

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

Held: Monday, the 13<sup>th</sup> day of November, 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; Natasha Abercrombie and Michael Georgalas, Stantec Consultants; Jade Gernant, TriHydro Consultants; Richard Reins and Jan Sitterson, Water Resources; Angela Thompson, Slate Communications; Frank Bassler, Town of Severance.

**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. Nelson, seconded by Mr. Pettinger, the Board unanimously approved the agenda.

**PUBLIC COMMENT**

Mr. Bassler addressed concerns about the District proposed cost of service study and rate structures as part of the COS agenda item.

**CONSENT AGENDA  
MATTERS**

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

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

- a. Minutes from October 9, 2023, Meeting
- b. Unaudited Financials for October 2023
- c. Invoices through November 13, 2023
- d. Stantec Change Order Longs Peak Dairy WSSC Augmentation Structure
- e. Early Procurement Ductile Iron 36-inch Pipe – Timnath Line Lowering
- f. Kimberly Horn Engineering Agreement – Endor Acquisition NEWT III (ratify)
- g. Ditesco Contract Amendment Zone 1 East Transmission Line
  - i. Easement Agreements Freedom Storage – NEWT III (ratify)
  - ii. K&M West Easement – NEWT III (ratify)
- h. North Weld Water Efficiency Plan

Honey Creek Resources  
Revised Cost of Service and  
Fees Study

Mr. Oamek presented to the Board the revised Cost of Service and Fee Study.

Frank Bassler addressed the Board as an individual notwithstanding his participation on the Town of Severance Board. Mr. Bassler addressed concerns about the District proposed cost of service study and rate structures.

The Board discussed the study and the findings presented.

No action was taken.

North Weld County Water  
District Preliminary Draft  
2024 Budget

Mr. Reckentine presented the Board with proposed changes to the preliminary 2024 budget reflecting discussion from the September 2023 meeting. The Board discussed potential rate and fee updates to include in the budget, which included increasing rates from 5% to 7% and increases in meter install, tap fee requests and distance fee. Mr. Reckentine will update the budget as necessary for presentation for adoption at the December 13, 2023, regular meeting.



Consider Approval of  
Commercial Meter Overuse  
Surcharge Policy

Mr. Reckentine presented the Board with the proposed Commercial Meter Overuse Surcharge Policy. Mr. Reckentine reminded the Board of prior discussions on the proposed policy and outreach the District has made to customers who may be impacted by the policy to notify them it may be implemented by the Board. Following discussion, upon a motion by Mr. Nelson, seconded by Ms. Hennen, the Board unanimously approved Resolution No. 20231113-01.

Selection Third Party State  
Compliance Audit  
Accounting Firm

Mr. Reckentine discussed with the Board issues and frustrations with the current auditing firm and per the direction of the Board, introduced two auditor firms. Following discussion, upon a motion by Mr. Nelson, seconded by Mr. Pettinger, the Board unanimously approved the engagement of Plante Moran as the District auditor.

Consider Approval of  
Revised 1st Amendment to  
2013 City of Greeley IGA

Mr. Reckentine and Mr. White presented a proposed revised 1<sup>st</sup> Amendment to 2013 IGA with the City of Greeley related to the transition of service to the Svetlov subdivision and the JB Acres subdivisions. The Board discussed the agreement in Executive Session.

Regional Master Plan Update

The initial findings of the Regional Master Plan were presented by Stantec Consultants in Executive Session.

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  
Commercial Meter Overuse  
Surcharge Policy, Regional  
Master Plan Update, and  
Revised 1st Amendment to  
2013 City of Greeley IGA

Upon motion of Mr. Pettinger, seconded by Mr. Nelson, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 8:45 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 Regional Master Plan Update, COS and Revised 1st Amendment to 2013 City of Greeley IGA

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, no action was taken related to the Regional Mater Plan.

Following the Executive Session, upon a motion by Mr. Nelson, seconded by Mr. Cockroft, the Board approved the 1<sup>st</sup> Amendment to 2013 IGA with the City of Greeley, subject to final

legal review and the City of Greeley's acceptance of proposed changes re timing of payments and water share transfers.

**DISTRICT MANAGER'S  
REPORT**

**Tap Sales**

Mr. Reckentine updated the board on annual tap sales

**NEWT III**

Pre-Construction  
Meeting Held October  
16, 2023

Change Order 2 Ditesco  
Construction  
Management Services

Executed Work Order 2  
Garney Construction  
NEWT III Project

Century Link Demand  
Letter

Larimer County NEWT  
III 1041 Resolution

Mr. Reckentine updated the board on the NEWT III project including:

- The execution of the Ditesco Eng. work scope and Garney Change Order
- The demand letter for compensation related to Century Link not performing locates resulting in financial damage to the NEWT III partners by way of downtime subcontractor claims.
- The final Larimer County approved 1041 permit approval resolution was presented

**CDPHE Sanitary Survey  
October 24, 2023**

Mr. Reckentine stated that a 2023 CDPHE sanitary survey audit was conducted by the state. NWCWD received no violations or significant deficiencies. Mr. Reckentine congratulated the hard work of NWCWD staff for this achievement.

**BDO NWCWD 2023 Audit  
Submitted to State of  
Colorado**

Mr. Reckentine stated the 2023 annual audit was submitted to the State.

**Master Plan Stakeholder  
Meeting Schedule**

Mr. Reckentine reviewed the list of held and to be held master plan and policy change stakeholder meetings.

Town of Ault October  
20, 2023

Great Western Dairy  
October 23, 2023

Longs Peak Dairy  
November 2, 2023



Severance South  
Development Group  
October 31, 2023

Town of Pierce  
November 2, 2023

NCWA November 6,  
2023

Monte Vista Dairy,  
November TBD, 2023

Town of Severance,  
November 16, 2023

**Greeley Interconnect  
Construction Started  
October 26, 2023**

**Lead and Copper Rule**

**BPCCC November 1  
Deadline – Meter Shutoffs**

Mr. Reckentine stated that the Greeley NW interconnect work has resumed following the shutdown issue related to the Terry Ranch Line crossing Harmony.

Mr. Reckentine stated that NWCWD consultants will give a presentation of work completed and to be completed in relation to the new EPA Lead and Copper Rules.

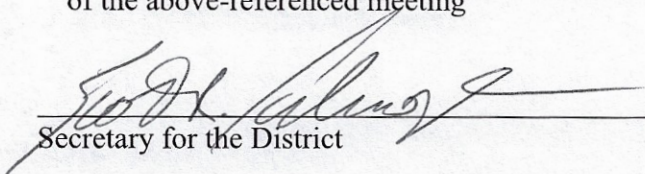
Mr. Reckentine stated several meters had been shut off in relation to BPCCC policy and only one remains shutoff due to non-compliance.

## **OTHER BUSINESS**

### **ADJOURNMENT**

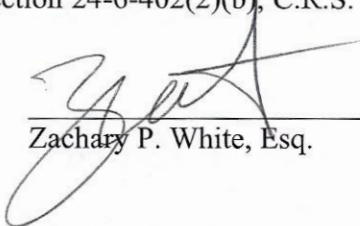
There being no further business to be conducted, the meeting was adjourned.

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 10:52 A.M. on November 13, 2023 for the sole purpose of receiving legal advice and discussing matters subject to negotiation and strategy related to Regional Master Plan Update, and Revised 1st Amendment to 2013 City of Greeley IGA 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.