



MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: January 20, 2023
RE: January 26, 2023, Board Meeting

This memorandum shall serve as notice of a Regular Meeting of the Board of Directors of the Eagle River Water & Sanitation District:

Thursday, January 26, 2023
1:00 p.m.

This meeting will be held at:

Walter Kirch Room
Eagle River Water & Sanitation District Vail office
846 Forest Road
Vail, Colorado

The meeting can also be accessed on Microsoft Teams. Login information can be requested by sending an email at least 24 hours in advance to info@erwsd.org. In-person attendance is subject to public health protocols.

Input from members of the public is welcomed during the meeting's designated Public Comment period consistent with §18-9-108, C.R.S. Speakers may address the Board on a first-recognized basis by the Chair. Public Comments are limited to three minutes per speaker on relevant matters not listed on the agenda.



BOARD OF DIRECTORS SPECIAL MEETING
January 26, 2023
1:00 p.m.
Walter Kirch Conference Room

AGENDA

- | | <u>Attachment Link</u> |
|---|-------------------------------|
| 1. Introductions | |
| 2. Public Comment | |
| 3. Action Items | |
| 3.1. Approval of minutes from December 15, 2022, Special Meeting | Action Item |
| 3.2. Approval of contract log | Action Item |
| 3.3. Res. No. 2023-01: Resolution Designating Location to Post Notice | Action Item |
| 3.4. Res. No. 2023-02: Resolution Calling for the 2023 Regular District Election and Appointing a Designated Election Official | Action Item |
| 4. Information Reports | |
| 4.1. Development report | Informational |
| 4.2. Board committees | Informational |
| 4.3. December Authority meeting summary – draft | Informational |
| 5. Board Member Input | |
| 6. General Manager Report – Siri Roman | |
| 6.1. GM information items | |
| 6.2. Business Administration report – David Norris | |
| 6.2.1. Quarterly financials – Jim Cannava | Informational |
| 6.3. Operations report – Brad Zachman | Informational |
| 6.4. Engineering and Water Resources report – Jason Cowles | Informational |
| 6.5. Communications and Public Affairs report – Diane Johnson | Informational |
| 7. Water Counsel Report – Kristin Moseley | |
| 7.1. Conditional water rights deadlines | Informational |
| 7.2. “Do Not Flush” wipes legislation | Informational |
| 8. General Counsel Report – Kathryn Winn | Confidential |
| 9. Executive Session | |
| 9.1. Motion to move into Executive Session pursuant to §24-6-402(4)(b), C.R.S., to receive legal advice related to: | |
| 9.1.1. Colorado River Cooperative Agreement matters | Confidential |
| 9.1.2. Bulk water service agreements | |
| 9.1.3. Senate Bill 23-01 | Confidential |
| 10. Any Action as a Result of Executive Session | |
| 11. Adjournment | |

EAGLE RIVER WATER & SANITATION DISTRICT 2023 CONTRACT LOG

| Contract No. | Date Executed | Change Order Signed On | Project Name | Contractor | Contract Amt | Project Mgr. | Account No. | Status / Description |
|---------------------|----------------------|-------------------------------|---|---|---------------------|---------------------|-------------------------------------|---|
| 22.15.090 | Pending | | Main Gore Waterline Improvement | JVA, Inc. | \$42,800.00 | W. Spring | 10.3.2.20.09.026 | Engineering related to the Main Gore Waterline Replacement Project. |
| 22.15.091 | Pending | | West Vail Flow Control Improvement | Velocity Plant Services | \$25,390.00 | A. Kirsch | 10.3.2.20.09.022 | Demo and install new meter and PRV at Buffehr PRV rev1. |
| 23.15.001 | Pending | | On Call Engineering and Environmental Services | Advanced Engineering & Environmental Services | \$25,000.00 | M. Schuette | Various | General engineering service contract to complete miscellaneous engineering tasks as they arise. |
| 23.15.002 | Pending | | O&M - Wells And Gore Valley DWF; LZ Wells Repairs | Central Pump Company | \$40,000.00 | A. Kirsch | 10.3.9.20.30.500 & 20.1.9.00.17.500 | Provide various well related services including but not limited to - pulling wells for inspections and for video services. |
| 23.15.003 | Pending | | Elk Analytics Implementation | Advanced Network Management, Inc. | \$106,990.00 | J. Way | 10.1.2.00.45.318 | Implement new Elk Analytics security stack - Up to 1.5TB Searchable data with SOC Services and up to 450 EDR endpoints with SOC EDR Services. |
| 23.15.004 | Pending | | Eagle Mine Legal and Consulting | LRE Water | \$30,000.00 | L. Cribari | 10.3.9.10.90.041 | Eagle Mine Consulting - Stakeholder work group participation, Regulation 93 RMH, 2023 5 year report review and comment, Review of pilot testing results, Groundwater determination, 2023 water quality monitoring plans review and comment. |



MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: January 26, 2023
RE: Res. No. 2023-01: A Resolution Designating Location to Post Notice

Summary of Subject: The board must adopt the Resolution Designating Location to Post Notice at the first regular meeting of each year.

Discussion and Background: At the Dec. 15 board meeting, directors reviewed the 2023 regular meeting schedule as presented in Exhibit A. The board directed staff to include the regular meeting schedule in the Resolution Designating Location to Post Notice.

Alternatives: None.

Legal Issues: This is a statutory requirement per §24-6-402(2)(c) and §32-1-903(2), C.R.S.

Budget Implication: None

Recommendation: Adopt the resolution with the attached exhibit.

Suggested Resolution and Motion: I move to approve Resolution No. 2023-01: Resolution Designating Location to Post Notice, with its attached Exhibit A of the 2023 regular meeting schedule.

Attached Supporting Documentation:

- Resolution No. 2023-01: A Resolution Designating Location to Post Notice with Exhibit A

EAGLE RIVER WATER & SANITATION DISTRICT

RESOLUTION NO. 2023-01

RESOLUTION DESIGNATING LOCATION TO POST NOTICE

WHEREAS, pursuant to §24-6-402(2)(c) and 32-1-903(2) C.R.S., notice and, where possible, the agenda of the Eagle River Water & Sanitation District (“District”) Board of Directors (“Board”) meetings at which the adoption of any formal action is to occur or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be posted within the boundaries of the District at least 24 hours prior to each meeting at a location designated at the first regular meeting of each year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Eagle River Water and Sanitation District as follows:

Notices of meetings (regular, special, and work/study session) of the Board required pursuant to §24-6-401, *et seq.*, C.R.S., shall be posted at least 24 hours prior to each meeting at:

<https://www.erwsd.org/>

In the event of an exigent or emergency circumstance such as a power outage or an interruption in internet service, the District will post notice of public meetings at least 24 hours prior to a meeting at the following physical location within the District:

846 Forest Road
Vail, Colorado 81657

The schedule of regular meetings of the District for 2023 is attached hereto as Exhibit A and incorporated herein by this reference:

ADOPTED this 26th day of January 2023.

EAGLE RIVER WATER AND SANITATION
DISTRICT

By _____

Dick Cleveland, Chair

ATTEST:

George Gregory, Secretary

2023 Board Meeting Schedules

Eagle River Water & Sanitation District Administrative Offices
846 Forest Road, Vail, CO 81657
Walter Kirch Conference Room

Upper Eagle Regional Water Authority

Board of Directors

meets at 8:30 a.m. on the fourth Thursday of each month,
unless otherwise noted

UERWA and ERWSD

Boards of Directors

meets at 11:00 a.m. on the fourth Thursday of January through March
(additional joint meetings may be scheduled)

Eagle River Water & Sanitation District

Board of Directors

meets at 12:00 p.m. on the fourth Thursday of each month,
unless otherwise noted

| Date | UERWA Time | Joint Time | ERWSD Time |
|--------------|------------|------------|------------|
| January 26 | 8:30 a.m. | 11:00 a.m. | 1:00 p.m. |
| February 23 | 8:30 a.m. | 11:00 a.m. | 1:00 p.m. |
| March 23 | 8:30 a.m. | 11:00 a.m. | 1:00 p.m. |
| April 27 | 8:30 a.m. | | 12:00 p.m. |
| May 25 | 8:30 a.m. | | 12:00 p.m. |
| June 22 | 8:30 a.m. | | 12:00 p.m. |
| July 27 | 8:30 a.m. | | 12:00 p.m. |
| August 24 | 8:30 a.m. | | 12:00 p.m. |
| September 28 | 8:30 a.m. | | 12:00 p.m. |
| October 26 | 8:30 a.m. | | 12:00 p.m. |
| November 16† | 8:30 a.m. | | 12:00 p.m. |
| December 21† | 8:30 a.m. | | 12:00 p.m. |

† Meeting scheduled for third Thursday



MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: January 26, 2023
RE: Res. No. 2023-02: A Resolution Calling for the 2023 Regular District Election and Appointing a Designated Election Official

Summary: A regular special district election is scheduled for May 2, 2023, as required by §1-13.5-111(1), C.R.S. Three positions on the board of directors will be on the ballot, each for four-year terms (director districts 2, 4, and 6). The board must adopt a resolution calling for the election and appointing a Designated Election Official (DEO).

Background: Starting with the 2020 election, special districts began a transition from even to odd-numbered year regular elections. Directors elected in 2020 and 2022 will serve “full” three-year terms. This statutory transition will be complete in 2023 and special districts will hold regular elections biennially on odd years to elect directors to serve four-year terms. Elections may be held by polling place if there are no TABOR questions on the ballot.

At the Dec. 15, 2022, board meeting, directors supported holding the 2023 election as a polling place election with mail-in absentee ballots. The attached resolution reflects this direction. The resolution also appoints Government Affairs Administrator Brian Thompson as the DEO.

Alternatives: The board must pass a resolution to initiate the 2023 election process.

Legal issues: The resolution is a statutory requirement. Staff will coordinate with counsel on other legal issues throughout the election process.

Budget implications: The board discussed budget implications of holding a polling place election at the Dec. 15 meeting. Election expenses are included in the enacted FY 2023 budget.

Recommendation: Adopt the election resolution as presented.

Suggested resolution and motion: I move to approve Resolution No. 2023-02 Calling for the 2023 Regular District Election and Appointing a Designated Election Official as presented.

Attached supporting documentation:

- **Res. No. 2023-02:** A Resolution Calling for the 2023 Regular District Election and Appointing a Designated Election Official

EAGLE RIVER WATER & SANITATION DISTRICT

RESOLUTION NO. 2023-02

RESOLUTION CALLING FOR THE 2023 REGULAR DISTRICT ELECTION AND APPOINTING A DESIGNATED ELECTION OFFICIAL

WHEREAS, the Eagle River Water & Sanitation District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S.; and

WHEREAS, the terms of office of Directors Cleveland (Director District 2), Gregory (Director District 4), and Warner (Director District 6) shall expire after their successors are elected at the regular special district election to be held on May 2, 2023, (the “**Election**”) and have taken office; and

WHEREAS, in accordance with the provisions of the Special District Act (the “**Act**”) and the Colorado Local Government Election Code (the “**Code**”) (the Act and the Code being referred to jointly as the “**Election Laws**”), the Election must be conducted to elect three (3) Directors to serve for a term of four (4) years pursuant to Section 1- 13.5-111, C.R.S., which moves the regular special district elections to May of each odd-numbered years commencing in May 2023.

NOW, THEREFORE, be it resolved by the Board of Directors of the Eagle River Water & Sanitation District in the County of Eagle, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 2, 2023, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Election Laws, and other applicable laws. At that time, three (3) Directors will be elected to serve a four-year term.
2. There shall be one election precinct for the convenience of the eligible electors of the District, the boundaries of which shall be identical to the boundaries of the District, and there shall be three (3) polling places at the following location(s):

| Grandview Room | EagleVail Pavilion | Edwards Field House |
|-----------------------------|---------------------------|----------------------------|
| Lionshead Parking Structure | | |
| 395 S. Frontage Rd. West | 538 Eagle Rd. | 450 Miller Ranch Rd. |
| Vail, CO 81657 | Avon, CO 81620 | Edwards, CO 81632 |

These polling places shall also be for disabled electors and for eligible electors not residing within the District. If the Designated Election Official deems it to be more expedient for the convenience of the eligible electors of the District (who are also eligible electors in other special districts with overlapping boundaries which are conducting elections on the Election day), the Election may be held jointly with such special districts in accordance with coordinated election procedures as set forth in an agreement between all participating special districts. In such event, the election precincts and polling places shall be as set forth in such agreement. The Designated Election Official is authorized to execute such agreement on behalf of the District, which agreement shall include provisions for the allocation of responsibilities for the conduct and reasonable sharing of costs of the coordinated Election.

3. The Board of Directors hereby designates Brian Thompson as the Designated Election Official for the conduct of the Election on behalf of the District and he is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Election Laws or other applicable laws. Among other matters, the Designated Election Official shall provide the call for nominations, appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election, printing of ballots, and direct that all other appropriate actions be accomplished.
4. Self-Nomination and Acceptance forms are available at the Designated Election Official's office at 846 Forest Road, Vail, Colorado 81657, or email: bthompson@erwsd.org. All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2023, nor later than close of business on Friday, February 24, 2023.
5. If the only matter before the electors is the election of Directors of the District and if, at the close of business on February 28, 2023, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than February 27, 2023, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.
6. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.
7. Any and all actions previously taken by the Designated Election Official, the Secretary of the Board of Directors, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.
8. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.
9. The provisions of this Resolution shall take effect immediately.


