

Center of Colorado Water Conservancy District
Meeting of the Board of Directors
April 10, 2024

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, April 10, 2024 at the main meeting room of the district offices located at 548 Front Street in Fairplay. Lisa McVicker, Board Chairman, called the meeting to order at 1:10 PM.

The members present in the office were Chris Fuller, Lisa McVicker, Dan Drucker and Craig Steinmetz. Lynne Buchanan was present via teleconference. Nola Knudsen, Administrator, was present in the office as was Lisa Barden Brown, Operations Manager. David Shohet, legal counsel, was present via teleconference.

APPROVAL OF THE AGENDA

Chris Fuller moved to approve the agenda as presented. The motion was seconded by Craig Steinmetz and carried unanimously.

APPROVAL OF THE MINUTES

Chris Fuller made a motion to approve the minutes as presented. The motion was seconded by Craig Steinmetz and carried unanimously.

ADMINISTRATIVE MATTERS

2.1 Administrator's Report on Accounts: Nola Knudsen reviewed the check details with the Board. The April expenditures totaled \$20,575.12. Cash assets after payment total is \$2,111,385.08.

2.2 Treasurer's Review: Nola Knudsen provided some information regarding the deposits for the month of approximately \$105,000 as well as the monthly rents and utilities.

2.3 Approval of Invoices and Warrants: Craig Steinmetz moved to approve the invoices and warrants as presented. The motion was seconded by Dan Drucker and carried unanimously.

OPERATIONS MANAGER'S REPORT

Snowpack Update:

- On April 10th, the Upper South Platte Basin was at 113%, with 16 days until median peak snow water equivalent. The South Platte Basin was at 104% overall. Local SNOTELs: Hoosier Pass 116%, Buckskin Joe: 105%, Rough & Tumble: 120%, Michigan Creek: 112%. Snow courses: Mosquito Creek: 118%, Horseshoe: 124%, Como: 135%.

Smelter Pipeline Reservoir (SPR):

- On February 29th, the staff gage reading was 9.23' for 24.25 AF in storage. I made mid-month visits on March 8th and 18th to check on conditions. I visited the SPR on April 1st and obtained the monthly staff gage reading. The gage read 9.40' for 24.78 AF in storage.
- The reservoir was still ice covered, but I will be checking to see when the ice comes off to get a gage reading at that time.
- With all the snow in March, the access road needed to be plowed 4 times. One was a courtesy plow towards the end of the month.

Chatfield Reallocation Project (CRP):

- Accounting through February 29th was received and has been updated to the DWR system. On Feb. 29th, we were full at 141 AF in storage. Free River conditions have continued, and our storage has remained full.
- I attended a CRMC members meeting on March 21st to discuss the full pool.
 - A full pool lasting this long was not a scenario that was contemplated when the CRP was being developed. It was thought that the elevation would reach 5,439' only once every three years. The current elevation is 5,444'.
 - Vegetation will reestablish in the higher elevations, but the State Forest Service is concerned about a mass tree die-off in the fluctuation zone. ERO thinks that mass tree mortality will be more delayed. Ideally, lowering the pool between May and October should help maintain tree health. *
 - Approximately 7,700 AF of water would be needed to be released to lower the level by four feet of elevation.
 - The idea of lowering the Environmental Pool was suggested, but CPW is not in favor of that idea because it is meant to maintain flows during low flow conditions downstream.

Meeting Comment: Lisa McVicker asked if Chatfield could let some water go to help with the elevations in the fluctuation zone. Lisa Brown said no one wants to let some water go and they need to put it to beneficial use. No one has any place to move it to. One idea was to lower the environmental pool, however CPW is not in favor of this because the environmental pool was to maintain flows during low flow conditions downstream. Craig Steinmetz asked if Chatfield was obligated to lower the reservoir level. Lisa Brown said no, however, the Army Corp of Engineers might say if they start seeing tree die off

or Bird EFUs, which is how they determine tree health by the number of birds live there, it might cause them to revisit the strategic plan for the vegetation. The Army Corp may require some water be moved out. Dan Drucker said perhaps they could put some form of water proof covering around the base of the trees and pump out the water, the trees might survive without drowning or adapt to the constant water.

Lisa Brown at the end of the month when the trees start to leaf out, the State Forest Service is planning to do a drone flight to look at the trees with infrared to see how stressed the trees are. If there is a mass die-off, then the trees will have to be removed for dam safety concerns and navigation hazards.

