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MINUTES OF MEETING OF THE BOARD OF DIRECTORS OF THE LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT

April 9, 2024

DIRECTORS PRESENT:

Allen Coyne	Jack McClary
Ken Fritzler	Joe Patterson
Bruce Gerk	Kent Pflager
Brian Kembel	Cody Poitz Zoom
Dan Kendrick Zoom	Bryan Ruf
Gene Manuello	Carson Smart
Bob Mari	Brad Stromberger

DIRECTORS ABSENT:

None

DISTRICT STAFF PRESENT:

Joe Frank, General Manager
Rick Fleharty, Technician
Craig Brownell, Technician
Deanna Eskew, Secretary

VISITORS PRESENT:

Darlene Carpio, Zoom

The meeting was called to order by President Fritzler at 8:00 am.

APPROVAL OF THE MARCH 12, 2024 EXECUTIVE COMMITTEE MINUTES:

Director Coyne made the motion to approve the March 12, 2024 Executive Committee Minutes as submitted. Director Mari seconded. Motion passed unanimously.

FINANCE REPORT:

After reviewing the Financial Report for the month of March, Treasurer Coyne made the motion to approve District checks 17092 – 17136 as well as Julesburg Recharge checks 1225 – 1236. Director Pflager seconded the motion which passed unanimously.

RIVER MONITORING:

Division I, Water Court Resume’:

No Statements of Opposition will be filed from the February, 2024 Water Court Resume’.

Julesburg Recharge Project:

Manager Frank reported that recharge checks for 2023 were mailed to the well owners as well as the pumping bills for 2023.

Heyborne Recharge Project:

Manager Frank stated that he, Craig, and Rick from Lower’s office met April 3rd with Jon Altenhofen from Northern Water, Kent Heyborne landowner, Matt Reddy from Ducks Unlimited, Kevin Warner from Ducks Unlimited and Rich Belt from SPWRAP to discuss a long-term solution to the operations at the Heyborne site. The group will be following up on viable options.

LEGAL REPORT:

Manager Frank stated that the board will need to go into executive session later in the meeting for the following:

1. Conference with the District’s attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b),

2. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e).

PRESIDENT'S REPORT:

None

MANAGER'S REPORT:

Legislative Matters:

- WRASP –
 - Director Gerk made the motion that LSPWCD oppose HB 24-1379 regarding the Colorado Dredge and Fill Program. Director Mari seconded the motion which passed unanimously.
 - Director Coyne made the motion that LSPWCD support SB 24-197 regarding the Colorado Dredge and Fill Program. Director McClary seconded. Motion passed unanimously.

General Matters:

- Perkins Canal –
 - Manager Frank noted that the reason for the earlier than normal board meeting today is because he and Jim Yahn along with Brad Wind and Kyle Whitaker from Northern Water will be meeting with the State regarding the Perkins Canal prior to this afternoon's South Platte Basin Roundtable meeting.
- NE Colorado Water Cooperative –
 - The next meeting of the NE Colorado Water Cooperative will be held on April 25th at Lower's office.
- South Platte Water Related Activities Program (SPWRAP)
 - Tamarack recharge wells were shut off the end of March.
- South Platte Basin Roundtable –
 - The next meeting of the Roundtable will be held later today.
- South Platte Regional Opportunities Water Group –
 - The next meeting of the Group will be held on April 16th. Manager Frank will be part of a group who will be meeting with representatives of the State as there is interest in what the State's role could be with the Group.

- Platte Valley Water Partnership –
 - Preliminary drilling tests conducted at the Fremont Butte site look good. However, there may be a little more seep than what was originally expected but it is still very feasible.
 - Manager Frank met with Ron Redd from Parker and Mark Marlo from Castle Rock regarding a pre-construction agreement regarding sharing of up-front costs between Parker and Castle Rock.

- Special Meetings –
 - Meetings Manager Frank has attended include the Sedgwick County Well Users meeting, Heyborne operations meeting, Perkins Canal workgroup, Colorado Water Congress (Manager Frank is a member of the executive committee to hire a new executive director). Manager Frank will also be attending the Colorado Water Congress board retreat in Pueblo next week.

PUBLIC COMMENT:

Darlene Carpio was able to attend today's board meeting via Zoom. She noted that she is able to continue in her job at least temporarily even through her employer, previous Congressman Ken Buck, has resigned.

EXECUTIVE SESSION:

At approximately 9:17 a.m. Director Coyne made the motion to adjourn into executive session for the following:

1. Conference with the District's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b),
2. For the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e).

Director Pflager seconded the motion which passed unanimously.

President Fritzier adjourned the executive session and reconvened the board meeting at approximately 10:16 a.m.

NEW BUSINESS:

Director Manuello made the motion to petition the Colorado Supreme Court to appeal the ruling of the Appeals Court (2024 COA 28). Director Patterson seconded the motion. Motion passed unanimously.

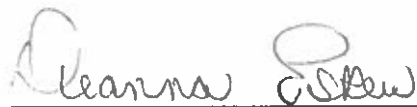
Director Gerk made the motion to contribute up to \$500 for a Nebraska Knowledge Exchange Tour of recharge projects in the lower end of the South Platte River. Director McClary seconded. Motion passed unanimously.

OLD BUSINESS:

None

ADJOURNMENT:

There being no further business, Director Mari made the motion to adjourn. Director Coyne seconded the motion which passed unanimously. The meeting was adjourned at approximately 10:29 a.m.



Deanna Eskew, District Secretary