ADOPTED this 26th day of January 2023.

EAGLE RIVER WATER AND SANITATION
DISTRICT

By _____
Dick Cleveland, Chair

ATTEST:

George Gregory, Secretary

| ERWSD New Development Report | | | | | | | | |
|---|---|---------------------------|------------------------------------|---|------------------------------|----------------------------|------------------------------------|-------------------------------------|
| January 2023 | | | | | | | | |
|  | | Type of Use | SFEs Proposed | Location | Existing Service Commitment? | Augmentation Requirement | Development Approval Process Step: | Construction Approval Process Step: |
| | 534 E Lionshead Circle - Elevation | Residential | 12 | Vail | No | 0.49 | 2. Water Analysis | 0. Conceptual |
| | 500 E Lionshead Circle - Legacy | Residential | 23 | Vail | No | 0.31 | 2. Water Analysis | 2. Plan Approval |
| | Alura (Miradoro) | Residential | 10 | Vail | No | 0.83 | 1. Connection Application | 2. Plan Approval |
| | Belden Place (1200 Block Main St) | Residential | 41 | Minturn | Yes | | N/A | 2 Plan Approval |
| | Booth Heights | Residential | 61 | Vail | No | TBD | 1. Connection Application | 0. Conceptual |
| | Highline (Double Tree Expansion) | Residential | 43.65 | Vail | No | 0.79 | 6. Ability to Serve Letter | 1. Plan Review |
| | Midtown Village PUD | Res + Com | 43.55 | Minturn | Yes | | 1. Connection Application | 1. Plan Review |
| | North Minturn PUD | Residential | 184 | Minturn | Yes | | N/A | 1. Plan Review |
| | The Residences at Main Vail | Residential | 72 | Vail | No | 0.81 | 6. Ability to Serve Letter | 2. Plan Approval |
| | Vail Mountain View Phase II | Mixed Use | 37 | Vail | Yes | | 6. Ability to Serve Letter | N/A |
| | VVMC Phase II-East Wing | Commercial | -- | Vail | Yes | | N/A | 4. Warranty Period |
| | Vail Marriott Residence Inn | Mixed Use | 75 | Vail | Yes | | N/A | 2. Plan Approval |
| | Wolcott PUD | Mixed Use | 328 + Com | Wolcott | No | TBD | 0. Conceptual | 0. Conceptual |
| | Projects Completing Warranty Period | | | | | | | |
| 3010 Basingdale (Phase II), 841/851 Main St Minturn, Red Sandstone Parking Garage | | | | | | | | |
| Process | Construction Approval Process Steps: | 0. Conceptual | 1. Plan Review | 2. Plan Approval | 3. Acceptance | 4. Warranty Period | 5. Final Acceptance | |
| | Development Approval Process Steps: | 1. Connection Application | 2. Water Demand Worksheet Analysis | 3. Conditional Capacity to Serve Letter | 4. Water Rights Allocation | 5. Water Service Agreement | 6. Ability to Serve Letter | |

UERWA New Development Report

January 2023



| | Type of Use | SFEs Proposed | Location | Existing Service Commitment? | Augmentation Requirement | Development Approval Process Step: | Construction Approval Process Step: | |
|---|---|---------------------------|------------------------------------|---|----------------------------|------------------------------------|-------------------------------------|------------------|
| | 140 W Beaver Creek Blvd (Extended Stay) | Residential | 97.5 | Avon | Yes | | N/A | 0. Conceptual |
| | Avon Dual Brand Hotel(Traer Tract J) | Commercial | 85.05 | Traer | Yes | | 6. Ability to Serve Letter | 2. Plan Approval |
| | CMC Student Housing (Phase I & II) | Residential | 72 | Edwards | Yes | | 6. Ability to Serve Letter | 2. Plan Approval |
| | CVC Clubhouse Residences | Residential | 9 | Edwards | Yes | | 6. Ability to Serve Letter | 2. Plan Approval |
| | ECO School District Housing | Residential | 37 | Edwards | Yes | | 6. Ability to Serve Letter | 2. Plan Approval |
| | Edwards River Park PUD | Mixed Use | 440+com | Edwards | No | 61.8 | 3. Cond. Capacity | 0. Conceptual |
| | Fox Hollow Amended PUD | Mixed Use | 108 | Edwards | No | 14 | 6. Ability to Serve Letter | 2. Plan Approval |
| | Frontgate (CO World Resorts) | Mixed Use | 84 | Avon | No | 2.6 | 6. Ability to Serve Letter | 2. Plan Approval |
| | Kudel Parcel | Residential | 4 | Edwards | No | 2.4 | 6. Ability to Serve Letter | 2. Plan Approval |
| | Margaux PUD | Residential | 32 | Edwards | No | 3.56 | 3. Cond. Capacity | 0. Conceptual |
| | Maverik Gas Station | Commercial | 2.6 | Traer | Yes | | 6. Ability to Serve Letter | 2. Plan Approval |
| | McGrady Acres | Residential | 24 | Avon | Yes | | 6. Ability to Serve Letter | 2. Plan Approval |
| | Mountain Hive | Residential | 110.5 | Edwards | No | 14.1 | 2. Water Analysis | 0. Conceptual |
| | NorthStar PUD Amendment | Commercial | TBD | Edwards | No | 3.7 | 6. Ability to Serve Letter | 2. Plan Approval |
| | Prime West | Residential | 241 | Traer | No | | 1. Connection Application | 0. Conceptual |
| | Riverfront Lot 1 | Residential | 53 | Avon | Yes | | N/A | 2. Plan Approval |
| | Riverwalk PUD Amendment | Residential | 18 | Edwards | No | 1.8 | 6. Ability to Serve Letter | N/A |
| | Stolport Restaurant (Traer Tract J) | Commercial | TBD | Traer | Yes | | 6. Ability to Serve Letter | 1. Plan Review |
| | Swift Gulch | Residential | 42 | Avon | Yes | | 1. Connection Application | 0. Conceptual |
| | Tract Y- Metcalf Road | Residential | 54 | Traer | Yes | | 1. Connection Application | 1. Plan Review |
| | Vogelman Parcel (Carwash) | Mixed Use | 1.5 | Edwards | No | 1.1-2.6 | 2. Water Analysis | 1. Plan Review |
| | Warner Building 2 Conversion | Residential | 13.25 | Eagle-Vail | No | 0.07 | 3. Cond. Capacity | N/A |
| | West End PUD Ammdment | Residential | 275 | Edwards | Yes | | 3. Cond. Capacity | 0. Conceptual |
| Projects Completing Warranty Period | | | | | | | | |
| 6 West Apartments, 185 Elk Tract, Piedmont Apartments, Riverfront Village, Stillwater | | | | | | | | |
| Process | Construction Approval Process Steps: | 0. Conceptual | 1. Plan Review | 2. Plan Approval | 3. Acceptance | 4. Warranty Period | 5. Final Acceptance | |
| | Development Approval Process Steps: | 1. Connection Application | 2. Water Demand Worksheet Analysis | 3. Conditional Capacity to Serve Letter | 4. Water Rights Allocation | 5. Water Service Agreement | 6. Ability to Serve Letter | |



BOARD COMMITTEES

DISTRICT

| | |
|---------------------|-------------------------------|
| <i>Audit/Budget</i> | Dick Cleveland Steve Coyer |
|---------------------|-------------------------------|

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|-------------------------|-------------------------------|
| <i>Employee Housing</i> | Steve Coyer Dick Cleveland |
|-------------------------|-------------------------------|

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|-------------------------|--|
| <i>Retirement Plans</i> | Bob Warner Siri Roman David Norris |
|-------------------------|--|

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|-----------------------------------|------------------------------|
| <i>Organizational Development</i> | Bob Warner Dick Cleveland |
|-----------------------------------|------------------------------|

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|-------------------------------|------------------------------|
| <i>Facilities Master Plan</i> | George Gregory Bob Warner |
|-------------------------------|------------------------------|

JOINT

| | |
|----------------------|-------------------------------|
| <i>Water Quality</i> | Vacant (A) Timm Paxson (D) |
|----------------------|-------------------------------|

| | |
|------------------------------|---|
| <i>Rules and Regulations</i> | Kim Bell Williams (A) Bob Warner (D) |
|------------------------------|---|

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|------------------------------|---|
| <i>Water Supply Planning</i> | Vacant (A) Vacant (A) Kate Burchenal (D) Steve Coyer (D) |
|------------------------------|---|

| | |
|----------------------------|---|
| <i>Climate Action Plan</i> | Vacant (A) Kate Burchenal (D) Timm Paxson (D) |
|----------------------------|---|

(A) = Authority, (D) = District

AUTHORITY

| | |
|---------------------|--------------------------------|
| <i>Audit/Budget</i> | Geoff Dreyer George Gregory |
|---------------------|--------------------------------|



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

GOVERNED BY:

The Metropolitan
Districts of:
Arrowhead
Beaver Creek
Berry Creek
EagleVail
Edwards
The Town of Avon

M E M O R A N D U M

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: January 26, 2023
RE: Summary of Authority’s Dec. 15, 2022, Board Meeting

The following is a summary of items discussed at the Authority’s Dec. 15, 2022, Board Meeting.

Directors present and acting were Chair George Gregory, Vice Chair Sarah Smith Hymes, Secretary Kim Bell Williams, Treasurer Geoff Dreyer, and Mick Woodworth. Director Kevin Hillgren was present and acting for the first portion of the meeting until replaced by Alternate Director Mike Towler.

- Linn Brooks Recognition** Directors passed a resolution honoring the service and leadership of outgoing ERWSD general manager Linn Brooks, who is retiring.
- Approval of minutes** Directors approved the Dec. 15, 2022, regular meeting minutes.
- Vacation of Easement** Directors approved a resolution authorizing the vacation of easement at a property in Edwards.
- Water Supply Planning** Linn Brooks presented an overview of the development of Authority and District water rights portfolios and water supply planning model to help directors better understand water rights reports, evaluate risks of water shortage, and guide strategies to protect water supply.
- Backflow Program** Siri Roman said the Backflow Prevention and Cross Connection Control (BPCCC) program achieved compliance on Dec. 2 and highlighted program improvements.
- Director of Operations** Siri Roman said Brad Zachman has been promoted to ERWSD Director of Operations.
- Wastewater infrastructure cost escalation** Siri Roman noted the marked increase in town of Gypsum wastewater rates due to escalating construction costs for a facility upgrade to meet increasingly stringent regulations; this trend is impacting utilities statewide.
- Bolts Lake grant application** Jason Cowles said a Colorado water plan grant application was submitted to the Colorado Water Conversation Board to help support the preliminary design phase of Bolts Lake.
- Proposed 2023 Board meeting schedule** The board reviewed the proposed 2023 meeting schedule and agreed to continue the current schedule of meeting at 8:30 a.m. on the fourth Thursday of Jan. through Oct. and the third Thursday of Nov. and Dec., plus some joint meetings with the District board.



**Fiscal Year 2022
Quarterly Financial Report
For the 4th Quarter Ending December 2022**

1. Quarterly Financial Report Cover Memo
2. Net Income & Budget Comparisons
3. Revenue Comparisons
4. Bond & Cash Balances
5. Housing Report



To: Board of Directors
From: Jim Cannava, Finance Manager
Date: January 17, 2023
Re: Quarterly Financial Reports - YE December 31, 2022

The 4th Quarter 2022 financial reports are attached. Wastewater and Water combined operating revenues are 0.3% better than budget and 4.8% greater than YE 2021 due to a 10.35% year over year decrease in consumption and 10% rate increases. Combined operating expenses are 1.6% over budget and 8.70% greater than YE 2021 primarily due to growth in personal services and meter purchases. Bond funds have been consumed and the process to secure a \$47.3MM wastewater bond is on schedule. Pricing will occur on the 19th and the closing is scheduled for the 31st.



