

Eagle River Water & Sanitation District
Board of Directors Meeting
September 23, 2021
MINUTES

A special meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held September 23, 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	Rob Ringle
Tom Borawski	25	Siri Roman
John Castillo	26	Jeffrey Schneider
Kyle Collins	27	Shane Swartwout
Jason Cowles	28	Chris Wolff
Beth Doliboa	29	Len Wright
Catherine Hayes	30	Brad Zachman
Christine Heimerl	31	<u>Consultants</u>
Jesse Hooker	32	Kristin Moseley, Somach Simmons & Dunn
Diane Johnson	33	Glenn Porzak, Porzak Law
Kira Koppel	34	Kathryn Winn, Collins Cockrel & Cole
Craig Malkmes	35	<u>Public</u>
David Norris	36	None
Chuck Owen		

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

New employees were introduced, including Mr. Borawski, HR manager, and Mr. Castillo, customer service supervisor.

PUBLIC COMMENT

Public comment was called for and there was none.

ACTION ITEMS

Consideration of Minutes – The minutes of the meeting of August 26, 2021, were considered. Upon motion duly made and seconded, it was unanimously

RESOLVED that the minutes of the August 26, 2021, special meeting be accepted and hereby are approved as presented.

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1 The minutes of the joint, special meeting of August 26, 2021, with the Upper Eagle Regional Water
2 Authority were considered. There was one minor correction to the joint meeting minutes. Upon motion
3 duly made and seconded, it was unanimously

4 **RESOLVED** that the minutes of the August 26, 2021, joint special meeting be accepted and
5 hereby are approved as presented.

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

8 **Information Reports** – The information reports are attached hereto as **Exhibit B** incorporated herein by
9 this reference.

10 **STRATEGY ITEMS**

11 **Board Member Input** – Board member input was requested, and none was received.

12 **Drought Update** – Dr. Wright updated on current drought conditions. Local streams received a
13 boost from August rainfall; unfortunately, the flow subsided quickly and now streamflows are
14 generally below instream flow levels.

15 **GENERAL MANAGER REPORT**

16 Ms. Brooks referenced the General Manager's Report, a copy of which is attached here as **Exhibit C** and
17 incorporated herein by this reference. Ms. Brooks, Mr. Cowles, and Ms. Johnson have been presenting to
18 Authority member boards on unification. Each Authority member entity is asked for direction to begin
19 drafting an Inclusion Agreement. The presentations will be complete by month's end, after which Ms.
20 Brooks will report back on outcomes and next steps.

21 **OPERATIONS REPORT**

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

24 **Gore Creek Fish Kill Incident** – Ms. Roman and Mr. Zachman debriefed on the aquatic life die
25 off event that occurred in Mill Creek and Gore Creek. Staff responded to unusually high-water
26 demand in the Vail core area and was able to track the demand to Vail Resorts snowmaking
27 operations. Vail Resorts had been draining their snowmaking system and had inadvertently left
28 two valves open in their pump station which caused potable water to be released as well. Parks
29 and Wildlife (CPW) responded and recorded 120 dead fish in the incident, which were found in
30 Gore Creek and Mill Creek. The die-off event was traced to the Vail Resorts snowmaking system
31 outfall behind the pirateship park on Mill Creek. The incident is still under investigation by CPW
32 and the Colorado Department of Public Health and Environment.

33 **Avon Wastewater Nutrient Upgrade Project** – Mr. Ringle and Mr. Drescher presented an
34 update on the Avon Wastewater Nutrient Upgrade Project, a copy of which is attached hereto as
35 **Exhibit E** and incorporated herein by this reference. The project is 45% complete and is on

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1 schedule for completion by January 2023. Through the end of July 2021, about 43% of the
2 contractor budget was spent.

3 **ENGINEERING AND WATER RESOURCES REPORT**

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

6 **Unallocated Water** – Mr. Cowles discussed adjustments made to the Authority Unallocated
7 Water tracking spreadsheet included in the engineering and water resources report. Mr. Cowles
8 projects 228.22-acre feet of surplus augmentation if all projects currently in the land use
9 entitlement process receive approvals.

10 **Homestake Exchange** – Mr. Cowles discussed releases from Homestake Reservoir that
11 occurred in September. He referenced the Homestake release schedule included in the
12 engineering and water resources report. Colorado Springs Utilities is making substitution releases
13 from Homestake Reservoir to replace out of priority diversions through the Hoosier Tunnel on the
14 upper Blue River. In addition, the Eagle Park Reservoir Company is releasing water from the
15 Homestake Exchange account on behalf of the District, Authority, Colorado River District, and
16 Vail Resorts. There are plans to continue to use the Homestake Exchange account for
17 augmentation releases this winter, which should preserve water in Eagle Park, maintaining in-
18 basin water supplies.

19 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

20 Ms. Johnson referenced her report, a copy of which is attached hereto as **Exhibit G** and incorporated
21 herein by this reference.

22 **GENERAL COUNSEL REPORT**

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

25 **WATER COUNSEL REPORT**

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

28 **EXECUTIVE SESSION**

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

33 **RESOLVED** to enter Executive Session at 2:48 p.m. to receive advice of counsel regarding
34 unification, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as

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1 Ms. Winn opined the contents of the discussion would contain privileged attorney-client
2 communications. *

3 Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel
4 regarding the Eagle River MOU and Pando Feeder Canal Settlement 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 continue Executive Session at 2:50 p.m. to receive advice of counsel
8 regarding Eagle River MOU and Pando Feeder Canal Settlement pursuant to §24-6-402(4)(b)
9 and (e) 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 3:40 p.m.

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1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 3:41 p.m.

3 Respectfully submitted,

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Secretary to the Meeting