

# RECORD OF PROCEEDINGS

---

---

UPPER YAMPA WATER CONSERVANCY DISTRICT  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, SEPTEMBER 15, 2021 (12:00 PM)  
MOUNTAIN VALLEY BANK COMMUNITY ROOM  
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO  
ONLINE MEETING:

[HTTPS://US06WEB.ZOOM.US/J/84022244345?PWD=CUL4Wm5KbFdYMKU5dCT6UvLHWLJ4UT09](https://us06web.zoom.us/j/84022244345?pwd=CUL4Wm5KbFdYMKU5dCT6UvLHWLJ4UT09)

## MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Board Members present were Doug Monger, Jim Haskins, Ron Murphy, Lyn Halliday, Webster Jones and Nicole Seltzer. General Manager Andy Rossi, District Engineer Emily Lowell, Public Information and External Affairs Manager Holly Kirkpatrick, Business Manager Deb Bastian, Chief Accountant Karina Craig, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present. Members of the public present included Geovanny Romero, Morrison Creek Water and Sanitation District; Erin Light, Colorado Division of Water Resources; Frank Alfone, Mt. Werner Water and Sanitation District.

This meeting was held in person and by videoconference utilizing Zoom. The meeting agenda included instructions to the public describing the process to participate in the meeting and comment on agenda items.

The following agenda was proposed:

## AGENDA

- (1) **12:00 PM** Establishment of Quorum and Call to Order
- (2) **12:00 PM** Approval of Agenda for Meeting **Action item**
- (3) **12:05 PM** Public Input and Comment  
The Board will make no decision nor take action, except to direct the General Manager. Those addressing the Board are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.
- (4) **12:10 PM** Consent Agenda **Action Item**
  - a. Approval of the Minutes July 16, 2021, Executive Committee meeting, July 21, 2021, Board meeting, August 17, 2021, Board Governance/Strategic Plan Committee meeting and August 18, 2021, Executive Committee meeting
  - b. Financials
    - i. Approval of Disbursements
    - ii. Budget Comparison
- (5) **12:30 PM** Report of General Manager
  - a. Stagecoach Reservoir Mixing Zone Study
  - b. UYWCD Employee Handbook Update
  - c. UYWCD BOD Governance Manual **Action Item**

## RECORD OF PROCEEDINGS

---

---

- d. Mount Werner Water Storage Contract Relocation Request **Action Item**
  - e. Existing Stagecoach Reservoir Municipal Water Storage Contracts
  - f. UYWCD Strategic Plan
  - g. Presentation of First Draft of 2022 Upper Yampa Water Conservancy District Budget
  - h. Upper Yampa Water Conservancy District 10/20/21 Board Retreat Draft Agenda
  - i. Board Resolution for Sickles West Acquisition **Action Item**
- (6) **2:45 PM** District Engineer Report
- a. Update on Reservoir Water Status
  - b. New Water Contracts
- (7) **3:15 PM** Public Information Updates
- a. Grants
- (8) **3:45 PM** Pending Water Cases
- a. Water Resumes
  - b. Status of Other Water Cases
- (9) **4:00 PM** New Business (Limited to emergency matters that came up during the course of the meeting) **Action Item**
- (10) **4:05 PM** Executive Sessions:
- a. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and \_\_\_\_\_ (insert description) . Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.
  - b. Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to \_\_\_\_\_ (insert brief description). This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (11) **4:35 PM** Board Actions in Regard to Executive Session
- (12) **4:45 PM** Determination of Next Meeting(s) Agenda(s)
- a. UYWCD Regular BOD Meeting 11/17/21
- (13) **5:00 PM** Adjournment.

Chairman Brenner established a quorum and called the meeting to order at 12:02 PM.

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

**Public Input and Comment.** Chairman Brenner invited members of the public to comment on items not otherwise scheduled on the agenda. There was no comment.

**Consent Agenda.** Director Jones moved to approve the consent agenda as presented. Director Monger seconded the motion which was unanimously approved.

**Report of General Manager.** General Manager Andy Rossi provided an overview of current, ongoing District activities and water resources management activities the District has been involved in.

