

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE NORTH WELD COUNTY WATER DISTRICT

Held: Monday, the 9<sup>th</sup> day of January, 2023, at 1:30 P.M.

*The meeting was conducted via teleconference.*

**ATTENDANCE**

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

Tad Stout, President  
Scott Cockroft, Secretary  
Matthew Pettinger, Assistant Secretary  
Brad Cook, Assistant Secretary

Also present were Eric Reckentine, General Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Garrett Mick, North Weld County Water District; George Oamek, Headwaters Corp., Richard Reins, Water Resources; Stephen Gagliardi, Town of Severance Liaison; members of the public.

**ADMINISTRATIVE MATTERS**

Call to Order

The meeting was called to order at 1:30 P.M.

Declaration of Quorum and Confirmation of Director Qualifications

Mr. Stout noted that a quorum for the Board was present and that the directors had confirmed their qualification to serve.

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest

Mr. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White reported that disclosures for those directors that provided WHITE BEAR ANKELE TANAKA & WALDRON with notice of potential or existing conflicts of interest, if any, were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. White inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest about any matters scheduled for discussion at the meeting. All directors reviewed the agenda for the meeting and confirmed that they have no additional conflicts of interest in connection with any of the matters listed on the agenda.

Approval of Agenda

Mr. Reckentine presented the Board with the agenda for the meeting. Upon motion of Mr. Pettinger, seconded by Mr. Cockroft, the Board unanimously approved the agenda.

**PUBLIC COMMENT**

Mr. Bean addressed the Board regarding 2013 agreement with the City of Greeley stated he was on the board when it was approved and it is complex

**CONSENT AGENDA MATTERS**

Mr. Reckentine presented the Board with the consent agenda items.

Upon motion of Mr. Pettinger, seconded by Mr. Cockroft, the Board approved the following:

- a. Minutes from December 12, 2022, Regular Meeting
- b. Approve Unaudited Financials for December 2022
- c. Approve Invoices through January 9, 2023
- d. Approve Easement Agreement for Severance South Development
- e. Approve Temporary Construction Easement Renewals Eaton Pipeline Phase 2

**FINANCIAL MATTERS**

Consider Adoption of 2023 Fee Schedule

Mr. Reckentine presented the 2023 Fee Schedule as updated to reflect the 2023 Budget adopted by the Board. Following discussion, upon a motion by Mr. Pettinger, seconded by Mr. Cockroft, the Board unanimously adopted the 2023 Fee Schedule.

Consider Appointment of Director to Fill Vacancy in Director District 5

The Board resumed their consideration of appointment of a director to fill the vacancy on the Board following candidate interviews at the December 2022 meeting. Mr. Pettinger indicated he believed both candidates would make good directors. He thinks Mr. Podtberg would provide a voice for the dairy customers and has a good business background but leans toward Ms. Hennen as a representative of different customer classes. Mr. Cook indicated he feels Ms. Hennen would not have the same potential conflicts of interest as Mr. Podtberg and would offer different opinions to the Board. Mr. Cockroft indicated that he does not know Ms. Hennen beyond the interview, and expressed concern about Mr. Podtberg's availability to attend Board meetings. Mr. Stout indicated he believes both candidates would make good board members, but thinks Ms. Hennen would offer a new perspective on the Board.

Following discussion, upon a motion by Mr. Cook, seconded by Mr. Pettinger, the Board appointed Ms. Hennen to the vacancy on the Board in Director District 5. Mr. Cockroft voted no.

Professional Services  
Selection 42-inch Pipeline,  
16-inch Replacement and  
Tank 1 C Design and  
Construction Management  
Project

- a. Tri-hydro Corporation
- b. Ditesco Engineering Services

The Board discussed proposals from Tri-hydro Corporation and Ditesco Engineering Services for the Weld County Transmission Line and Tank 1C Engineering and Professional Services Selection presented at the December 2022 meeting. Mr. Reckentine reported to the Board regarding costs discrepancies between the proposals and indicated that they are insignificant. The Board discuss the great qualifications of both bidders and thanked both for their work for the District. Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Cook, the Board awarded the contract to Ditesco Engineering Services.

Consider Approval of  
NEWT III Project Contractor  
Agreements and Easements  
Consider Award of Contract

Ditesco representatives presented the following NEWT III project contractor agreements and easements to the Board:

- a. Garney Companies Inc, GMP Work Package 1 Contract;
- b. Garney Companies Inc, Notice of Award, and Notice to Proceed;
- c. Timberline Road Crossing ROW; and
- d. Steel Coil Material Purchase Package NEWT III Pipeline.

Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously approved the above contracts and easements.

Consider Approval of  
Intergovernmental  
Agreements

- a. 2019 IGA Second Amendment for the NWCWD and City of Greeley Interconnect Easement at the Surfer Land Ventures LLC. Property
- b. 2013 IGA City of Greeley and NWCWD First Amendment

Mr. Reckentine presented to the Board two separate IGA's with the City of Greeley and discussed the purpose of each agreement.

Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously approved the 2019 IGA Second Amendment for the NWCWD and City of Greeley Interconnect Easement at the Surfer Land Venture, subject to any final non-substantive comments from the City of Greeley.

Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously approved the Approve 2013 IGA City of Greeley and NWCWD First Amendment, subject to any final non-substantive comments from the City of Greeley.

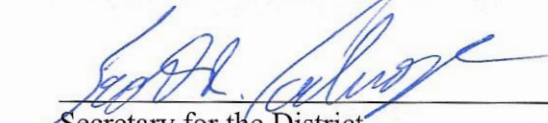
## **EXECUTIVE SESSION**

None.

## **ADJOURNMENT**

There being no further business to be conducted, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes  
of the above-referenced meeting



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Secretary for the District