

RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS WORK SESSION MEETING
WEDNESDAY, FEBRUARY 20, 2019 1:30 PM
MOUNTAIN VALLEY BANK COMMUNITY ROOM
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, Jim Haskins, John Redmond, Ron Murphy, Stephen Colby, Tom Sharp and Webster Jones. Director Monger joined the meeting by phone. General Manager Kevin McBride, District Engineer Andy Rossi, Office Manager Karina Craig, and General Counsel Bob Weiss were also present. Members of the public present included Andrea Parker, Ashley Moffat, Dave Merritt, Scott Fifer, Kari Dequine Harden, Jerry Smith, Andi Schaffner, Ryan Golten, Jackie Brown, Scott Hummer, and Erin Light.

The following agenda was proposed:

AGENDA

- (1) 1:30 pm Establishment of Quorum and Call to Order;
- (2) Approval of Agenda for Meeting; action item
- (3) Consent Agenda;
- (4) 1:35 pm Work Session;
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.
 - a) 1:35 pm 360 Review
 - b) 3:00 pm Stagecoach Firming Task 1 – AECOM
- (5) Public Input and Comment;
- (6) 4:00 pm Environmental-Recreational Contract policy discussion
- (7) 4:30 pm Report of the General Counsel
 - a) Resume Review
 - b) Water Horse
 - c) City of Steamboat Springs 17CW3043
 - d) Diligence Application 16CW3016
- (8) 5:00 pm Executive Session with Bob Weiss, legal Counsel, under CRS § 24-6-402(4)(b) to discuss legal issues on legal cases. 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).
- (9) New Business;
- (10) Adjournment.

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Work Session.

360 Review –

Ms. Ryan Golten presented high level findings from the UYWCD 360 Stakeholder Assessment. It was reviewed and discussed. Ms. Golten reported individuals involved were very enthusiastic about the project and the results expected. Interviews were constructive, and people were forward looking. Strengths and opportunities for improvement were reviewed and discussed.

Chairman Brenner asked directors if they were satisfied with the process and tone of the assessment; did it provide the information that they wished to have. The public was invited to comment. Ms. Jackie Brown commended the District for undertaking the review. Ms. Erin Light inquired how the document and findings would be used.

Director Woodmansee commented there are some issues and some of those issues are problems. He was proposing the first step; to clearly and define what the problems are, and to then follow a systems approach to address them. Director Haskins commented that some of the feedback provided by interviewed parties were of the “what can you do for me” approach. Mr. Haskins stated his opinion that several of the issues were, on the contrary, a two way street. He continued, the District has constraints and they need to be identified and stated clearly. Our staff sometimes go above and beyond to respond to public requests and not everyone might be aware of that. Director Jones said the assessment represents an opportunity and a challenge. The first task, he stated, ought to be strategic planning, as well as setting priorities, before the new position is hired.

Director Colby said he was very encouraged with the strength and the way people see the District. He thinks we’ve made a lot of strides but there is always room for improvement, including communicating more about the Stagecoach Firming project, perhaps through articles in the paper, acknowledging we are starting or progressing into the project. Mr. Colby agreed with Director Jones that the new position needs to be clearly defined before hiring.

Director Sharp said he appreciates the thorough approach of the assessment. He spoke of contract negotiations, some of which involved pricing which had not changed for some thirty years, such that proposed price increases raised concerns. It is valuable to see the potential areas of improvements. He continued; the District has financial support from tax revenues, power production, and water sales, and we have a responsibility towards transparency. This can be tricky, he referred to the nature of pricing negotiations. He thought the assessment was helpful.

Director Murphy pointed out that the District’s business is to sell water. It seems to him the majority of people want either recreational or wildlife use of water; however, they are not the majority of who purchase water. Director Redmond said it would be interesting to place the feedback geographically. He sees the District transitioning to what he sees as day-to-day operations – water sales and managing the reservoirs- to capturing more of what is going on in the water environment in the basin and the state.