Stagecoach Reservoir Mixing Zone Study. Morrison Creek Water and Sanitation District (MCWS) General Manager Geovanny Romero gave a presentation on the results of mixing-zone study for MCWS discharge to Stagecoach Reservoir. He stated they were pursuing the study to apply for a new discharge permit with the State and to identify if the effluent from their plant mixed with entire volume of the reservoir or if it was mainly

## RECORD OF PROCEEDINGS

---

---

concentrated within the area of the discharge line (arm). A study was conducted in the winter and the summer and both results were favorable showing that the effluent is distributed throughout the entire volume of the reservoir. However, there is a higher concentration near the discharge arm. Geovanny stated the State denied their request for a new permit since it did not meet the mixing ratio, however, he is still negotiating with them on their process and the results of the study. He reiterated that the denial by the State only affects what MCWS may build in the future and does not affect their current permit that is active and in good standing.

UYWCD Employee Handbook Update. General Manager Andy Rossi and Business Manager Deb Bastian provided an overview of the process taken to update the employee handbook. The Board provided some initial comments and was directed to further review the document and submit comments/feedback to Deb Bastian no later than October 15, 2021. General Manager Rossi noted that District staff also received the draft handbook to review and provided feedback. Staff will review feedback and submit a final draft of the Employee Handbook at the November 17, 2021 Board meeting for adoption with an effective date of January 1, 2022. Director Brenner commented that there has been reorganization of staff in the past year and stated it would be helpful for the Board to review staff job descriptions to understand their roles. General Manager Rossi stated that in October employee performance reviews will be conducted and that a review of job descriptions is part of the review process. He will provide the Board with current staff job descriptions at the November 17, 2021 Board meeting.

UYWCD BOD Governance Manual. General Manager Rossi reviewed the proposed revisions to the Board Governance Manual as recommended by the Board Governance Committee. Director Monger moved to the approve Board Governance Manual as amended and presented. Director Murphy seconded the motion which was unanimously approved.

Mount Werner Water Storage Contract Relocation Request. General Manager Rossi provided an overview of the Mt. Werner Water and Sanitation District (MWWS) request to relocate their existing contract out of Yamcolo Reservoir to Stagecoach Reservoir. He further noted that the Executive Committee reviewed this request at a meeting on August 18, 2021 and recommended that the Board offer a new contract out of Stagecoach Reservoir for 300 acre-feet and use the contract form that was recently adopted as part of the Stagecoach Reservoir Water Marketing Policy. Director Monger moved to offer MWWS a contract form that is the same as the contract form in the approved Stagecoach Reservoir Water Marketing Policy for 300 acre-feet at a base price of \$82/acre foot if accepted before the end of 2021. Director Murphy seconded the motion which was unanimously approved.

Existing Stagecoach Reservoir Municipal Water Storage Contracts. General Manager Rossi discussed that all the 2-year interim pricing agreements for Stagecoach perpetual municipal water contracts expire this year and staff is requesting direction from the Board for notifying the existing contractors whose price extension agreements expire in 2021 of the price per acre foot of water stored in Stagecoach Reservoir in 2022.

***Executive Session.*** At 2:02 PM Director Murphy moved, Director Monger seconded, and it was unanimously agreed to go into Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to Stagecoach municipal contract pricing. This session will be recorded, and a copy of the recording maintained for not less than 90 days.

At 3:23 PM, the Board returned from executive session. 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

## RECORD OF PROCEEDINGS

---

---

during the executive session in violation of the Open Meetings Law, that such person state their concern for the record. No one stated concerns.

***Board Action Regarding Executive Session.*** There were no actions required.

UYWCD Strategic Plan. The Board reviewed the proposed schedule for the 2022 update of the Strategic Plan. General Manager Rossi asked the Board to contact him with additional input or comments to be further discussed at the Board Retreat on October 20, 2021.

Presentation of First Draft of 2022 Upper Yampa Water Conservancy District Budget. The Board reviewed the draft budget and requested staff provide the line item detail to support the overall budget amounts.

Upper Yampa Water Conservancy District 10/20/21 Board Retreat Draft Agenda. The Board requested that a Special Meeting be added to the agenda.

Board Resolution for Sickles West Acquisition. Director Jones moved to approve the Board Resolution for Sickles West Acquisition. Director Seltzer seconded the motion. Directors Brenner, Seltzer, Halliday, Haskins, Murphy and Jones voted in favor. Director Monger abstained from the vote. The motion passed.

