



St. Vrain and Left Hand Water Conservancy District
Minutes of the Board Meeting
1715 Iron Horse Drive, Suite 250, Longmont, CO
September 12, 2022

I. ROUTINE ITEMS

A. Call to Order – *President Smith*

President Smith called the meeting to order at 1:00 PM.

B. Roll Call – *Assistant Secretary Ruark*

Board members present: President Smith, Treasurer Rademacher, Secretary Carlson, Directors Golden, Sigg, Yanchunas, and Moore (by phone). Vice President Varra arrived at 1:29 PM and Director Wolford arrived at 1:31 PM.

Staff members, consultants and guests: Executive Director Sean Cronin, Water Resources Engineer Scott Griebing, Water Resources Specialist Jenny McCarty, and Office Manager Mona Ruark were present. Attorneys Scott Holwick and Alison Gorsevski with Lyons Gaddis, and Commissioner Shera Sumerford were present. Ms. Kathryn Weismiller with Colorado Water Conservation Board and Mr. Nathan Phelps with Schnabel Engineering were present.

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

Executive Director requested to add PL-566 Funding Update as agenda Item V.F.

II. CONSENT AGENDA

A. Approval of August 8, 2022 Board Meeting Minutes

B. Approval of July General Fund Finance Reports

C. Approval of July Enterprise Fund Finance Reports

D. Approval of Budget Officer Appointment

E. Approval of Health Insurance Renewal

Secretary Carlson noted that in the draft minutes from the August 8, 2022 Board meeting, Item 1.A should read "Call to Order - President Smith". Secretary Carlson moved to approve the Consent Agenda and the amended draft minutes from the August 8, 2022 Board meeting. Treasurer Rademacher seconded the motion and the motion passed. Vice President Varra and Director Wolford were not present for the vote.

III. PRESENTATION

A. Draft Colorado Water Plan – *Ms. Jenny McCarty and Ms. Kathryn Weismiller*

Ms. McCarty reported the Colorado Water Conservation Board ("CWCB") has published an updated draft Colorado Water Plan ("Plan") and is accepting comments on the Plan until September 30, 2022. District staff prepared comments for submittal to CWCB. The last version of the Plan was released in 2015, and the final updated Plan is anticipated to be released in 2023. Ms. Weismiller with the CWCB presented highlights of the updated draft Plan for the basins in Colorado, as well as state-wide risks, challenges, and tools for water resource management. The 2023 Plan vision is focused into four major action areas: Vibrant Communities, Robust Agriculture, Thriving Watersheds, and Resilient Planning.

IV. ACTION ITEMS

A. Resolution 2022-04 FAMLI – *Executive Director Cronin*

Executive Director Cronin reported Colorado voters approved Proposition 118 in November 2020, which established the State’s Family and Medical Leave Insurance (“FAMLI”) Program. The FAMLI Program is a state insurance plan that will be funded with a 50/50 shared fee from employers and employees based on 0.9% of employee wages, with 0.45% paid by the employer and 0.45% paid by the employee. This rate is set through 2025 by Proposition 118. Premiums will be collected starting January 1, 2023, and benefits begin on January 1, 2024. Colorado local governments have the option to opt out of participating in the FAMLI program which requires a vote of the Board before January 1, 2023.

Director Golden moved to approve Resolution 2022-04 to decline the District’s participation in the FAMLI Program as an employer, but the District will collect and remit employee premiums to the State for those employees who elect coverage under the FAMLI Program. Director Sigg seconded the motion. The Board discussed the three options for participation or non-participation for local governments. The motion passed. Director Wolford was not present for the vote.

B. Revised Employee Handbook – *Executive Director Cronin*

Executive Director Cronin reported the District’s Employee Handbook (“Handbook”) was last revised and adopted on April 10, 2017. Staff consulted with the Employers Council and identified several changes that were necessary to meet changed legal requirements. In addition, the following proposed changes were made to the Handbook:

- Title changed from “Personnel Guidance Manual” to “Employee Handbook”
- Updated Disclaimer and Equal Employment Opportunity Employer language
- Added Section 5.04 on Family & Medical Leave (FMLA)
- Added a new policy “Personal & District Vehicle for District Use”
- Revised Vacation Accrual

Director Yanchunas moved to adopt the revised Employee Handbook. Treasurer Rademacher seconded the motion, and the motion passed unanimously.

C. Northern Front Range Airborne Snow Observation Flights – *Mr. Scott Griebeling*

Mr. Griebeling reported that, in 2023, the State of Colorado will not have the same amount of funding available for Airborne Snow Observation (“ASO”) flights along the Northern Front Range as it did in 2022. The District has the opportunity to take a lead role in ensuring ASO flights occur along the Northern Front Range in 2023, by acting as the fiscal agent for a grant application to the Water Supply Reserve Fund (“WSRF”) and coordinating funding contributions from other partners.

Director Wolford moved to direct staff to apply for a WSRF grant for Northern Front Range ASO flights with the District acting as the fiscal agent, to coordinate funding for ASO flights amongst other Front Range entities, and to bring any agreements to the Board for approval. Director Yanchunas seconded the motion and the motion passed.

V. REPORTS

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

Commissioner Sumerford presented the following report:

- The call on the main stem of the South Platte River is Bijou Canal, admin #14154, 10-1888.

- The call on St. Vrain Creek is the Niwot Ditch, admin #5631, 6-1-1865.
- The St. Vrain Creek at Lyons gage reading was 30.40 cfs at 8AM on 9/12/2022.
- Reservoir readings in the basin at the end of August were 71% of capacity.
- Button Rock reservoir's jet gate and outlet works are under repair.
- Farmers are slowly beginning to cut corn and hay.

