

**Upper Gunnison River Water Conservancy District**  
**Regular Board Meeting Minutes**  
**Monday, November 23, 2020**

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a regular meeting via teleconference on Monday, November 23, 2020, at 5:40 p.m. An Executive Session of the Board of Directors was conducted at 5:00 p.m. to discuss personnel matters.

Board members present: Rosemary Carroll, Joellen Fonken, Rebie Hazard, Stacy McPhail, Julie Nania, Bill Nesbitt, John Perusek, Michelle Pierce, Don Sabrowski and George Sibley.

Others present:

Sonja Chavez, General Manager

Will Dujardin, Crested Butte Town Council

Emily Halverson, Colorado Department of Law

Samuel Liebl, Gunnison Country Times

John McClow, General Counsel

Beverly Richards, Water Resource Specialist

Liz Smith, Gunnison County Board of County Commissioners

Jill Steele, Office Manager

Sue Uerling, Administrative Assistant

Board members not present: Andy Spann

**1. EXECUTIVE SESSION CALL TO ORDER**

Board President Michelle Pierce called the Executive Session to order at 5:00 p.m. The Executive Session authorization, § 24-6-402(4)(f)(I) C.R.S., was read by Michelle Pierce. The session was closed to discuss personnel matters related to salaries.

**2. EXECUTIVE SESSION ADJOURNMENT**

Board President Michelle Pierce adjourned the November 23, 2020 Executive Session at 5:37 p.m.

**1. CALL TO ORDER OF REGULAR MEETING AND REPORT OUT OF EXECUTIVE SESSION**

Board President Michelle Pierce called the meeting to order at 5:40 p.m. President Pierce reported that during the Executive Session the Board discussed the Executive Committee recommendation of a two percent cost of living increase for General Counsel; a \$5,000 merit bonus for John McCLOW for his work on the Phase 1 Watershed Management Plan Report to the Colorado Water Conservation Board; and, a 10 percent increase in salary for Sonja Chavez bringing her 2021 salary to \$115,428. The Board added those items to the District's 2021 Budget. Director Pierce commended John McCLOW and Sonja Chavez for all their hard work this year.

**2. AGENDA APPROVAL**

**Bill Nesbitt moved and John Perusek seconded approval of the agenda as circulated. A roll call vote was conducted. Results of the roll call vote:**

<b>Rosemary Carroll</b>	<b>yes</b>
<b>Joellen Fonken</b>	<b>yes</b>
<b>Rebie Hazard</b>	<b>yes</b>
<b>Stacy McPhail</b>	<b>yes</b>
<b>Julie Nania</b>	<b>yes</b>
<b>Bill Nesbitt</b>	<b>yes</b>
<b>John Perusek</b>	<b>yes</b>
<b>Michelle Pierce</b>	<b>yes</b>
<b>Don Sabrowski</b>	<b>yes</b>
<b>George Sibley</b>	<b>yes</b>

**The motion carried 10 – 0.**

**3. CONSENT AGENDA ITEMS**

**Joellen Fonken moved and Stacy McPhail seconded approval of the consent agenda. A roll call vote was conducted. Results of the roll call vote:**

<b>Rosemary Carroll</b>	<b>abstained</b>
<b>Joellen Fonken</b>	<b>yes</b>
<b>Rebie Hazard</b>	<b>yes</b>

<b>Stacy McPhail</b>	<b>yes</b>
<b>Julie Nania</b>	<b>abstained</b>
<b>Bill Nesbitt</b>	<b>yes</b>
<b>John Perusek</b>	<b>yes</b>
<b>Michelle Pierce</b>	<b>yes</b>
<b>Don Sabrowski</b>	<b>yes</b>
<b>George Sibley</b>	<b>yes</b>

**The motion carried 8-0.**

**4. LEGAL MATTERS**

General Counsel, John McClow, referred to the Conflict of Interest Memorandum and draft Policy Regarding Potential Conflicts of Interest included in the Board Packet. Bill Nesbitt and George Sibley expressed their appreciation to John for clearing up the issue of any “indirect conflict of interest” and for helping ensure transparency for all board members.

**Bill Nesbitt moved and John Perusek seconded approval of the Policy Regarding Potential Conflicts of Interest. A roll call vote was conducted. Results of the roll call vote:**

<b>Rosemary Carroll</b>	<b>yes</b>
<b>Joellen Fonken</b>	<b>yes</b>
<b>Rebie Hazard</b>	<b>yes</b>
<b>Stacy McPhail</b>	<b>yes</b>
<b>Julie Nania</b>	<b>yes</b>
<b>Bill Nesbitt</b>	<b>yes</b>
<b>John Perusek</b>	<b>yes</b>
<b>Michelle Pierce</b>	<b>yes</b>
<b>Don Sabrowski</b>	<b>yes</b>
<b>George Sibley</b>	<b>yes</b>

**The motion carried 10 – 0.**

John McClow also referred to the Amended Decree of the Water Court included in the Board packet concerning the water rights in the Taylor Park Reservoir, which was filed November 2, 2020 in the District Court, Water Division 4. Board members expressed their appreciation that this amended decree was filed.