***District Engineer Report.*** District Engineer Emily Lowell provided an update on the reservoir water status, augmentation contracts and new water contracts out of Stagecoach.

***Public Information Updates.*** Public Information and External Affairs Manager Holly Kirkpatrick updated the Board on the Diversion Infrastructure Improvement Project (DIIP) and Community Grant Funding programs. Additionally, Holly recommended the Board consider placing a cap for Tier 2 projects at 25% reimbursement up to \$50,000 to allow funds to as many projects as possible. The Board agreed with the recommendation. Staff will codify the cap language in the grant summary report where the terms of the grant program are specified. Further, the Board requested an updated list of the completed measuring device implementation projects. Holly also noted that staff would like to formalize the Community Grant Fund Program and would like to open it up to other Board members to assist in developing specific criteria and guidelines for this program before publishing information on a formal program. Director Brenner suggested doing subcommittee work and then bring a proposal to the full Board. General Manager Rossi stated that this subject could be folded into the Board Retreat agenda during the discussion on the Strategic Plan.

***Pending Water Cases.*** Special Counsel Scott Grosscup stated he reviewed the water resumes for the month of July and no applications filed impacted the District's water rights. August resumes are now available and there is nothing concerning the District. The Board was provided an update of the water court cases. Scott discussed Public Service Company's application on the Wessels Canal water rights that they filed for diligence on and the response to the District's request for additional information as to how they are going to develop these conditional water rights in light of their decommissioning the coal power plants. Scott is reviewing the docket and there is no information readily available. He suggested the Board go into Executive Session to discuss in detail or he can report back to the Board later and continue to review the file and respond back to the applicant.

***Board Member Reports.*** Director Brenner reported that a General Manager evaluation and Board performance review need to be developed and conducted and suggested using the Board Governance Committee. A Board Governance Committee meeting will be scheduled before the October 10, 2021, to allow for presentation at the October 20, 2021, Board Retreat. Director Brenner commented that he was appointed the Chair of the PEPO Committee, he will be attending the Colorado Airborne Snow Observatory meetings and will be visiting Pat

## RECORD OF PROCEEDINGS

---

---

O'Toole's to look at his forest health project. He further noted that he has been requested to join the Club 20 organization to provide a Western Slope perspective and to participate on the water subcommittees. The organization follows legislation and is a formal lobbying group. The Board also discussed membership in the Northwest Colorado Council. These items will be discussed at the October Board Retreat. Director Monger noted that Kelly Romero-Heaney is no longer the Roundtable representative for Routt County and that he sent a notice to all the municipalities in Routt to help facilitate selection of a new representative.

**Executive Session.** At 3:51 PM Director Murphy moved, Director Monger seconded, and it was unanimously agreed to go into Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and Public Service Company applications. Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.

At 4:10 PM, the Board returned from executive session. 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 concern for the record. No one stated concerns.

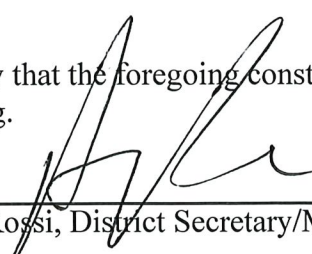
**Board Action Regarding Executive Session.** There were no actions required.

**New Business.** There was no new business.

**Determination of Next Meeting Agenda.** The agenda for the November 17, 2021, Board Meeting was reviewed. The Board requested that an update from Erin Light, Colorado Division of Water Resource, become part of the Public Comment section. Additionally, General Manager Rossi reminded the Board that there are three Director terms expiring in 2022 (Directors Murphy, Sharp and Redmond) and a new president and committee chairs will be elected in January 2022. Director Brenner asked that the CPW Lease and an update from Amy Moyer, Colorado River District, be added to the agenda.

Director Seltzer moved to adjourn the meeting at 5:43 PM. Director Monger seconded the motion which was unanimously approved.

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

  
\_\_\_\_\_  
Andy Rossi, District Secretary/Manager

Date: 11/17/21

### STATEMENT FROM ATTORNEY REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned Robert G. Weiss, legal counsel for the District, 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 **Public Service Company applications** constituted a privileged attorney-client communication under CRS Section 24-6-402(4)(b).

  
\_\_\_\_\_  
Robert G. Weiss, Counsel

Date: 11/17/2021

