

**Eagle River Water & Sanitation District**  
**Board of Directors Meeting**  
**November 18, 2021**  
**MINUTES**

A special meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held November 18, 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:**

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

**Also in attendance were:**

9	<u>District Staff</u>	22	Siri Roman
10	Tom Borawski	23	Jeffrey Schneider
11	Linn Brooks	24	Justin Way
12	Jim Cannava	25	Chris Wolff
13	Jason Cowles	26	Len Wright
14	Sarah Crawford	27	Brad Zachman
15	Beth Doliboa	28	<u>Consultants</u>
16	Catherine Hayes	29	Kristin Moseley, Somach Simmons & Dunn
17	Christine Heimerl	30	Kathryn Winn, Collins Cockrel & Cole
18	Diane Johnson	31	<u>Public</u>
19	Kira Koppel	32	Kris Miller
20	David Norris		

**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 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**

There were no new employee introductions.

**PUBLIC COMMENT**

Public comment was called for and there was none.

**ACTION ITEMS**

**Consideration of Minutes** – The minutes of the meeting of October 28, 2021, were considered. Upon motion duly made and seconded, it was unanimously

**RESOLVED** that the minutes of the October 28, 2021, regular meeting be accepted and hereby are approved as presented.

The minutes of the joint, special meeting of October 28, 2021, with the Eagle River Water and Sanitation District were considered. Upon motion duly made and seconded, it was unanimously

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1           **RESOLVED** that the minutes of the October 28, 2021, joint special meeting be accepted and  
2           hereby are approved as presented.

### 3           **PUBLIC HEARING: 2022 Proposed Budget**

4           Chair Simmons opened a public hearing at 1:05 p.m. to discuss the 2022 budget, a copy of which is  
5           attached hereto as **Exhibit A** and incorporated herein by this reference. A call for public input solicited no  
6           response. The public hearing was closed at 1:10 p.m. Mr. Norris presented Resolutions to Adopt the 2022  
7           Budget, Certify Mill Levies, and Appropriate Sums of Money copies of which are attached hereto as  
8           **Exhibits B and C**, respectively, and incorporated herein by this reference. Upon motion duly made and  
9           seconded, it was unanimously

10           **RESOLVED** that the Resolutions to Adopt the 2022 Budget, Certify Mill Levies, and Appropriate  
11           Sums of Money be and hereby are approved as presented

### 12           **PUBLIC HEARING: 2022 Proposed Rates**

13           Chairman Simmons opened a public hearing at 1:15 p.m. to discuss the 2022 budget, rates and fees  
14           resolution and schedule, a copy of which is attached hereto as **Exhibit D** and incorporated herein by this  
15           reference. A call for public input solicited no response. The public hearing was closed at 1:17 p.m. Mr.  
16           Norris presented a resolution to adopt the 2022 rates, a copy of which is attached hereto as **Exhibit E**  
17           and incorporated herein by this reference. Upon motion duly made and seconded, it was unanimously

18           **RESOLVED** that the resolution to adopt the 2022 rates be and hereby is approved as presented.

19           **Certification of Delinquent Accounts** – Mr. Norris discussed his request regarding certification  
20           of delinquent accounts to the county treasurer, a copy of which is attached hereto as **Exhibit F**  
21           and incorporated herein by this reference. Upon motion duly made and seconded, it was  
22           unanimously

23           **RESOLVED** that the Resolution to Certify Delinquent Accounts to the County Treasurer  
24           be and hereby is approved as presented.

25           **2022 Operations Agreement with the Authority and Minturn** – The board considered the 2022  
26           Operations Agreement with the Authority and Minturn a copy of the board action request and agreement  
27           are attached hereto as **Exhibits G** and incorporated herein by this reference. Discussion ensued  
28           regarding the rate and specifying that the rates are hourly. Upon motion duly made and seconded, it was  
29           unanimously

30           **RESOLVED** that the 2022 Operations Agreement with the Authority be approved as presented  
31           and the 2022 Operations Agreement with Minturn be approved with the hourly rate correction.

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

34           **Information Reports** – The information reports are attached hereto as **Exhibit H** incorporated herein by  
35           this reference.