- Matt Loose participated in the OAC meeting on March 27th, and I joined in as well.
 - A lot of work was done on the master accounting sheet to accommodate reporting times and free river situations. A detailed description was given by DWR.
 - There was a small amount of available storage in CCW's account, which was refilled on April 1st.
 - Denver Water reported that they are currently meeting demands, and their system is full everywhere except Cheesman, which had 11,500 AF to fill at the time of the meeting.
 - Five of the participants who directly use the Plum Creek gage have agreed to fund its reconstruction. (Castle Rock, Centennial, Castle Pines North and Metro, and Dominion).
 - OAC will meet again on April 24th, following the CRMC Board meeting.

James Tingle Reservoir (JTR)

- Accounting for March was received, and CCWCD had 85.37 AF in storage on March 31st, after releasing 4.18 AF of stored Randall Ditch credits.
- CCW had planned to release 6.69 AF of stored Randall Ditch credits during April, but due to free river, we are holding off on making that release.

South Platte Enhancement Board (SPEB)

I participated in the SPEB meeting on March 20th. The next meeting will be in person at Centennial on April 17th.

- The 20-year report was in the second draft stage at the time of the meeting. Comments and pictures were solicited. Since then, the report has been finalized and is being prepared to send to the Denver Water Board. They will be meeting on April 24th, and will be discussing the upcoming end of the Moratorium.
- I took a tour of my SPEB river segments to take pictures to contribute to the report, and also noted a few items in need of upkeep.

- The grant cycle amount for this year was discussed and decided upon. The maximum grant amount will be \$40,000 this year. The announcement was mailed out, and I recently received my copy, which is attached to this report.
- The annual report was finalized and will be mailed out this month.

Scholarship Announcement

- We will discuss the four scholarships that we've received during New Business.

Michigan Creek Restoration Plan (MCR): No changes since last report.

Bar Star Corporation (BSC): No changes since last report.

Indian Mountain Plan (IMP): No changes since last report.

Guffey-area Augmentation Plan (GAP): No changes since last report.

Division Two Delivery (DTD): No changes since last report.

Currant Creek Two (CCT): No changes since last report.

Kenosha Trout Club (KTC): No changes since last report.

CCWCD Website Issues

- David Shohet received notification from the state regarding new website accessibility compliance regulations for government entities. Daisy has been researching the requirements and has suggested a plug-in to our site called accessiBe. They have two levels of features, one priced at \$588/year and the other at \$1490/year. The lower priced plug-in works with the new Theme that Daisy has been working on for our site, but they caution "It is designed to help users achieve WCAG 2.1 AA compliance but doesn't guarantee that it follows all of the guidelines." Daisy will be able to do a trial of both options next week with a new Divi Theme and be able to give better recommendations then.

Meeting Comment: Lisa Brown said Daisy originally recommended the higher priced plan but that was with the old web-site and Lisa asked Daisy Design if the new theme and update would have some of these features built in it. Daisy said it might work with the lower priced features. Lisa McVicker thinks we should wait and see what Daisy has to say. Lisa Brown thinks we have until the end of June for compliance. David Shohet said there is legislation being proposed to have the same sort of accessibility requirements for zoom meetings. He is not sure how it will work or enforced until 2025 or 2026, but there will be similar requirements for visual and hearing impairment. It may be that the providers of the services such as zoom, will start to integrate these requirements but a government entity may need to buy another level of service. Lisa McVicker said at MSU, they use Microsoft teams when the mandate was required last year for ADA compliance.

Lost Park Water Rights

- I was contacted by a member of the HOA, who may be applying for a grant for their reservoir liner replacement.

Meeting Comment: Dan Drucker said there is a chemical for soil with a high percentage of clay that could make it impermeable instead of putting in a liner. David Shohet said Wheeler thought a liner was the appropriate replacement step. The soil is just gravel. There is not enough soil and dirt to get the chemical in.

OLD BUSINESS

4.1 J. Legg Grant and Project Status: The contract was sent to Mr. Legg with the agreed to conditions laid out. Chris Fuller and Lisa Brown met with Mr. Legg at the CCWCD office for approximately an hour. He agreed with the conditions and signed the contract. We issued his check. Mr. Legg has already paid a \$161,000 deposit. He is estimating, his total cost will be around \$180,000. He is supporting a golf tournament for the Sherriff's department and scholarship he has started. He is waiting for the ice to come off and they can get the equipment in there, they will drain the reservoir. He has his engineer working with Denver Water to catching the water at Antero so they can do an exchange back to fill it if it's not free river once the project is completed. They thought the project would be done by end of May; however, Lisa Brown thinks later.

4.2 Front St. Building Updates:

Lisa Brown said the railings are still on hold. She has reached out to Cesar a couple of times and let him know the Board approved the bid. Lisa received a name of another from the Business Connection. She will give Cesar a little more time before he reaches out to other sub-contractors.

