

May 20, 2009
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, May 20, 2009 commencing at 10:10 A.M. at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum was present with Director's Esquibel and Nunez being excused.

DIRECTORS PRESENT:

Pete Moore-Chairman
Lynden Gill-Vice Chairman
Wayne Whittaker -Treasurer
Leroy Mauch

DISTRICT STAFF PRESENT:

Jay Winner-Executive Director
Bill Hancock-Conservation Program Manager
Carla Aragon-Quezada-Administrative Assistant
Bart Mendenhall-Attorney

DIRECTORS EXCUSED:

Melissa Esquibel-Secretary
Anthony Nunez

MOTION TO ENTER INTO WATER ACTIVITY ENTERPRISE:

Director Gill moved that the Board recess the regular Board Meeting and open the Water Activity Enterprise meeting, seconded by Director Whittaker. 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 Whittaker. 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; Loretta Kennedy, Congressman Salazar's Office; Keith Goodwin, Otero County Commissioner; Dwight Gardner, Senator Bennet's Office; Curt

Miller, LPI Enterprise; Tracy Woodward, LPI Enterprise; Ken Weber, Pueblo; Alan Ward, Pueblo Board of Water Works; Fred Heckman, FLCC; Rick Kienitz, Aurora Water; Tom Simpson, Aurora Water; Kelly Roesch, Pure Cycle; Jim Valliant, CSU-Ext; Bill Hancock, LAVWCD; Greg Ten Eyck, Leonard Rice Eng.

APPROVAL OF MINUTES:

- ❖ *April 15, 2009 Monthly Board Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the April 15, 2009 Board meeting and whether there were any corrections or additions. Director Whittaker moved to approve the minutes for April 15, 2009, seconded by Director Mauch. Motion unanimously carried.
- ❖ *April 15, 2009 Work Session Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the April 15, 2009 Work Session meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for April 15, 2009, seconded by Director Whittaker. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Moore reported that the financial report for the month of April was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported April total revenues \$129,099.41 and total expenditures \$259,594.92 with total net <130,495.51>. Director Whittaker moved to accept the April Financial Statement, seconded by Director Mauch. Motion unanimously carried.

GM REPORT:

General Manager Winner introduced Nancy Moore, Ordway, Prairie Horizons Trail Working Group Leader.

PRESENTATIONS:

Ms. Moore gave a presentation on Prairie Horizons Trail and thanked the Lower Ark for their support. She presented a copy of the Prairie Horizons Trail Corridor Plan which is attached to the minutes as Exhibit A.

Executive Director Winner introduced Richard White of Grimsley, White & Company. Mr. White stated that all the Board Members had a copy of the December 31, 2008 Financial Statements. He stated that Grimsley White & Company sent out two letters, one was internal control. We said you had material weakness at the time. That's a fact that you don't have anybody on board that could prepare the financial statement. He stated that after the Board Members had time to review the document, if there were any questions, to contact him. Mr. White briefly discussed each financial statement in the handout and stated that the District was in complete compliance with their budget which is attached to the minutes as Exhibit B.

Director Whittaker moved to accept and approve the December 31, 2008 Audit Report, seconded by Director Gill. Motion carried unanimously.

Del Nimmo of CSU-Pueblo gave an update on Fountain Creek. He stated the data is completed. He thanked the District for their support.

General Manager Winner gave the board an update on conservation easements.

General Manager Winner also stated the Lower Arkansas Valley Water Conservancy District was granted a 2 year stay with the BOR/Aurora Settlement.

LEGISLATIVE REPORT: None

DIRECTORS' DISCUSSION:

General Manager Winner asked the Directors' to considerate placing conservation easements on District owned farms: Holbrook, Bessemer, and Highline. Directors thought it will benefit the District. General Manager will look into this.

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.

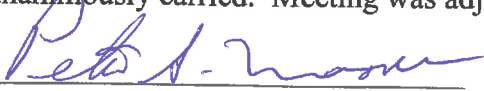
BOARD ACTION: None

PUBLIC COMMENT:

Jim Valliant, CSU-Pueblo gave an update on Hansen Farm, program is completed.

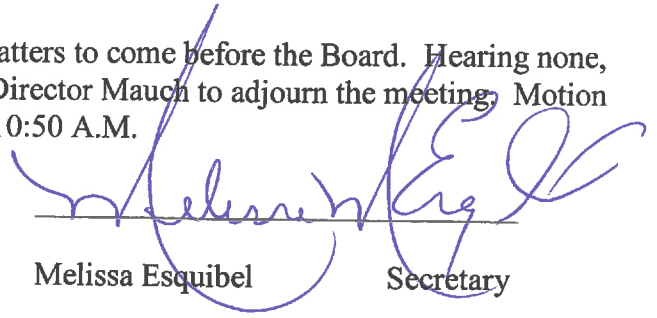
ADJOURNED:

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 10:50 A.M.



Pete Moore

Chairman



Melissa Esquibel

Secretary