



**St. Vrain and Left Hand Water Conservancy District
Minutes of the Board Meeting
Virtual Meeting Via Zoom
September 13th, 2021**

I. ROUTINE ITEMS

A. Call to Order – *President Smith*

The Board of Directors held its meeting via Zoom. President Smith called the meeting to order at 1:00 PM and asked that Water Resources Engineer Griebling call the roll.

B. Roll Call – *Mr. Griebling*

Board members present: President Smith, Vice President Varra, Treasurer Rademacher, Secretary Carlson, and Directors Sigg, Wolford, and Yanchunas were present. Directors Golden and Sutherland were excused.

Staff members and consultants present: Executive Director Sean Cronin and Water Resources Engineer Scott Griebling were present. Attorney Scott Holwick, with Lyons Gaddis Attorneys and Counselors, and Water Commissioner Shera Sumerford were present.

C. Amendments or Additions to the Agenda – *President Smith*

No changes or additions to the agenda were proposed.

II. CONSENT AGENDA

A. Motion: Approval of August 9th Board Meeting Minutes (as corrected)

B. Motion: July General Fund Finance Reports

C. Motion: July Enterprise Fund Finance Reports

D. Motion: Health Insurance Renewal

E. Motion: Resolution 2017-008 to Purchase Condo

Director Sigg moved to approve the Consent Agenda, Secretary Carlson seconded the motion, and the motion passed unanimously.

III. ACTION ITEMS

A. 457(b) Proposal – *Mr. Scott Griebling, Water Resources Engineer*

Executive Director Cronin explained the proposal from Empower Retirement and the two options the Board has to choose from: the first option would require employees to pay an annual fee of 0.5% of their individual portfolio value and the second option would require the District to pay an annual fee of \$3,800. President Smith asked if there are fees associated with individual funds in addition to the annual fees and Executive Director Cronin responded indicated there are. Director Yanchunas asked if the District can change its selection down the road and Executive Director Cronin said he will follow up with Empower Retirement to get this question answered. Director Yanchunas moved to authorize staff to proceed with Option 2, pending information on how the contract fees are calculated. Vice President Varra seconded the motion and the motion passed unanimously.

IV. DISCUSSION ITEMS

A. 50TH Anniversary Update

Mr. Griebling explained the District's plan to move the celebrations of its 50th Anniversary to 2022 due to the COVID pandemic and staff turnover which collectively have prevented the celebrations from taking place in 2021. Celebrations will include an open house acclaiming the District's Anniversary and recognizing the District's purchase of the Iron Horse Condo. The District will also highlight its 50th Anniversary and its accomplishments at various events throughout the year. The District is also working with American Rivers to produce a video telling the story of the District and the Basin.

V. REPORTS

A. Water Commissioners Report – *Ms. Shera Sumerford*

Commissioner Sumerford presented the following report:

The call on the mainstem is Lowline Ditch to Riverside Canal, admin #20969, 5/31/1907. The call on the St. Vrain is the Palmerton Ditch to Hagers Meadow Ditch, admin #5600, 5/1/1865. The St. Vrain Creek at Lyons gage reading was 26 cfs and the basin's reservoir capacity at the end of August decreased to 73%. The State is measuring and assessing structures in the basin to see what needs repairs. Mr. Griebling asked about the Niwot Diversion and Commissioner Sumerford explained that the State has put in some sandbags to get water through the fish ladder and are meeting in a few weeks to see what more can be done. Executive Director Cronin mentioned that Terry Plumber indicated disappointment with the quality of peripherals that interface with the Sutron equipment used in gage recordings. He asked if Commissioner Sumerford could elaborate on why the Sutron is the standard technology used by the State. Commissioner Sumerford replied that the State worked with Sutron to develop a full instrumentation package to State's specifications. The State does not require the use of Sutrons, but they are one of the easier packages to deploy. Kevin Boden has seen issues with Sutron equipment as well and Commissioner Shera and Assistant Commissioner Martin are working to replace and keep the Sutrons up and running. The State keeps track of Sutrons that aren't working well and helps to clean, maintain, and repair them.

