# UPPER YAMPA WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS MEETING

**WEDNESDAY, JANUARY 22, 2025 (12:00 PM)**

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

**HTTPS://us06WEB.ZOOM.US/J/88598376955?PWD=O6AUFV8VICC98XS50Y4BCSDUOGUH51.1**

Meeting ID: 885 9837 6955 - Passcode: 350574

# MINUTES

Director Jim Haskins called the meeting to order and declared a quorum present. In addition to Director Haskins, the Board Members present were Kevin McBride, John Redmond, Katie Berning, Lyn Halliday and Tom Sharp. General Manager Andy Rossi, District Engineer Emily Lowell, Public Information and External Affairs Manager Holly Kirkpatrick, Finance Manager Karina Craig, Business Manager Dianna Schoen and General Counsel Bob Weiss were also present. Director Webb Jones was present over Zoom and Special Counsel Scott Grosscup was present over Zoom for a portion of the meeting. Members of the public present in person for some p01iion of the meeting included Luke Fitzgerald from Colorado Division of Water Resources (CDWR), Kolby Sumskis and Kyle Collins from Discovery Land, Chris Wittemyer and Craig Preston from Colorado Parks and Wildlife (CPW). Members of the public present over Zoom for some p01iion of the meeting included Lynaia South, Erin Stewmi, Erin Light, Scott Cowman, Molly West, Jesse Carlson, Eric Gunderson, Luke Mecklenburg, Alan Goldich and Kristy Winser.

This meeting was held in person and by videoconference utilizing Zoom. The meeting agenda included instructions to the public.describing the process to pmiicipate 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. **12:05 PM** Approval of Agenda for Meeting **Action item**
3. **12:10 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 Rep01is
	1. Board Member Disbursements
2. **12:30 PM** Consent Agenda **Action item**
	1. Approval of the Minutes of November 20, 2024, Board Meeting
	2. Financials
		1. Approval of Disbursements
		2. Budget Comparison
3. **12:35 PM** Report of General Manager
	1. Augmentation Plan Updates
	2. Board Appointments and Legal Orientation
	3. Election of Officers, Determination of Committees, and Selection of Industry Meetings
	4. 2025 UYWCD Water Pricing
	5. Financial Audit Schedule
	6. Resolution to Approve Posting Place
	7. Stagecoach Mountain Ranch Development Application
4. **2:00 PM** District Engineer Report
	1. Update on Reservoir Water Status
	2. Water Quality Update
5. **2:30 PM** Public Information Updates
	1. Grant Disbursements
	2. New Grant Applications
	3. Results of 2024 Community Survey
6. **3:00 PM** Report of General Counsel
	1. Environmental Conditions Legal Matters Review
7. **3:15 PM** Pending Water Cases
	1. Water Resumes
	2. Status of Other Water Cases

**Action item Action item Action item**

**Action item**

**Action item**

1. **3:45 PM** New Business (Limited to emergency matters that came up during the **Action item**

course of the meeting)

1. **3:50 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 (insert description) . Mere presence or patiicipation 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.
	2. 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.
	3. At the conclusion of an executive session and the resumption of the public meeting, the Chairman will announce that if any person who paiiicipated in an executive session believes that any substantial discussion of any matters not included in the motion to go into executive session, or that any improper action occurred during an executive session in violation of the Open Meetings Law, that such person state their concern for the record.
2. **4:00 PM** Board Actions in Regard to Executive Session
3. **4:05 PM** Determination of Next Meeting(s) Agenda(s)
4. **4:15 PM** Adjournment

Director Haskins established a quorum and called the meeting to order at 12:13PM.

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

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

Update from CDWR. General Manager Rossi introduced Luke Fitzgerald, Water Commissioner for District 58, Division 6. Commissioner Fitzgerald reviewed his position on the Bear River and his contact details. Erin Light, Division Engineer noted that CDWR will be hiring for Luke Fitzgerald's old position with the goal of filling the position in April.

***Board Member Reports.*** The Board was provided with the current disbursement of payments to Board Directors. There were no additional reports.