Net Income & Budget Comparisons

WASTEWATER

| Operating | Annual Budget | YTD 2022 | YTD 2021 |
|------------------|----------------------|-----------------|-----------------|
| Revenue | \$21,898,087 | \$22,632,682 | \$21,918,953 |
| Expense | \$18,903,704 | \$19,239,782 | \$17,496,416 |
| Net Income | \$2,994,383 | \$3,392,900 | \$4,422,537 |

| Non-Operating | Annual Budget | YTD 2022 | YTD 2021 |
|----------------------|----------------------|-----------------|-----------------|
| Revenue | \$7,180,103 | \$9,091,135 | \$7,252,556 |
| Expense | \$11,935,235 | \$8,826,455 | \$6,644,266 |
| Net Income | (\$4,755,132) | \$264,680 | \$608,290 |

| | | | |
|-------------------|----------------------|--------------------|--------------------|
| Net Income | (\$1,760,748) | \$3,657,580 | \$5,030,827 |
|-------------------|----------------------|--------------------|--------------------|

| Unrestricted Fund Balance | Annual Budget | YTD 2022 |
|----------------------------------|----------------------|-----------------|
| Beginning Balance | \$18,688,466 | \$18,688,466 |
| Net Income | (\$1,760,748) | \$3,657,580 |
| Ending Unrestricted Balance | \$16,927,718 | \$22,346,046 |

- Fund balance growth primarily due to impact fees

WATER

| Operating | Annual Budget | YTD 2022 | YTD 2021 |
|------------------|----------------------|-----------------|-----------------|
| Revenue | \$7,687,772 | \$7,043,445 | \$6,392,893 |
| Expense | \$6,029,457 | \$6,100,071 | \$5,814,888 |
| Net Income | \$1,658,315 | \$943,374 | \$578,005 |

| Non-Operating | Annual Budget | YTD 2022 | YTD 2021 |
|----------------------|----------------------|-----------------|-----------------|
| Revenue | \$2,588,127 | \$2,555,950 | \$2,985,247 |
| Expense | \$4,439,850 | \$4,092,689 | \$2,028,379 |
| Net Income | (\$1,851,723) | (\$1,536,739) | \$956,869 |

| | | | |
|---------------------------|--------------------|--------------------|--------------------|
| Combine Net Income | (\$193,409) | (\$593,366) | \$1,534,874 |
|---------------------------|--------------------|--------------------|--------------------|

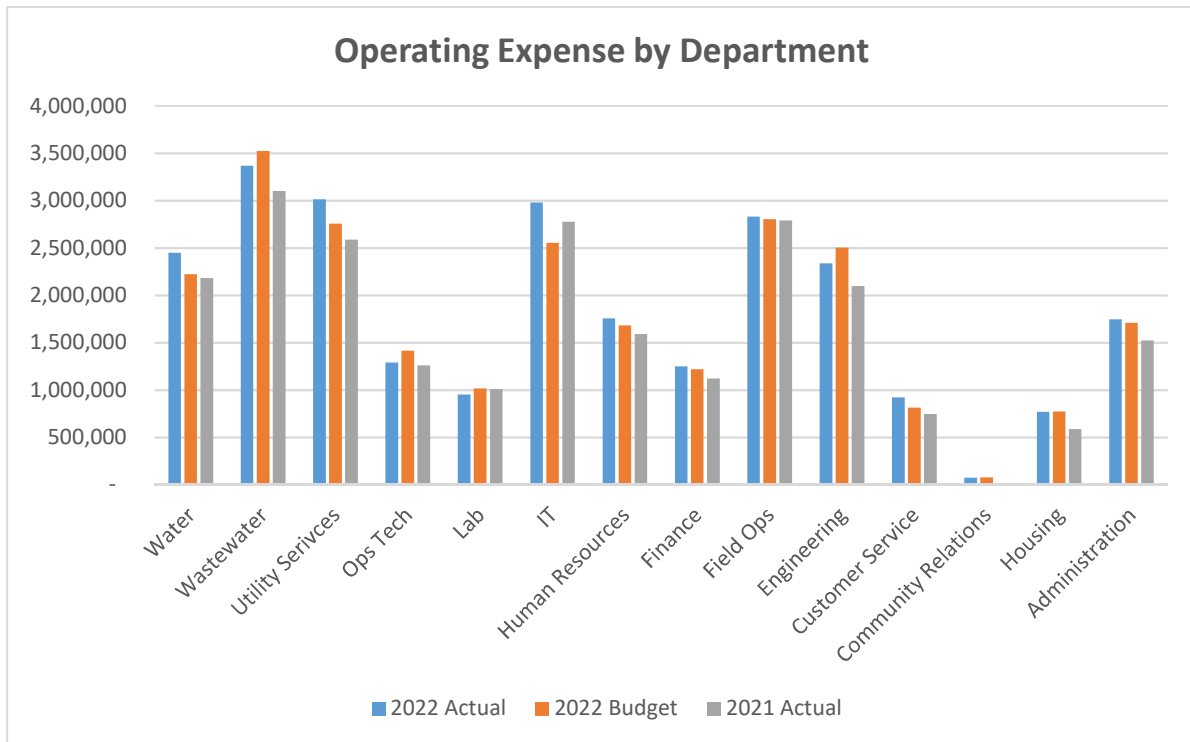
| Unrestricted Fund Balance | Annual Budget | YTD 2022 |
|----------------------------------|----------------------|-----------------|
| Beginning Balance | \$3,140,062 | \$3,140,062 |
| Net Income | (\$193,409) | (\$593,366) |
| Ending Unrestricted Balance | \$2,946,653 | \$2,546,696 |

- Fund balance reduction due to decreased consumption



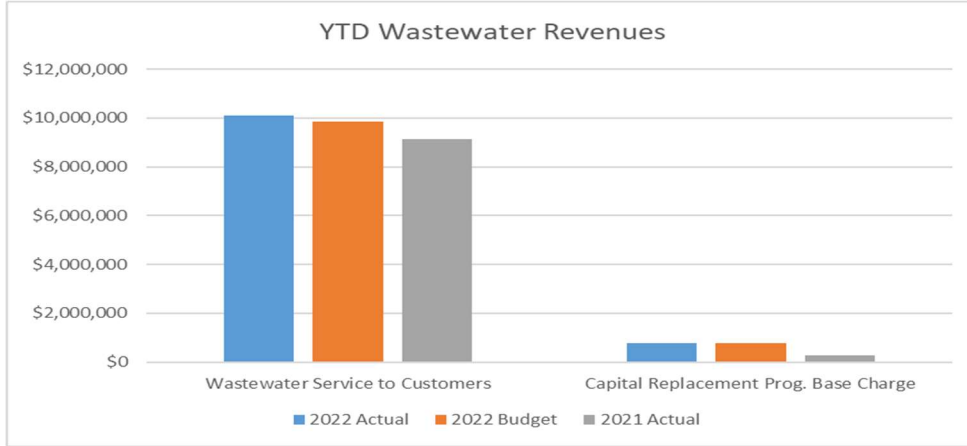
Combined Expense Comparison

| Expense Type | 2022 Revised Budget | 2022 Actual | (Over) Under | (Over) Under % | 2021 Actual | YOY Var |
|---------------|---------------------|-------------------|-------------------|----------------|-------------------|---------------|
| Operating | 24,675,763 | 25,300,901 | (625,138) | -2.5% | 23,055,556 | 9.74% |
| Housing | 393,581 | 435,286 | (41,705) | -10.6% | 338,404 | 28.63% |
| Debt Service | 7,712,097 | 7,707,051 | 5,046 | 0.1% | 8,388,054 | -8.12% |
| Capital & CRP | 7,977,626 | 4,648,480 | 3,329,146 | 41.7% | 6,757,209 | -31.21% |
| Bond Project | 41,819,092 | 22,922,704 | 18,896,388 | 45.2% | 25,191,220 | -9.01% |
| Total | 82,578,159 | 61,014,423 | 21,563,737 | 26.1% | 63,730,443 | -4.26% |

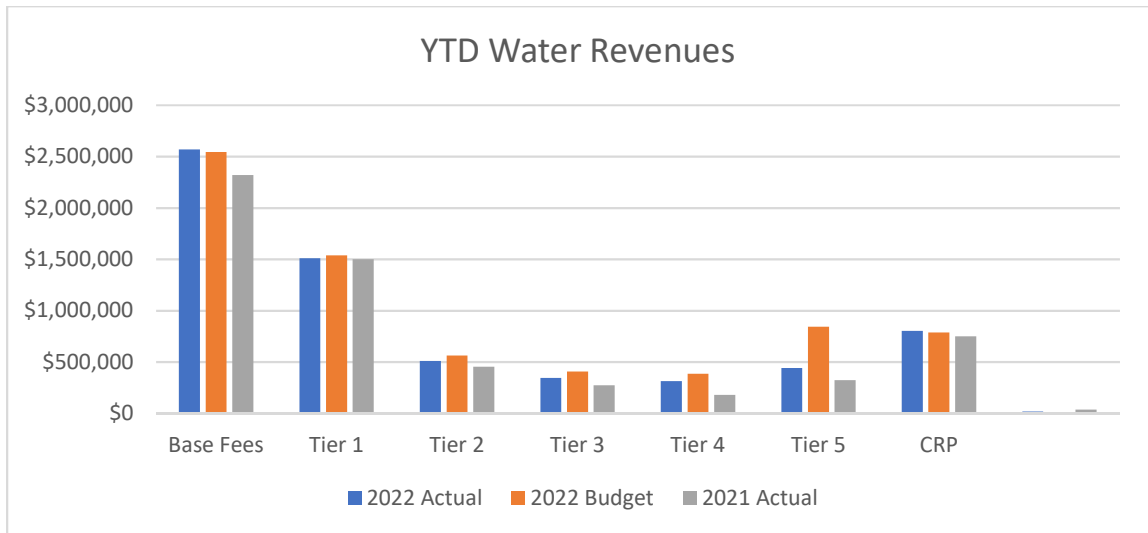


- Utility Services are over budget due to meter purchases
- IT is over budget due to software and hardware expenses

Revenue Comparison



- Wastewater Service to Customers Revenue is 3.4% better than budget
 - CRP Base Fees are 6% greater than budget due to rate increases in December
 - Impact Fees are \$2.4MM, \$2MM over budget and \$1.3MM over 2021



- Water Service to Customers Revenue is 8% under budget due to irrigation season consumption was down 12% year-over-year and 5% annually.
 - CRP Base Fees are 2% greater than budget
 - Impact fees are \$259K, \$21K better than budget, and \$419K less than 2021



Bond & Cash Balances

WASTEWATER

| WW Bond Funds | Annual Budget | YTD 2022 | YE 2021 |
|----------------------|-----------------------|----------------------|----------------|
| Beginning Balance | \$14,582,968 | \$14,582,968 | \$39,339,011 |
| Expense | \$38,951,063 | \$20,637,580 | \$24,756,043 |
| Bond Balance | (\$24,368,095) | (\$6,054,612) | \$14,582,968 |

| WW Bond Projects | Budget | Expense | Remaining Budget |
|--|---------------------|---------------------|-------------------------|
| AWWTF Nutrient Upgrades | \$24,154,273 | \$15,237,003 | \$8,917,270 |
| Dowd Junction Collection System Improve. | \$7,161,208 | \$3,458,723 | \$3,702,485 |
| VWWTF Master Plan Capital Improvements | \$6,309,025 | \$679,205 | \$5,629,820 |
| AWWTF Fire Flow Improvements | \$1,326,557 | \$1,262,649 | \$63,908 |
| Total | \$38,951,063 | \$20,637,580 | \$18,313,483 |

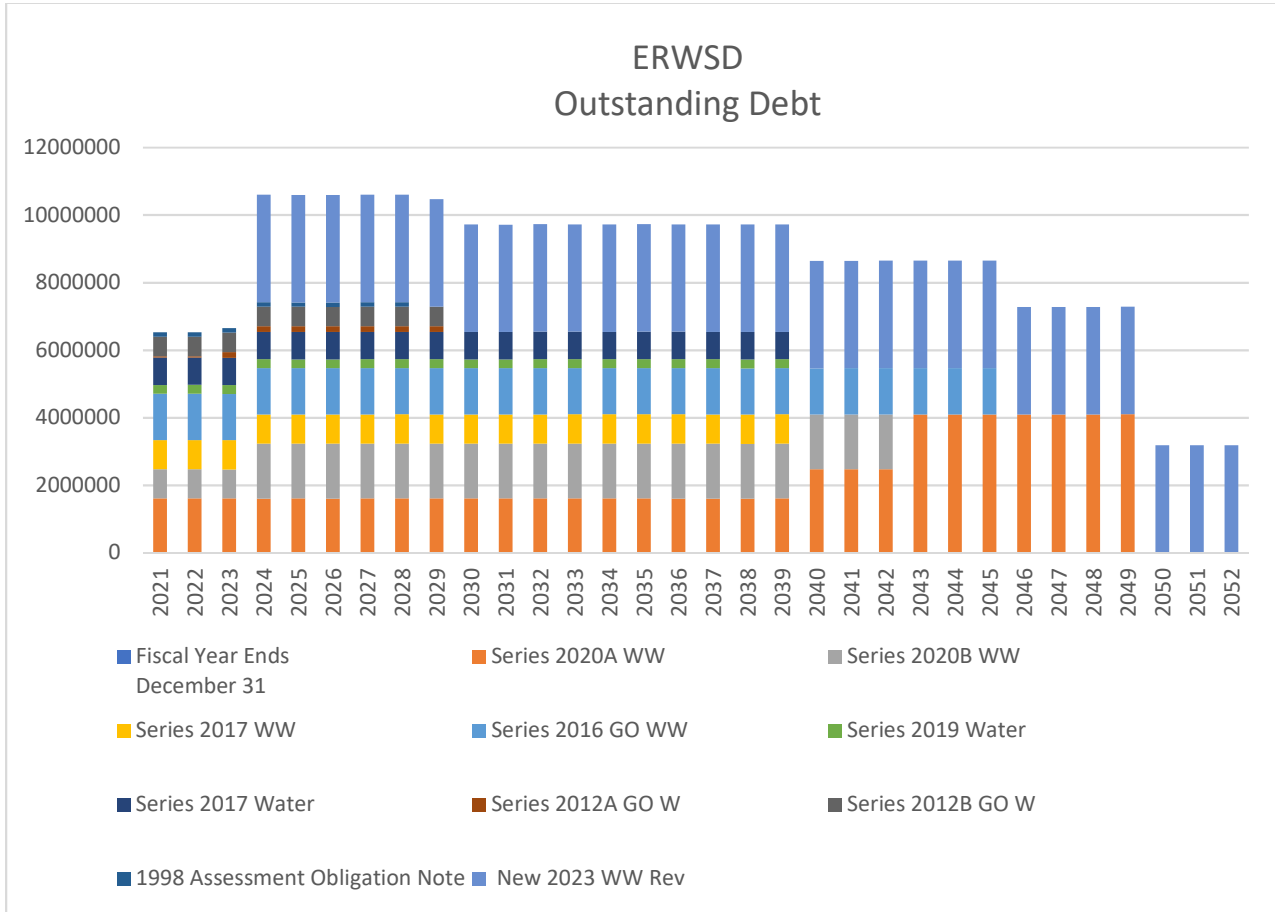
- Bonded projects over 6 years require two bond issues due to the 3-year bond spend rule. The bond issue process has begun with the sale scheduled for January 31. The deficit is included in the current issuance calculation.

