

St. Vrain and Left Hand Water Conservancy District
Minutes of the Board Meeting held at
9595 Nelson Road, Longmont, CO 80501
September 10, 2018

I. ROUTINE ITEMS

A. Roll Call – Terry Lance

Board members present: President Dennis Yanchunas, Vice President Chris Smith, Secretary D. Rademacher, Treasurer M. Rademacher and Directors Doug Lyle, Verna Sigg, and Ron Sutherland. Director Reggie Golden called into the meeting. The District 6 director seat remains vacant.

Staff members and consultants present: Sean Cronin, Executive Director; Terry Lance, Office Manager; Scott Holwick, Legal Counsel; and Mark McLean, Engineer.

B. Call to Order – President Yanchunas

President Yanchunas called the meeting to order at 12:00 p.m.

C. Amendments or Additions to the Agenda – President Yanchunas

President Yanchunas asked if there were any additions or amendments to the agenda and there were none.

II. DISCUSSION ITEM

A. Stream Management Plan (“SMP”) – Consultant Team

Travis Smith, DiNatale Water, Claudia Browne, Biohabitats, and Heather Bergman, Peak Facilitation were introduced. Mr. Cronin presented a power point reviewing the SMP process and project funding and stated that progress had been made on stakeholder engagement and community outreach. Per Board direction, the Executive Director provided talking points to help assist in conversations or questions regarding the SMP.

Mr. Travis Smith reported he was in the process of developing a Core Agricultural Advisory Group that will consist of three Board members, one each from Boulder, Larimer, and Weld Counties as well as several individual agricultural producers and stakeholders from each of those counties. That group will then determine what and where the agricultural needs are and have a clear voice in the SMP. A discussion ensued on who was contacted and who may be interested in serving on that committee. In October the consultants will be requesting input from the agricultural community. Vice President Smith concluding that the SMP is an opportunity for the agricultural community to provide many different viewpoints each with their own distinctive challenges.

The Board was then referred to the draft Stakeholder Engagement Plan. Ms. Bergman outlined the process that ensures all voices of stakeholders will be heard and incorporated into the SMP while also guiding the consultant team based on input. A survey on vision, values, needs, and priorities was emailed out to stakeholders in September and results would be reviewed at the September 21 Stakeholder Workshop.

Ms. Bergman reported that there will be two community open houses in October as well as future meetings for stakeholders, the Core Stakeholder Advisory Group, and the Core Agricultural Advisory Group through June of 2019. Mr. Cronin added that on November 5 a meeting has also been set that would involve agricultural stakeholders.

Mr. Cronin asked the Board for feedback on what methods they would like to receive SMP communications from staff. The Board concurred that email communications were sufficient, however should be brief, informational and include meeting summaries. Director Golden suggested a separate SVLHWCD email address may be helpful; President Yanchunas directed the Executive Director to investigate that possibility.

Ms. Browne reminded the Board that the Stakeholder Workshop Survey will help determine what people care about and areas of concern that will ultimately help shape the focus of the whole process. A discussion ensued on the stakeholder survey with the Board recommending staff move forward with distributing the survey.

III. ACTION ITEM

A. Motion: General Liability & Insurance Renewal – Lauren Hix

Ms. Hix distributed the 2018-2019 General Liability Insurance and Coverage Summary to the Board. The individual package policy premiums were then reviewed with the change of an increase of \$190 to general liability rate and a decrease of \$285 to the management liability premium. Ms. Hix announced that due to the passing of House Bill 1140, Special Districts do not have to carry a Public Official Bond to cover each of the Board of Director's, however coverage was now included in the District's policy under the crime liability. Ms. Hix then suggested the District increase the crime coverage to \$50,000 and cancel the public official bond that will be effective April 2019. An additional added coverage included PR Management/Expense Reimbursement and free reviews of certificates of insurance and contracts. As the District is moving forward in the repair phase of Lake 4, Ms. Hix highly recommended the District be in control of the builders risk insurance and gave reasons why. After Ms. Hix answered all questions from the Board, Vice President Smith made a motion to accept the 2018-2019 insurance renewal policy subject to the cancellation of the public official bond and an increased crime policy of \$50,000. Secretary D. Rademacher seconded and the motion passed.

IV. CONSENT AGENDA

A. Motion: Approval of Minutes – President Yanchunas

President Yanchunas asked the Board if there were any comments or concerns regarding the minutes. With no questions from the Board, Secretary D. Rademacher made a motion to approve the minutes and Treasurer M. Rademacher seconded. The motion passed.

