

Upper Eagle Regional Water Authority

Board of Directors Meeting

September 23, 2021

MINUTES

1 A regular, virtual meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held September 23, 2021, at 8:30 a.m., in accordance with the applicable statutes of the State of
3 Colorado.

4 5 **The following Directors and 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 **Also in attendance were:**

13 <u>District Staff</u>	28	Chuck Owen
14 Tom Borawski	29	Rob Ringle
15 John Castillo	30	Siri Roman
16 Kyle Collins	31	Jeffrey Schneider
17 Jason Cowles	32	Chris Wolff
18 Tim Drescher	33	Len Wright
19 Beth Doliboa	34	Brad Zachman
20 Catherine Hayes	35	<u>Consultants</u>
21 Christine Heimerl	36	Kristin Moseley, Somach Simmons & Dunn
22 Jesse Hooker	37	Glenn Porzak, Porzak Law
23 Diane Johnson	38	Kathryn Winn, Collins Cockrel & Cole
24 Elena Jones	39	<u>Public</u>
25 Kira Koppel	40	<i>None</i>
26 Craig Malkmes		
27 David Norris		

41 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

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

51 **CALL TO ORDER**

52 Chair Gregory called the meeting to order at 8:32 a.m.

53 **INTRODUCTIONS**

54 Mr. Norris introduced Tom Borawski, the new HR manager, and John Castillo, the new Customer Service
55 Supervisor.

56 **PUBLIC COMMENT**

57 Public comment was called for and there was none.

58 **ACTION ITEMS**

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

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1 **RESOLVED** that the minutes of the August 26, 2021, regular meeting be accepted and hereby
2 are approved as presented.

3 The minutes of the joint, special meeting of August 26, 2021, with the Eagle River Water and Sanitation
4 District were considered. Upon motion duly made and seconded, it was unanimously

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

7 **Information Reports** – The information reports are attached hereto as **Exhibit A** and incorporated herein
8 by this reference.

9 **STRATEGY ITEMS**

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

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

14 **GENERAL MANAGER REPORT**

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

19 **OPERATIONS REPORT**

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

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

31 **Avon Wastewater Nutrient Upgrade Project** – Mr. Ringle and Mr. Drescher presented an
32 update on the Avon Wastewater Nutrient Upgrade Project, a copy of which is attached hereto as
33 **Exhibit E** and incorporated herein by this reference. The project is 45% complete and is on
34 schedule for completion by January 2023. Through the end of July 2021, about 43% of the
35 contractor budget was spent.

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1 **ENGINEERING AND WATER RESOURCES REPORT**

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

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

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

17 **Black Lakes Dam Safety Update** – Dr. Wright updated on Black Lakes Dam Safety
18 improvements.

19 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

20 Ms. Johnson referenced her report, a copy of which is attached hereto as **Exhibit F** 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 her confidential legal report in the
27 confidential 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 10:21 a.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 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 10:41 a.m. to receive advice of counsel
8 regarding Eagle River MOU and Pando Feeder Canal Settlement 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 10:56 a.m.

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1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 10:58 a.m.

3 Respectfully submitted,

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5 _____
6 Secretary to the Meeting
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