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

## *Report of General Manager.*

General Manager's Report. General Manager Andy Rossi noted the most recent Colorado Water Congress State Affairs committee meeting and the House Bill 10-14 which is titled Increasing the Efficiency Divisio� of Water Resources. This Bill would provide an additional year for the authorization of well pe1mits. This Bill also proposes splitting the abandonment cycle into two parts with Divisions 1-3 the first cycle and 4-6 the second cycle.

Augmentation Plan Updates The Board reviewed the current augmentation plans contract summary document. There is one contract pending signatures from the next Board President.

Board Appointments and Legal Orientation. General Manager Rossi reviewed the current terms of the Board Members. There are no expirations in 2025. General Council Weiss provided an overview of the organization's formation and structure. He provided review of legal provisions for Board Members including Open Meetings law, executive sessions, what constitutes a meeting amongst Board members, calling a special meeting, conflicts of interest and open records. General Council Weiss provided an overview of insurance coverages and Governmental immunity and noted there is a new Water Judge, Billy-George Hertzke. The Board appointment process was reviewed.

Election of Officers, Determination of Committees, and Selection of Industry Meetings. General Manager Rossi noted with Webb Jones resigning, the Board must elect a new President and additional positions. Director Sharp nominated Director Haskins as President and moved to elect Director Haskins. Director Haskins accepted the nomination and asked if there were any other nominations; there were none. Director Halliday seconded the motion which was unanimously approved. Director Sharp asked who might be interested in taking the position of Vice President. Director Redmond was interested. Director Sharp moved to elect Director Redmond, Director Berning seconded the motion which was unanimously approved. Director Halliday expressed interest in filling the vacant Executive Committee seat. Chairman Haskins asked ifthere was any other interest, there was none, and he moved to appoint Director Halliday to the Executive Committee. Director McBride seconded the motion, which was unanimously approved. Director Sharp moved to authorize Directors Seltzer, Berning, Haskins, McBride and General Manager Rossi to serve on the Board Governance Strategic Planning Committee for one year. Director Redmond seconded the motion, which was unanimously approved. The Board discussed the activities of the Negotiating Committee and historical activities of the UYWCD. General Manager Rossi reviewed current industry UYWCD representation. Director Sharp moved to appoint General Manager Rossi to the Yampa White Green Round Table and Colorado Water Congress State Affairs Committee. Director.

McBride seconded the motion, which was unanimously approved.

2025 UYWCD Water Pricing. General Manager Rossi reviewed the 2025 traditional storage contracts and augmentation plan water pricing. Prices were increased by the CPI of 1.85 percent. Director Redmond moved to approve the new pricing as presented for 2025. Chairman Haskins seconded the motion, which was unanimously approved. General Manager Rossi noted that pricing for the City of Steamboat Springs and Mount Werner Water have not moved to the new structure.

Financial Audit Schedule. UYWCD will be working with Watson Coon Ryan, LLC for the 2025 Financial Audit. Finance Manager Craig summarized the audit schedule.

Resolution to Approve Posting Place. Director Halliday moved to approve the posting place as presented for 2025. Chai1man Berning seconded the motion, which was unanimously approved.

Stagecoach Mountain Ranch Development Application. General Manager Rossi provided an overview of the Stagecoach Mountain Ranch proposed development and the Routt County requirement from new development to provide public benefit. In December Discovery Land discussed with CPW making improvements to Stagecoach State Park that would satisfy this public benefit. General Counsel Weiss discussed his prior involvement with the Wittemyer family. He believes that any conflict of interest has been attenuated because he has had no involvement with the current development proposal and has not represented Discovery Land.

General Counsel Weiss had spoken with Chris Wittemyer, landowner of the Stagecoach Mountain Ranch prope1iy, and they are in agreement that there is no conflict in Mr. Weiss representing the District is this matter. No member of the Board expressed concern about Mr. Weiss representing the District in connection with the Discovery Land application to the County and related matters. General Counsel Weiss noted that UYWCD does not have decision making authority but would like to be informed on improvements as landowner and holder of a FERC license on the property. General Counsel Weiss noted the county will make the final decision on what improvements are acceptable. Components of the Stagecoach State Park proposed public benefit improvements, the general FERC process, alternative improvements, water quality and treatment, and an oppo1iunity for an impact fee were discussed.

