

**Eagle River Water & Sanitation District**  
**Board of Directors Meeting**  
**August 26, 2021**  
**MINUTES**

A special meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held August 26, 2021, 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:**

Kate Burchenal  
Dick Cleveland  
Steve Coyer  
George Gregory  
Timm Paxson  
Bill Simmons  
Robert Warner

**Also in attendance were:**

<u>District Staff</u>	24	Jeffrey Schneider
Tug Birk	25	Shane Swartwout
Kyle Collins	26	Chris Wolff
Jason Cowles	27	Len Wright
Beth Doliboa	28	Brad Zachman
Catherine Hayes	29	<b><u>Consultants</u></b>
Christine Heimerl	30	Jim Collins, Collins Cockrel & Cole
Diane Johnson	31	Kristin Moseley, Somach Simmons & Dunn
Kira Koppel	32	Glenn Porzak, Porzak Browning & Bushong LLP
Nikola Nemcanin	33	Kathryn Winn, Collins Cockrel & Cole
David Norris	34	<u>Public</u>
Chuck Owen	35	Tammy Baker
Rob Ringle	36	Tricia Newbanks
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 Burchenal disclosed that she on the Eagle River Watershed Council board of directors. 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 1:00 p.m.

**INTRODUCTIONS**

No introductions were made.

**PUBLIC COMMENT**

Public comment was called for and there was none.

**REMEMBRANCE OF PARKER NEWBANKS, III**

Ms. Roman shared photos and memories of District employee Parker Newbanks, III, who passed away suddenly Monday, August 9, 2021. He was the husband of Tricia Newbanks and proud father of Parker IV. Parker was employed for 25 years at the District as the Wastewater Supervisor at the Edwards Wastewater Treatment Facility. Staff is heartbroken by the loss of Mr. Newbanks and will work to keep his

# Eagle River Water & Sanitation District

1 legacy alive at the District. The board thanked Ms. Roman for the presentation and expressed its sorrow  
2 to Parker's coworkers and family.

## 3 **ACTION ITEMS**

4 **Consideration of Minutes** – The minutes of the meeting of July 22, 2021, were considered. Upon  
5 motion duly made and seconded, it was unanimously

6 **RESOLVED** that the minutes of the July 22, 2021, special meeting be accepted and hereby are  
7 approved as presented.

8 The minutes of the two joint, special meetings of July 22, 2021, with the Upper Eagle Regional Water  
9 Authority were considered. Upon motion duly made and seconded, it was unanimously

10 **RESOLVED** that the minutes of the July 22, 2021, joint special meetings be accepted and hereby  
11 are approved as presented.

12 **Middle Creek Lot 3 Sewer Easement Abandonment** – Mr. Birk noted the board action request from a  
13 property owner to have ERWSD vacate and convey to the owner the existing sewer easement and 8"  
14 sewer main to be used as a sewer service line for their project known as the Residences at Main Vail. A  
15 copy of the request is attached hereto as **Exhibit A**.

16 **RESOLVED** that the Middle Creek Lot 3 Sewer Easement Abandonment be and hereby is  
17 approved as presented.

18 **Consent Agenda** – The consent agenda was approved, a copy of which is attached hereto as **Exhibit B**  
19 and incorporated herein by this reference.

20 **Information Reports** – The information reports are attached hereto as **Exhibit C** incorporated herein by  
21 this reference.

## 22 **STRATEGY ITEMS**

23 **Board Member Input** – Board member input was requested. There was discussion on the use of  
24 AstroTurf and other grass alternatives that are less water intensive.

25 **Drought Update** – Dr. Wright updated on current drought conditions and compared summer  
26 precipitation and water production to past years. Ms. Johnson discussed a memo regarding new  
27 outreach efforts that were piloted through the Mountain Star Association board, a copy of which is  
28 attached here to as **Exhibit D**. Staff presented information about allowed (per the Rules and  
29 Regulations) vs. actual water use in Mountain Star. To help homeowners understand gallon  
30 limitations for different types of landscapes, staff presented a various plants and their associated  
31 water requirements for 12,000 sf. ft. of irrigated area in Mountain Star. Water resources staff  
32 developed a GIS-based tool to help with these efforts, and staff continue to work on similar tools  
33 for other communities to increase effectiveness with customers.

## 34 **GENERAL MANAGER REPORT**

35 Mr. Cowles served as Acting General Manager in Ms. Brooks' absence. Mr. Cowles did not include a  
36 written report this month.

# Eagle River Water & Sanitation District

1           **COVID-19 Response Update** – The Incident Command team reconvened due to the rise in local  
2 incidence and positivity rates. There is no public health order in place. To protect staff, the District  
3 instituted new expectations and protocols to ensure distancing and masks while indoors or inside  
4 vehicles. All District employees have self-reported vaccinations status, and 86% of employees  
5 are vaccinated.

## 6 **FINANCE REPORT**

7 Mr. Norris referenced a memo on the annual budget process, a copy of which is attached hereto as **Exhibit**  
8 **E** and incorporated herein by this reference. He noted the process approach allows staff to budget  
9 strategically. The process looks at revenue first, carryforward capital needs, and zero-based budgeting  
10 concepts. Also, the rate analyses performed will be different to include a menu of items to consider, such  
11 as tiered water sales and which tiers are more economical than others as expenses are tied directly to  
12 those conditions.

