# UPPER YAMPA WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS MEETING

**WEDNESDAY, SEPTEMBER 18, 2024 (12:00 PM)**

# MOUNTAIN VALLEY BANK COMMUNITY ROOM 2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO ONLINE MEETING:

[**HTTPS://us06WEB.ZOOM.US/J/89461611606?PWD=X2000LRMZXERH6HzuXGMOGXMK**](https://USO6WEB.z00M.US/J/89461611606?PWD=X2000LRMZXERH6HZUXGMOGXMK) **lRWP3.1**

**MINUTES**

Chai1man Webster Jones called the meeting to order and declared a quorum present. In addition to Chairman Jones, the Board Members present were Tom Sharp, Mynon Woodley, Kevin McBride, Katie Berning, Nicole Seltzer, Jim Haskins, Lyn Halliday, and John Redmond. General Manager Andy Rossi, District Engineer Emily Lowell, Public Inf01mation and External Affairs Manager Holly Kirkpatrick, Finance Manager Karina Craig, Business Manager Dianna Schoen, and General Counsel Bob Weiss were also present. Special Counsel Scott Grosscup was present over Zoom for a potiion of the meeting. Members of the public present for some portion of the meeting included Mendi Figueroa, Kristy Winser, Erin Light, E. Marie Gasau, Bob Woodmansee, Luke Mecklenburg, Claire Sollars, Emily Burke, Geovanny Romero, Annie Zimmerman, Jennifer Button, and Willie Summers.

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.

* 1. Update from CDWR
1. **12:25 PM** Board Member Reports
	1. Disbursements
	2. Governance Committee

1. Approval of the Minutes of the September 6, 2024, Strategic Planning Board Governance Committee Meeting **Action item**

1. **12:40 PM** Consent Agenda **Action item**
	1. Approval of the Minutes of the July 18, 2024, Board Retreat
	2. Financials

1. Approval of Disbursements

ii. Budget Comparison

1. **12:45 PM** Report of General Manager
	1. Routt County UDC Update Presentation
	2. Morrison Creek Water and Sanitation District Inclusion Update
	3. General Manager's Report
	4. Board Member Appointment Recognition
	5. Executive Committee Nomination/Selection
	6. Augmentation Plans Contract Updates
	7. UYWCD 2025 Work Plan
	8. Presentation of First Draft of 2025 UYWCD Budget
	9. UYWCD October 23, 2024, Board Budget Retreat Draft Agenda
2. **3:00 PM** District Engineer Report
	1. Update on Reservoir Water Status
	2. Yampa River Dashboard Demonstration
3. **3:30 PM** Public Information Updates
	1. Grant Disbursements
	2. Community Mailer Survey
4. **3:45 PM** Pending Water Cases
	1. Water Resumes
	2. Status of Other Water Cases

**Action item Action item**

1. **4:00 PM** New Business (Limited to emergency matters that came up **Action item**

During the course of the meeting)

1. **4:05 PM** Executive Sessions:
	1. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and (inse1i 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.

* 1. 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 (inse1i brief description). This session will be recorded, and a copy of the recording maintained for not less than 90 days.
1. **4:30 PM** Board Actions in Regard to Executive Session
2. **4:35 PM** Adjournment.

Chairman Webster Jones established a quorum and called the meeting to order at 12:14 PM.

***Meeting Agenda.*** General Manager Rossi requested that the term *annexation* in item (6) b of the agenda be corrected to read *Morrison Creek Water and Sanitation District Inclusion* and to add Action Item to item (6) c of the agenda. Director Sharp moved to approve the agenda with the corrections. Director Seltzer seconded the motion which was unanimously approved.

***Public Input and Comment.*** Chairman Jones invited members of the public to comment on items not otherwise scheduled on the agenda. Jennifer Button asked if there were studies being done to address the toxic algae at Stagecoach Reservoir. She has concerns about the effects on tourism, State Park potable water and on sales tax revenues. Director Halliday responded and stated the Upper Yampa Watershed Group has been reviewing the issue since 2013 and has engaged entities, including USGS, to determine the sources of nutrient loading from the watershed. General Manager Rossi stated that UYWCD greatly expanded the water quality monitoring

program throughout the system. E. Marie Gasau expressed concern for the water quality at Stagecoach\_ Reservoir and will be attending UYWCD meetings in the future.

Mendi Figueroa of Colorado Division of Water Resources (CDWR) provided an overview of the Data Logger and Telemetry Installation project on the Bear River and Sarvis Creek, tributaries to the Yampa River Basin. Ms. Figueroa made note that she was leaving CDWR and Chairman Jones thanked her for her service.

## Board Member Reports.

Disbursements - The Board reviewed the current disbursement of payments to the Board of Directors.

Governance Committee - Director Berning moved to approve the Minutes of the September 6, 2024, Strategic Planning Board Governance Committee Meeting as presented. Director Seltzer seconded the motion which was unanimously approved by the members of the Committee present. Director Seltzer provided an overview of the September 6th meeting. Another meeting was scheduled for October 3rd to finish discussions with the goal of bringing to the Board of Directors a memo of ideas for the Board's consideration at the next Board of Directors meeting in October.

***Consent Agenda.*** Director Seltzer moved to approve the consent agenda excluding the Cash Disbursements as presented. Director McBride seconded the motion which was unanimously approved.