***District Engineer Report.*** District Engineer Lowell provided an update on the reservoir water status. She noted the completion of the construction of the wetlands offset 1.4 acres west of the reservoir inlet. Willow staking and improving the inigation canals was completed in November. The Stillwater Ditch Improvement Project has gone out to bid and bids are due February 14, 2025. An overview of the grant funding process on this project was reviewed. Erin Stewart from LRE provided an update on the 2024 water quality monitoring. She reviewed the monitoring sites, measurements of nitrogen and phosphorus, the biology of algae, and in reservoir management options. Standards of care for algae issues and locations of algae were discussed.

## *Public Information Updates.*

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

New Grant Applications. Public Information and External Affairs Manager Kirkpatrick provided a review of the Carey Ditch and the current request for grant funding on repairs. The Board discussed the Carey Ditch history, the funding request and the application process. Director McBride moved to approve the $22,000 application precedent amount; the motion was not seconded. Director Sharp moved to approve the $39,240.57 grant funding for the Carey Ditch. Director Redmond seconded the motion which was unanimously approved.

Results of 2024 Community Survey. Public Information and External Affairs Manager Kirkpatrick provided a review of the 2024 random mailed and online open participation Community Survey administered by POLCO. Results show that the top five priorities of the community have not changed since the 2017 survey. Survey results show concerns about meeting future water needs have increased and South Routt participation was low.

## *Pending Water Cases.*

Water Resumes. Special Counsel Grosscup noted that there were no cases of concern to the District for review. He noted that the Rossis have filed a new and corrected application that includes a claim to junior water rights. Special Counsel Grosscup is not recommending opposition to these cases.

Status of Other Water Cases. Special Counsel Grosscup provided an update on the various water court cases in which the District is a party and Case No. 21CW3046 the Tri-State Diligence. Special Counsel Grosscup noted that a settlement was reached with Tri-State on the three applications that were filed by UYWCD. Tri-State agreed to consent to the reliefrequested by UYWCD in regard to the diligence on Case No. 22CW3002 the Yamcolo Reservoir Second Filing, Case No. 22CW3108 the Little M01Tison Diversion and Diligence on Case No. 22CW3107 the Yampa River Augmentation Plan. Director Sharp moved to ratify all the stipulations that have been entered into with Tri-State on the pending cases including the language in the proposed decrees that were part of the stipulations on UYWCD's three water rights. Director McBride seconded the motion, which was unanimously approved. Special Counsel Grosscup noted that the Hagenbuch's consented to the form of the ruling in the Little Morrisson Diversion case. Special Counsel Grosscup noted that the Forest Service has filed a statement of opposition on Case No. 24CW3029 the Coal Creek Diversion Pipeline. The Board and Special Counsel Grosscup discussed the Four Counties' rights diligence, the lack of need of the Negotiating Committee for 2025, the Districts position on getting involved in cases that rely upon District contract water as their augmentation supply and a new case filed by Tri-State.

***Report of General Counsel.*** General Counsel Weiss reviewed District liability exposure related to toxic algae at Stagecoach Reservoir. Stagecoach State Parks Manager Craig Preston discussed the testing and management protocol of Colorado Parks and Wildlife in response to the bloom of toxic blue green algae. General Counsel Weiss has not been able to find any reported appellate cases involving damages claimed or awarded against a reservoir owner based on injuries sustained by exposure to toxic algae. Director Sharp requested that UYWCD measure the water quality below the reservoir and periodically publicize the results.

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

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

***Board Action Regarding Executive Session.*** There was no Executive Session.

***Determination of Next Meeting Agenda.*** The agenda for the March 19, 2025 Board Meeting was reviewed. General Manager Rossi noted there is a Board Special Meeting February 24, 2025 at 10:30 AM.

Director Redmond moved to adjourn the meeting at 4:24 PM.

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

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