

LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT

100 BROADWAY PLAZA, SUITE 12 / STERLING, CO 80751 / PHONE 970-522-1378 FAX 970-522-0848

**MINUTES OF MEETING OF THE BOARD OF DIRECTORS
OF THE
LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT**

February 14, 2023

DIRECTORS PRESENT:

Allen Coyne	Bob Mari
Ken Fritzler	Jack McClary
Dan Kendrick	Joe Patterson
Brian Kembel	Kent Pflager
Gene Manuello	Carson Smart

DIRECTORS ABSENT:

Cody Poitz
Bryan Ruf
Brad Stromberger

DISTRICT STAFF PRESENT:

Joe Frank, General Manager
Rick Fleharty, Technician
Craig Brownell, Technician
Deanna Eskew, Secretary

VISITORS PRESENT:

Jeff Rice, Sterling Journal Advocate
Tracy Anderson, Stantec
Taylor Ahrens Dorf, Stantec
Bruce Gerck, Julesburg Colorado

The meeting was called to order by President Fritzler.



APPROVAL OF THE MINUTES:

Director Coyne made the motion to approve the January 10, 2023 Executive Committee Minutes as well as the February 7, 2023 Special Board Meeting Minutes. Director Kembel seconded the motion which passed unanimously.

ELECTION OF OFFICERS:

Nominating Director Kendrick made the motion that the current slate of officers, Executive Committee members and Board Secretary be retained for the year 2023. Director Mari seconded. Motion passed unanimously.

Ken Fritzler, President
Gene Manuello, Vice President
Allen Coyne, Treasurer
Brian Kembel, Executive Committee Director
Joe Patterson, Executive Committee Director
Joe Frank, Board Secretary

FINANCE REPORT:

Director Coyne presented the financial report for the month of January. Director Coyne then made the motion to approve payment of District checks 16592-16632 and Julesburg Recharge checks 1188 and 1189. Director Patterson seconded the motion which passed unanimously.

RIVER MONITORING:

Division I Water Court Resume':

No Statements of Opposition will be filed from the December 2022 Water Court Resume'.

Julesburg Recharge Project:

Comments were received back from Harmony on the 21CW3135 case.

Billing to the well owners for the 2022 pumping season has yet to be completed as Manager Frank has not received the final numbers from SPWRAP for 2022 PRRIP payments. Those numbers should be available later this month. However, Manager Frank did note that the draft billing shows that the bills will be higher this year due to increased pumping from the ongoing drought.

Heyborne Recharge Project:

The project is not currently operating due to freezing weather.

LEGAL REPORT:

- Case #20CW3117, ACWWA and ECCV – FMRICO change case – Katie Leone from Spronk Water Engineers filed an expert engineering report last month for the District. The case is set to go to trial in early June.
- Manager Frank stated that the board would need to go into executive session later today with the District’s attorney to discuss negotiations.

PRESIDENT’S REPORT:

None

MANAGER’S REPORT:

Included in Manager Frank’s report were the following:

Legislative Matters:

- Manager Frank reminded the board that WRASP meetings are held Fridays at 3:00 p.m. and CWC State Affairs meetings are held Mondays at 8:00 a.m.
- Manager Frank reviewed a draft proposed bill being pushed by the Colorado Department of Natural Resources regarding Stream Restoration and Water Administration Legislation.

General Matters:

- Manager Frank updated the board on the Perkins County Canal project.
- SPWRAP –
 - The 1st Quarterly meeting of the SPWRAP board will be held on February 16th, 2023 via Zoom.
- NE Colorado Water Cooperative –
 - Manager Frank noted that the final report of the Cooperative will be uploaded to the District’s website for review.
 - The Cooperative will continue to meet quarterly to review current and future regional activities.

- South Platte Basin Round Table (SPBRT) –
 - The next meeting of the SPBRT will be held later today. The Roundtable will be discussing changes to their deferred maintenance requirements.
- South Platte Regional Opportunities Water Group (SPROWG) –
 - SPROWG will be meeting next week. Project Manager, Matt Lindburg, will be reaching out to potential end users of possible regional projects in an effort to gauge interest in regional water supply projects that do not dry up irrigated agriculture.
- Platte Valley Water Partnership (PVWP) –
 - Manager Frank met with Amy Broughton with Stantec at the Colorado Water Congress Convention to discuss various options available in financing the Platte Valley Water Partnership.
 - The board discussed the need for the PVWP to show support in the local community.
- Presentations – Tours – Special Meetings –
 - The South Platte Water and Drought Symposium was held February 1st at the Knights of Columbus in Sterling where Manager Frank gave an update on the lower South Platte River.
 - Manager Frank attended the Colorado Water Congress Annual Convention and noted that the Ag Panel was especially good.
- Other Discussion Topics –
 - Director Mari made the motion to contribute \$500.00 to the Water Education Colorado membership for 2023. Director Pflager seconded the motion which passed unanimously.
 - The board discussed the difficulties surrounding the ADA compliance with website and other digital materials. The District’s website must be ADA accessible by July, 2024.
 - Manager Frank discussed issues regarding Waters of the United States (WOTUS).

EXECUTIVE SESSION:

At approximately 10.56 a.m. Director Coyne made the motion that the board recess into executive session for three specific purposes.

- For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e)
- For a conference call with the district’s attorney for the purpose of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b)
- For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) regarding personnel policies that do require the discussion of matters personal to a particular employee who has not requested discussion of the matter in open session.

Director Mari seconded. Motion passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 1:25 p.m.

OLD BUSINESS:

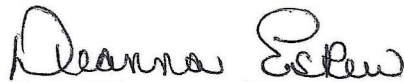
None

NEW BUSINESS:

Director Kendrick made the motion to contribute 5% of an employee's salary towards retirement effective January 1, 2023 until revised by the board of directors. Director Mari seconded the motion which passed unanimously.

ADJOURNMENT:

There being no further business, Director Coyne made the motion to adjourn. Director Mari seconded the motion which passed unanimously. The meeting was adjourned at approximately 1:34 p.m.



Deanna Eskew, District Secretary