

LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT

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

April 14, 2020

DIRECTORS PRESENT via call-in:

Ken Fritzler	Gene Manuello
Allen Coyne	Bob Mari
Bart Ginther	Joe Patterson
Brian Kembel	Don Schneider
Terry Linker	Brad Stromberger

DIRECTORS ABSENT:

Pete Bolinger	Bryan Ruf
Dan Kendrick	Carson Smart
Jack McClary	

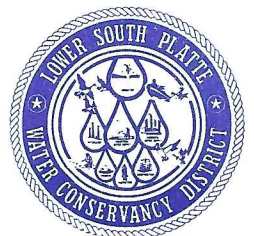
DISTRICT STAFF PRESENT:

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

VISITORS:

Jeff Rice, Sterling Journal Advocate via call in
Greg Peterson, Executive Director Colorado Ag Water Quality via call in

The meeting was called to order by President Fritzler.



APPROVAL OF THE MARCH 10, 2020 EXECUTIVE COMMITTEE MINUTES:

Director Kembel made the motion to approve the March 10, 2020 Executive Committee Minutes as presented. Director Coyne seconded. Motion passed unanimously.

FINANCE REPORT:

Treasurer Coyne presented the financial report for the month of March. After review of the report, Treasurer Coyne made the motion to approve payment of District checks 15473-15516 as well as Julesburg Recharge checks 1076 -1092. Director Patterson seconded the motion which passed unanimously.

RIVER MONITORING REPORT:

District I, Water Court Resume':

No statements of opposition will be filed from the January, February and March Water Court Resume's.

Julesburg Recharge Project:

Manager Frank reported that the billing statements for last year's pumping season have been mailed to the well owners. Payments are due by April 10, 2020.

Heyborne Recharge Project:

The project is currently running but will be shut down the end of this month.

LEGAL REPORT:

Legal discussions will be held during executive session with attorneys.

PRESIDENT'S REPORT:

Because of the regulations surrounding the Covid-19 virus President Fritzler thanked the directors and visitors for their willingness to attend today's meeting via Zoom.

PUBLIC COMMENT:

Greg Peterson, Executive Director of the Colorado Ag Water Alliance spoke to the directors regarding Regulation 85. Mr. Peterson stated that Regulation 85 which started in 2012 set a 2022 deadline for evaluation of a voluntary approach for reducing nutrient pollution. At that time “point source” nutrient dischargers such as wastewater treatment plants, agriculture and their contributions to nutrient levels will then be assessed and additional regulations may be considered depending on the success of voluntary efforts. Mr. Peterson stressed that voluntary actions now may prevent future regulations on non-point source agriculture.

MANAGER’S REPORT:

Legislative Issues:

Manager Frank noted that due to the virus, the General Assembly has taken a break. It was determined that a Special Session will not be needed, however lost days maybe tacked on to the end of the regular session. Priorities will probably be changing for legislative issues especially involving health and the budget.

Other Matters:

- SPWRAP – The quarterly board meeting scheduled for April 16th was cancelled. An executive committee meeting, however, has been scheduled for that date to discuss financial policies as well as the District’s case #19W3253 and the Petersen Ditch diversion structure status. Manager Frank also noted that there is still work being done to rehab the bank stabilization for the Tamarack wells that were damaged in the last flood.
- Heyborne Project – Manager Frank stated that diligence is due by April 30th on the project.
- NE Colorado Water Cooperative – The District is working with some of the SPROWG participants on the WaterSmart grant on outreach meetings and some of the technical work. Manager Frank said that the WaterSmart grant can help advance the current progress made between water users in Water Districts 1 and 64 and other basin water users such as the South Platte Regional Opportunities Water Group (SPROWG).
- South Platte Basin Roundtable meeting will be held later today via GoToMeeting.
- Manager Frank reported that when the board recesses into executive session, one of the discussion items will be District staffing.
- Manager Frank reviewed charts showing trends during the last eleven (11) years of hydrologic conditions in the lower South Platte Basin.
- Manager Frank also thanked the board for calling in to today’s meeting. The board may consider the option of calling in to future meetings for directors who cannot attend in person.

EXECUTIVE SESSION:

Allen Coyne made the motion that the board recess into executive session 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 regarding legal matters as well as discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving; any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. The motion was seconded by Brian Kembel which passed unanimously.

The board meeting was recessed at approximately 11:54 a.m. President Fritzler adjourned the executive session and reconvened the board meeting at approximately 11:54 a.m.

OLD BUSINESS:

None

NEW BUSINESS:

Director Schneider made the motion to approve the Heyborne Diligence application going forward. Director Mari seconded the motion. Motion passed unanimously.

Director Coyne made the motion to approve the Conflict of Interest Waiver between attorneys Lawrence Jones Custer & Grasmick and Lower with revised language added by Lower. Director Kembel second. Motion passed unanimously.

Director Coyne made the motion that the board authorize Manager Frank to hire Craig Brownell to fill the open staff position. Director Manuello seconded the motion which passed unanimously.

Director Coyne also noted that any Tabor questions be referred to Counsel Julianne Woldridge.

ADJOURNMENT:

There being no further business, Director Coyne made the motion to adjourn. Director Mari seconded. Motion passed unanimously. The meeting was adjourned at approximately 12:05 p.m.



Deanna Eskew, Secretary