B. Legal Report – Mr. Scott Holwick

Mr. Holwick presented the following report:

- There were no applications of potential interest in the July resume for Water Division No. 1.
- On May 25th, the Division Engineer approved the District's request to add new members and remove exiting members from its augmentation plan subject to certain conditions. On June 3rd, Counsel met with staff and Mr. McLean to discuss the conditions. Staff and Mr. McLean have engaged with the Division Engineer to resolve these conditions.
- Counsel and staff met again in August and drafted a scope of work for the Board to review in Executive Session at the September Board meeting. The scope of work addresses the legal aspects for the District's engagement with potential CIF projects. It also provides intersection, as applicable, with the diligence calendar for the District's Coffintop Reservoir conditional water storage rights.
- In the Application Of Little Thompson Water District, Case NO. 21CW3112, the District sought a finding of reasonable diligence for conditional water rights and to perfect 1,157.03 AF (out of 1,400 AF; appropriation date of August 4, 2005) for Bayshore Lakes. The Referee entered his ruling on August 16th with protests due by September 5th.
- In the Application Of Longmont, Case NO. 21CW3209, the City of Longmont seeks conditional surface rights for the Dickens Augmentation Structure, the Golden Farms Augmentation Structure, and the Sandstone Augmentation Structure, and also a conditional water storage right for Union Reservoir, Pump Station(s) Fill Right. The City of Longmont circulated a proposed ruling on June 17th, and the District submitted preliminary comments on September 2nd.
- At the request of Executive Director Cronin, Counsel provided guidance on a proposed inclusion. Counsel is also working with staff on upcoming Director vacancies.

C. Projects and Programs Report – Mr. Scott Griebing and Ms. Jenny McCarty

Ms. McCarty presented the following report:

- Implementation of the Jamestown Fire Mitigation Project began this month. Staff attended a US Forest Service Delegate tour on site, and the project is receiving lots of interest as a model.
- Staff met with the State Engineers Office about the District's ideas on usage of the "Gravel Pit Agreements" and they expressed support as long as there are no administrative burdens.
- Staff have received about eight request letters for the Partner Funding Program. Presentations will be given at the November Board meeting.
- Ms. McCarty gave an update on the Passage Playbook.

Mr. Griebing presented the following report:

- Flows in the St. Vrain Creek have dropped to around 40 cfs, which is below median for this time of year. There has been a decrease in the U.S. Drought Monitor intensity from last month in Boulder County. Annual stream volume remains around 25% of normal.
- Staff have received two applications for the 2023 Augmentation Program. The deadline for submitting an application is October 1st.

- Staff has met with community partners about supporting the Weather Modification project and about identifying potential remote generation sites. The Permit Notice of Intent was posted in the Denver Post and other regional papers. A virtual public hearing is scheduled for September 30th at 1:00pm.
- Staff attended the Summer Water Congress conference last month.
- Mr. Griebing attended the WECO President's Reception.
- Mr. Griebing will present on ASO flights to the South Platte Basin Roundtable tomorrow and will request entities to contribute financially to 2023 flights.
- Executive Director Cronin will be presenting a water law class and tour for realtors on September 15.
- Staff are scheduled to meet with the Town of Lyons Board of Trustees.

D. Executive Director Report – *Executive Director Cronin*

Executive Director Cronin gave the following report:

- One of the stops for the Board tour is being revised as the Chimney Hollow site is not available in November.
- The District is co-hosting a water education event on October 6th in Lyons.
- The District is requesting a large amount of PL566 Funding. Mr. Griebing will provide additional information.
- Board vacancies have been advertised and applications are due by October 1st.
- Staff will schedule a time for Kyle Whittaker's water presentation at a future Board meeting.
- Executive Director Cronin thanked the Board its support of the revised staff vacation accrual.

E. Items from the Board – *President Smith*

President Smith will be attending the SDA Annual Conference this week.

F. PL566 Funding – *Mr. Scott Griebing*

Mr. Griebing presented a draft list of potential projects proposed by the District and several basin partners and submitted by the District to the NRCS. The proposed projects' costs totaled approximately \$240 million for design and construction costs. The Preliminary Investigation & Feasibility Report ("PIFR") is expected to be completed around March 2023. The Board discussed selection criteria, federal permitting process, administrative and compliance requirements, and cost sharing with partners. Staff will keep the Board informed on the funding process.

VI. EXECUTIVE SESSION

At 2:56 PM Director Yanchunas moved to enter into Executive Session under §§ 24-6-402 (4) (b) and 24-6-402 (4) (e), C.R.S., so that it may receive specific legal advice from the Board's legal counsel and instruct the District's negotiator(s) on: (a) potential CIF Phase II project negotiations; (b) diligence activities related to the District's conditional water storage rights; and (c) activities related to the rehabilitation of Copeland Reservoir. Secretary Carlson seconded the motion, and the motion passed. Director Moore was not present for the vote or the Executive Session. Discussion was held and negotiation guidance was provided.

At 4:18 PM, Secretary Carlson moved to exit Executive Session, Director Yanchunas seconded the motion, and the motion passed. Treasurer Rademacher and Vice President Varra were not present for the vote.

VII. ACTION ITEM

A. Copeland Alternative Selection – *Mr. Scott Griebeling*


Staff made a recommendation to advance Alternative 3C and water delivery Infrastructure improvements in the design phase of the Copeland Rehabilitation Project. Discussion ensued on the alternatives and funding options. The Board requested staff to bring information on the engineering analysis of each alternative to the next meeting and decided to delay action until the October meeting.

At 4:22 PM, Secretary Carlson moved to adjourn the Board meeting. Director Sigg seconded the motion, and the motion passed. Director Moore, Treasurer Rademacher and Vice President Varra were not present for the vote.

Respectfully Submitted,



Mona Ruark, Assistant Secretary



Christopher Smith, President