colorado that is associated with an old interstate compact.

15 **GENERAL COUNSEL REPORT**

16 Mr. Collins noted he had nothing to report in open session.

17 **WATER COUNSEL REPORT**

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

20 **EXECUTIVE SESSION**

21 Mr. Collins requested the Board enter Executive Session to receive legal advice of counsel and discuss
22 negotiations related to the Bolts Lake purchase pursuant to §24-6-402(4)(b) and (e) C.R.S. He asked that
23 no electronic record be made, as the discussion would be entirely privileged attorney-client
24 communications. Upon motion duly made and seconded, it was unanimously

25 **RESOLVED** to enter Executive Session at 9:05 a.m. to discuss Bolts Lake matters pursuant
26 to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as Mr. Collins opined the
27 contents of the discussion would contain privileged attorney-client communications.*

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

33 **RESOLVED** to enter Executive Session at 9:16 a.m. to discuss CRCA, Eagle Park Reservoir,
34 and Cordillera matters pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record

Upper Eagle Regional Water Authority

1 created as Mr. Porzak opined the contents of the discussion would contain privileged
2 attorney-client communications.*

3 Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel and
4 discuss negotiations related to the Brett and Creamery Ditch decision pursuant to §24-6-402(4)(b) and (e)
5 C.R.S. She asked that no electronic record be made, as the discussion would be entirely privileged
6 attorney-client communications. Upon motion duly made and seconded, it was unanimously

7 **RESOLVED** to enter Executive Session at 9:55 a.m. to receive advice of counsel and discuss
8 negotiations regarding Brett and Creamery ditches, pursuant to §24-6-402(4)(b) and (e)
9 C.R.S. with no electronic record created as Ms. Moseley opined the contents of the
10 discussion would contain privileged attorney-client communications.*

11 The regular meeting resumed at 10:02 a.m.
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13

14 **ADJOURNMENT**

15 There being no further business to come before the Board, the meeting adjourned at 10:03 a.m.

16 Respectfully submitted,
17

18 _____
19 Secretary to the Meeting