### 36           **STRATEGY ITEMS**

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1        **Board Member Input** – Board member input was requested. Mr. Warner discussed his concerns  
2        with the cost of testing being charged to homeowners. Discussion ensued on potential solutions  
3        resolving concerns on backflow issues. Staff will evaluate options and return to present them for  
4        board discussion at a future meeting.

5        **Wastewater Impact Fees** – Mr. Schuette presented an update on the Wastewater Impact Fee  
6        that is a one-time impact fee assessed to new customers at the time of their initial connection of  
7        the property to the District’s wastewater collection and treatment system intended to recover  
8        capital costs for the customer’s share of system capacity. The District assesses residential  
9        wastewater impact fees at a rate of \$4.10 per building square foot. Commercial wastewater  
10       impact fees are assessed at an equivalent number of SFEs based on commercial water meter  
11       size at a rate of \$9,367/SFE based upon the last update that was performed in 2008. Staff  
12       presented the methodology for updating the fee to the Board and made a recommendation to  
13       increase the fee to \$4.64 per residential square foot and \$10,567/SFE for commercial accounts.  
14       After discussion it was decided a Board Action Request regarding the rate adjustment will be  
15       presented at the December board meeting.

## 16        **GENERAL MANAGER REPORT**

17       Ms. Brooks noted she did not include a written report. Ms. Brooks discussed the appreciation holiday  
18       bonus distributed to staff and the holiday card distribution.

## 19        **OPERATIONS REPORT**

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

## 22        **ENGINEERING AND WATER RESOURCES REPORT**

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

25        **Golden Peak Snowmaking Water Agreement** – Mr. Cowles referenced a draft update to the  
26        Golden Peak Snowmaking Water Agreement with Ski and Snowboard Club Vail, a copy of which  
27        is attached hereto as **Exhibit J**. Discussion ensued on agreement changes and water rates. Mr.  
28        Cowles will present the revised agreement to Ski and Snowboard Club Vail for execution.

## 29        **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

30       Ms. Johnson noted that she did not include a written report.

## 31        **GENERAL COUNSEL REPORT**

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

## 34        **WATER COUNSEL REPORT**

## Eagle River Water & Sanitation District

1       **Updated Water Dedication Policy** – Ms. Moseley referenced the Proposed Updated Water  
2       Dedication Policy, a copy of which is attached hereto as **Exhibit K** and incorporated herein by  
3       this reference. Ms. Moseley committed to revising the policy effective date to January 1, 2022.

4               **RESOLVED** that the Proposed Water Dedication Policy be and hereby is approved with  
5               the effective date being revised to January 1, 2022.

6       **Piney River Unit Update** - Ms. Moseley referenced the Piney River Unit Conditional Water Right  
7       Diligence memo, a copy of which is attached hereto as **Exhibit L** and incorporated herein by this  
8       reference.

### 9       **EXECUTIVE SESSION**

10       Ms. Winn requested the Board enter Executive Session to receive legal advice of counsel regarding  
11       General Counsel Review of Matters in Negotiation and Total Compensation Update, pursuant to §24-6-  
12       402(4)(b) and (e) C.R.S. She asked that no electronic record be made, as the discussion would be  
13       entirely privileged attorney-client communications. Upon motion duly made and seconded, it was  
14       unanimously

15               **RESOLVED** to enter Executive Session at 3:40 p.m. to receive advice of counsel regarding  
16               General Counsel Review of Matters in Negotiation and Total Compensation Update, pursuant  
17               to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as Ms. Winn opined the  
18               contents of the discussion would contain privileged attorney-client communications. \*

19       Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel  
20       regarding the Regulatory Matters Update pursuant to §24-6-402(4)(b) and (e) C.R.S. She asked that no  
21       electronic record be made, as the discussion would be entirely privileged attorney-client communications.  
22       Upon motion duly made and seconded, it was unanimously

23               **RESOLVED** to continue Executive Session at 2:50 p.m. to receive advice of counsel  
24               regarding Regulatory Matters Update pursuant to §24-6-402(4)(b) and (e) C.R.S. with no  
25               electronic record created as Ms. Moseley opined the contents of the discussion would contain  
26               privileged attorney-client communications. \*

27       The regular meeting resumed at 4:18 p.m.

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1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 4:19 p.m.

3 Respectfully submitted,

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Secretary to the Meeting