WATER

| Bond Funds | Annual Budget | YTD 2022 | YE 2021 |
|---------------------|----------------------|--------------------|----------------|
| Beginning Balance | \$2,000,741 | \$2,000,741 | \$2,435,918 |
| Expense | \$2,371,976 | \$2,144,021 | \$435,177 |
| Bond Balance | (\$371,235) | (\$143,280) | \$2,000,741 |

| Project | Budget | Expense | Remaining Budget |
|-----------------------------|--------------------|--------------------|-------------------------|
| Bolts Lake Reservoir | \$2,232,626 | \$2,117,846 | \$114,780 |
| RTU System Upgrade | \$86,225 | 0.00 | \$86,225 |
| N. Frontage Road Water Main | \$53,125 | \$26,175 | \$26,950 |
| Total | \$2,371,976 | \$2,144,021 | \$227,955 |

- The updated water master plan and timing of Bolts Lake expenditures will determine the value and timing of the water bond issue.



- Wastewater Debt Service Outstanding: \$141,277,710
 - \$240,829,850 with the New 2023 Revenue Bond
- Water Debt Service Outstanding: \$23,439,100
- Total Outstanding Debt Service: \$164,716,810
 - \$264,260,950 with the New 2023 Revenue Bond

| ERWSD WW & W | 2022 | 2021 | 2020 | 2019 |
|----------------------|--------------|------------|------------|------------|
| Combine Cash Balance | \$26,003,546 | 49,525,976 | 66,182,827 | 37,469,085 |

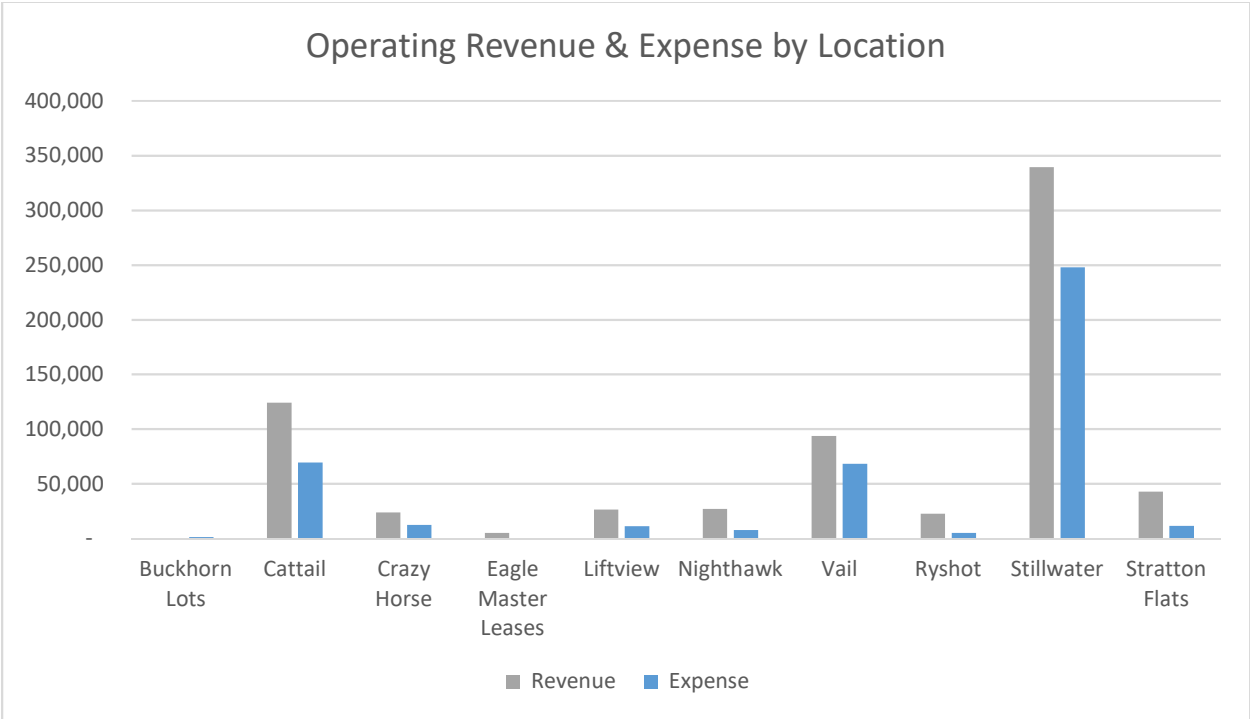
- Combine Cash balance fluctuates primarily due to bond fund changes.

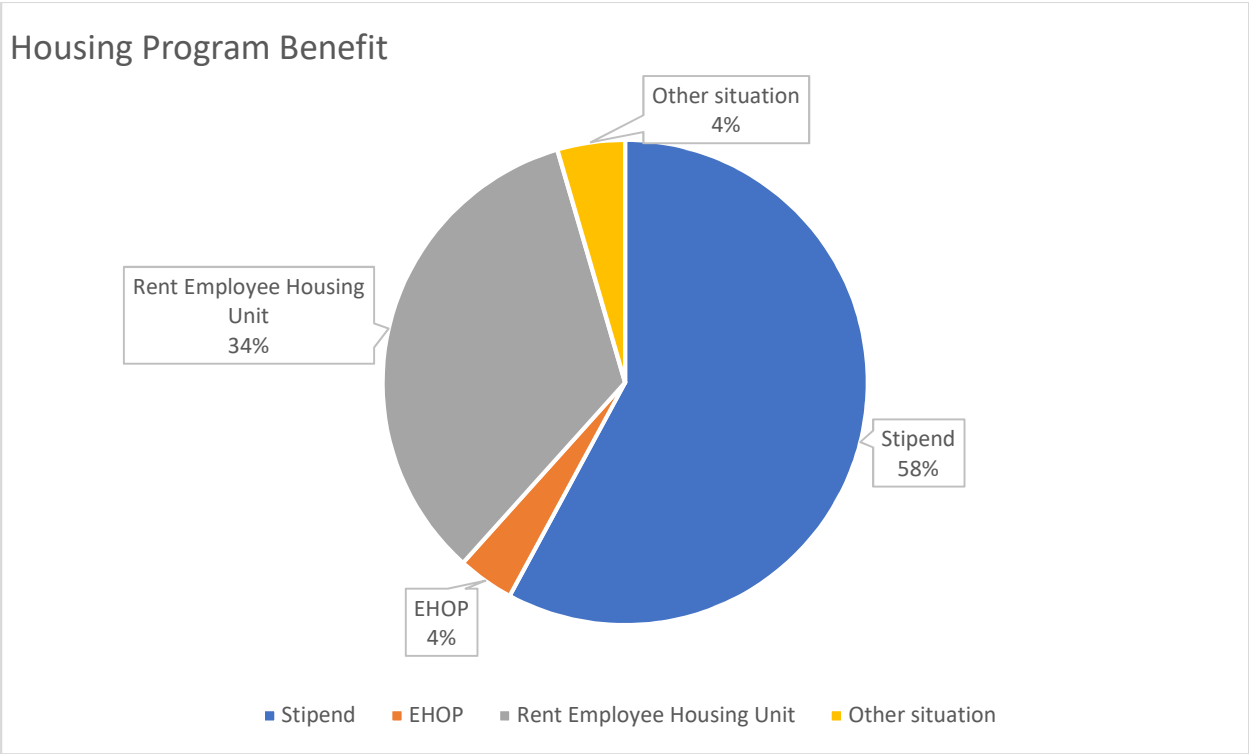
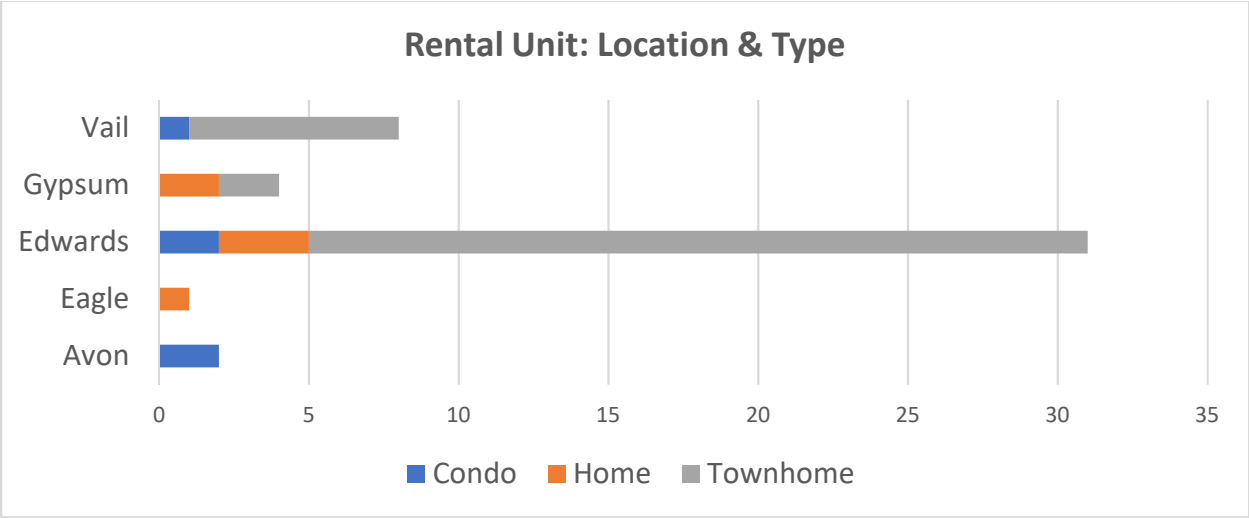


Housing Report

| Location | Units | Revenue | Expense | Net Income |
|---------------------|-----------|----------------|----------------|----------------|
| Buckhorn Lots | 3 | | 1,378 | (1,378) |
| Cattail | 8 | 124,229 | 69,398 | 54,831 |
| Crazy Horse | 2 | 23,774 | 12,332 | 11,442 |
| Eagle Master Leases | 4 | 5,175 | 393 | 4,782 |
| Liftview | 2 | 26,357 | 11,355 | 15,002 |
| Nighthawk | 2 | 26,957 | 7,786 | 19,171 |
| Vail | 7 | 93,810 | 58,618 | 35,192 |
| Ryshot | 1 | 22,663 | 4,961 | 17,702 |
| Stillwater | 21 | 339,228 | 247,795 | 91,434 |
| Stratton Flats | 2 | 42,669 | 11,582 | 31,087 |
| Total | 53 | 704,862 | 435,286 | 269,577 |

- Revenues are tracking better than budget with due to low vacancy.





- Total employees: 133
- Other situations include employees sharing units and employee purchased units



OPERATIONS MONTHLY REPORT
January 2023

WATER

Brad Zachman

CPDHE's review of the draft letter request that was submitted on Dec. 6 to merge the District and Authority public water system identification numbers (PWSIDs) for regulatory compliance purposes was delayed. The review date has been pushed back to the second quarter of 2023.

Avon Drinking Water Facility (ADWF) operators identified severe corrosion on one of the facility's finished water distribution pumps during an annual routine wetwell inspection. The abnormal corrosion is likely due to improper installation of the protective epoxy coating. The pump was removed from the wetwell on Jan. 17 and transported to a specialty pump contractor for rehabilitation. There are eight finished water distribution pumps at ADWF. One pump is rehabilitated annually as part of the ADWF asset management program.



Finished water pump corrosion identified during routine wetwell inspection



Finished water pump removal and preparation for transport

LABORATORY & WATER QUALITY

Leah Cribari

Jar testing was performed at the Edwards Wastewater Facility to support the Wastewater Masterplan project. The purpose of jar testing is to evaluate multiple approaches of binding phosphorus to the biosolids and reduce the recycle load to the liquid stream process. Reducing the recycled phosphorus load will be a key component of the Edwards Wastewater Facility's future nutrient removal strategy.