Director Sharp asked if the USGS payment was duplicating work. District Engineer Lowell explained the work and confirmed there was no duplication. Director Sharp moved to approve the Disbursements with the explanation presented. Director McBride seconded the motion which was unanimously approved.

## Report of General Manager.

Routt County UDC Update Presentation - Kristy Winser, Planning Director for Routt County provided the Board with information on the updates to the Routt County Unified Development Code adopted in June 2024.

Morrison Creek Water and Sanitation District Inclusion Updates - Geovanny Romero, District Manager for Monison Creek Water and Sanitation District (MCWSD) provided the Board with the status of the petition by Discovery Land Company for Stagecoach Mountain Ranch for the inclusion of approximately 3,500 acres within the MCWSD and the need for upgrading the sewer treatment capacity for such a development. Director Sharp advised the Board that he is General Counsel for the MCWSD. Board members did not express that there was any conflict for him to continue to hear this matter. The Board discussed the need to develop a position on the inclusion as it pertains to UYWCD once Discovery Land Company files an application with the County

General Manager's Report. General Manager Rossi provided an update on the current and ongoing activities at the District. The update included a request for the Board's position on the Colorado River Water Conservation District's application for funding to acquire the Shoshone Plant water rights outlined in a letter drafted by the Yampa White Green Basin Round Table. Director Seltzer moved to approve the letter in support **in** its cunent form. Director Sharp seconded the motion which was unanimously approved. General Manager Rossi provided information on the toxic algae found at Stagecoach Reservoir and the steps taken in conjunction with CPW to notify the public.

Board Member Appointment Recognition - General Manager Rossi recognized the appointment of board member Mynon Woodley for a term to March 8, 2027, replacing Doug Monger in Division 1.

Executive Committee Nomination/Selection - General Manager Rossi indicated that with Doug Monger's departure from the UYWCD Board there is a vacancy on the Executive Committee. Kevin McBride expressed interest in serving on the Executive Committee. Director Sharp moved to appoint Director McBride, Director

Seltzer seconded the appointment which was unanimously approved.

Augmentation Plan Updates - The Board reviewed the current augmentation plans contract summary document. UYWCD 2025 Work Plan. General Manager Rossi presented highlights on the UYWCD 2025 Work Plan.

Presentation of First Draft of 2025 UYWCD Budget- In conjunction with the 2025 Work Plan, General Manager Rossi presented a DRAFT 2025 UYWCD Budget. Property tax revenues were discussed, and Finance Manager Craig and General Counsel Weiss are scheduled to provide an update on the impact of prope1ty tax legislation at the Board of Directors Budget Meeting on October 23, 2024. General Manager Rossi noted that the Board can expect to see a $250,000 increase in the Grant/Scholarships budget line item for 2025, anticipating the Town of Oak Creek funding request for the repairs at Sherrif Reservoir.

UYWCD October 23, 2024, Board Budget Retreat Draft Agenda - General Manager Rossi provided an overview of the October agenda. There were no changes requested.

## District Engineer Report.

Update on Reservoir Water Status - District Engineer Lowell provided an update on the reservoir water status and the August 2024 approval of the Stagecoach State Park and Reservoir PUD Plan.

Yampa River Dashboard Demonstration-District Engineer Lowell presented a demonstration of the Yampa River Dashboard and highlighted the functionality of the site, [www.youryampariver.com.](https://www.youryampariver.com/)

## Public Information Updates.

Grant Disbursement - Public Information and External Affairs Manager Holly Kirkpatrick updated the Board on grant disbursements.

Community Mailer Survey - Manager Kirkpatrick reviewed the upcoming random sample survey going out to 3,000 residents within the District boundaries.

## Pending Water Cases.

Water Resumes. Special Counsel Grosscup noted that there were no applications in the last two months of concern to the District.

Status of Other Water Cases. Special Counsel Grosscup provided an update on the various water court cases in which the District is a patty: Case No. 21CW3046 (Tri-State's diligence application for the Craig Station Ditch and Pipeline); Case No. 22CW3002 (Yamcolo Reservoir Second Filling); Case No. 22CW3018 (Pleasant Valley Reservoir Rights at Yamcolo Reservoir); Case No. 22CW3107 (Diligence on Yampa River Augmentation Plan); Case No. 22CW3108 (Little Morrison Diversion diligence); Case No. 23CW3025 (Moffat County Umbrella Augmentation Plan); Case No. 24CW3004 (City of Steamboat Springs). Case No. 24CW3024 (Diligence on Elk River Augmentation Plan).Water Horse Resources (Upon competing motions for summary judgment, the Utah District Court upheld the Utah State Engineer's decision denying Water Horse's application to move water from Utah to Colorado's eastern slope. The Applicant has begun the process to file an appeal).

Special Counsel Grosscup requested authorization to file a diligence application on Coal Creek Diversion Pipeline. Director Sharp moved to approve to file the application. Director Seltzer seconded the motion which was unanimously approved.

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

***Executive Session.*** There was no Executive Session.

***Board Action Regarding Executive Session.*** There was no Executive Session. The meeting was adjourned at 4:00 PM.

I certify that the for oing meeting.

constitutes a true and correct summary of the proceeds at the above referenced

Date:

Andy Rossi, District S cretary/Manager