

# RECORD OF PROCEEDINGS

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## UPPER YAMPA WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS SPECIAL MEETING DECEMBER 19, 2019 1:30 PM 2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO

### MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Board members present were Bob Woodmansee, Doug Monger, Ron Murphy, Tom Sharp, Steve Colby, John Redmond, and Webster Jones. General Manager Kevin McBride, District Engineer Andy Rossi, Office Manager Karina Craig, and Administrative Assistant Barbara Wilson were also present.

Members of the public present were Greg Glunz, Andrea Parker, Anne Ferguson, and Dave Merritt, AECOM; Scott Fifer and Ashley Moffatt, Resource Engineering; Michael Verdone, BBC Research and Consulting. Clinton Whitten, National Resources Conservation Service; Kris Middendorf and Craig Preston, Colorado Parks and Wildlife; Erin Light and Scott Hummer, Colorado Division of Water Resources; and Lou Dequine;

General Counsel Bob Weiss; Special Counsel Scott Grosscup, Balcomb & Green; and Jackie Brown, Tri-State Generation & Transmission attended the meeting by phone.

The following agenda was proposed:

#### AGENDA

- (1) 12:30 pm Establishment of Quorum and Call to Order;
- (2) Approval of Agenda for Meeting; action item
- (3) Consent Agenda;
- (4) 12:35 pm Work Session - Stagecoach Firming Task 1 – AECOM  
Work session procedure: The Board will give direction to staff at work sessions for the presentation of action items at future Board of Directors Meetings, no motions will be considered. Public comment will be accommodated at the discretion of the Board of Directors majority.
- (5) 2:30 pm Public Input and Comment;
- (6) 3:00 pm February 20, 2019 Work Session agenda proposal;
- (7) 3:10 pm Agate Creek Extension; action item
- (8) 3:20 pm Approval of Master Plan Stipulation; action item
- (9) 3:30 pm Executive Session with Bob Weiss, legal Counsel, under CRS § 24-6-402(4)(b) to discuss legal issues on Agate Creek Extension and Approval of Master Plan Stipulation. Mere presence or participation of an attorney at an executive session of the local politic body is not sufficient to satisfy the requirements of this subsection (4).
- (10) New Business;
- (11) Adjournment.

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**Consent Agenda** No items were presented for the Consent Agenda.

**Meeting Agenda** Director Monger moved to approve of the agenda. Director Redmond seconded the motion which was unanimously approved.

**Work Session – Stagecoach Firming Task 1 – AECOM**

An agenda for the work session was presented and discussed. Director Sharp was asked to provide a brief history for the project: Director Sharp discussed the Pleasant Valley Project and its water rights and a history of Colorado Ute’s involvement with the Stagecoach project. The District knew that Stagecoach would benefit from a firming project.

Ashley Moffatt presented stating the District’s Master Plan set the stage for Task 1.1 Purpose and Need. Discussion followed.

Mike Verdone presented and discussed several drivers for the Purpose and Needs, including increases and decreases in future demands.

Dave Merritt presented referring to Task 1.2 Alternative Screening and Development.

Director Brenner inquired about public outreach. Andrea Parker clarified that during Task 1 public outreach would not be part of the permitting process. Public outreach that the District is or may do is not part of the specific requirements of permitting.

The General Manager explained that task 1 is to make sure the board is comfortable with the items included in a purpose and need statement. These include future demands from SWSI, non-consumptive needs modelled in the master plans, etc.

Scott Fifer stated the State Water Supply Initiative (SWASI) included electrical demands in Craig, Colorado.

Director Woodmansee spoke about the basic premise of the modelling and how conditions captured by the model don’t address fire and aridification.

Mr. Merritt and Ms. Parker reviewed that they need feedback from the Board to build the Purpose and Needs. The fundamental aspects include timing, location, supply, use, stream management objectives through town, and a strategic reserve.

Greg Glunz spoke and drew attention to risks and unknowns. Timeline for task 1 deliverables was discussed.

**Public Comment** Scott Hummer, Colorado Division of Water Resources, stated he thought it was important that the Board and staff remember not to congregate only in Steamboat, but to also meet in South Routt County to reach out to the area where a reservoir may be built.

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### ***February 20, 2019 Work Session agenda proposal***

Director Brenner said a proposal would be brought to the January Board meeting for a 360 review of the District, including a list of who would be consulted. The list would include both internal and external participants. Director Woodmansee offered to work with Director Brenner on this item.

### ***Approval of Master Plan Stipulation***

Director Sharp moved to approve the proposed stipulation and draft decree in case Number 26CW3016. Director Woodmansee seconded the motion, which was unanimously approved.

### ***Executive Session***

Robert Weiss, as counsel for the District, stated that in his opinion discussion of the matter announced to go into executive session constitutes a privileged attorney/client communication. He was therefore recommending that no further record be kept of the executive session.

Director Sharp made a motion to go into executive session. It was seconded by Director Redmond and was unanimously agreed to go into Executive Session under provision C.R.S. §24-6-402(4) (b) to discuss with counsel legal issues relating to Agate Creek Extension and Approval of Master Plan Stipulation. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4). The Executive Session commenced at about 3:37 PM and concluded at about 4:15 PM.

The Chairman then announced that if any person who participated in the executive session believed that any substantial discussion of any matters not included in the motion to go into executive session occurred in the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that such person state their concerns for the record. No one stated concerns.

Director Sharp moved to authorize Counsel Weiss to tender to Agate Creek the contract submitted in Executive Session, with any conforming changes as necessary, including CPI so the resulting price is in sync with new contracts. Director Colby seconded the motion which was unanimously approved.

***Determination of future meetings*** The scheduled date for the next Board meeting was confirmed, being Wednesday January 23, 2018 at 1:30 PM, at the Mountain Valley Bank Community Room.

The meeting was adjourned at 4:17 PM.

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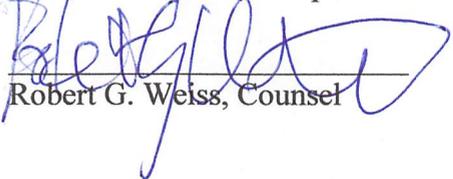
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I certify that the foregoing constitutes a true and correct summary of the proceedings at the above referenced meeting.

  
Date: 2/13/2019  
Kevin McBride, District Secretary/Manager

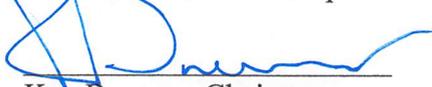
### STATEMENT FROM ATTORNEY REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned Robert G. Weiss hereby attests, pursuant to CRS Section 24-6-402(2)(d.5)(II)(B), that the portion of the executive session that was not recorded and which related to Agate Creek Extension and Approval of Master Plan Stipulation constituted a privileged attorney-client communication in the opinion of the undersigned attorney.

  
Date: 1-23-19  
Robert G. Weiss, Counsel

### STATEMENT FROM CHAIR OF EXECUTIVE SESSION REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned chairman hereby attests, pursuant to CRS Section 24-6-402(2)(d.5)(II)(B), that all of the executive session was not recorded and was confined to the topics authorized for discussion in an executive session pursuant to subsection (4) of CRS Section 24-6-402.

  
Date: 1/23/19  
Ken Brenner, Chairman