Craig Steinmetz said the Dental facility wants to use one of their rooms to expand their services for patients. Craig reviewed the estimate for the electrical requirements. The district will need a drywaller and a trim carpenter. The estimate is \$3,280.00 for the change. Nola Knudsen will coordinate with David Shohet to prepare an agreement or lease amendment indicating the district will pay for the electrical costs up front and the Dental facility will agree if they move out when a certain period of time, they will be responsible for reimbursing the district for these costs. Chris Fuller made a motion to pay \$3,280.00 to upgrade the electrical needed with the stipulation we work out a new agreement for their duration of stay and repayment for that. Lynne Buchanan seconded and the motion carried unanimously.

Craig Steinmetz reviewed the mechanical plan for air exchange. The plan shows the location of the units. He talked about not putting equipment on the roof but was advised it was necessary. We will need walk pads.

Craig Steinmetz said Carlos was on site to check the electrical. The electrical engineer said we need 70 more amps which means we need to put in another 100-amp panel. Craig Steinmetz was able to get on site to verify the service entrance is two parallel runs of 3/0 copper from overhead service to gutter. The gutter is undersized and will need to be upsized to at least 18"x18"x 60" to allow for panel conduit. We don't have a price on electrical until the engineer has the information he needs. We have approximately 10 HVAC contractors looking at the plans. Craig called Pasterkamp and the first price was \$100K plus. He since updated a proposal to \$143,854. He provides all the equipment and installation. Craig will send out the Pasterkamp proposal. The district will be getting an invoice from Qualis and the electrical engineer. The HVAC has not billed the district yet.

Dan Drucker doesn't think anything should be on the roof. He suggested using the air under the portico which would be more efficient. Craig Steinmetz said only three items are going on the roof and they are less than 100 pounds. Craig said this is all electrical and no gas. Craig encourages Dan Drucker to talk to the engineer to discuss his concerns.

Craig said he spoke with the individual from the stripping company. They will come over when the temperature allows.

Chris Fuller said she had trouble with fathoming the air conditioning. Lisa McVicker said it will be an exchange of air. Dan Drucker said he thought air conditioning is an indulgence. Lisa McVicker said they will continue investigation of this project.

NEW BUSINESS

5.1 2024 Review Scholarship Applications and decide on recipients: The Board discussed the scholarships submitted for considerations. Dan Drucker indicated he was not impressed by the application. He would like to see a recommendation from a teacher or someone. Chris Fuller moved to approve all four scholarships instead of the originally planned three. Dan Drucker's recommendation to be noted for future scholarships is to include an email or recommendation from a teacher along with the application. The motion was seconded by Lynne Buchanan. Those voting aye were Chris Fuller, Lynne Buchanan, Lisa McVicker, and Craig Steinmetz. Voting nay was Dan Drucker.

5.2 2024 Potential Grant Applications – Lisa Brown said we don't have any grant applications yet; however, she was told by the Airborne Snow Observatory is considering applying for a grant. She was asked about what range of a grant might be considered. Lisa consulted with David Shoheit who advised since this was a discussion of money, it should be talked about in

open meeting. Chris Fuller said after the inaugural last year, CWCB didn't provide funds for the county. Based on our grant for the year, Chris recommended \$30-35,000 so they would have half CCW's grant amount for other projects. Chris said the area to be flown is Park County is being attached to Blue River flight, which is good for the county and the water providers we serve.

How much benefit is it to Park County? She considered the snowtels and all the data and that it is servicing Aurora and Teller, but it doesn't mean it isn't telling good information for Park County. Lisa Brown could throw a range out of \$20-40K and they can apply for what they think. Lisa McVicker said the application is due May 1st. Chris asked if Taylor was running the application or is ASO? Lisa Brown said Taylor would get it to ASO, however, he is not sure they could make the posted deadline of April 15th. Dan Drucker made a motion to extend the deadline to May 1st. Chris Fuller seconded and the motion carried unanimously.

Chris Fuller stated she would prefer the grant go to a stakeholder rather than ASO. Lisa McVicker said she believes Chris Fuller's point is well taken. Also, Lisa McVicker suggested using a figure of \$25-\$35,000.

Lisa Brown included an announcement from SPEB because when they do their grant announcement, they state a maximum they will consider, she suggests we should include same. Dan Drucker said SPEB would determine what they wanted in the grant that year and place that in their announcement. Chris said CUSP will consider throwing in a grant application for \$10,000 for design and plan for another fish passage structure problem in Lake George that is in the path of all the other projects we have been doing. It is taking the actual fish passage structure out and fixing the river for the natural flow and elevation change. It is below the dam we took out and above Happy Meadows.