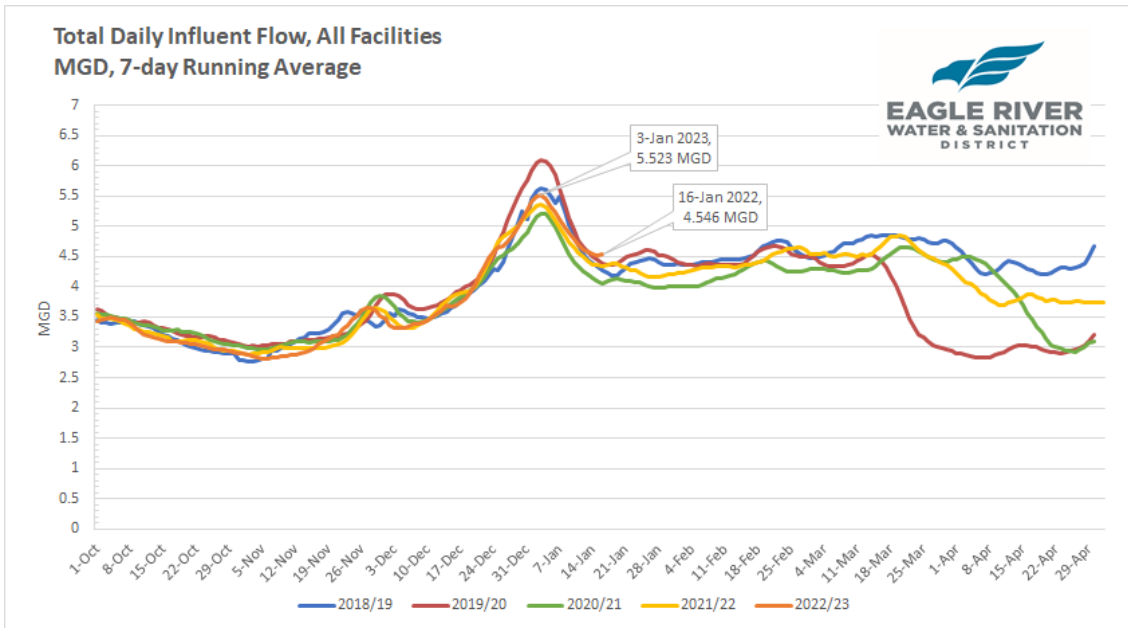


Jar Testing at Edwards Wastewater Facility

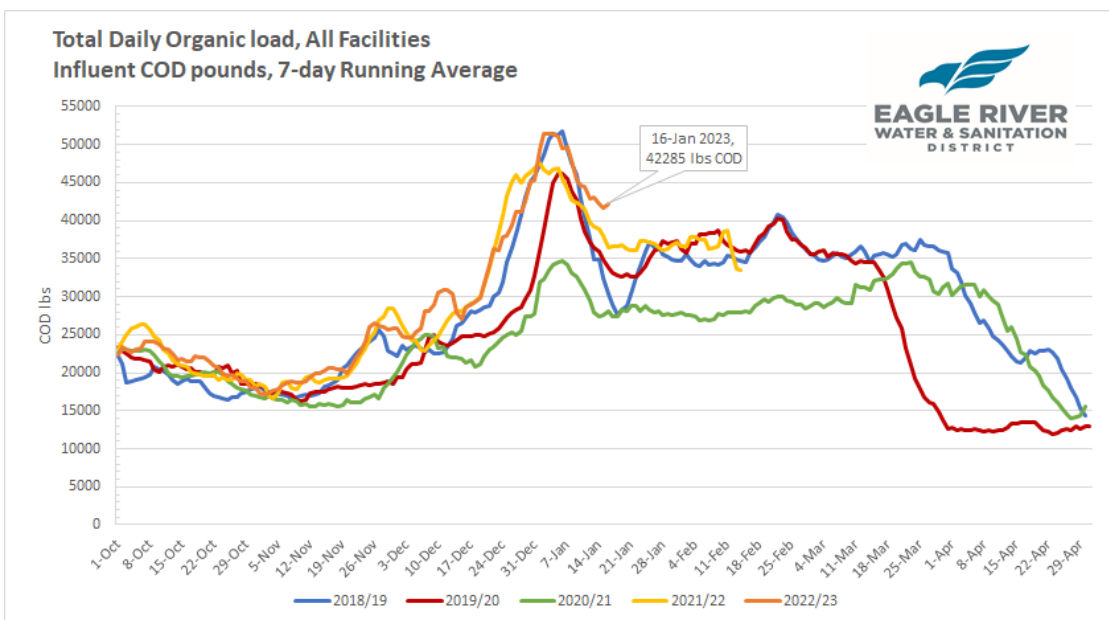
WASTEWATER

Rob Ringle

The holiday season brought a significant increase in influent flow and organic loading. Influent flow, as represented by the 7-day average of the cumulative flow recorded at each facility, peaked on Jan. 3 at 5.523 MGD. This is near the 2018/19 (“pre-COVID”) season peak, which occurred on the same day with a value of 5.623 MGD.



Influent organic loading, as quantified by pounds of carbonaceous oxygen demand (lbs COD), has also been trending similar to the 2018/19 season. Following the holiday peak, the 2022/23 loading trend has remained elevated when compared to the trends from recent years.



Wastewater operations efforts have recently been focused on optimizing operations during this challenging time of annual peak loading. Staff members have responded to operational challenges promptly, and all three facilities have maintained regulatory compliance.

Avon Wastewater Facility operations staff members have continued to adapt the facility operations to manage the impact of the Nutrient Upgrade Project. Recent successes include the recommissioning of the Aeration Basin #2 process train to mark the first time that the facility has operated with the full treatment capacity of the newly constructed secondary process. Staff members worked to optimize intermediate mixed liquor return (IMLR) and return activated sludge (RAS) control systems. Operations staff members also contributed to the commissioning and optimization of the new flow equalization and return systems.

The biosolids produced from the Edwards Wastewater facility were sampled for compliance in Dec. 2022. Recent changes to CDPHE regulations pertaining to municipal wastewater biosolids will require quarterly biosolids sampling and analysis for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS/PFOS). A source control plan will be required if results exceed the interim standard of 50 ug/kg. Informational biosolids PFAS/PFOS samples were collected in the fourth quarter of 2022. The analytical results are pending.

The three wastewater facility staff groups have continued to prepare for the upcoming CDPHE Compliance Evaluation Inspection (CEI). Internal audits were recently completed, and staff members are working to address action items. The CEI inspections are expected to occur in the first or second quarter of 2023. District wastewater facilities are typically inspected on a three-year interval in accordance with CDPHE policies.

FIELD OPERATIONS

Niko Nemcanin

The Field Operations team is continuing winter operations and has been working to remove snow around fire hydrants and plow snow.

UTILITY SERVICES

Shane Swartwout

BPCCC Program

The BPCCC program maintained regulatory compliance for 2022 and achieved a final testing compliance ratio of 0.92 for the District and 0.93 for the Authority (the regulatory requirement is 0.90). The team is currently focused on testing the backflow prevention assemblies that were not tested in 2022. These devices are required to be tested within the first 90 days of the year (due by Apr. 1). Seasonal (e.g., irrigation) assemblies are required to be tested within 90 days of when the assembly becomes active. A total of 172 assemblies were not tested in 2022. Every non-compliant account is currently being assessed a \$500 fine per assembly per month.

| | ERWSD | UERWA | TOTAL |
|---|-------------|-------------|-------------|
| (1) Total No. of Compliance Assemblies | 834 | 1497 | 2331 |
| (2) No. of Tested Assemblies | 764 | 1395 | 2159 |
| (3) No. of Assemblies not Tested | 70 | 102 | 172 |
| (4) Compliance Ratio [= (2) / (1)]: | 0.92 | 0.93 | 0.93 |
| Required Compliance Ratio | 0.90 | 0.90 | 0.90 |
| Tests Required to Reach Compliance | 0 | 0 | 0 |

Final 2022 BPCCC Assembly Test Summary Report

Meter Services Program

The meter services team has reached 99% AMI conversion in the District and 86% AMI conversion in the Authority. The team is currently concentrating on upgrading the remaining 26 meters in the District. Once the District conversion is complete, efforts will switch to working on the Authority accounts. The team has restocked the meter inventory and reorganized storage areas in the Avon Wastewater Facility and Vail Administration building.

| | |
|--------------|-----------|
| Report Date: | 1/17/2023 |
|--------------|-----------|

| AMI SYSTEM STATUS | ERWSD | UERWA | TOTAL |
|-------------------------------------|-----------|------------|------------|
| (1) Total No. of Meters | 3194 | 6818 | 10012 |
| (2) No. of AMI Meters | 3168 | 5870 | 9038 |
| (3) System Percentage of AMI Meters | 99% | 86% | 86% |
| Meters Remaining to Reach 100% AMI | 26 | 948 | 974 |

Advanced Metering Infrastructure (AMI) Status (Updated Jan. 17, 2023)

Fleet and Facilities

Eight District vehicles were sold at the government surplus auction in December. The net revenue of the vehicle sales totaled \$106,460.

| EAGLE RIVER WATER AND SANITATION DISTRICT VEHICLE AUCTION | | | | | | |
|---|------|----------------------------|---------|-----------|---------------|---------------------|
| AUCTION VEHICLES | YEAR | MODEL / DESCRIPTION | MILEAGE | AUCTION # | RESERVE PRICE | SALE PRICE |
| 1 | 2007 | Chevy Colorado 4x4 | 112,434 | 3158033 | \$3,400.00 | \$7,100.00 |
| 2 | 2008 | Chevy Colorado 4x4 | 106,421 | 3158042 | \$3,600.00 | \$7,200.00 |
| 3 | 2008 | Chevy Silverado 4x4 | 118,297 | 3159408 | \$6,500.00 | \$11,200.00 |
| 4 | 2008 | Toyota Tacoma, 2-door, 4x4 | 95,353 | 3158056 | \$4,000.00 | \$14,700.00 |
| 5 | 2009 | Toyota Camry, V6, 4-door | 102,087 | 3182290 | \$4,400.00 | \$8,550.00 |
| 6 | 2009 | Toyota Camry, V6, 4-door | 103,436 | 3182287 | \$4,500.00 | \$8,000.00 |
| 7 | 2009 | Chevy Colorado 4x4 | 116,092 | 6158122 | \$4,000.00 | \$8,301.00 |
| 8 | 2009 | Chevy Silverado 4x4 | 127,925 | 3168392 | \$6,000.00 | \$7,659.00 |
| 9 | 2011 | Toyota Camry, V6, 4-door | 106,555 | 3158135 | \$4,700.00 | \$8,500.00 |
| 10 | 2011 | Chevy Silverado 4x4 | 105,651 | 3158026 | \$6,000.00 | \$11,850.00 |
| 11 | 2015 | Toyota Rav4, AWD | 120,891 | 3169791 | \$4,800.00 | \$13,400.00 |
| Net Sales Total: | | | | | | \$106,460.00 |

ENGINEERING

Jeff Schneider

WATER PROJECTS

Radio Telemetry Unit (RTU) System Upgrades

Carter Keller

General Project Scope: This project is a systematic approach to install standardized communication equipment to increase the reliability of the telemetry system throughout the distribution system (82 sites) and develop a standard (i.e., non-proprietary) telemetry platform to allow competitive pricing for upgrades, replacement, and system maintenance. Implementation is anticipated over a three-year period with a highly detailed sequence and schedule to limit distribution system disruptions.

Project Update: Project is complete, closeout documents have been processed.

Fenno Wellhouse and Raw Water Conveyance

Jeffrey Schneider/Carter Keller

General Project Scope: The project consists of complete replacement of a small treatment facility in Cordillera that treats water from seven groundwater wells and pumps into the distribution system. The previous facility did not meet electrical code, had safety concerns, and was generally at the end of its useful life. Improvements to the wells and raw water piping are also included in this project.

Project Update: The project team cleared trees and other obstructions in existing utility easements on three well sites to gain access for future inspection and assessment. The Fenno Well F6 pump and motor were pulled for an assessment. The inspection indicated that the equipment needs to be replaced. The project team is currently preparing for the 2023 phase of investigation work and working with a homeowner regarding access and new easements for Fenno Well F7.

Avon Drinking Water Facility (ADWF) PLC Upgrades

Jenna Beirsto

General Project Scope: This project includes replacement of two of the programmable logic controllers (PLCs) at the ADWF. Additionally, a new server room will be constructed within the facility. All programming and PLC logic will be reverse engineered to determine required updates and improvements associated with the modification and replacement of the existing PLCs.

Project Update: The first of the electrical and instrumentation and control (I&C) equipment has been delivered to the subcontractor's facility in Denver. Fire Suppression materials have been delivered to ADWF. The project team has started review and initiated follow-up meetings to discuss the control philosophies for future plant operations. The contractor is working through building permit coordination with the Town of Avon. Construction of the server room is expected to kick off in February or March, pending the issuance of a final building permit.

Water Production and Treatment Masterplan

Jenna Beirsto

General Project Scope: The masterplan will be a wholistic look at all production and treatment facilities system-wide including treatment plants and wells. The goal is to do a thorough risk-based analysis and provide a roadmap for future capital project priorities. The project will include a detailed condition assessment of existing assets and will assess treatment and production threats from climate change, low stream flows, wildfires, etc.

Project Update: The District team is working on gathering remaining missing data for the masterplan data analysis. The team is also considering different growth projection scenarios and exploring big picture projects to address concerns in the water production and treatment systems. The consultant and District have started discussions regarding scoping the remainder of the masterplan work.

Avon Wastewater Treatment Facility (WWTF) Fire Flow Improvements

Woodson Spring

General Project Scope: The Avon WWTF Fire Flow Improvements consist of two major components. The first is installation of 1,100 linear feet of 12" water main down Millie's Lane and into the Avon WWTF site. The second is modifications within the Avon Drinking Water Facility (ADWF) to transfer water from the high zone to the low zone. The project will bring the Avon WWTF into compliance with fire flow requirements and address a long-standing deficiency.

Project Update: All pipeline work has been completed with some punch list items wrapped into the greater Nutrient Upgrade Project (NUP). Coating subcontractors completed pipe, fitting and floor painting. The surge anticipator valve representative will be at ADWF on Jan. 24 for final adjustment and testing of the new surge anticipators.