## 13 **OPERATIONS REPORT**

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

16           **Sanitary survey preliminary results** – Mr. Zachman provided a summary of the inspection  
17 findings from the Authority's sanitary survey, held August 18 – 20. The team was prepared and  
18 organized for the survey, and the inspectors commended staff for the improvements made to  
19 water storage tank and backflow and cross connection control (BPCCC) programs. The formal  
20 findings have not been issued, but the Colorado Department of Public Health and Environment  
21 (CDPHE) inspectors indicated that a minor violation will be issued for an inadequate quality  
22 control program for online chlorine analyzers. District staff identified the program deficiency and  
23 resolved the violation prior to the Sanitary Survey. Nonetheless, the violation will require public  
24 notification in the Authority's 2021 Consumer Confidence Report (CCR), which will be sent out to  
25 all customers next summer.

26           **Avon Mudslide Response** – Ms. Roman discussed the operational response to the July 22  
27 mudslide in Avon. All operations teams responded immediately, which resulted in minimal  
28 impacts to facilities and operations. Field Operations staff supported the Town of Avon to vector  
29 and jet the stormwater system. Staff is currently debriefing the mudslide and looking at lessons  
30 learned to be better prepared for future events.

## 31 **ENGINEERING AND WATER RESOURCES REPORT**

32 Mr. Cowles referenced the engineering and water resources report, a copy of which is attached hereto as  
33 **Exhibit G** and incorporated herein by this reference.

34           **Edwards River Park Update** – Mr. Cowles updated the board on the issuance of the new  
35 conditional capacity to serve letter for the Edwards River Park development due to the expiration

## Eagle River Water & Sanitation District

1 of the previous letter. There is now a condition that requires a project to obtain an Ability to Serve  
2 letter within two -years of Eagle County's approval of the Preliminary PUD Plan. This was added  
3 to address concerns expressed by the Authority Board that the project could tie up the Authority's  
4 unallocated water rights for an extended period following approvals without payment of cash in  
5 lieu fees. The letter is included in the engineering and water resources report for review.

6 **Unallocated Water** – Mr. Cowles discussed adjustments made to the Authority Unallocated  
7 Water tracking spreadsheet included in the engineering and water resources report. The  
8 adjustments accounted for changes to the Edwards River park project and other projects,  
9 resulting in more available water than originally projected in July 2020. Based upon these  
10 adjustments, staff projects 228.22-acre feet of augmentation water if all projects currently in the  
11 land use entitlement process receive approvals.

12 **Final Report of the Colorado River District Demand Management Committee** – Mr. Cowles  
13 included a final report for the Colorado River District Demand Management Committee in the  
14 engineering and water resources report. The committee had difficulty reaching consensus on  
15 findings, and the report highlights challenges with the CWCB's desire to create a demand  
16 management program to intentionally conserve water through temporary, voluntary, and  
17 compensated reductions in consumptive use, and that provides a storage pool in Lake Powell to  
18 protect the Upper Basin States from compact curtailment. Mr. Cowles encouraged board  
19 members to look at concerns included in the report.

20 **Homestake Exchange** – Mr. Cowles updated on low streamflows on the Eagle River. The  
21 instream flow on the Eagle River at Avon is 85 cfs, and the gauge recently dropped to 75 cfs.  
22 Staff initiated a release from Eagle Park to cover Vail Resorts' obligations for augmentation  
23 irrigation at Red Sky Ranch, and a release was also initiated from Homestake Reservoir to cover  
24 Authority augmentation needs and River District contracts.

### 25 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

26 Ms. Johnson referenced her report, a copy of which is attached hereto as **Exhibit H** and incorporated  
27 herein by this reference.

### 28 **GENERAL COUNSEL REPORT**

29 Ms. Winn had no updates for the regular meeting and referenced her confidential legal report in the  
30 confidential packet.

### 31 **WATER COUNSEL REPORT**

32 Ms. Moseley had no updates for the regular meeting and referenced the confidential legal report in the  
33 confidential board packet.

### 34 **EXECUTIVE SESSION**

## Eagle River Water & Sanitation District

1 Ms. Winn requested the Board enter Executive Session to receive legal advice of counsel regarding  
2 unification, pursuant to §24-6-402(4)(b) and (e) C.R.S. She asked that no electronic record be made, as  
3 the discussion would be entirely privileged attorney-client communications. Upon motion duly made and  
4 seconded, it was unanimously

5 **RESOLVED** to enter Executive Session at 3:02 p.m. to receive advice of counsel regarding  
6 unification, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as  
7 Ms. Winn opined the contents of the discussion would contain privileged attorney-client  
8 communications. \*

9 Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel  
10 regarding the Piney River Unit Conditional Water Right and Eagle River MOU pursuant to §24-6-402(4)(b)  
11 and (e) C.R.S. He asked that no electronic record be made, as the discussion would be entirely privileged  
12 attorney-client communications. Upon motion duly made and seconded, it was unanimously

13 **RESOLVED** to continue Executive Session at 3:23 p.m. to receive advice of counsel  
14 regarding the Piney River Unit Conditional Water Right and Eagle River MOU pursuant to  
15 §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as Ms. Moseley opined the  
16 contents of the discussion would contain privileged attorney-client communications. \*

17 The regular meeting resumed at 3:38 p.m.

# Eagle River Water & Sanitation District

1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 3:40 p.m.

3 Respectfully submitted,

4

5

6

7

8

9

---

Secretary to the Meeting