**5. MANAGER AND COMMITTEE REPORTS**

The Board received the November 2020 General Manager & Committee Reports in their packets.

### **A. Executive Committee**

Sonja Chavez referred to her General Manager Memorandum and reminded the Executive Committee that they will meet on January 4, 2021 at noon. She asked if there were any questions about why the committee would begin meeting quarterly and none were raised.

### **B. Education Committee**

Sonja Chavez said that although the Education Committee did not meet this month, Beverly Richards was approached by Max Sawyer of the Western Water Channel Club about a possible alternative for the use of the annual funds the District provided for 2020 (WCU could not hold a Water Workshop this year due to Covid-19 constraints.) Beverly reported that one option might be for them to develop a small-scale water table and the other might be for the purchase of data collection instruments. There was a question about whether or not this could be completed before the end of the year, since WCU is working remotely now. Beverly assured the Board that Max understands he must have a solid plan, budget and professor support in place by the first of December 2020 if they want to access 2020 funds.

**C. Finance Committee and D. Projects Committee** – Did not meet this month.

### **E. Grant Committee**

There was no meeting this month, but Sonja Chavez reminded the committee members that there will be a meeting on Thursday, December 10<sup>th</sup> at 1:30 p.m. to review the 2021 grant guidelines and policies.

### **F. Watershed Management Planning Committee**

1. The WMP committee met on November 9, 2020 and a meeting report was included in the packets. No questions were raised.

2. **Strand Ditch Bridge Project:** Sonja Chavez explained that the Forest Service had completed the removal of the bridge, blocked off access to the unauthorized trail and finished restoration of the ditch and embankment

so there should be no further surrounding natural resource impacts from the newly constructed trail or water right impacts to landowners.

**3. Single Point of Diversion (Outcalt No. 2 & GTVA):** Sonja Chavez referred to her report, said that the affected landowners had participated in a remote zoom meeting with the engineer, and that she had just received the project design report an hour before tonight's meeting and would be reviewing it and reporting back to the Board next month.

**4. Agricultural Engineering & Environmental Consultant RFP's:** Sonja Chavez reported that the RFQ announcement was released to CIP-Info (project distribution publication for engineers/consultants) and on the District's website and social media outlets last week. In addition, several of our partners shared the announcement through their social media outlets and emails were sent directly to potential interested consultants. The District received several immediate replies of interest, so Sonja is optimistic about receiving some good proposals by the deadline, December 4, 2020.

## **II. Other Board/Staff/Committee Member Reports**

### **A. Treasurer's Report**

Treasurer Bill Nesbitt gave his monthly update to the Board stating that following the election there has been a shake-up of personnel at the federal reserve. Bill said that with the debt the nation has incurred due to Covid-19, neither party can afford to have a significant rise in interest rates. The certificate of deposit in the Lake City Bank will automatically renew at the current rate 10 days from its maturity date and Bill does not know what that rate will be at this time. He is happy that we are not losing money and have a strong portfolio.

### **B. Taylor Reservoir/Taylor Local Users Group (TLUG)**

**Update on Reservoir Operations: Taylor Reservoir/Taylor Local User's Group:** Sonja reported that winter releases have been averaging about 84 cfs. Bill Nesbitt asked John McClow when the second fill of the Taylor Reservoir would occur, and John confirmed it will start in late Spring 2021 at the earliest. Sonja also reported that moisture levels are currently "below normal" to "much below normal" for our area and that the last ten years have been the driest recorded in last 100 years with the highest ever recorded evaporative demand over the period of record (1979 to present). Sonja stated that this is part of the reason why the

new gages at Texas and Willow Creek will be so important in helping accurately predict early season flows so that conservation measures can be taken preemptively if necessary. Sonja reiterated that she did not get any firm commitments of financial support from the members of the Four Parties for the installation of these gages at this time but that with the passage of Ballot Measure 7A, she plans to go back to the Colorado River District to ask again for funding support. Don Sabrowski reiterated that the new gages will be instrumental in helping them nail down projections of flows since current models are not working well. Uncompahgre has indicated verbal support and has asked Sonja to follow-up with a letter to their Board. Later in the meeting, Joellen Fonken suggested the District look at the Met Rec Community Collaboration grant cycle to see if their grant funds might be available to help offset some of the costs of the new gauges and/or community education on water conservation and management.

**C. Wet Meadows Project:** Paul Jones' report was included in the Board packet. Sonja Chavez requested that the Wet Meadows project be discussed at the Executive Committee meeting scheduled for January 4, 2021.