Surge anticipator valve in ADWF pump gallery

WASTEWATER PROJECTS

Avon Wastewater Treatment Facility Nutrient Upgrades

Jeff Schneider/Jenna Beairsto

General Project Scope: The Avon WWTF requires upgrades to meet Regulation 85, which requires a reduction of the concentrations of nitrogen and phosphorus in the effluent. The scope of this project includes the following: addition of 0.6 million gallons of aeration basin capacity, a new secondary clarifier, structural modifications to the existing aeration basins to remove the existing double-tees and replace with a building structure, a new odor control study and system, and other improvements throughout the facility. This project also includes improvements identified in a 2017 condition assessment in other process areas throughout the facility.

Project Update: The Dec. 15 target date to have both aeration basin treatment trains online and operational was achieved, and the secondary process performed as expected over the busy holiday period. Equalization (EQ) system startup and testing revealed some issues with the control narrative design and is being reworked; the EQ system is running on a temporary timer-based control strategy until the project team can collaborate on a solution. Work in the EQ gallery including installation of stairs, platforms, and an egress ladder is nearly completed. Chemical feed piping in the secondary process areas and chemical storage room is underway, with a below grade tie-in from the aeration basins to the primary clarifier gallery beginning the week of Jan. 16. Epoxy coating systems on process area floors were prepared and installed over the past few weeks, with the IMLR and west RAS gallery floors completed. Additional floor coating work is scheduled to resume the week of Jan. 23. The fencing subcontractor is making progress on the northern and western sides of the property. Fencing installation will suspend while the contractor prepares to construct the new retaining wall along the southern property line above the bike path. The wall construction will require a full closure and detour of the bike path through Avon and is anticipated to begin in early March. The scheduling is coming into place for large additional scope items such as recoating the two existing secondary clarifiers, wall and fencing installation, etc. A portion of the contractor crew is scheduled to begin work on the Lab Improvements project in early February.



New floor coatings in the west RAS gallery



Aerial image of fence installation along western property boundary

Dowd Junction Collection System Improvements

Jenna Bearsto

General Project Scope: The project consists of four major components, all of which are at the end of their useful lives: the aerial interceptor crossing at Dowd Junction; Lift Station 4, which conveys all of Minturn's wastewater; the aerial interceptor crossing at the Minturn Road bridge; and the force main downstream of Lift Station 4. The project will also include capacity for growth in its respective service areas, most notably the Minturn area improvements.

Project Update:

West Vail Interceptor Aerial Crossing: Final payment has been issued to the contractor and the project is complete.

Lift Station 4 and Force Main Replacement: This project combines three packages of work into one large project. Package A includes the lift station 4 replacement, package B is replacement of the existing force main with two 8" HDPE force mains, and package C in partnership with Eco Trails (Eagle County) to connect the bike trails from the lift station to the West Vail Interceptor crossing. Snow removal and site cleanup occurred over the last month. Major construction is on hold until the spring of 2023.

Avon Lab Improvements

Carter Keller

General Project Scope: A new inductively coupled plasma mass spectrometer (ICP-MS) purchased by the District will be installed in the lab. This will provide improved analytical capability to our internal and external customers. This instrument enables District staff to perform in-house metals analyses that are normally outsourced. Lab and architectural modifications will be constructed, including a new gas cabinet, duct chase, and fume hood. During design, the makeup air unit (MAU) serving the lab was identified to be at the end of its useful life; the HVAC system for the lab and lab offices will also be replaced.

Project Update: A meeting was held with the local fire marshal and the Town of Avon building official to review proper storage location for the new compressed gas needed for the ICP-MS fume hood. Demolition work is scheduled to begin in early February, followed by the construction of electrical upgrades to the new Makeup Air Unit (MAU) and fume hood.

Vail Wastewater Treatment Facility (VWWTF) Master Plan Improvements Mark Mantua

General Project Scope: A condition assessment of the Vail WWTF conducted as part of the 2017 Master Plan identified various upgrades required to keep the facility in reliable and operable condition. The scope includes a new, larger diesel generator and associated electrical, structural repairs in the aeration basin, equalization, and clarifier rooms, replacement of the aging ultraviolet (UV) system, and construction and installation of an external facility bypass.

Project Update: The project is on a winter hiatus until Phase II of the project begins in spring 2023. The contractor is working to provide a 90% guaranteed maximum price (GMP) estimate for the cost of the work. The design engineer is working to issue 100% plans for Phase II of the project. The electrical subcontractor performed significant investigation and cleanup of conduit and wire in the aeration basin room to allow for structural repairs to occur in spring. The project team has been collaborating on submittals and coordination on the ultraviolet (UV) disinfection system equipment and the procurement is on track. District staff is preparing for a wastewater bypass of Vail WWTF that is required for the Phase II construction. The District team has scheduled a test bypass to ensure the capacity of the system before Phase II begins.

GENERAL CAPITAL

Fleet Maintenance Facility


Mark Mantua

General Project Scope: The District's fleet maintenance shop, which is currently located at the Avon Wastewater Treatment Facility (WWTF), needs to be relocated before a planned administrative expansion project can be initiated. The scope of this preliminary planning project is to define a conceptual footprint for the building and identify possible site locations.

Project Update: The consultant developed a conceptual-level site plan for a proposed facility located on the east side of the Edwards Wastewater Treatment Facility. The team is currently working with Eagle County to define wetland setback requirements for the site. The team is also beginning to evaluate alternative building sites at the Hillcrest site (in Edwards) and the Avon WWTF.



MEMORANDUM

TO: District and Authority Boards of Directors
FROM: Jason Cowles, P.E. 
DATE: January 18, 2023
RE: Engineering & Water Resources Report

Unallocated Water Update

LRE Water's modeling to support the District and Authority Water Rights reports updates has been completed. We will present the findings to the Boards at the February meetings.

Bolts Lake Colorado Water Plan Grant

Shannon and Wilson (S&W) continue to review and analyze information from the geotechnical field investigations that were completed at the reservoir site last fall. S&W also had preliminary design consultations with the Colorado Division of Water Resources Dam Safety Division to discuss reservoir design parameters as they begin the preliminary design effort. The schedule for preliminary design has been modified to allow time for collection and incorporation of groundwater data following this year's runoff. We are on track to have a pre-consultation meeting with the Army Corps of Engineers in the fall of 2023, but preliminary plans and specifications will likely push into spring of 2024 to design groundwater management systems.

We will update the Boards on our Colorado Water Plan grant application in March once we receive word from the Colorado Water Conservation Board. In other potential funding news, an amendment introduced by Senator Risch of Idaho was passed by the US Senate in the FY23 Omnibus spending bill that modified the Bureau of Reclamation's Small Storage Program limits in the Infrastructure Investment and Jobs Act (aka "the Bipartisan Infrastructure Law"). The Small Storage Program will now apply to reservoirs between 200 and 30,000 acre feet in size. We will begin work on preparing the necessary feasibility study so that we're ready to apply when the Bureau publishes their notice of funding opportunity later this year.

Water Resources Update

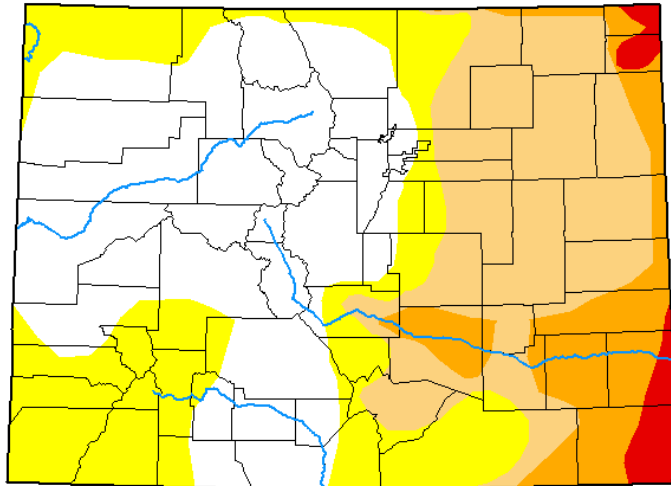
The latest U.S. Drought Monitor map for Colorado is shown below in Figure 1. A majority of the western slope has been removed from drought status with the remaining portions in the abnormally dry category. Eagle County has been removed from drought status as a result of recent snowfall.

Figure 1: US Drought Monitor, Colorado January 12, 2023 (National Drought Mitigation Center).

U.S. Drought Monitor Colorado

January 10, 2023

(Released Thursday, Jan. 12, 2023)
Valid 7 a.m. EST



Drought Conditions (Percent Area)

| | None | D0-D4 | D1-D4 | D2-D4 | D3-D4 | D4 |
|--|-------|--------|-------|-------|-------|------|
| Current | 39.98 | 60.02 | 35.67 | 12.28 | 2.28 | 0.04 |
| Last Week <i>01-03-2023</i> | 39.97 | 60.03 | 33.83 | 12.28 | 1.91 | 0.01 |
| 3 Months Ago <i>10-11-2022</i> | 23.00 | 77.00 | 43.01 | 13.55 | 3.09 | 0.57 |
| Start of Calendar Year <i>01-03-2023</i> | 39.97 | 60.03 | 33.83 | 12.28 | 1.91 | 0.01 |
| Start of Water Year <i>09-27-2022</i> | 15.46 | 84.54 | 45.65 | 15.47 | 3.73 | 0.57 |
| One Year Ago <i>01-11-2022</i> | 0.00 | 100.00 | 88.32 | 65.93 | 20.59 | 0.00 |

Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

Richard Tinker
CPC/NOAA/NWS/NCEP



droughtmonitor.unl.edu

I've decided to forgo posting the NOAA Climate Prediction Center's seasonal three-month drought outlook maps this month because they're no longer relevant. NOAA released an updated assessment of the seasonal drought outlook for January noting that more recent modeling is indicating heavy precipitation across the western US, which was not the case when the maps were originally produced in mid-December. Current 8-14 day temperature and precipitation outlooks are shown in Figures 2 and 3. Near term modeling, which is generally more accurate, indicates a high probability that temperatures will be below normal and precipitation will be near normal through the end of the month.

Figure 2: 8-14 Day Temperature Outlook January 17, 2023 (NOAA Climate Prediction Center).

