



## KERN BOARD REGULAR MEETING

July 8, 2019 - 6:45 PM or following the Town Board Regular Meeting  
Town Board Chambers 301 Walnut Street Windsor, CO 80550

### MINUTES

1. Call to Order

Vice President Bennett called the meeting to order at 6:36 p.m.

2. Roll Call of Directors Present

President Kristie Melendez - Absent  
Vice President Ken Bennett  
Myles Baker - Absent  
Barry Wilson  
Secretary/Treasurer Paul Rennemeyer  
Tom Jones  
David Sislowski

Also Present:

Shane Hale, Town Manager  
Ian McCargar, Town Attorney  
Dean Moyer, Director of Finance  
John Thornhill, Water Resource Manager  
Kim Emil, Assistant Town Attorney/Town Prosecutor  
Eric Lucas, Director of Parks, Recreation and Culture  
Rick Klimek, Chief of Police  
Krystal Eucker, Town Clerk

3. Approval of the May 13, 2019 Kern Board Regular Meeting Minutes - K. Eucker

**Secretary/Treasurer Rennemeyer moved to to approve the minutes of the May 13, 2019 meeting, Board Member Wilson seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Rennemeyer, Sislowski, Wilson; Motion Passed.**

4. Legal Update - Brad Grasmick

Mr. Brad Grasmick informed the Kern Board of the one major change application that is forthcoming. The Kern Reservoir and Ditch Company owns the water rights decreed to Kern Reservoir and they also own eight shares in the Cache La Poudre Irrigation Company. Mr. Grasmick has filed an application with the New Cache Company on behalf of the Town and Kern Reservoir and Ditch Company to change the Town's New Cache shares and the shares that are owned by the Kern Reservoir and Ditch Company. That application has been pending with the New Cache La Poudre Irrigation Company for about seven months now. Mr. Grasmick has asked for periodic updates and has been told they are working on reviewing it but have not yet sent a formal response. Once the response is received, we will know the terms and conditions that the Company will impose on the change of use application and then we will proceed to file an application with the Water Court to change those shares. That is an important and valuable asset of the Kern Company and it will be changed just as the Kern Reservoir storage right for multiple uses including argumentation. One of the other uses that could be made of that right is to fulfill the delivery contract to Trollco that comes out of Kern and is part of the irrigation deliver contract that eventually found it's way to Trollco. They take delivery of one CFS out of Kern.

Kern is also involved in a change case that was filed by the Raindance Metropolitan District. Raindance was seeking to adjudicate an exchange back up to the Eaton Head Gate for use at Water Valley and at Raindance. One of their claims involved an exchange from the Town of Windsor wastewater outfall to the Eaton Head Gate and we are primarily involved in that case because the water that they would be exchanging is Greeley-Loveland Irrigation Water that they would dedicate to the Town.

The Fort Collins Loveland Water District application is seeking to quantify their fully consumable return flows for water they own that they can not fully consume. One of their sources of that is water that is treated by the Town and discharged back to the Poudre River from the Town's water outfall.

Mr. Grasmick stated things have been going well with Kern and there are no major issues to report.

Mr. McCargar also reported that at the last meeting of the Kern, there was an amended carriage agreement approved due to some typographical errors. The beneficiary of that agreement is seeking some financial assistance through banks and the banks want to collateralize the water right and carriage agreement. Assuming the language of the collateral assignment can be worked out, those will be done at an administrative level.

Dr. Jones inquired as to the Kern Weld County School District Augmentation Plan and what that is.

Mr. Grasmick stated there is ongoing reporting of the argumentation plan from both a legal perspective and an engineering perspective. That argumentation plan requires us to provide monthly accounting to the state and requires a projection to be submitted to the state in order to show that the plan can operate and the wells can operate at a certain level.

Mr. Sislowski inquired if the conditions in any case are not in Kern's favor.  
Per Mr. Grasmick; no.

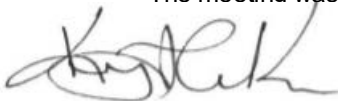
5. List of Bills - May 1, 2019 - June 30, 2019

**Secretary/Treasurer Rennemeyer moved to to approve the list of bills, Board Member Sislowski seconded the motion. Roll Call on the vote resulted as follows; Yeas - Bennett, Jones, Rennemeyer, Sislowski, Wilson; Motion Passed.**

6. Adjourn

**Board Member Sislowski moved to to adjourn, Secretary/Treasurer Rennemeyer seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Rennemeyer, Sislowski, Wilson; Motion Passed.**

The meetina was adiourned at 6:52 p.m.



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Krystal Eucker, Town Clerk