

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

Held: October 14, 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
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; Jamie Dickinson, Spencer Fane, District special counsel; Jan Sitterson, Water Resources; Loren Eldridge-Looker, Tri-Hydro; Wendy Greenwald, The Solution PR; 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.

Notice re Soldier Canyon Water Treatment Plant Mr. Reckentine reported to the Board that the Soldier Canyon Water Treatment Plant capacity increased from 60 to 68 MGD. The District will realize an increase of 3 MGD at a cost of \$13,000 per MGD gained.

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. Bean addressed the Board seeking an update on WSSC change cases. Mr. Reckentine will provide an update.

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 September 3, 2024, Regular Meeting
- b. Draft Financials August and September 2024
- c. Invoices through September 3, 2024
- d. Approve Letter of Intent
 - i. Drewer
- e. Steeley Transfer of Water Allocation and Plant Investment
- f. Harper Feed Lot Transfer of Water Allocations
- g. Asphalt Paving Contract Home Office
- h. Ditesco On Call Services Contract
- i. Newt III Work Change Directives
 - i. BNSF Flagging
 - ii. Waag Drain Relocation
 - iii. Bohemian Irrigation & Road Relocation
- j. Tank 4 and 5 Maintenance Agreements
 - i. USG Water Solution
 - ii. Maguire Water

North Weld County Water District 2025 Draft Annual Budget Mr. Reckentine presented the draft 2025 budget to the Board. The Board engaged in discussion regarding capital improvement projects and fees. No action was taken. The final budget will be presented at the December meeting.

- NWCWD 2025 Draft Budget Memo
- SCWTA 2025 Final Budget Memo

Timnath 36 Inch Line Lowering Project Mr. Reckentine presented an IGA with the Town of Timnath to share in the cost of lowing a 36” water line. The District will undertake the bidding and construction of the water line, and the Town will share in one-half of the final cost. Following

- Consider Approval if IGA with Town of

Timnath re discussion, upon a motion by Ms. Hennen, seconded by Mr. Reimbursement for Cockroft, the Board unanimously approved the IGA with the Construction Related Town of Timnath. Expenses

- Contractor Selection and Contract Mr. Reckentine presented to the Board bids for the 36” water line project and reported that bids all were lower than expected. Mr. Reckentine recommended awarding the contract to Reynolds Construction as the low bidding. Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board approved the award of the contract to Reynolds Construction and authorized execution of the contract.

Consider Approval of Necessity Resolution 20241014-01 Related to Zone 1 West Water Transmission Line Project Mr. Reckentine presented a resolution of necessity for use of eminent domain related to the Zone 1 West Water Transmission Line Project. Ms. Hennen expressed a dislike for the use of eminent domain but understands its necessity. The Board discussed the importance of maintaining a good reputation related to restoration when the District uses eminent domain. Mrs. Hennen requested information related to reclamation issues in the past. Mr. Reckentine stated there have been issues on NETW II and Eaton 30 inch, but issues are not uncommon and addressed. Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board adopted the resolution.

Dairyman Tolling Agreement Request Related to Surcharge Fees Ms. Dickinson reported to the Board a discussion with an attorney representing several dairies within the District that believe they have a claim against the District related to water surcharges. They are requesting the District enter into a tolling agreement to toll the statute of limitations on any claims they may have to allow time for discussions between the dairies and the District.

The Board discussed the proposed agreement in Executive Session.

Following Executive Session and discussion upon a motion by Ms. Hennen, seconded by Mr. Nelson, the Board approved the Tolling Agreement and instructed Ms. Dickinson to discuss parameters of a meeting with the dairies.

Consider Approval of Raw Water Acquisition and Dedication Agreements Mr. Reckentine presented two potential water acquisition agreements to acquire 80 total units of C-BT.

- 20 Units C-BT
 - 60 Units C-BT
- The Board discussed the proposed agreements in Executive Session.

Following Executive Session and discussion, upon a motion by Mr. Nelson, seconded by Mr. Pettinger, the Board unanimously

approved the acquisition of 20 shares of C-BT at a cost of \$62,000 per share.

Following discussion, upon a motion by Mr. Nelson, seconded by Ms. Hennen, the Board unanimously approved the acquisition of 60 shares of C-BT at a cost of \$63,500 per share.

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 Raw Water Acquisition, and a Request from Dairies for Tolling Agreement Related to Surcharge Fees

Upon a motion of Mr. Cockroft, seconded by Ms. Hennen, followed by an affirmative vote of at least two-thirds of the quorum present, the Board enter into executive session at 9:28 a.m. for the purpose of receiving legal advice on and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b) & (e), C.R.S. related to Raw Water Acquisition, and a Request from Dairies for Tolling Agreement Related to Surcharge Fees.

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(s), constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

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.

The Board reconvened in regular session at 10:48 a.m.

DISTRICT MANAGER'S REPORT

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| Tap Sales | Mr. Reckentine reported to the Board there were 75 taps sold to date. |
| Divide Irrigation CO and NPIC Water Trade Letter | Mr. Reckentine reported that the letter was finalized and sent. Divide Irrigation Co indicated that trade will be completed in the next week. |
| Lead and Copper Inventory Submitted to CDPHE | Mr. Reckentine reported that the lead and copper inventory has been complete and submitted to the CDPHE. |
| Larimer County Master Plan | Mr. Reckentine reported that the Larimer County Master Plan has been completed. |

OTHER BUSINESS

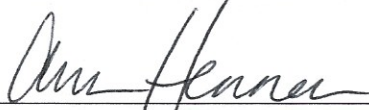
Mr. Reckentine reported that the draft master plan is completed and will be presented at the November meeting.

Mr. Reckentine reported to the Board a desire to lift the Development Review Moratorium at the November meeting. The Board discussed capacity constraints in the eastern zones. Mr. Reckentine and legal counsel will work on a draft to present in November.

ADJOURNMENT

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

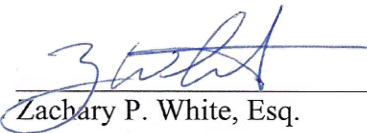
The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting



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 9:28 a.m. on October 14, 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 Raw Water Acquisition, and a Request from Dairies for Tolling Agreement Related to Surcharge Fees. 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.