

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

Held: Monday, the 11<sup>th</sup> day of December 2023, at 8:30 A.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  
Nels Nelson, Treasurer  
Anne Hennen, Assistant Secretary  
Matt Pettinger, Assistant Secretary  
Director Cockroft, Secretary

Also present were Eric Reckentine, General Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; George Oamek, Headwaters Corp; David Wiggins, Stantec Richard Raines and Jan Sitterson, Water Resources; Angela Thompson, Slate Communications; and members of the public.

**ADMINISTRATIVE MATTERS**

Call to Order

The meeting was called to order at 8:30 A.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**

None.

**CONSENT AGENDA MATTERS**

Mr. Reckentine reviewed the items on the consent agenda with the Board. Mr. Reckentine advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Mr. Nelson requested negotiation of a 20% royalty under item (m) below.

Upon a motion of Mr. Cockroft, seconded by Mr. Pettinger, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. Minutes from November 13, 2023, Meeting
- b. Unaudited Financials for November 2023
- c. Invoices through December 11, 2023
- d. Basilere Meter Relocation Request, Wood Lake Line Replacement
- e. Change Order Element Engineering -Oppositions
- f. Work Directive Change CR 84 Project Line Replacement
- g. Stantec Master Plan Amendment
- h. Long Peak WSSC Recharge Project Contractor Change Order
- i. Back Flow Cross Connection Variance Request - MMM
- j. Adoption of Resolution No. 20231211-01: 2024 Annual Administrative Resolution (enclosure)
- k. Easement Agreements
  - i. Serfer Easement and Reimbursement Agreements – Greeley and NWCWD Harmony Interconnect
  - ii. HOA Ridgewood Crossing Agreement – NEWT III
  - iii. License to Enter – Long peak Dairy.
- l. Knox Pit Amendment Agreement with Poudre Fire and LRM
- m. Amendment and Ratification of Oil and Gas Lease – Nickel Road Development

**FINANCIAL MATTERS:**

Mr. Stout addressed the Board about meeting process and urged the directors to hold questions and comments on the following financial discussions until after each presentation.

Conduct Public Hearing on 2023 Budget Amendment and Consider Adoption of Resolution No. 20231211-0\_ : Resolution Amending 2023 Budget

Mr. Reckentine indicated that an amendment to the 2023 budget is not needed.

Conduct Public Hearing on 2024 Budget and Consider Adoption of Resolution No. 20231211-02: Resolution Adopting 2024 Budget, Imposing Mill Levy and Appropriating Funds (enclosure)

Mr. Stout opened the public hearing on the proposed 2024 Budget. Mr. White noted that the notice of public hearing was provided in accordance with Colorado law. No written objections were received prior to the meeting. There being no public comment, the hearing was closed.

Mr. Reckentine reviewed the 2024 Budget Resolution with the Board. Following discussion, upon a motion of Ms. Hennen, seconded by Mr. Nelson, the Board unanimously adopted Resolution No. 20231211-02 adopting the 2024 Budget, appropriating funds therefor as shown in the 2024 Budget, subject to receipt of final assessed valuation.

Consider Adoption of 2024 Fee Schedule

Mr. Reckentine presented the Board with the proposed 2024 Fee Schedule which incorporates updated fees, rates, charges, surcharges, and penalties included in the 2024 budget. Following discussion, upon a motion of Mr. Nelson, seconded by Mr. Pettinger, the Board unanimously adopted the 2024 Fee Schedule.

Consider Approval of Honey Creek Resources Revised Cost of Service and Fees Study

Mr. Oamek presented to the Board the revised Cost of Service and Fee Study and discussed the conclusions and recommendations included in the Cost of Service and Fee Study.

The Board had legal questions which were discussed in Executive Session.

Revised CDPHE Lead and Copper Rule

Ms. Sell of Tri Hydro discussed with the Board the CDPHE's revised lead and copper rules and its impacts on the District.

No action was taken.

Executive Session: The Board reserves the right to enter into Executive Session for the following purposes:

Receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b) & (e), C.R.S. related to the

Upon motion of Mr. Pettinger, seconded by Ms. Hennen, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 10:42 A.M. for the purpose of receiving legal advice pursuant to §24-6-402(4)(b), C.R.S.; determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pursuant to § 24-6-402(4)(e), C.R.S. related to the Cost of Service and Fee Study.

Cost of Service and Fee Study.

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of the District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

Following the Executive Session, upon a motion of Mr. Cockroft, seconded by Mr. Pettinger, the Board accepted the Cost of Service and Fee Study and authorized Mr. Reckentine to begin discussions with stakeholders.

## **DISTRICT MANAGER'S REPORT**

- a. Tap Sales Mr. Reckentine reported the total number of taps sold year-to-date.
- b. CDPHE Sanitary Survey – No Violations or Deficiencies Mr. Reckentine reported that the CDPHE Sanitary Survey is completed and there were no violations or deficiencies reported.
- c. Christmas Party December 18, 2023, Eaton Country Club 12:00 p.m. Mr. Reckentine informed the Board regarding the details of the Christmas Party on December 18. All directors are invited.
- d. Wood Lake Line Relocation Project Mr. Reckentine reported to the Board regarding the status of the Wood Lake Relocation Project.
- e. Work Session Master Plan Dates Mr. Reckentine discussed with the Board holding special work sessions to discuss master planning matters in order to focus the Board on master planning.
- f. NWCWD 2024 Regular Board Meeting Dates
  - i. Master Plan Stakeholder Meeting Town of Severance, November 16, 2023
  - ii. Monte Vista Dairy, November 28, 2023Mr. Reckentine informed the Board regarding upcoming meetings with the Town of Severance representatives and with representatives of the Monte Vista Dairy to discuss master planning and water allocation matters.

## **OTHER BUSINESS**

- a. North Poudre Irrigation Company Nominations for Director Mr. Nelson discussed with the Board a desire to have representation on the North Poudre Irrigation Company board and suggested Mr. Reckentine be nominated. Following discussion, the Board agreed to Mr. Reckentine nomination and directed the necessary paperwork to be filed.

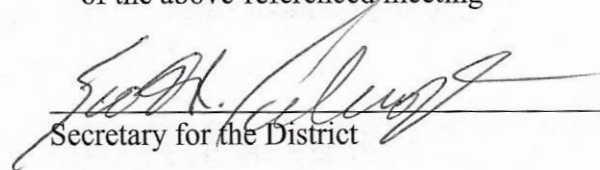
Similar discussions were held related to the board of the Water Supply and Storage Company. The Board agreed that Mr. Reckentine would not be nominated.

- b. Town of Ault Line Leak Mr. Reckentine updated the Board regarding a leak in the Town of Ault's line and reported that the Town of Ault is running off an emergency interconnect. Mr. Reckentine will monitor usage and applicable fees.

**ADJOURNMENT**

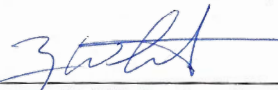
There being no further business to be conducted, the meeting was adjourned.

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

  
Secretary for the District

**ATTORNEY STATEMENT  
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing North Weld County Water District, I attended the executive session meeting of the North Weld County Water District convened at 10:42 A.M. on December 11, 2023 for the sole purpose of receiving legal advice and discussing matters subject to negotiation and strategy related to Cost of Service and Fee Study as authorized by § 24-6-402(4)(b) & (e), C.R.S. I further attest it is my opinion that a portion of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

  
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Zachary P. White, Esq.