

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

Held: December 9, 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 (arrived late)
Anne Hennen, Assistant Secretary
Matt Pettinger, Assistant Secretary
Scott Cockroft, Secretary

Also present were Eric Reckentine and Garrett Mick, General Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Scott Holwick, Lyons Gaddis, District special counsel; Jamie Dickinson, Spencer Fane, District special counsel; Jan Sitterson and Richard Reins, Water Resources; Wendy Greenwald, The Solution PR; and members of the public.

ADMINISTRATIVE MATTERS

Call to Order

The meeting was called to order at 8:33 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. Mr. Stout reminded the Board of his prior service on the Town of Severance Board and indicated a potential conflict of interest related to the Severance South development. Mr. Stout will recuse himself from discussion related to the Severance South

development. The remaining 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 Ms. Hennen, the Board unanimously approved the agenda as amended.

PUBLIC COMMENT

None.

CONSENT MATTERS

AGENDA

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 12, 2024, Regular Meeting
- b. Draft Financials November 2024
- c. Invoices through December 9, 2024
- d. Holding Certificate Plumb Ridge LLC.
 - Liberty Hill Farms LLC
 - The 5258 Ranch LLC
 - Fabrizius – Divest 5 Water Allocations
- e. Resolution No. 20241209-01: 2025 Annual Administrative Resolution
- f. Resolution No. 20241209-02: Amended and Restated Public Records Request Policy

Conduct Public Hearing on 2024 Budget Amendment and Consider Adoption of 2024 Budget Amendment

Mr. Reckentine indicated that an amendment to the 2024 budget is not needed.

Conduct Public Hearing on 2025 Budget and Consider Adoption of Resolution No. 20241209-03: Resolution Adopting 2025 Budget, Imposing Mill Levy and Appropriating Funds

Mr. Stout opened the public hearing on the proposed 2025 Budget. Mr. White noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. A member of the public asked questions about the budget that were addressed by Mr. Reckentine. The hearing was closed.

Mr. Reckentine reviewed the 2025 Budget Resolution with the Board. Following discussion, upon a motion of Mr. Nelson, seconded by Ms. Hennen, the Board unanimously adopted Resolution No. 20241209-03 adopting the 2025 Budget, appropriating funds therefor as shown in the 2025 Budget.

Consider Adoption of 2025 Fee Schedule

Mr. Reckentine presented the Board with the proposed 2025 Fee Schedule which incorporates updated fees, rates, charges, surcharges, and penalties included in the 2025 budget. Following

discussion, upon a motion of Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously adopted the 2025 Fee Schedule, as amended to increase the construction meter fee.

Mr. White presented the Resolution Calling May 6, 2025 Election and discussed the appointment of the designated election official included in the resolution. Following discussion, upon a motion by Ms. Hennen, seconded by Mr. Pettinger, the Board unanimously adopted Resolution No. 20241209-04 and directed the call for nominations to be published and posted on the District's website. The Board will discuss ballot drop-off locations if necessary at a later date.

Discussion: Water Supply and Storage Final Decree Case No. 21CW3199

Mr. Holwick provided an update to the Board that the final decree was entered on December 4, 2024 after the original filing in October 2021 and several delays caused by State engineers.

Update Regarding Status of Litigation with Eagle View Farms, LLC

Ms. Dickinson provided a brief update regarding the upcoming trial in January 2025. The Board discussed the trial in Executive Session.

Consider Approval Variance Request to Development Review Process Severance South Development

Mr. Chriss Pickett and Mr. Jack Hollar presented a request to the Board seeking a variance from the District's development review process to allow the District to sign an overall plat for the Severance South Development. Mr. Pickett and Mr. Hollar indicated that the District's signature on the plat does not obligate the District to provide water service, but would allow them to proceed with further development review with the Town of Severance.

The Board discussed the variance request in Executive Session.

Mr. Stout recused himself from the discussion due to prior service on the Town Board of the Town of Severance.

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 Severance South Development Variance Request and Status of

Upon a motion duly made and seconded, followed by an affirmative vote of at least two-thirds of the quorum present, the Board(s) enter into executive session at 9:56 a.m. for the purpose of receiving legal advice on and discussing matters pursuant to Section 24-6-402(4)(b) & (e), C.R.S. related to Severance South Development Variance Request and Status of Eagle View Farms, LLC.

Pursuant to Section 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 legal counsel to the District, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Litigation with Eagle View Farms, LLC.

Also pursuant to Section 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during the executive session.

Mr. Stout recused himself from the discussion related to the Severance South variance request due to prior service on the Town Board of the Town of Severance.

The Board reconvened in regular session at 10:36 a.m.

Following the Executive Session, the Board denied the variance request and directed legal counsel to engage with the Town of Severance to ask for the District's signature requirement to be removed from the Severance South Plat. In the event the Town refuses to remove the requirement, the District authorized legal counsel and staff to negotiate an agreement with the developer allowing the District to sign the plat on condition that it is clear that such signature by the District does not constitute a guarantee, express or implied, of water service to any phase of the development, and requiring the developer to provide requested infrastructure plans and details.

DISTRICT MANAGER'S REPORT

- Tap Sales Mr. Reckentine reported to the Board there were 100 taps sold to date, and an expected 15 more before the end of the year.
- Christmas Party Today 12:30 Eaton Country Club Mr. Reckentine indicated that the Christmas Party will be postponed due to a staff emergency.

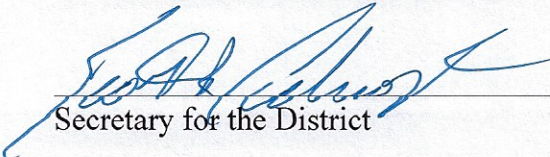
OTHER BUSINESS

Mr. Reckentine indicated that the District's meeting with dairies has been moved to January 10, 2025.

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 at the regular meeting of North Weld County Water District convened at 9:56 a.m. on November 12, 2024 for the sole purpose of discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b)&(e), C.R.S. related to Severance South Development Variance Request and Status of Litigation with Eagle View Farms, LLC. I further attest it is my opinion that all 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.



Zachary P. White, Esq.