

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

Held: Monday, the 12<sup>th</sup> day of February, 2024, 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 Cockcroft, Secretary

Also present were Eric Reckentine General Manager and Garrett Mick, Operations Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Scott Holwick, Esq., LYONS GADDIS, P.C., Special water counsel; Richard Raines and Jan Sitterson, Water Resources; Angeal 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**

Mr. Bean addressed the Board regarding the recent approval by the County for Eaton growth area and water related matters.

Mr. Alvaraz addressed the Board regarding needing a tap for fire flows in the new church in Severance which is required to get a certificate of occupancy.

Mr. Miller addressed the Board regarding if current tap holders can add raw water taps to property.

**CONSENT MATTERS**

**AGENDA**

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

- a. Minutes from January 8, 2024, Meeting
- b. Unaudited Financials for December 2023 and January 2024
- c. Invoices through February 12, 2024
- d. Element Consulting TO 4 Amendment and Rates
- e. Tri-Hydro Work Order Amendment Schedule of Charges
- f. Stantec Change Order - On Call Engineering Services Renewal
- g. Service Order Agreement with Sky Beam, LLC d/b/a Rise Broadband
- h. Conflict Waiver to Spencer Fane – Century Link New Client
- i. Easement Agreements
  - I. L&W Cobb Outlet Crossing Agreement – NEWT III
  - II. Magellan Line Crossing
  - III. AT&T Line Crossing

Consider Selection of Web Site Design Firm

Mr. Reckentine presented to the Board website proposals. He noted the current website needs to be redesigned and modernized to meet new regulations. Following discussion, upon a motion of Mr. Nelson and seconded by Mr. Pettinger, the Board unanimously approved the proposal from Streamline.

Consider Adoption of Resolution 20240212-01: Resolution Adopting a Second Amended Tap Sale Criteria Policy

Mr. Reckentine presented to the Board the Resolution Adopting a Second Amended Tap Sale Criteria Policy. He noted that the purpose for the resolution is to allow property owners to purchase single taps and will allow the sale of 25 single taps per quarter. Following discussion, upon a motion of Mr. Nelson and seconded by Mr. Cockroft, the Board unanimously adopted the resolution.

Discussion Regarding Water Dedication for Under Allocated Meters Mr. Reckentine reminded the Board of prior discussions to not have under allocated commercial users bringing water until the District better understands its capacity and demand models. The Board engaged in a general discussion adopting a new policy to allow under allocated commercial users to bring water to the District again to get caught up. The Board tabled the matter of adopting a new policy until the March meeting.

Discussion Regarding North Weld County Water District Water Supply and Storage Change Case #3199 Mr. Holwick presented an update to the Board regarding the status of the District's WSSC Change Cases. He discussed with the Board the objections to the change case and the delays they are causing. The Board continued the discussion in an Executive Session.

#### Consider Approval of Water Rights Acquisition

Agreement for Sale and Purchase of CBT 73 Units Mr. Reckentine presented the agreement to the Board. He noted that it is planned to be approved by Northern Water at their March meeting. Following discussion, upon a motion of Mr. Nelson and seconded by Ms. Hennen, the Board unanimously approved the agreement.

Agreement for Sale and Purchase of CBT 15 Units Mr. Reckentine presented the agreement to the Board. He noted that it is planned to be approved by Northern Water at their March meeting. Following discussion, upon a motion of Mr. Nelson and seconded by Ms. Hennen, the Board unanimously approved the agreement.

Consider Approval River Bluffs Settlement Agreement Mr. Reckentine presented the River Bluffs Settlement Agreement to the Board. He noted that the purpose of the agreement is for the reservoir that was purchased with a lease back to the seller for excess capacity. Mr. Holwick discussed that the project pending necessitates cooperation with the County. Following discussion, upon a motion of Mr. Cockroft and seconded by Mr. Pettinger, the Board unanimously approved the agreement.

Discussion Regarding Public Information Campaign Mr. Reckentine discussed with the Board the need for a public information campaign. The Board continued the discussion in an Executive Session.

Executive Session: The Board reserves the right to enter into Executive Session for the following purposes: Upon motion of Mr. Cockroft, 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 9:55 A.M. for the purpose of receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b) & (e),

Receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b)(e) & (f), C.R.S. Related to Employee Matters, Water Rights Acquisitions, Water Supply and Storage Change Case, River Bluffs Settlement Agreement and District Public Information Campaign

C.R.S. related to Employee Matters, status of WSSC Change case, and a District public information campaign.

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 the Board took the following actions:

The Board considered a 6% pay increase for Mr. Reckentine. Upon a motion of Mr. Cockroft, seconded by Ms. Hennen, the Board unanimously approved the increase.

Upon a motion of Mr. Cockroft, seconded by Ms. Hennen, the Board unanimously approved Slate Communications to commence preparation of a public relations campaign to present to the Board.

## **DISTRICT MANAGER'S REPORT**

Tap Sales

Mr. Reckentine reported to the Board there were 10 taps sold to date.

LRM and Poudre Fire Department Agreement for Lot 4 Executed

Mr. Reckentine reported to the Board that the agreement has been executed.

NISP USACE Permit Legal Challenge

Mr. Reckentine reported to the Board that Save the Poudre has entered into litigation with Army Corp regarding the project.

Cobb Lake Water Treatment Authority Agreement Approved by Entities

Mr. Reckentine reported to the Board that the agreement has been approved by all parties.

North Weld County Water District and City of Greeley Harmony Interconnect Pipeline

Mr. Reckentine reported to the Board that the project has been completed.

Eaton Pipeline Phase III – 30% Design

Mr. Reckentine provided an update to the Board.

Letter of Support WSSC Structures Grant

Mr. Reckentine provided an update to the Board that the District has been included in the letters of support to WSSC Structures Grant letters.

Tank 7- Coating Issue

Mr. Reckentine provided an update to the Board that Tank 7 needs warranty work to be conducted by the contractor due to interior coating issues.

Plante Moran, PLLC Auditor  
Letter to Board of Directors

Plante Moran auditors introduced themselves to the Board and reviewed their auditor disclosure letter with the Board.

Work Session Master Plan  
Date – 8:30 A.M. Monday  
February 26

Mr. Reckentine confirmed the date and time for a work session with the Board to begin reviewing the master planning scenarios.

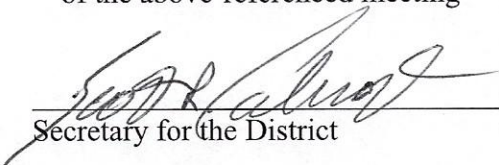
**OTHER BUSINESS**

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

  
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 9:55 A.M. on February 12, 2024 for the sole purpose of receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(a)(b)(e) & (f), C.R.S. related to Employee Matters, , Water Supply and Storage Change Case, and Public Relations Campaign. 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.