**D. Gunnison Basin Roundtable:** The group met on November 16<sup>th</sup> and Sonja Chavez referred to details in her General Manager report about the Colorado Water Conservation Board's streamlining of the WSRF Grant Program. Julie Nania also reported that the group has shifted its focus on educational programming due to covid restrictions. Recent discussion has been on watershed and forest health. Julie said the group was grappling with if and how to address both watershed and forest health with the limited funding that is available Julie said there are a lot of studies and data available from a variety of groups about both and she shared a number of them with the WMP Committee. There was also a \$5,000 WSRF funding request for evaluating establishment of a statewide ASO flight program). Sonja announced that she and Dan Omasta of CO Trout Unlimited discussed his possible coordination support on bringing entities together to help inform discussion in the Upper Gunnison Basin around forest management and watershed health. Stacy McPhail expressed concerns about determining where the line is between watershed and forest health. Stacy feels the District needs to be very clear that any funding it provides, directly supports watershed health and is a benefit to the District. Although she agrees that there needs to be cooperation and collaboration with the Forest Service, she wants to be sure that we leverage any District funding

allocated to provide the biggest benefit to the watershed in our District. Through further discussion, it was agreed that we need more internal discussions to determine our District goals and priorities and that recommendations should come to the full Board from the Watershed Management Planning Committee.

Bill Nesbitt expressed regret in reading that Bill Trampe was stepping down from the Gunnison Basin Roundtable and from the Colorado River District Board. He said that Bill Trampe was always a staunch advocate for the Gunnison Basin and Director Nesbitt wondered if someone from our district could replace Mr. Trampe. Sonja Chavez expressed that she has an interest in serving as Mr. Trampe's possible replacement and several members of the Board expressed their support of Sonja. Sonja said she believes it would take about a day and a half each quarter to fulfill CRWCD Board duties and she feels she can devote that amount of time without any interference to her District responsibilities, especially given the overlap in her current duties and her participation in committees like the GBRT, Water Bank Work Group, etc. Bill Nesbitt asked John McClow if he sees any conflict of interest issues. John replied he thinks Sonja would be a great addition to the River District Board and could always recuse herself if there were any conflicts of interest. The Board was in consensus that John McClow should write a letter to the Board of County Commissioners encouraging them to appoint Sonja as Mr. Trampe's replacement for Gunnison County. John also agreed to contact the City of Gunnison about seeking their support for Sonja's appointment.

**E. Update on Scientific Endeavors:** Rosemary Carroll reported that there were a number of scientific entities that are involved in field work that should provide some useful data for the District. She said the Department of Energy is assessing stream flow in the East and Taylor Rivers. She said Lawrence Livermore National Laboratories was looking into the interface of water, snow and forests and that the USGS is overlapping this with snow water isotopes and elevation gradient studies. Rosemary said it is a little like herding cats to try to get the various entities to collaborate on their efforts and data, but that this information will be very helpful to some of the discussions that the WMP will have about the effects of vegetation on watershed health.

**F. Aspinall Unit Releases:** A report of releases was included in the Board packet. Sonja reported that the inflow volume to Blue Mesa Reservoir was about 57 percent of average and that it is currently about

47percent full. Sonja wondered if there was anything we can do now as a District to start addressing potential shortages next summer. She said it would be very hard to come back from back-to-back drought years and asked if conversations should be started with the community about what we can do to conserve water. Bill Nesbitt wondered if the District can encourage the City to stall on opening the ditches as early as they have in the past to conserve some water. It was discussed that the Education Committee can take this on to promote a culture of conservation and wise water use. Director Fonken reported that the River Festival would take place in 2021 and that the festival can focus on conservation as well. Joellen said the first River Festival meeting will take place in January.

**G. Gunnison River Accounting 2021:** Sonja Chavez referred to the notice from the Assistant Division Engineer, Jason Ullmann, about Taylor Park Reservoir storage accounts and some changes to their accounting. Mr. Ullmann also referenced the NWS Climate Prediction Center’s prediction for lower than average precipitation from November through January.

**H. In-Stream Flow Proposal in the Gunnison:** Sonja Chavez clarified that she had erroneously identified the heading for this section as “Gunnison Basin” instream flow proposals when it should have said “Instream Flow Proposal in the Upper Gunnison District”. She presented a map of streams in the Upper Gunnison Basin that are currently being considered for possible appropriations for in-stream flow by the CWCB. Three streams are located in the Upper Gunnison District: Elk Creek at the headwaters to confluence with Coal Creek; Gold Creek from the Tarkington Ditch headgate to Quartz Creek; and, Wildcat Creek at the outlet of Green Lake to the confluence with Coal Creek. Pine Creek may also be within the District boundary. Staff will research further.