Lisa Brown said she was contacted by the Shawnee Water Consumer's Association that needs to reline their outlet pipe. Lisa Brown will reach out to them to let them know the deadline was extended to May 1st.

5.3 Website Accessibility Compliance: This was discussed above in Operations Manager's report.

5.4 Discuss Open House Action Plan: Lynne Buchanan said the estimate would be in the \$5K range. The key purchased items would be to run an ad in the Flume, get permanent boards or banners announcing the open house without a date on it. Lynne suggests budgeting to have lunch and drinks for staff. The dog bowls were nearly used up, so we can order more dog bowls. We can also order more books from Colorado Water Education. We might also consider getting some cookies or cupcakes with a water droplet theme for handouts for patrons coming in. Dan Drucker made a motion for the home house 2024 action plan not to exceed \$5,000 to be run on Saturday July 27th. The motion was seconded by Chris Fuller and carried unanimously. Chris Fuller volunteers to provide a lunch.

UPDATE ON LEGAL ISSUES

6.1 Adjourn to Executive Session – Not needed

David Shohet provided a few highlights from the monthly legal report. He said the district has received a final decree in the application to make a portion of Chatfield water absolute. Of the 131af water rights, 45.29af of CCWCD's Chatfield water rights is now absolute and 85.71 remains conditional.

We are now in 11 water court applications as an opposer or applicant. We have obtained a conditional storage right for the SPR. We have filed an application seeking to continue diligence. There is about 16af absolute, and about 34af remaining that is conditional.

The rest of cases in the report are not set for trial. They are in the process of going back and forth between the parties.

Update on Lost Park Water – David Shohet said the developer owns half of the water rights and the HOA owns half of the water rights. The reservoir does need to be relined and the developer has refused to pay for it. The HOA is suing the developers. We have discussed with the developers for them to give us their water rights and we will take up the obligation. We have tried to communicate with the HOA but no one wants to be talkable. The HOA has reached out and Center potentially wants to be an interested party in finding a solution for the parties. David responded we can think about it or have those discussions. Lisa McVicker doesn't see CCWCD has a role in the mediation at this time. David doesn't think they are asking us to have an active role in the mediation but the HOA is saying they believe the developers would be happy to quit claim their rights and the McMannus Ditch to Center or HASP. The HOA may want to know if CCWCD can step in and be an option for the developers. Lisa Brown asked if the developers have filed a separate law suit. David Shohet said yes. The developer's defense is that the water rights they own to be put into the reservoir have been abandoned or adversely possessed. They no longer own the water rights; therefore, they are no longer responsible for repairs. They have filed in water rights court. They have filed in Water Court because Water Court is the sole court that would have jurisdiction to hear the arguments whether or not water rights have been abandoned or adversely affected. There are two cases going on right now. One is in Park County District Court where the HOA has sued for breach of contract. The developers have filed in Water Court seeking a determination that they have abandoned their water rights or they have been adversely affected.

Chris Fuller asked if this has become too sticky to be involved. David said we were never banking on a lot of value for the McMannis Ditch but were interested in 25af of additional storage in the reservoir that we would not have to fill with Randall or Sessions water or from river water. Lisa McVicker said 25af of storage times \$40K and acre foot of house water is a

million dollar of potential HASP sales with a potential \$500,000 bill to fix the reservoir. The potential is for HASP revenues. Lisa McVicker said we have expressed an interest in this water previously even though the USP hasn't. Lisa said another big thing is the HOA's realization the reservoir levels will go up and down depending upon augmentation needs. That is something that would have to be very clearly understood. David Shohet said he could reach out to them and say if there is something you want to talk about, I can bring a proposal to my Board. Lisa McVicker thinks we need to keep the conversation going.

Nola received a notice from Park County stating CCW owes property taxes on the building. Nola sent the paperwork to David and David sent a letter to the Assessor and Treasurer indicating CCWCD is exempt from property taxes. They agreed with that but said there is a statute that says the non CCW uses may have to pay some taxes. We are currently researching this issue.

6.2 Reconvene as Public Meeting – N/A

6.3 Act on Executive Session Matters -N/A

PATRONS COMMENTS

None

DIRECTOR'S ISSUES

Lisa McVicker's issue was regarding on street parking. Lisa Brown pulled information from the agenda posted in the Fairplay Flume. She believes this refers to long term parking for construction vehicles, campers and vehicles of this type.

Craig Steinmetz would like to come up with a name for the building. He suggests the 548 Front Street. Lisa Brown will get unit signs for the three entities.

Lynne Buchanan made a motion to adjourn. The motion was seconded by Chris Fuller and the meeting adjourned at 3:00 PM.