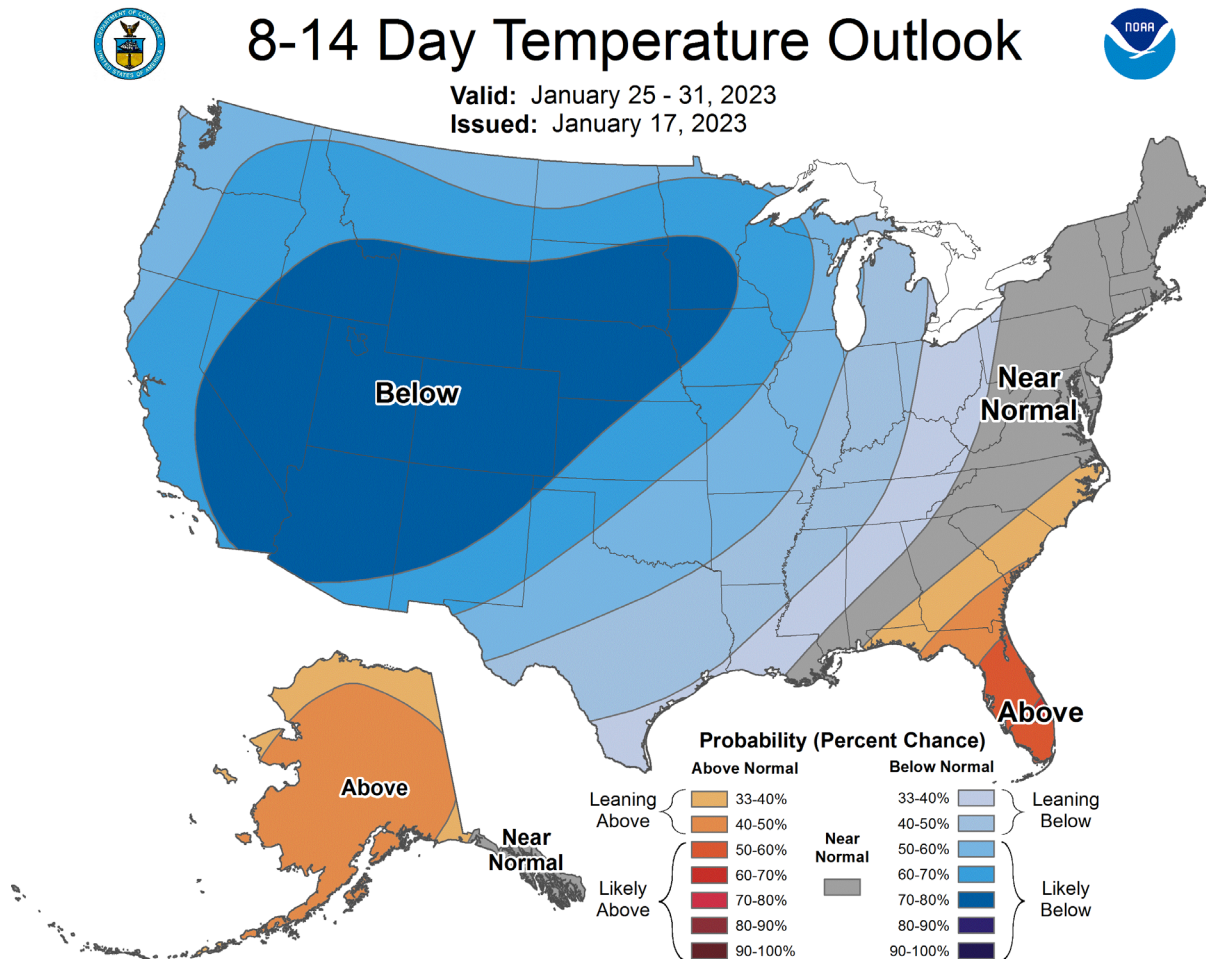
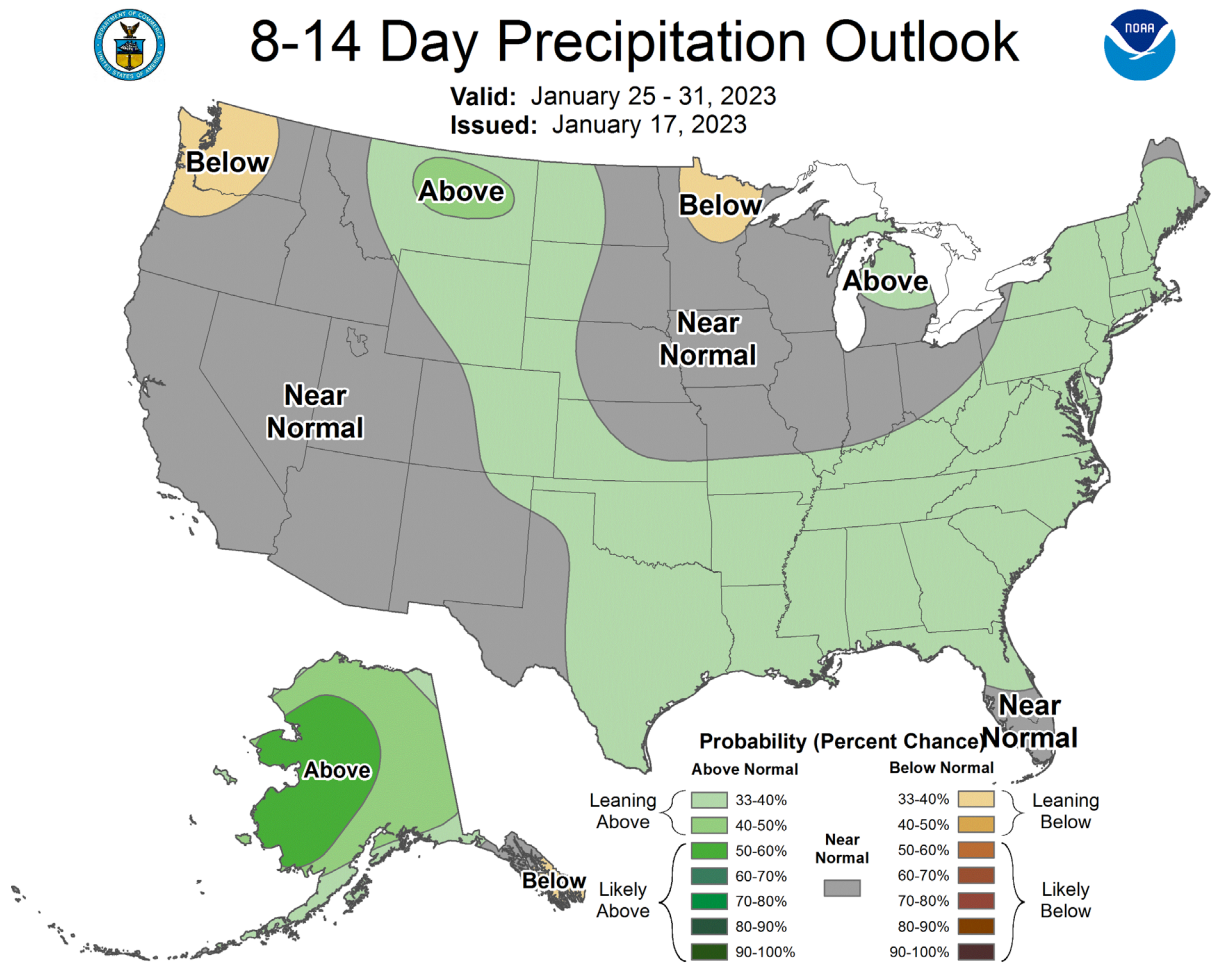


Figure 3: 8-14 Day Precipitation Outlook January 17, 2023 (NOAA Climate Prediction Center).



Snow Water Equivalent (SWE) graphs at the Vail Mountain and Freemont Pass SNOTEL sites are shown in Figures 4 and 5 respectively. The Vail Mountain Snotel site is 126% of median for this date with 11.8 inches of SWE. The Freemont Pass Snotel site continues to lag the Vail site but is approaching normal for this date at 95% of median with 8.0 inches of SWE. Overall snowpack conditions on the Western Slope have improved dramatically with the upper Colorado River headwaters at 132% of normal (Figure 6).

Figure 4: Snow Water Equivalent at Vail Mountain SNOTEL, January 18, 2023 (USDA).

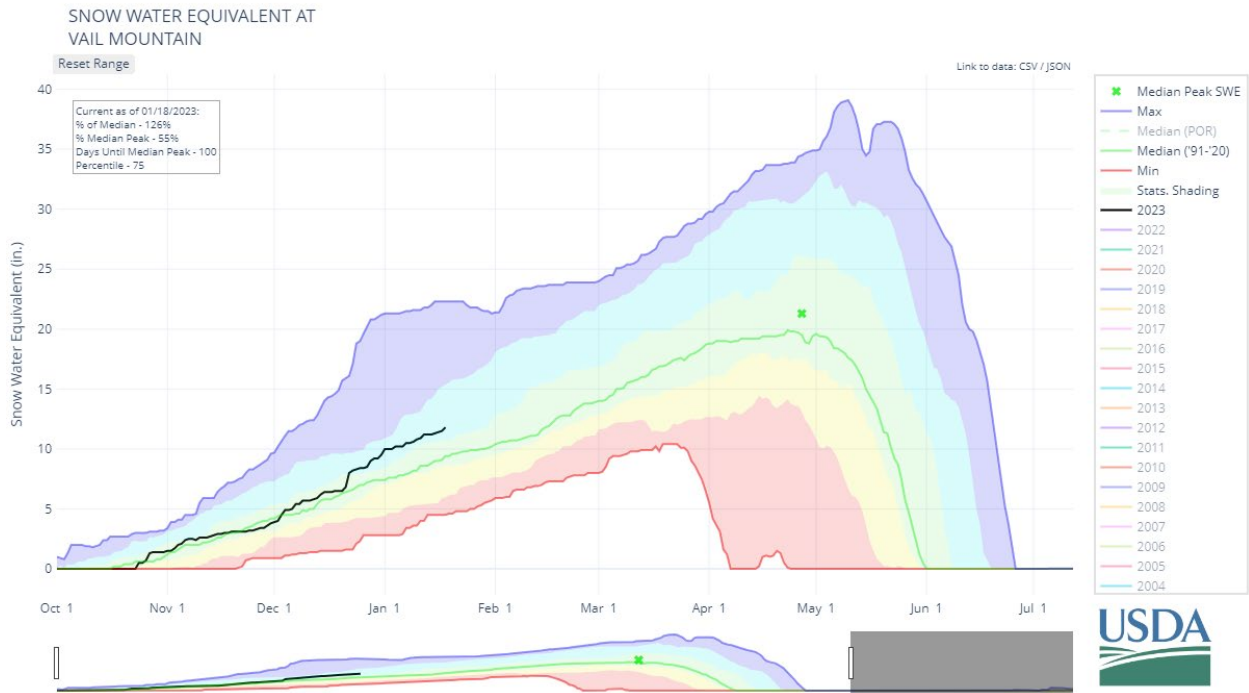


Figure 5: Snow Water Equivalent at Fremont Pass SNOTEL, January 18, 2023 (USDA).

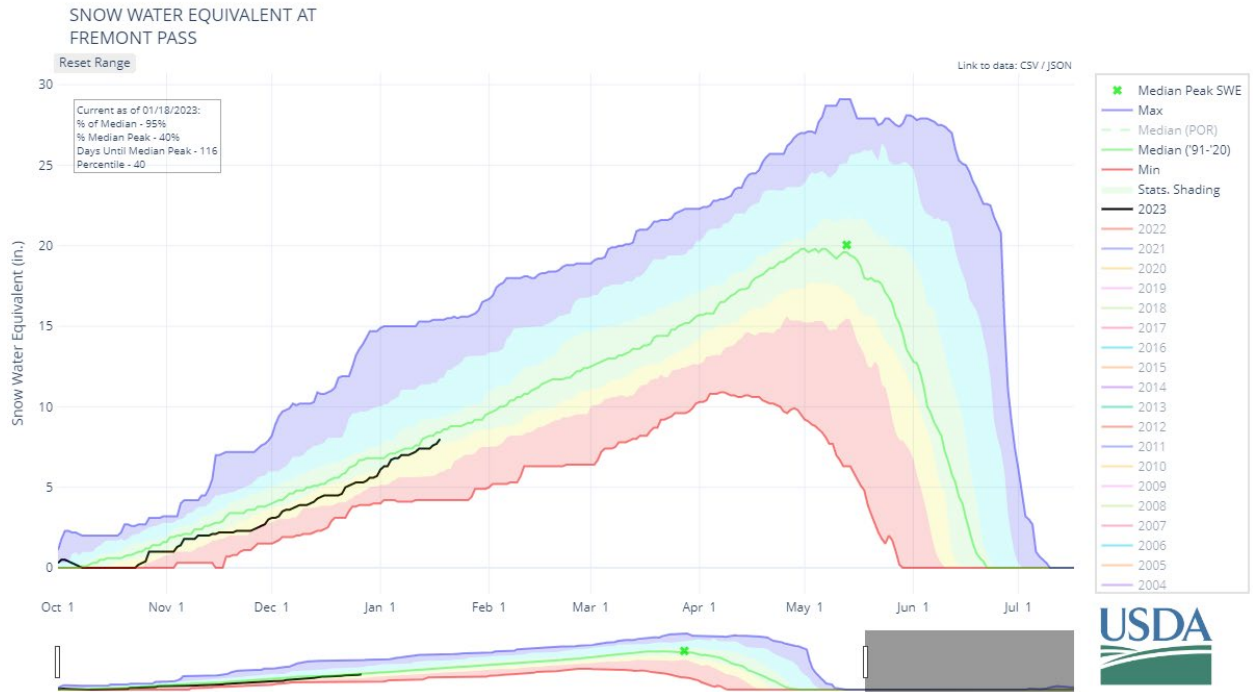
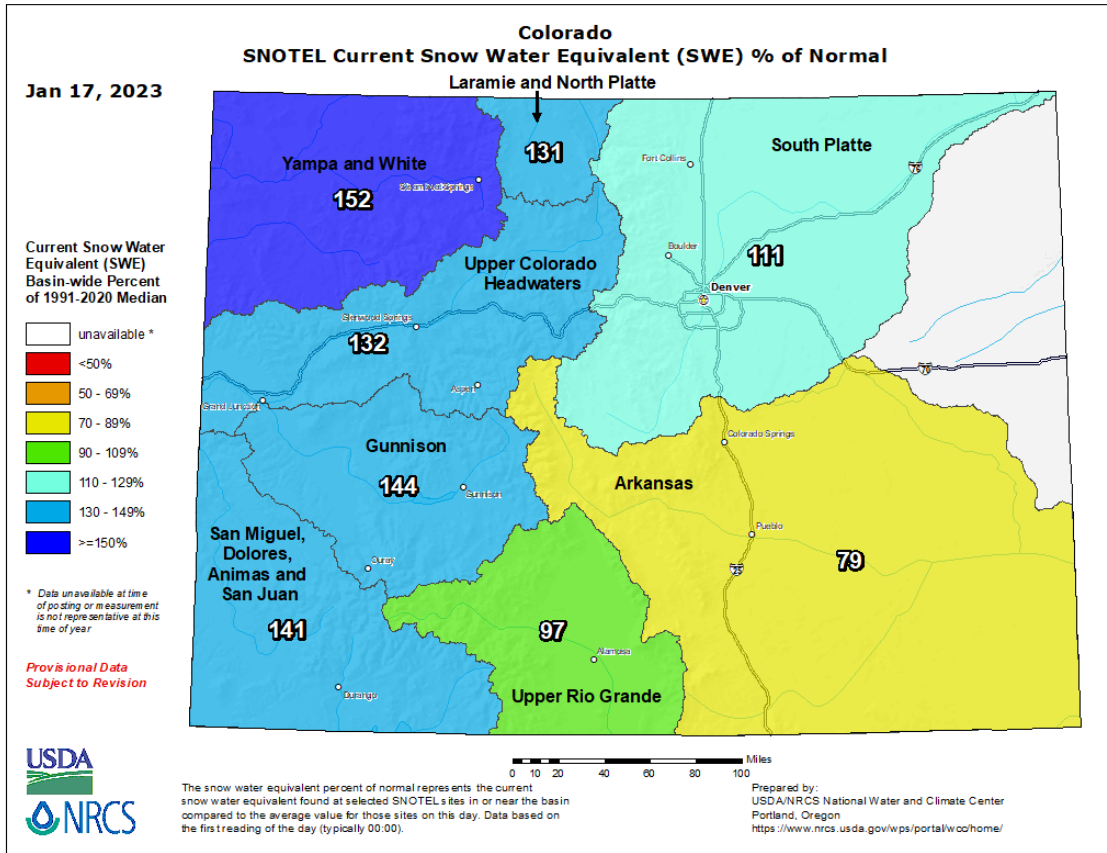


Figure 6: Colorado Current Snow Water Equivalent (SWE) % of Normal January 17, 2023 (USDA).