## **6. BREAK**

## **7. PUBLIC HEARING ON DRAFT 2021 BUDGET**

Michelle Pierce said that the only changes to the draft budget is the cost of living increase as discussed in the report out of the Executive Session at the beginning of the meeting.

Michelle Pierce opened the Public Hearing and called for comments. No members of the public commented on the draft budget. Michelle Pierce closed the public hearing.



## **8. BOARD DISCUSSION OF PUBLIC COMMENTS ON DRAFT 2021 BUDGET**

There were no public comments on the draft budget to discuss.

## **9. MISCELLANEOUS MATTERS**

Sonja Chavez reported District staff has been going back and forth on revised proposals submitted by the audio-visual companies contacted for proposals. The staff will be getting more feedback from one of the companies next week but we are leaning towards using the more local company, even though their bid is slightly higher. Sonja said she doesn't think it is a good idea to rely on hand-me-down equipment and that the selection needs to be the best for the district for the long haul. Final project cost could be about \$28,000 which is \$8,000 more than originally planned, but we have adequate funding between our 2020 and 2021 budget allocations. There were no concerns from the Board.

Sonja asked Bill Nesbitt if there was any word on the sale of the unit next door. Bill said there is nothing formal, but he encouraged Sonja to meet with Dan McKenna and his partners soon to talk more about the HOA provisions.

Sonja reported that the Lake San Cristobal Water Activity Enterprise was conducting its first ever financial audit. Coordination is occurring between auditors for each entity. She also said that new moisture filters for the vault have been ordered and Robert Hurd will install. They had never been changed which was causing incorrect readings on releases when there were storms coming in and changes in barometric pressure.

Sonja has been contacted by the new CB Land Trust Director, Jake Jones, about the District being involved in a recreational planning stakeholders' group for their newly acquired Long Lake (Meridian Lake Reservoir) parcel near Crested Butte.

John reported that the CWCB Board had issued a memo summarizing their next steps/work plan with respect to demand management. A copy of that report was sent to the Board via email as it came in after board meeting packets had already been sent out.

## **10. CITIZEN COMMENTS**

Will Dujardin from the Crested Butte Town Council said he has been reviewing the meeting packets to follow District's activities. He suggested using "CB Alerts" to get messages out to the public in the northern part of the valley related to water conservation. He offered to get a letter of support for Sonja's appointment to the Colorado River District Board and asked John to share a copy of the letter he will be writing to the Gunnison BOCC. Will also mentioned that the District might see a grant application for Water Smart in the next cycle and Michelle Pierce told him that would be perfectly appropriate.

## **11. FUTURE MEETINGS**

Sonja reviewed upcoming meetings and office closures from now through early January and a copy is included with these minutes.

## **12. SUMMARY OF MEETING ACTION ITEMS**

John McClow will prepare a letter to the Gunnison BOCC recommending that Sonja be appointed to fill the opening on the Colorado River District Board. He will share a copy of this letter with Will Dujardin of the Crested Butte Town Council. He will also talk to the City of Gunnison about their support of Sonja's appointment.

Sonja Chavez will research more about whether governmental entities can apply for Met Rec District grants and their deadlines.

Sonja will follow up with Steve Anderson on financial support for the new Taylor gages at Willow and Texas creek.

Sonja and the WMP will work on identifying critical goals and priorities for the District with respect to the overlap of watershed and forest health and recommendations will be brought back to the Board.

Sonja will contact Dan McKenna about scheduling a Condominium Association meeting to take action on the repairs to the common Elements at 210 West Spencer.

Sonja will follow up with Will Dujardin (CB Town Council) about conservation outreach and messaging and will schedule an Education Committee meeting in January to discuss this further.

## **12. ADJOURNMENT**

Board President Michelle Pierce adjourned the November 23, 2020 meeting at 7:20 p.m.

As chair of the executive session, I hereby attest that the executive session held on November 23, 2020 was confined to the topic authorized for discussion in an executive session, as reflected by the minutes.



Michelle Pierce, President

Respectfully Submitted,



George Sibley, Secretary

APPROVED:



Michelle Pierce, President

## FUTURE MEETINGS/EVENTS

- ▶ Thanksgiving (Office Closed) – Nov. 26-27
- ▶ CO Ag Water Alliance – Dec. 3
- ▶ Ag Eng. & Planning RFQ Deadline – Dec. 4
- ▶ Stockgrowers (Tentative) – Dec. 8
- ▶ Upper Gunnison Board Mtg – Dec. 9
- ▶ Grant Committee – Dec. 10
- ▶ Watershed Mgt Planning Committee – Dec. 14
- ▶ GBRT Basin Implementation Plan Committee – Dec. 17
- ▶ Christmas Holiday (Office Closed) – Dec. 24-25
- ▶ New Year's Day (Office Closed) – Jan. 1
- ▶ Executive Committee Meeting – Jan. 4