B. Legal Report – *Mr. Scott Holwick*

Mr. Holwick presented the following report:

- Mr. Holwick recommends the board file a statement of opposition to the Little Thompson Water District's application in Case No. 21CW3112 in which it seeks to perfect a portion of the conditional water rights decreed in Case No. 05CW263. Mr. Holwick noted that the District needs to better understand other ib-basin water rights, particularly those located below Longmont. Opposition needs to be filed by the end of September. Director Yanchunas moved that the District file a statement of opposition in this case, Director Sigg Seconded the motion, and the motion was unanimously approved.
- Mr. Holwick recommended that the District not file a statement of opposition in the City of Longmont's diligence application for the second enlargement for Buttonrock Reservoir.
- Mr. Holwick provided information about the opposers to the District's application to amend its augmentation plan. Boulder County, the Colorado Water Conservation Board ("CWCB"), the Central Colorado Water Conservancy District, and Public Service Company are all opposers in the case and the District is working to respond to their comments by October 22nd.
- Mr. Holwick reported that no statements of opposition were filed in the District's diligence application for the Lake 4 "Junior" water right, Case No. 21CW3033.

- Mr. Holwick explained that the District will need to file a diligence application for the conditional portion of the Lake 4 “Senior” water right by January 31, 2022. The unperfected portion of the water right does not provide significant benefit to the District and discussions with Boulder County will be needed to determine how to proceed with this case.
- Mr. Holwick updated the Board on the Firestone application to change senior water downstream on Boulder Creek to lower portion of St. Vrain Creek, case no. 19CW3236. The case will be set for a 14 day trial sometime in 2023.
- Mr. Holwick reported that the District has not heard anything from the City of Longmont regarding the Bonus Ditch change case, Case No. 20CW3179, and will keep the Board aware of any future developments.
- Mr. Holwick provided background information on the proposed bill to modify tax rules for mutual ditch and reservoir companies by increasing the amount of ancillary revenue sources allowed before tax-exempt status is lost. Mr. Holwick recommended the District consider authoring a generic letter of support which would not require any legal expertise. Treasurer Rademaker moved to have Executive Director Cronin provide written support for the upcoming Water and Agriculture Tax Reform Act, Secretary Carlson seconded the motion, and the motion passed with unanimous approval.
- Mr. Holwick provided an update on the Gross Reservoir expansion project, highlighting the District’s need to maintain awareness of the project and the litigation surrounding it as it may lead to legislative changes in the future.

C. Projects and Programs Report – Mr. Scott Griebing

- Mr. Griebing reported on the progress of the Copeland Reservoir Rehabilitation project, explaining that the District had recently received a scope of work for the feasibility study from Deere & Ault and was proceeding with the grant application with the CWCB for the feasibility study.
- Mr. Griebing described that Lake No. 4 operations continued with releases for the District’s augmentation program and monthly accounting is being compiled by staff and submitted to the State.
- Mr. Griebing explained that the District has received several funding requests from partner organizations and is working to refine the requests prior to presenting them to the Board at the November meeting.

D. Executive Director Report – Executive Director Cronin

Executive Director Cronin reported that the District’s new Office Manager, Mona Ruark, will be starting on September 29th and staff is excited. Mr. Griebing is continue moving forward with the remodel plans for our new office space and the District is planning to wait to begin remodeling until after the Polaris law firm has moved out.

E. Items from the Board – President Smith

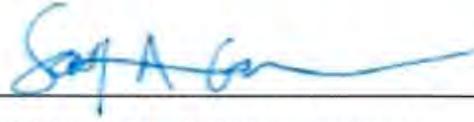
None

VI. EXECUTIVE SESSION

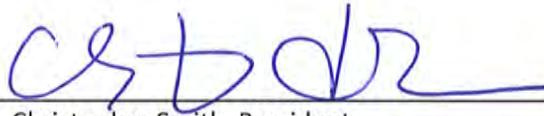
Director Yanchunas moved to enter into executive session pursuant to §24-6-402(4)(a) and 4(e) concerning the lease of C-BT and to develop a strategy for negotiations and to instruct negotiators. Director Sigg seconded the motion, and the motion passed with unanimous approval. The Board moved into executive session at 2:28pm. The Board left Executive Session at 3:30 upon the motion of Director Yanchunas, the second of Director Wolford, and unanimous approval of the motion.

At 3:30pm Director Yanchunas moved to adjourn the meeting, Director Wolford seconded the motion, and the motion passed with unanimous approval.

Respectfully Submitted,



Scott Griebling, Water Resources Engineer



Christopher Smith, President