

June 17, 2009
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, June 17, 2009 commencing at 10:09 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum was present with all Directors' being present.

DIRECTORS PRESENT:

Pete Moore-Chairman
Lynden Gill-Vice Chairman
Melissa Esquibel-Secretary
Wayne Whittaker -Treasurer
Leroy Mauch
Anthony Nunez

DISTRICT STAFF PRESENT:

Jay Winner-General Manager
Bill Hancock-Conservation Program Manager
Carla Aragon-Quezada-Office Manager
Brenda Fillmore-Finance/Water
Bart Mendenhall-Attorney
Peter Nichols-Attorney

MOTION TO ENTER INTO WATER ACTIVITY ENTERPRISE:

Director Esquibel moved that the Board recess the regular Board Meeting and open the Water Activity Enterprise meeting, seconded by Director Gill. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Gill moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:12 A.M., seconded by Director Nunez. Motion unanimously carried.

INTRODUCTION OF VISITORS:

Chairman Moore welcomed each of the visitors to the meeting, asked them to introduce themselves and identify the organization which they represent.

VISITORS PRESENT:

Chris Woodka, Pueblo Chieftain; Henry Schnabel, Bristol County Commissioner; Del Nimmo, CSU-Pueblo; Scott Herrmann, CSU-Pueblo; Keith Goodwin, Otero County Commissioner; Jim Sandoval, Otero County Commissioner; Dwight Gardner, Senator Bennet's Office; Curt Miller, LPI Enterprise; Ken Weber, Pueblo; Alan Ward, Pueblo Board of Water Works; Fred Heckman, FLCC; Burt Heckman, FLCC; Dale Mauch, FLCC; Don McBee, Lamar; Jean Van Pelt,

SECWCD; Scott Nissen, CSU; Rick Kienitz, Aurora Water; Bud Scranton, Lamar; Kathleen Scranton, Lamar; Dan Henrichs, Highline Canal; Kelly Roesch, Pure Cycle; Greg Ten Eyck, Leonard Rice Eng; Heath Kuntz, Leonard Rice Eng; John Schweizer, Super Ditch Co; Pat Edelmann, USGS; Roy Vaughan, USBR; Mark Harding, Pure Cycle; Scott Hobson, City of Pueblo.

APPROVAL OF MINUTES:

- ❖ *May 20, 2009 Monthly Board Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the May 20, 2009 Board meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for May 20, 2009, seconded by Director Whittaker. Motion unanimously carried.
- ❖ *May 20, 2009 Work Session Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the May 20, 2009 Work Session meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for May 20, 2009, seconded by Director Whittaker. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Moore reported that the financial report for the month of May was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported May total revenues \$480,202.51 and total expenditures \$255,246.42 with total net \$224,956.09. Director Whittaker moved to accept the May Financial Statement, seconded by Director Esquibel. Motion unanimously carried.

GM REPORT:

General Manager Winner introduced Jean Van Pelt, Southeast Colorado Water Conservancy District (SECWCD).

PRESENTATIONS:

Ms. Van Pelt gave an update on Tamarisk. Then she introduced Dr. Scott Nissen which gave a power point presentation on the Project Monitoring for ARKWIPP (Arkansas River Watershed Invasive Plant Project) and Evaluating the Feasibility of Integrating Biocontrol, Mechanical Removal and Herbicides for Long-Term, Sustainable Tamarisk Management which is attached to the minutes as Exhibit A.

General Manager Winner introduced Scott Hobson, City of Pueblo. Mr. Hobson gave a power point presentation on Lake Minnequa, Park & Open Space Project, Benefiting Water Quality in the Arkansas River Basin. Project partners are: Lower Arkansas Valley Water Conservancy District; Great Outdoors Colorado; Pueblo Board of Water Works; City Stormwater & Conservation Trust Funds; Colorado Division of Wildlife – Fishing is Fun; HUD – Economic

Development Initiative Funds; and State Grants – Energy Impact Assistance, which is attached to the minutes as Exhibit B.

