

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**

October 11, 2022

**DIRECTORS PRESENT:**

Allen Coyne	Gene Manuello
Ken Fritzler	Jack McClary
Dan Kendrick Zoom	Joe Patterson
Brian Kembel	Brad Stromberger

**DIRECTORS ABSENT:**

Terry Linker	Bryan Ruf
Bob Mari	Carson Smart

**DISTRICT STAFF PRESENT:**

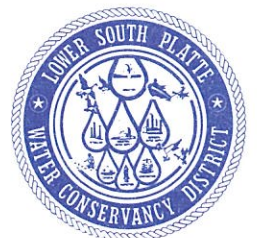
Joe Frank, General Manager  
Rick Fleharty, Technician  
Craig Brownell, Technician  
Deanna Eskew, Secretary

**VISITORS PRESENT:**

David Kauffman, Liittjohann Kauffman & Pederson via Zoom  
Tracy Anderson, Stantec via Zoom  
Taylor Ahrens Dorf, Stantec via Zoom

The meeting was called to order by President Fritzler.

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## **APPROVAL OF THE SEPTEMBER 13, 2022 EXECUTIVE COMMITTEE MINUTES:**

Director Coyne made the motion to approve the September 13, 2022 Executive Committee Minutes as submitted. Director Kembel seconded. Motion passed unanimously.

## **PRESENTATION OF THE 2021 AUDIT:**

David Kauffman of Liittjohann, Kauffman and Pederson presented the 2021 audit report to the board via Zoom. Director Coyne made the motion to approve the audit as presented. Director Patterson seconded the motion which passed unanimously.

## **PRESENTATION OF THE 2023 BUDGET:**

Manager Frank reviewed the proposed 2023 budget with the board. The board will further discuss and review 2023 District personnel expenses in today's executive session.

## **FINANCE REPORT:**

Treasurer Coyne reviewed the financial report for the month of September. Director Coyne made the motion to approve payment of District checks 16462 – 16482 as well as Julesburg Recharge checks 1184 – 1185. Director Patterson seconded. Motion passed unanimously.

## **RIVER MONITORING:**

*Division I Water Court Resume':*

The board will discuss case #2022CW3102 with Counsel Woldridge in today's executive session to determine if counsel thinks the District should file a statement of opposition.

*Julesburg Recharge Project:*

A status conference will be held next Thursday with Harmony's attorney and Counsel Donovan to discuss the TGR application.

*Heyborne Recharge Project:*

The Heyborne Recharge Project is scheduled to start approximately October 15<sup>th</sup>.

## **LEGAL REPORT:**

- Counsel Donovan noted in his attorney's report that case #22CW3102 in the August resume' that FRICO is filing for an enlargement right of 7,227 AF and a refill right of 34,000 AF for Milton, 16,656 of the refill right is claimed to be absolute. The rights have junior (2022) appropriation dates. The board will further discuss this case with Counsel Woldridge in today's executive session.
- Case #20CW3117 ACWWA and ECCV – FRICO – Manager Frank noted that the District has until 12/23/22 to provide expert report comments. Counsel Donovan is trying to see if there are terms we can settle on.
- Manager Frank is still negotiating with cases 19CW3230, 19CW3246/20CW3209, 20CW3215, 21CW3185 to determine order of appropriation dates.

## **PRESIDENT'S REPORT:**

President Fritzler reported that terms for the following directors will expire December 31, 2022. Letters/resumes will need to be submitted asking the court for re-appointment.

Allen Coyne  
Gene Manuello  
Brian Kembel  
Terry Linker  
Carson Smart

## **PUBLIC COMMENT:**

None

## **MANAGER'S REPORT:**

Included in Manager Frank's report were the following:

### *Legislative Issues:*

- Manager Frank stated that Bill #8 Concerning a task force to study the feasibility of high-altitude water storage in Colorado and, Bill #10 Concerning the Water Resources & Agriculture Review Committee passed out of the Interim Committee.

*General Matters:*

- *Perkins County Canal* –
  - Manager Frank will be attending a landowner’s meeting in Big Springs Nebraska on October 13<sup>th</sup>, 2022 at 1:00 p.m. with Nebraska Department of Natural Resources personnel.
  
- *South Platte Water Related Activities Program (SPWRAP)* –
  - SPWRAP will be holding their annual meeting of members on Thursday, October 20, 2022 at 9:00 a.m. at the City of Greeley’s Water Resources Department.
  - Drilling of Tamarack’s 17<sup>th</sup> well is scheduled for next spring.
  
- *Platte Valley Water Partnership* -
  - Manager Frank stated that the Prewitt Agreement is still being negotiated and is getting close to a final agreement.
  - Manager Frank asked the directors to review the draft fact sheet put together by Sigler Communications that was included in the Legal Packet and submit comments and/or suggested changes as part of the public outreach message for the PVWP.
  