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Director Brenner spoke. He was not that surprised about what he heard through the assessment. The bigger question is, he said: what are we going to do about it. The community at large, we have a constituency that sees the Yampa as a very unique river, and that values our river very much. People want to see more of that reflected on how we approach the job of being a public servant. We are not the convener, that always tries to be the central focus, yet there is a need for that from someone. There are many other entities that are trying to do that. He sees it's very important that we set-up some subcommittees to accomplish this work. How we function internally and how we can be more efficient with our meetings, is another area that would be good to focus on. It's important, he said, that Directors be part of that Public Face. Directors in numerous boards are trending towards being a lot more interactive with constituents and members of the public.

Stagecoach Firing Task 1 - AECOM

Andrea Parker presented an update on efforts related to the development of a Purpose and Need statement for the Stagecoach Firing Project. Some of the topics discussed included: Yampa River StateMod Model, M&I and SSI Demands, Non-Consumptive Demands and System Resiliency. A summary of recommendations was presented as well. General Manager McBride stated a Purpose and Need Draft would be presented at the next Board meeting.

Public Comment Kari Dequine Harden spoke on behalf of her family. Her property has been with her family for 50 years. Ms. Dequine Harden spoke of her father, Mr. Dequine, wanting to leave the property for generations to enjoy. Mr. Dequine wanted a conservation easement however he couldn't get one because of the firming project unknowns. This has been hanging over the property for over 10 years. Mr. Dequine would like to be involved with the project, part of the conversation. The ideal situation, from her perspective, would be get the conservation easement and have the reservoir go away. General Manager McBride mentioned that he has been in touch with Mr. Dequine on a regular basis.

Environmental-Recreational Contract Policy Discussion

This item was tabled until the next Board meeting.

Report from General Counsel

Resume Review – Special Counsel Scott Grosscup stated he had reviewed the Water Resume for Divisions 5 and 6 and there were no new issues to report.

Water Horse – Special Counsel Grosscup stated the applicant submitted a 12-page letter and 230 pages of what they state is supporting information to their claim, for the Utah State Engineer to approve the export of water they are proposing. River District representatives are drafting a short letter of response to the Utah State Engineer, conveying that the Applicant's counsel did not address many of the questions that were raised, especially water availability concerns and feasibility; and no new information was provided, rather the new information provided was wholly irrelevant.

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A new budget was proposed for this project, Mr. Grosscup said the deadline to respond is March 18, 2019.

City of Steamboat Springs 17CW3043 – Mr. Grosscup stated. The UYWCD had opposed the application by the City of Steamboat and its claim for augmentation plan for Casey's pond. A proposed ruling has been provided.

Diligence Application 16CW3016 – There was no discussion.

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 moved, Director Redmond seconded, and it 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 legal cases. 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 5:10 PM. and concluded at about 5:40 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 motioned the District to draft and send letter to Mr. Lou Dequine, with minor adjustments as needed, from the General Manager and the General Counsel. Director Colby seconded the motion, which was unanimously approved.

Director Sharp moved to authorize the stipulation between City of Steamboat Springs and UYWCD regarding Casey's pond, case number 17CW3043. The motion was seconded by Director Woodmansee and unanimously approved.

Determination of future meetings The scheduled date for the next Board meeting was confirmed, being Wednesday March 20, 2019 at 1:30 PM, at Mountain Valley Bank Community Room, 2201 Curve Plaza, Steamboat Springs, CO.

The meeting was adjourned at 5:45 PM.

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

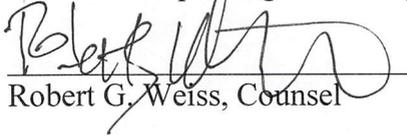


Date: 4/26/2019

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 legal cases constituted a privileged attorney-client communication in the opinion of the undersigned attorney.



Date: 5-5-2019

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: 4/24/19

Ken Brenner, Chairman