General Manager Winner introduced Pat Edelmann, USGS. Mr. Edelmann gave update on Upper Fountain Creek. He said he was very pleased with the outcome. Mr. Edelmann reported that restoration is successful. There will be more research since a draft report states there are solids, uranium and selenium in the Upper Fountain Creek.

General Manager Winner introduced Bud Scranton, Lamar, Colorado. Mr. Scranton gave a brief report on a map he produced of John Martin which is 14 feet long. This map contains nine tributaries. Mr. Scranton will continue his presentation at the next board meeting on July 15, 2009.

Attorney Peter Nichols gave an update on the Clean Water Act case in Florida.

LEGISLATIVE REPORT: None

DIRECTORS' DISCUSSION:

General Manager Winner reported Bill Hancock, Attorney Mendenhall and I held a Water Authority meeting at the City of Rocky Ford on June 13, 2009. Mr. Hancock sent out 26 letters to the rural water entities throughout Otero County. There were 14 representatives from these entities that attended. General Manager Winner stated that when the Conduit comes through here private sectors can't get grants. They will need support to start this Water Authority. Motion was made by Director Whittaker to give the rural water entities \$14,000.00 to Research the Water Authority, seconded by Director Esquibel. Motion unanimously carried.

COMMITTEE REPORTS:

Personnel: None.

Acquisition: None.

LEGAL REPORT:

Melissa Esquibel: None

Attorney Bart Mendenhall: Attorney Bart Mendenhall discussed his legal report, a copy of which is attached to the minutes as Exhibit C.

Trout, Raley, Montano, Witwer & Freeman, PC

Attorney Peter Nichols: Attorney Peter Nichols discussed his legal report, a copy of which is attached to the minutes as Exhibit D.

BOARD ACTION: None

PUBLIC COMMENT:

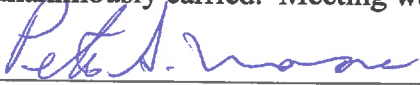
Professor Scott Herrmann of Colorado State University thanked the Lower Ark board for its support of the research on the Fountain Creek Watershed. Professor Herrmann stated our original proposal to the Conservancy District included two phases one (1) a comprehensive study focusing on the Fountain Creek Watershed and two (2) a study focusing on the Arkansas River from Pueblo Reservoir to the John Martin Reservoir. The board has provided \$375,000.00 for the Fountain Creek studies. The Lower Ark board helped to purchase an inductively coupled mass spectrometer for the university. The equipment is critical to timely measurement of trace metals in water, plants, animals, insects and other life on the creek.

General Manager Winner stated they came back for \$100,000 this year, and we're hoping they can find more funding elsewhere. LAVWCD doesn't have the money.

The current sources of funding for the Fountain Creek Watershed study include the Lower Arkansas Valley Water Conservancy District (LAVWCD), City of Pueblo, County of Pueblo, Pueblo Board of Water Works (PPBW) and in-kind contributions have been received from the Colorado Department of Public Health and Environment (CDPHE) and CSU-Pueblo.

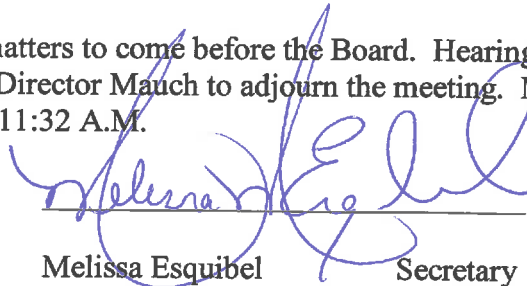
ADJOURNED:

Chairman Moore asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Gill, seconded by Director Mauch to adjourn the meeting. Motion unanimously carried. Meeting was adjourned at 11:32 A.M.



Pete Moore

Chairman



Melissa Esquibel

Secretary