

Eagle River Water & Sanitation District
Board of Directors Meeting
June 24, 2021
MINUTES

A special meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held June 24, 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 George Gregory
5 Timm Paxson
6 Bill Simmons
7 Robert Warner

Also in attendance were:

8
9 District Staff 22 Kailey Rosema
10 Linn Brooks 23 Jeffrey Schneider
11 Karen Carter 24 Shane Swartwout
12 Sarah Crawford 25 Len Wright
13 Beth Doliboa 26

Consultants

14 Catherine Hayes 27
15 Christine Heimerl 28 Jim Collins, Collins Cockrel & Cole
16 Diane Johnson 29 Kristin Moseley, Porzak Browning & Bushong LLP
17 Kira Koppel 30 Glenn Porzak, Porzak Browning & Bushong LLP
18 Craig Malkmes 31 Kathryn Winn, Collins Cockrel & Cole
19 Nikola Nemcanin 32
20 David Norris 33 Public
21 Chuck Owen Tammy Baker

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 Sarah Crawford, the new Community Relations Specialist and Sally Ward the new GIS Intern.

PUBLIC COMMENT

Public comment was called for and there was none.

ACTION ITEMS

Consideration of Minutes – The minutes of the meeting of May 27, 2021 were considered. Upon motion duly made and seconded, it was unanimously

RESOLVED that the minutes of the May 27, 2021 special meeting be accepted and hereby are approved as presented.

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1 The minutes of the joint, special meeting of May 27, 2021 with Upper Eagle Regional Water Authority
2 were considered. Upon motion duly made and seconded, it was unanimously

3 **RESOLVED** that the minutes of the May 27, 2021 joint special meeting be accepted and hereby
4 are approved as presented.

5 **Eagle Park Reservoir Company 2022 Operations Agreement** - Ms. Hayes discussed the board action
6 request regarding the FY2022 Operations Agreement with Eagle Park Reservoir Company, which
7 includes a 3% increase in cost for operations and administrative services. A copy of the request is
8 attached hereto as **Exhibit A** and incorporated herein by this reference. The renewal of the agreement
9 aligns with the Company's fiscal year. After discussion and upon motion duly made and seconded, it was
10 unanimously

11 **RESOLVED** that the FY2022 operations agreement with Eagle Park Reservoir Company be and
12 hereby is approved as presented.

13 **Election of District representative to Eagle Park Reservoir Company BOD** – The board discussed
14 the District's appointee to the Eagle Park Reservoir Company Board of Directors. Discussion ensued, and
15 Chair Simmons suggested Director Coyer serve in this capacity. Upon motion duly made and seconded, it
16 was unanimously

17 **RESOLVED** that Director Coyer be and hereby is appointed as the District's representative on
18 the Eagle Park Reservoir Company Board of Directors.

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

21 **Information Reports** – The information reports are attached hereto as **Exhibits C, D and E** incorporated
22 herein by this reference.

23 **STRATEGY ITEMS**

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

25 **Drought Update** – Dr. Wright updated on current drought conditions. Storage in Black Lakes is
26 6" from full, and Eagle Park Reservoir is 105-acre feet from full. Ms. Johnson updated on direct
27 customer outreach messaging. Mr. Norris updated on letters sent to customers using water in
28 Tiers 4 and 5, and the process for driving change in water use behavior. He noted the majority of
29 customers contacted were in the Authority's service area. Discussion ensued regarding water use
30 in developments that is not aligned with the original limitations of the developments' PUDs and
31 future ideas on getting such use into compliance.

32 **GENERAL MANAGER REPORT**

33 Ms. Brooks noted she did not include a written packet report this month.

34 **General Manager Information Items** – Ms. Brooks discussed the prior day's all staff, in person
35 BBQ for District employees. District staff appreciates the support from directors through the

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1 pandemic. Ms. Brooks also suggested moving the Eagle Park Reservoir Company meetings to a
2 different day than the Authority and District meetings going forward.

3 OPERATIONS REPORT

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

6 **Regulation 31 Rulemaking Hearing** – Ms. Roman updated the board on the Regulation 31
7 Rulemaking hearing. Staff and consultants commented on stream temperature standards, as a
8 new temperature limit was received for the Vail facility, which is unachievable and unnecessary to
9 protect aquatic life. The state agreed to form a working group with District staff to further
10 investigate alternatives. Ms. Roman also noted successful town of Vail efforts to cool the river by
11 encouraging shading with shrubs and trees along the riverbank.

12 **Fire Mitigation** – Ms. Roman noted ongoing efforts to ensure the safety of Authority and District
13 facilities and infrastructure by removing fire hazards. She also said operations protocols were in
14 place to reduce fire risk.

15 **Lead and Copper Rule Update** – Ms. Rosema presented on the Lead and Copper Rule
16 compliance program and the Optimal Corrosion Control Treatment Evaluation undertaken by the
17 water department. Nearly all work was completed in house, and results varied based on different
18 parts of the service area and other factors. The study results indicated the District and Authority
19 can safely remove orthophosphate from its water supply while still meeting its regulatory limits.
20 Increased monitoring temporarily will be required as orthophosphate is slowly reduced in the
21 treatment process.

22 **Eagle Park Reservoir Quarterly Operations Report** – The confidential EPRC quarterly
23 operations report was referenced.

24 ENGINEERING AND WATER RESOURCES REPORT

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

27 **Shoshone Outage Protocol** – Mr. Cowles noted the Shoshone outage protocol was in effect,
28 beginning the prior week. The protocol allows the Authority and District to operate the Homestake
29 Exchange and bank water in its Homestake credit account. Mr. Cowles believes 200 – 300 acre
30 feet of water may be exchanged through this method.

31 **Construction Materials Update** – Mr. Schneider referenced his memo, a copy of which is
32 attached hereto as **Exhibit H** and incorporated herein by this reference. Construction costs have
33 increased dramatically since the pandemic began in March 2020.

35 COMMUNICATIONS AND PUBLIC AFFAIRS REPORT

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1 Ms. Johnson referenced her report, a copy of which is attached hereto as **Exhibit I** and incorporated
2 herein by this reference.

3 **GENERAL COUNSEL REPORT**

4 Ms. Winn had no updates for the regular meeting.

5 **WATER COUNSEL REPORT**

6 Mr. Porzak had no updates for the regular meeting.

7 **EXECUTIVE SESSION**

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

12 **RESOLVED** to enter Executive Session at 2:20 p.m. to receive advice of counsel regarding
13 unification, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as
14 Ms. Winn opined the contents of the discussion would contain privileged attorney-client
15 communications. *

16 Mr. Porzak requested the Board continue Executive Session to receive legal advice of counsel regarding
17 the water rights report pursuant to §24-6-402(4)(b) and (e) C.R.S. He asked that no electronic record be
18 made, as the discussion would be entirely privileged attorney-client communications. Upon motion duly
19 made and seconded, it was unanimously

20 **RESOLVED** to continue Executive Session at 3:00 p.m. to receive advice of counsel
21 regarding water rights report pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic
22 record created as Mr. Porzak opined the contents of the discussion would contain privileged
23 attorney-client communications. *

24 The regular meeting resumed at 3:10 p.m.

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1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 3:10 p.m.

3 Respectfully submitted,

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Secretary to the Meeting