

November 15, 2017
Regular Board Meeting Minutes

The regular board meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, November 15, 2017 commencing at 10:45 A.M., at 801 Swink Ave., Rocky Ford, CO 81067.

Directors Present

Lynden Gill – Chairman
Leroy Mauch – Vice Chairman
Jim Valliant – Treasurer
Melissa Esquibel – Secretary (Left Early)
Anthony Nunez (Left Early)
Reeves Brown
Willard Behm

Directors Absent

None

District Staff Present

Jay Winner – General Manager
Bill Hancock – Conservation Manager
Brenda Fillmore – Finance/Water
Mike Weber – Staff Engineer
Bart Mendenhall – Legal Council
Peter Nichols – Special Council

District Staff Absent

Jack Goble, P.E. – District Engineer

Guests Present

Rep Kimmi Lewis, House District 64
Bette McFarren, La Junta Tribune
Phil Hemphill, Fort Lyon Canal
Rose Ward, North La Junta Conservancy District
Bud Quick, North La Junta Conservancy District
Fred Heckman, McClave Farmer
Dave Donnell, concerned citizen
Matthew Proctor, Rocky Ford Farmer
Dwight Proctor, Rocky Ford Farmer
Alan Ward, Pueblo Board of Waterworks
Mark Shea, Colorado Springs Utilities
Phillip Chavez, Rocky Ford Farmer
Richard Mulledy, Colorado Springs Public Works Department

Chairman Gill announced a quorum is present with no directors absent.

10:46 A.M. – Recess to Enter the Water Activity Enterprise

- Director Mauch moved to recess the regular board meeting to open the Water Enterprise meeting and Director Nunez seconded the motion and it carried unanimously.

- The Enterprise meeting was adjourned with a motion by Director Nunez and seconded by Director Mauch.

10:59 A.M. – Reconvene the Regular Board Meeting

- *Introduction of Guests:* Chairman Gill welcomed the guests and asked them each to introduce themselves and whom they represent.

Approval of Minutes

- Director Behm commented about not knowing enough about split season irrigation and wanted more information before approving the minutes in which General Manger Winner provided an explanation and commented on providing more information.
- Minutes for the September 20 meeting were approved by a motion by Director Valiant and seconded by Director Mauch. Motion carried unanimously.
- Director Esquibel commented about rewording a section of the Executive Session Minutes for September 20 and were approved with a motion by Director Esquibel and were seconded by Director Nunez. Motion carried unanimously.
- The Special Meeting Minutes were approved with a motion by Director Esquibel with same addition of certification as Executive Session Minutes. Motion was seconded by Director Nunez. Motion carried unanimously.

Treasurer's Report

- The General Treasurer's report, given by Director Valliant states that the General Fund totals for September were:
 - Total Revenues - \$32,700.36
 - Total Expenses - \$1,297,314.31
 - Net Income – (-\$1,264,613.95)
- Totals for October were:
 - Total Revenues - \$39,053.37
 - Total Expenses - \$93,188.97
 - Net Income – (-\$54,135.60)
- Financials were approved with a motion by Director Valliant, seconded by Director Brown. Motion carried unanimously.

General Manager's Report

- General Manager Winner stated that they had a pre-meeting for ARCA where LAVWCD will be presenting on the Storage Account in John Martin Reservoir and the final report on Fountain Creek.
- Special Council Peter Nichols stated that LAVWCD is in litigation with City of Colorado Springs over their storm water and there can be no discussion of the lawsuit.
- Mark Shay introduced Richard Mulledy and added on to General Winners comments on the Fountain Creek Project while also mentioning briefly the success of the Storm Water IGA.
- Richard Mulledy presented on the Colorado Springs Storm Water Program.

- SEE EXHIBIT A
- Alan Ward discussed the history and reason for Bessemer Ditch.
- Mike Weber presented on Non-Point Source Project and shared the results of one of LAVWCD water quality projects. All the result were preliminary data.
 - SEE EXHIBIT B
 - Regulation 85
https://www.colorado.gov/pacific/sites/default/files/WQ_nonpoint_source-Regulation-85.pdf
- Bill Hancock presented on 3 new conservation easements for the board’s consideration.
 - SEE EXHIBIT C
- General Manger Winner gave an update on the Zinno Project. October 1st, Zinno hooked up to St. Charles Mesa and “now have clean affordable drinking water.” Pipes have to be replaced, which is proving to be more difficult than they thought and either have to get a categorical exclusion, environmental assessment, or environmental impact statement. General Winner would like to get a categorical exclusion.

Board Action

- Resolution 2017-36, 37, & 38 – Director Brown moved to accept Resolutions 2017-36, 37, and 38, seconded by Director Mauch with the amended date. Motion carried unanimously.
- An Engagement Letter with Mendenhall and Malouff was accepted with a motion from Director Behm, seconded by Director Mauch. Motion carried unanimously.

Committee Reports

Personnel: None

Acquisition: None

Ethics: None

Finance/Budget: Director Gill confirmed with Director Valiant that there was a Finance Committee meeting on October 20, 2017. The committee reviewed the budget.

Executive: None

Legal: None

Legal Report

- Attorney Bart Mendenhall, Mendenhall and Malouff: Legal Report is attached as EXHIBIT D
- Attorney Peter Nichols, Berg Hill Greenleaf & Ruscitti LLP: Legal Report is attached as EXHIBIT E

Public Comment

- Dave Donnell thanked Director Behm for his work on the transparency letter.
- Rose Ward thanked General Manger Winner and the Board for helping the North La Junta Conservancy District. NLJCD is now working with county commissioners on Title 37.

Adjourn

At 12:40 p.m., Chairman Gill moved to adjourn the board meeting, seconded by Director Mauch. Motion carried unanimously.



Lynden Gill

Chairman

Melissa Esquibel

Secretary