

# Upper Eagle Regional Water Authority

## Board of Directors Meeting

February 23, 2023

### MINUTES

1 A regular meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority) was  
2 held February 23, 2023, at 8:30 a.m., in the Walter Kirch Room of the Eagle River Water & Sanitation  
3 District (District), 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable  
4 statutes of the state of Colorado.

#### ATTENDANCE

##### The following Directors were present and acting:

5  
6  
7  
8 Geoff Dreyer, Arrowhead Metropolitan District  
9 George Gregory, Berry Creek Metropolitan District  
10 Kevin Hillgren, Beaver Creek Metropolitan District  
11 Mike Trueblood, Edwards Metropolitan District  
12 Tamra Underwood, Town of Avon  
13 Kim Bell Williams, EagleVail Metropolitan District  
14

##### Also in attendance were:

15  
16 District Staff 26  
17 Jason Cowles 27  
18 Tim Friday 28 Consultants  
19 Jesse Hooker 29 Mark Mitisek, LRE Water  
20 Robyn Janssen 30 Kristin Moseley, Somach Simmons & Dunn  
21 Diane Johnson 31 Page Weil, LRE Water  
22 David Norris 32 Kathryn Winn, Collins Cole Flynn Winn & Ulmer PLLC  
23 Siri Roman 33 Public  
24 Brian Thompson 34 Mike Towler, Beaver Creek Metropolitan District Alternate  
25 Brad Zachman  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

#### DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

36 The board noted it had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest  
37 Statements for the following Directors indicating the following conflicts:  
38

39 Director Gregory disclosed that he serves on the board of the Eagle River Water & Sanitation District; also that he occasionally  
40 undertakes small development and construction activities within the Authority and District service areas. Director Bell Williams  
41 disclosed that she is the Eagle County Housing Director.  
42

#### CALL TO ORDER

43  
44 Having determined that quorum was established, Chair Gregory called the meeting to order at 8:30 a.m.

#### INTRODUCTIONS

45  
46 Chair Gregory welcomed presenting consultants Mr. Mitisek and Mr. Weil.

#### PUBLIC COMMENT

47  
48 Public comment was called for and there was none.

#### ACTION ITEMS

49  
50 **Consideration of Minutes** – The minutes of the Jan. 26, 2023, regular meeting and joint meeting with  
51 the District board of directors were considered. Upon motion duly made and seconded, it was  
52 unanimously

53 **RESOLVED** that the minutes of the Jan. 26, 2023, regular and joint meetings be accepted and  
54 hereby are approved as presented.

## Upper Eagle Regional Water Authority

1       **Approval of Minturn 1041 IGA** – Ms. Winn presented the Intergovernmental Agreement Among the  
2       Town of Minturn, the Eagle River Water & Sanitation District and the Upper Eagle Regional Water  
3       Authority for Permitting of Bolts Lake Reservoir (Minturn 1041 IGA), a copy of which is attached hereto  
4       as **Exhibit A** and incorporated herein by this reference. She also referenced her privileged  
5       memorandum. Ms. Winn said the Minturn Town Council approved the Minturn 1041 IGA at first reading  
6       on Feb. 15 and the second reading is scheduled for Mar. 1. She reviewed the permitting process set  
7       forth in the Minturn 1041 IGA and said that Minturn will waive application and impact fees. Directors  
8       discussed concerns related to uncapped review reimbursements. Ms. Winn and Mr. Cowles advised  
9       that Minturn was not willing to place a cap of review fees, partly because this is a new process for them.  
10      Ms. Winn and Mr. Cowles also said the risk is low to the District and Authority due to the extent of  
11      outside agency permitting, and that the parties will work cooperatively together to keep costs  
12      reasonable. Upon motion duly made and seconded, it was unanimously

13               **RESOLVED** to approve and accept the Minturn 1041 IGA as presented.

### 14      **INFORMATION REPORTS**

15      Directors reviewed the development report, board committees, and January meeting summary, copies of which  
16      are attached hereto as **Exhibits B, C, and D**, respectively, and incorporated herein by this reference. The board  
17      noted there was no contract log this month.

### 18      **BOARD MEMBER INPUT**

19      Director Underwood thanked Mr. Friday for attending the first reading of Avon's revamped landscape  
20      ordinance that promotes water conservation. She said second reading is scheduled for Feb. 28.