MEMORANDUM

TO: Boards of Directors
FROM: Diane Johnson, Communications & Public Affairs Manager
DATE: January 26, 2023
RE: Communications and Public Affairs Report

2023 Colorado Legislative Session

The first regular session of the 74th Colorado General Assembly convened Jan. 9 and is scheduled to adjourn May 8. Eagle County is now in Senate District 8, represented by Dylan Roberts, and in a reconfigured House District 26, represented by Meghan Lukens. They both serve on committees that handle water matters. Roberts chairs the Senate Agriculture & Natural Resources committee while Lukens serves on the House Agriculture, Water & Natural Resources committee. Roberts also serves on the Senate's Committee on Legal Services, Local Government & Housing, and Judiciary, while Lukens serves on House Education. Both the Colorado House and Senate have Democratic majorities; the state House is a 46-19 majority and the state Senate's majority is 23-12.

We will monitor the session as in previous years: via legal counsel, the River District, NWCCOG QQ, Colorado Water Congress, the Special District Association, and industry groups.

As discussed in December, district staff initiated legislation to require "Do Not Flush" labeling on wipes that were not designed to be flushed down a toilet. Senator Roberts took up this issue, and staff and legal counsel are actively involved in this legislation. A full update is available under the Water Counsel report.

Colorado River District

Eagle County Commissioner Kathy Chandler-Henry continues to serve as Eagle County's representative on the Colorado River Water Conservation District board of directors. At the River District's Jan. 17 board meeting, she was elected board President. Montrose County rep Marc Catlin was elected Vice President. The River District board approved several Community Funding Partnership applications, including one by the Eagle County Conservation District for a \$191,554 grant request to implement a "Water Efficient Landscape Conversion Program" (i.e., turf removal). The project is intended to be a three-year pilot co-led by the ECCD and the Eagle River Watershed Council "to establish a non-functional turf replacement and irrigation upgrade rebate program" and offering a minimum of \$1 per square foot rebate to replace grass. This program could enhance the district's turf replacement rebate along with other rebate programs that may be available (i.e., CWCB, Edwards Metro).

Colorado River Basin

The crisis in the Colorado River Basin continues and there is no shortage of media stories. Included is an old story (March 2022) about Rio Verde Foothills, AZ, which has more background about Scottsdale's recent decision to stop supplying water, along with a story about a new water intake for Page, AZ.

Attachments (or hyperlinks):

1. Mar. 10, 2022, Grist: [How the West's megadrought is leaving one Arizona neighborhood with no water at all](#)
2. Jan. 15, KSL.com: [New water intake system installed at Glen Canyon Dam as Lake Powell nears record low](#)



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MEMORANDUM

TO: Eagle River Water & Sanitation District Board of Directors
FROM: Kristin Moseley
SUBJECT: Upcoming Conditional Water Rights Proceedings
DATE: January 18, 2023

As you know, conditional water rights are decreed with a fixed appropriation date but have not yet been made absolute by virtue of being placed to beneficial use. An application for a finding of reasonable diligence must be filed with the Water Court every six years after the last diligence decree was entered in order to maintain conditional water rights. The diligence application must detail sufficient activities undertaken towards development of the conditional water right or evidence that the water right has been made absolute. Failure to file diligence applications by their required due dates or failure to prove adequate diligence activity results in the conditional water rights being permanently cancelled. Accordingly, we and District staff closely monitor and docket diligence deadlines and diligence activities. Attached is a current chart of diligence deadlines for all of the District's conditional water rights. For 2023 and early 2024, the District has the following diligence deadlines:

1. Case Nos. 16CW3047, 08CW77 – Wolcott Municipal Diversion. **Deadline:** February 2023.
2. Case Nos. 16CW3131, 09CW17, 98CW270 – Roaring Fork Exchanges & Homestake Exchanges. **Deadline:** June 2023.
3. Case Nos. 17CW3168, 10CW202 – Gore Creek Intake for BCTP, 1st Enlargement. **Deadline:** January 2024.

Eagle River Water & Sanitation District
Diligence Schedule

| Name of Structure | Amount Conditional | Most Recent Diligence Decree | Next Diligence Due |
|---|---|-------------------------------------|---|
| 170 cfs Piney Right | 170 cfs ¹ | 13CW3079 | November 2025 |
| Red Sandstone Reservoir | 160 af | 16CW3035 09CW140 | Cancelled ² |
| The Town of Vail Whitewater Park | Apr. 53 cfs, Aug. 127cfs, Sept. 67 cfs, Oct. 48 cfs. | 16CW3010 08CW72 | Diligence Pending in Case No. 22CW3092 |
| Wolcott Municipal Diversion | 7 cfs | 16CW3047 08CW77 | February 2023 |
| Gore Creek Intake for BCTP, 1 st Enlargement | 1.51 cfs | 17CW3168 10CW202 | January 2024 |
| Wolford Exchange – Wolcott Diligence | 7 cfs | 18CW3207 09CW191 | May 2025 |
| Gore Creek Intake for BCTP | 0.672 cfs | 18CW3190 11CW138 | August 2025 |
| Main Gore Municipal Ditch & Pipeline | 6.9 cfs | 18CW3190 11CW138 | August 2025 |
| Plow Spring | 0.1468 cfs | 18CW3190 11CW138 | August 2025 |
| Number 245 Pumphouse & Pond | 1.78 cfs | 18CW3190 11CW138 | August 2025 |
| Log Chute Pump Station | 0.09 cfs | 18CW3190 11CW138 | August 2025 |
| Hoyt Pipeline | 5.5 cfs | 18CW3190 11CW138 | August 2025 |
| KAC Reservoir | 72.2 af | 18CW3190 11CW138 | August 2025 |
| ECDC Reservoir | 112 af | 18CW3190 11CW138 | August 2025 |
| Hoyt Reservoir | 240.25 af | 18CW3190 11CW138 | August 2025 |

¹ Jointly owned by the River District, District, and Authority. Such parties must file an application to change the point of diversion pursuant to the terms of the Settlement Agreement in Case Nos. 02CW125 and 07CW126, as amended. The Court extended the deadline to file such an application to November 2025 by Order on 3/19/2022.

² Cancelled by Order on November 8, 2022, pursuant to ERWSD's Notice of Intent to Cancel, filed on September 28, 2022.

Total conditional: 584.45 acre-feet
200.5988 cfs³

Eagle Park Reservoir Company

| Name of Structure | Amount Conditional | Prior Diligence Decrees | Next Diligence Due |
|---|--|--|---------------------------|
| Pando Feeder Canal & East Fork Pumping Plant Exchange | 80 cfs & 80 cfs, respectively | 18CW3140 11CW77 03CW211 03CW41 | March 2028 |
| Eagle Park Reservoir & Eagle Park Reservoir First Enlargement | 2,152 af & 22,300 af, respectively | 19CW3145 13CW11 04CW138 04CW163 | March 2028 |
| Homestake Exchange | 52.5 cfs, Wolford & Green Mountain 100 cfs, Ruedi | 18CW3215 09CW28 | November 2025 |

Homestake Partners

| Name of Structure | Amount Conditional | Prior Diligence Decrees | Next Diligence Due |
|--|--|--------------------------------|---------------------------|
| Roaring Fork Exchanges & Homestake Exchanges | 400 cfs, up to annual amount of 800 acre-feet for both | 16CW3131 09CW17 98CW270 | June 2023 |

³ Does not include the Whitewater Park.



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MEMORANDUM

TO: Eagle River Water & Sanitation District Board of Directors
FROM: Kristin Moseley
SUBJECT: Do Not Flush Wipes Legislation
DATE: January 18, 2023

We wanted to provide an update on the Do Not Flush Wipes legislation. Senator Dylan Roberts (D), Avon, has recruited Senator Perry Will (R), New Castle, to serve as co-prime Senate Sponsor on the bill. Accordingly, it will be introduced as a bi-partisan bill. Meg Froelich (D) Englewood has signed on as the House Sponsor. As is required for all legislation, the bill is being drafted by Colorado Legislative Legal Services, and we have been meeting periodically with the bill drafter to discuss revisions. It is anticipated that the bill will be introduced into the Senate by January 27th.

We circulated the attached Legislative Bill Primer to numerous water contacts throughout the state and have received significant support. On the western slope, we've received support from Eagle, Gypsum, Silt, Upper Blue Sanitation District, Winter Park and Montrose. On the front range, we have support from Arvada, Ft. Collins, Arapahoe County Water and Wastewater Authority, Littleton, Englewood, South Platte Renew, Broomfield, Windsor, Widefield, and Evergreen. We've also received support from several engineering firms, including LRE, Zancanella & Associates and Albert Frei and Sons.

There was an initial discussion of the Do Not Flush Wipes legislation at Colorado Water Congress State Affairs this week, and it was well received. However, Colorado Water Congress will not take an official position until the legislation is introduced. The District's lobbyist, Peggi O'Keefe, continues to work with the Special District Association ("SDA") and Colorado Municipal League ("CML") on support of the bill. Similar to Colorado Water Congress, SDA and CML will not take official positions until the bill is introduced.



LEGISLATIVE PRIMER: “DO-NOT-FLUSH” LABELING FOR DISPOSABLE WIPE PACKAGING

THE ISSUE

Over the past several years, consumer demand has significantly increased for disposable wipe products, including baby wipes, surface cleaning wipes, and personal hygiene wipes. Studies show that the use of wipes has increased by 138% since the start of the COVID-19 pandemic, which has contributed to a 50% increase in sewer backups because most wipes do not break down in a wastewater system. Millions of wipes that were never designed to be flushed down a toilet end up clogging pipes and mechanical equipment, creating a host of public health issues, putting workers at risk, and causing costly problems for public utilities, individual homeowners, and businesses including:



- **Clogging of private drain lines and flooding of homes and businesses.**
- **Sewer blockage and overflow, with potential release to waterways.**
- **Clogging, damage, and breakdown of public wastewater infrastructure.**
- **Release of plastic materials into waterways.**

Although everyone agrees that certain wipes are not designed to be flushed, there is often no label to inform consumers or guide their behavior. People simply do not know whether a wipe should be flushed or not. Clear labeling is a critical step in helping consumers practice responsible flushing habits, which in turn leads to healthier homes and communities for all of us. Many Colorado organizations have launched educational campaigns to raise awareness of non-flushable wipes, but legislative action is needed to create a clear standard.

We are gathering support for legislation requiring clear “Do Not Flush” labels on wipes that should not be flushed down the toilet.



A SOLUTION

This legislation would require that “covered products” for sale in the state of Colorado be clearly and conspicuously labeled with the phrase “Do Not Flush” and a related symbol (see example above) by a product’s manufacturer or a wholesaler, supplier, or retailer that is responsible for its labeling or packaging. “Covered products” are wipes that are not designed to be flushed and would include:

“Baby wipes, diapering wipes, and any premoistened nonwoven disposable wipe that is composed partly or entirely of petrochemical-derived fibers and likely to be used near a bathroom with a significant potential to be flushed, including baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing and other sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes and body cleansing wipes.”

This bill would avoid the contentious issue of setting flushability standards and focus solely on the vital “Do Not Flush” labeling that provides consumers with a clear message that these types of wipes should not be flushed. The bill would also not create restrictions or burdens on retail businesses; rather, it reinforces health and safety standards on manufactured products sold in Colorado.

Similar laws have been enacted in [California](#), [Oregon](#), [Illinois](#) and [Washington](#) and are currently proposed in seven other states. These laws have received bipartisan support from lawmakers, wastewater utilities, and the wipes industry. Federally, the [Wastewater Infrastructure Pollution Prevention and Environmental Safety Act \(WIPPES Act\)](#) has been introduced in the U.S. House and Senate. Unfortunately, these bills have stalled in their respective committees. By enacting state legislation, Colorado will take steps to protect its wastewater infrastructure, reduce financial risk related to damage of public and private property, and benefit the health and safety of consumers and wastewater operators, while helping move towards a national standard and nationwide solution.

ACTION

Show your support for “Do-Not-Flush” labeling legislation in Colorado! We are gathering support for similar labeling legislation to be passed in Colorado to protect homeowners, businesses, wastewater infrastructure, and Colorado’s waterways. Given the ground already broken in other states, including [industry support](#) for the California legislation, the Colorado General Assembly could expect passage of such a measure to be relatively straightforward and could largely rely on those prior bills as a template. Senator Dylan Roberts (D-Senate District 8) has agreed to be the lead sponsor of the legislation and a preliminary bill is in the process of being drafted by the Office of Legislative Legal Services.

Let us know you’re interested in supporting “Do-Not-Flush” labeling legislation in Colorado by adding your contact information to [this online form](#) or use the info below to call or email.

Kristin Moseley, Water Counsel for Eagle River Water & Sanitation District

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This document was created and distributed by The Eagle River Water & Sanitation District, a special district responsible for the regional public water and wastewater treatment systems that serve the towns of Vail and Avon, plus other communities in eastern Eagle County, Colorado. Our mission is to provide efficient, effective, and reliable water and wastewater utility services in a manner that respects the natural environment.