

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

Held: Monday, the 10th day of April, 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
Matthew Pettinger, Assistant Secretary
Anne Hennen, Assistant Secretary
Brad Cook, Treasurer

Scott Cockroft, was absent and excused.

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; Richard Raines and Jan Sitterson, Water Resources; Loren Eldridge-Looker and Jade Gernant, Tri-Hydro Corporation.

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 Ms. Hennen, the Board unanimously approved the agenda.

**CONSENT AGENDA
MATTERS**

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

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

- a. - Removed
- b. Unaudited Financials for March 2023
- c. Invoices through April 10, 2023
- d. Water Supply and Storage 1 Share Lease to Mr. Donaldson, Revegetation of Myers Property
- e. Eaton Pipeline Project Phase 3 Scope of Services Tri-Hydro
- f. Eaton Pipeline Project Phase 2 Scope of Services Tri-Hydro
- g. Revised Waiver Valuations Woodlake Water Line Relocation
- h. City of Thornton Easement – Longs Peak WSSC Recharge Site
- i. NEWT III Pipeline Easement – Western Heritage Property Development LLC.
- j. Tanco Tank Repair Contract
- k. Western States Waiver Agreement with City of Thornton and NW
- l. Tap, PI and water Allocations Relocation Requests
 - i. Hauer
 - ii. Gray

Upon motion of Mr. Pettinger, seconded by Ms. Hennen, the Board approved the following, with Mr. Cook abstaining:

- a. Minutes from March 13, 2023, Regular Meeting

Smart Growth Policies

a. Consider Approval
Resolution No.
20230410-01: Resolution
Adopting a Residential
Meter Overuse Surcharge
Policy

Mr. Reckentine presented to the Board an updated Residential Meter Overuse Surcharge Policy for consideration. The Board discussed whether customers can easily identify whether they are considered residential or commercial customers, and the Board requested an amendment of the language to better clarify the types of taps the policy applies to. The Board also discussed whether the policy should take effect for the current water year, or the next water year and determined to have the policy effective starting the November 2023 water year. Upon a motion of Ms. Hennen, seconded by Mr. Pettinger, the Board approved the resolution subject to revisions discussed in the meeting.

b. Consider Approval of Notification Letter to Customers re Residential Meter Over use Surcharge Policy

The Board directed Staff to prepare a letter to customers notifying them of the policy change.

DISTRICT MANAGER REPORT

a. Tap Sales

Mr. Reckentine reported that zero taps were sold in February.

b. BPCCC Device Installation Non-Compliant Notification Letter

Mr. Reckentine reported to the Board regarding mailing of BPCCC Non-compliance letters.

c. City of Fort Collins 1041 Comments

Mr. Reckentine reported on the status of 1041 regulations in the City of Fort Collins. It is understood that as drafted, the regulations are not likely to impact NEWT III construction.

d. SCWTP Master Plan – HDR Selected Contractor

Mr. Reckentine reported on the status of the SCWTP Masterplan.

e. CORA Request from Fox Rothschild, LLP on behalf of Client

Mr. Reckentine reported that the District received a CORA request from Fox Rothschild, LLP, likely related to commercial property at The Ridge. He reported that pursuant to prior direction from the Board, staff is not reviewing new developments until the hydraulic model is completed and the masterplan is underway. The Board confirmed the direction to staff.

f. Tank 1, 5 complete and 7 to be completed mid-April.

Mr. Reckentine reported to the Board regarding the timing for completion of the tank repairs.

g. Larimer County 1041 Planning Commission and County Commissioners Hearings NEWT III

Mr. Reckentine reported to the Board regarding the upcoming hearings at Larimer County re 1041 permit for NEWT III.

h. 2022 CCR Submitted to Wholesale Accounts and Providers – No Violations

Mr. Reckentine reported to the Board regarding 2022 CCR submitted to wholesale accounts and providers.

OTHER BUSINESS

Mr. White updated the Board on the status of the election. Ballots will be returned by May 2, 2023 and counted. Following the count of the ballots, the results will be certified. Until the results are certified, only Directors Pettinger and Cockroft will be serving on the Board. The Board agreed to postpone the May meeting until after the certification of the election results.

Mr. Stout addressed the Board regarding meeting conduct and decorum and encourage civil discourse with each other, consultants, and those attending meetings.

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