V. ACTION ITEMS

A. Motion: General Fund Finance Reports – Terry Lance

Ms. Lance reported in August the District received Ad Valorem revenue of \$1,731 and \$119 in bank interest. The District also received a \$2,500 grant from JLB Engineering for the Stream Management Plan. Per Board direction, the District paid \$5,000 to Left Hand Ditch Company for sutron recorders.

Secretary D. Rademacher made a motion to approve the General Fund finance reports and Treasurer M. Rademacher seconded. The motion passed.

B. Motion: Enterprise Fund Finance Reports – Terry Lance

For the month of August, the District received augmentation renewal fees totaling \$2,353 which concluded the 2018 billing cycle. Ms. Lance reported three members will be recommended for termination in 2019; however the District received five applications to join the augmentation program next year. The Enterprise Fund received \$56 in bank interest, \$10,745 from the CWCB pipeline loan, and a FEMA reimbursement of \$32,554. With no questions from the Board, Treasurer M. Rademacher made a motion to approve the Enterprise Fund finance reports. Director Lyle seconded and the motion passed.

C. Motion: CDBG-DR Agreement with Longmont – Sean Cronin

Mr. Cronin recommended the Board approve the Intergovernmental Agreement (“IGA”) with the City of Longmont that secures a \$450,000 CDBG – DR grant that will be applied to the Lake 4 repair project. Vice President Smith made a motion to approve the IGA and also grant signature authority to the Executive Director to amend the IGA in the future if necessary.

VI. REPORTS

A. Water Commissioners Report – Shera Sumerford

Ms. Sumerford reported the call on the main stem was Riverside, 01/13/1936, and the call on the St. Vrain was Palmerton, 5/31/1865. Flows at Lyons gauge were 31.8 cfs and reservoirs at the end of August were 75.7% full. The Water Commissioner reported the Division of Water Resources is currently reviewing and verifying records for inactive structures. A discussion ensued on if and when the Left Hand Ditch Company recording data will eventually be on the States website.

B. Legal Report – Scott Holwick

Mr. Holwick stated there were no applications of interest in the July resume. The County has circulated expert reports for its application for an augmentation plan for Kenosha Ponds and will meet on September 13.

Per Board Direction, Counsel executed a stipulation pertaining to the Camp St. Malo application that was filed with the Court and is awaiting a ruling from the Referee.

Mr. Holwick provided a separate memo that included a status update on the District’s conditional water rights.

As a follow-up to last month’s Board discussion, Counsel provided a memo that summarized the CWC SA Committee – 811 meeting and that was also distributed to the Tier 2 stakeholders. Counsel will provide an update next month.

Mr. Holwick reviewed House Bill H.R. 519, a water act amendment affecting 501(c)(12) entities and will provide an update next month.

C. Engineering Report – Mark McLean

Last month, Mr. McLean attended two meetings, reviewed draft documents, and provided comments regarding the invitation to bid (“ITB”) process for the Lake 4 repair project. The Engineer reported that the Core of Engineers had determined the project was exempt from permitting under a preamble of mining. The project is currently awaiting FEMA approval.

D. Executive Director Report – Sean Cronin

Mr. Cronin announced that he would be traveling to Washington, DC tomorrow to meet with staffers regarding House Bill H.R. 519 “An act to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency”. The Board was then asked for any questions regarding other items on the report and there were none.

VII. EXECUTIVE SESSION

President Yanchunas stated an Executive Session would be held to discuss matters that may be the subject of potential litigation as authorized by Colorado Revised Statutes, Section 24-6-402(4)(e), specifically relating to the District possibly filing an application in water court to amend the decree entered in Case No. 02CW334. Vice President Smith made a motion to go into Executive Session and Treasurer M. Rademacher seconded. The motion passed and the Board went into Executive Session.

Vice President Smith then made a motion to reconvene in open session. Treasurer M. Rademacher seconded and the motion passed.

VIII. ADJOURNMENT

A. Items from the Board President – President Yanchunas

With no items from the Board, Secretary D. Rademacher made a motion to adjourn the meeting and Director Lyle seconded. The motion passed and the meeting adjourned at 2:55 p.m.

Respectfully Submitted,


Dennis Yanchunas, President


Terry Lance, Assistant Secretary

Additional Guests:

Heather Bergman – Peak Facilitation
Claudia Browne, Biohabitats
Lauren Hix – Gallagher Global Brokerage
Travis Smith – DiNatale Water
Shera Sumerford – Division 5 Water Commissioner