### 21      **GENERAL MANAGER REPORT**

22      Ms. Roman had no items to discuss.

### 23      **BUSINESS ADMINISTRATION REPORT**

24      Mr. Norris said impact fees are now being assessed only after final plans are submitted; resources will be  
25      online for customers to estimate fees during earlier planning phases. He also reviewed the criterium and  
26      qualifiers for one-time credits. In response to a question, he said customers are eligible to receive the  
27      credit once every ten years on indoor water use only, which is verified by reviewing repair receipts.

28               **Turf replacement rebate funding clarification** – Mr. Friday presented a memorandum, a copy of  
29               which is attached hereto as **Exhibit E** and incorporated herein by this reference. He said the District  
30               and Authority each applied for a \$25,000 grant from the Colorado Water Conservation Board that would  
31               increase turf replacement rebates from \$1/square foot to \$2/square foot. He also said Edwards  
32               Metropolitan District has pledged additional funds for rebates within the EMD boundaries. In response  
33               to a question, he said rebates provided by the Eagle County Conservation District are intended primarily  
34               for county residents outside of the District and Authority service areas.

## Upper Eagle Regional Water Authority

### 1 OPERATIONS REPORT

2 Mr. Zachman presented the report, a copy of which is attached hereto as **Exhibit F** and incorporated  
3 herein by this reference. He had no further items to discuss.

### 4 ENGINEERING AND WATER RESOURCES REPORT

5 Mr. Cowles presented the report, a copy of which is attached hereto as **Exhibit G** and incorporated herein  
6 by this reference. He provided a brief update about the trestle area near Bolts Lake.

### 7 COMMUNICATIONS AND PUBLIC AFFAIRS REPORT

8 Ms. Johnson had no items to discuss.

### 9 WATER COUNSEL REPORT

10 Ms. Moseley said the District continues to work with Sen. Dylan Roberts on SB23-150 that would require  
11 “Do Not Flush” labeling on certain types of disposable wipes. She also said Ms. Roman and herself will  
12 testify in support of the bill at the Mar. 7 Senate Business, Labor, and Technology Committee hearing.

### 13 GENERAL COUNSEL REPORT

14 The board noted Ms. Winn’s privileged written report. She had no further items to discuss.

### 15 EXECUTIVE SESSION

16 Ms. Moseley requested the board move into Executive Session to receive legal advice of counsel and  
17 discuss matters in negotiation related to water rights reports. Upon motion duly made and seconded, it  
18 was unanimously

19 **RESOLVED** to enter into Executive Session at 9:18 a.m. to discuss matters related to  
20 water rights reports pursuant to §24-6-402(4)(b) and (e), C.R.S., with no electronic record  
21 created as Ms. Moseley opined the contents of the discussion would contain privileged  
22 attorney-client communications.\*

23 The open session resumed at 11:01 a.m. During the executive session, the board did not take any formal  
24 action or discuss any matters not enumerated in §24-6-402(4), C.R.S.

25

# Upper Eagle Regional Water Authority

1 **ADJOURNMENT**

2 There being no further business to come before the board at this meeting and upon motion duly moved  
3 and seconded, it was unanimously

4 **RESOLVED**, that the signing of the minutes of this meeting shall be deemed to constitute  
5 full and complete adoption, ratification, and approval of the business conducted and the  
6 resolutions passed; and be it

7 **FURTHER RESOLVED**, that the meeting be adjourned at 11:01 a.m.

8  
9 Respectfully submitted,

10  
11  
12 \_\_\_\_\_  
13 Secretary to the Meeting

14  
15  
16 **MINUTES APPROVED, FORMAL CALL, AND**  
17 **NOTICE OF MEETING WAIVED**

18  
19  
20 \_\_\_\_\_  
21 **Arrowhead Metropolitan District**

22  
23  
24 \_\_\_\_\_  
25 **Town of Avon**

26  
27  
28 \_\_\_\_\_  
29 **Beaver Creek Metropolitan District**

30  
31  
32 \_\_\_\_\_  
33 **Berry Creek Metropolitan District**

34  
35  
36 \_\_\_\_\_  
37 **EagleVail Metropolitan District**

38  
39  
40 \_\_\_\_\_  
41 **Edwards Metropolitan District**

42  
43  
44 \*The undersigned attorney for the applicable Executive Session affirms that the portion of the discussion  
45 in Executive Session not recorded constituted privileged attorney-client communications.

46  
47  
48 \_\_\_\_\_  
49 **Kristin Moseley, Water Counsel**  
50