- *Presentations – Tours- Special Meetings* –
  - The South Platte Forum annual meeting will be in Lafayette on December 8<sup>th</sup>. Manager Frank will be on a panel to discuss current water policies.
  - Special District Association held its annual conference on September 14<sup>th</sup>. Manager Frank participated in a panel discussion regarding the Platte Valley Water Partnership.
  
- *Children’s Water Festival* –
  - The Festival was well attended by approximately 430 fifth graders from schools within Morgan, Washington, Logan and Sedgwick counties.
  
- *WOTUS (Waters of the U.S.)* –
  - Manager Frank noted the importance of the Supreme Court hearing the case on the EPA’s Clean Water Act authority. The article which was included in the board packet states: “The Supreme Court is being asked to determine whether bodies of water like swamps or bogs are within federal jurisdiction under the Clean Water Act.”

**EXECUTIVE SESSION:**

At approximately 12:19 p.m. Director Coyne made the motion that the board recess into executive session for three specific purposes.

- 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 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 discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) regarding staff salaries 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 tis body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Director Patterson seconded the motion which passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 1:57 p.m.

### **OLD BUSINESS:**

None


### **NEW BUSINESS:**

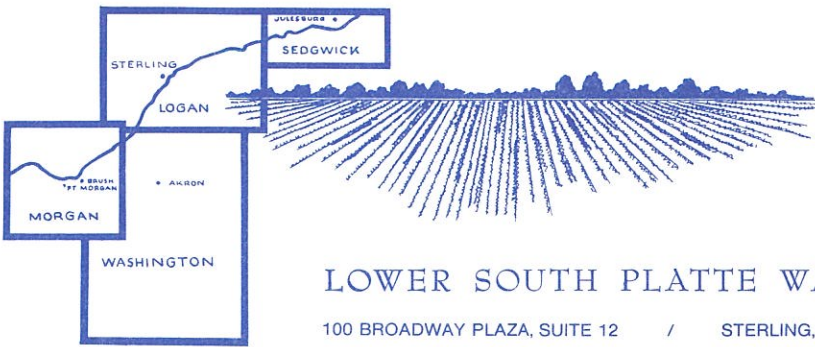
Director Coyne made the motion to accept the proposed 2023 Budget for publication and set the date for the public hearing to November 8, 2022. Director Patterson seconded the motion. Motion passed unanimously.

Director Manuello made the motion that a statement of opposition be filed on case #2022CW3102. Director McClary seconded the motion which passed unanimously.

### **ADJOURNMENT:**

There being no further business, Director Kembel made the motion to adjourn. Director McClary seconded the motion. Motion passed unanimously. The meeting was adjourned at approximately 2:00 p.m.

  
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Deanna Eskew, District Secretary



## LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT

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### RESOLUTION TO ADOPT BUDGET

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES OF EACH FUND AND ADOPTING A BUDGET FOR THE LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT, STERLING, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF *JANUARY, 2023* AND ENDING ON THE LAST DAY OF *DECEMBER, 2023*.

**WHEREAS**, the Board of Directors of the Lower South Platte Water Conservancy District, has appointed Joe Frank, Budget Officer, to prepare and submit a proposed budget to said governing body at the proper time, and;

**WHEREAS**, Joe Frank, Budget Officer, has submitted a proposed budget to this governing body on October 11, 2022, for its consideration, and;

**WHEREAS**, upon due and proper notice, published or posted, in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 8, 2022, and any interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and;

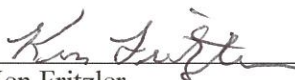
**WHEREAS**, whatever increases may have been made in the expenditures like increases were added to the revenues so that the budget remains in balance, as required by law.

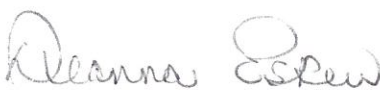
**NOW THEREFORE**, be it resolved by the Board of Directors of the Lower South Platte Water Conservancy District, Sterling, Colorado:

**SECTION 1.** THAT THE BUDGET AS SUBMITTED, AMENDED, AND SUMMARIZED BY FUND, HEREBY IS APPROVED AND ADOPTED AS THE BUDGET OF THE BOARD OF DIRECTORS FOR THE YEAR STATED ABOVE.

**SECTION 2.** THAT THE BUDGET HEREBY APPROVED AND ADOPTED SHALL BE SIGNED BY KEN FRITZLER, PRESIDENT, AND MADE A PART OF THE PUBLIC RECORDS OF THE DISTRICT.

ADOPTED THIS 8TH DAY OF NOVEMBER, A.D. 2022

  
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Ken Fritzler,  
President

ATTEST:   
\_\_\_\_\_  
Secretary

