

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 September, 2022, 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  
Scott Cockroft, Secretary  
Matthew Pettinger, Assistant Secretary  
Brad Cook, Assistant Secretary

Ron Buxman 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; Scott Holwick, Lyons Gaddis, special counsel; Kyle Whitaker, Northern Water Conservancy District; members of the public.

**ADMINISTRATIVE MATTERS**

Call to Order

The meeting was called to order at 8:35 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. Cockroft, seconded by Mr. Pettinger, the Board unanimously approved the agenda.

**PUBLIC COMMENT** None

**CONSENT AGENDA MATTERS** Mr. Reckentine presented the Board with the consent agenda items.

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

- a. Minutes from August 8, 2022, Regular Meeting
- b. Minutes from August 29, 2022, Special Meeting
- c. Approve Unaudited Financials for July 2022 and August 2022
- d. Approve Invoices through September 12, 2022
- e. Anderson Easement – Eaton Pipeline
- f. Ditesco Service Agreement – CMAR Management NEWT III
- g. Stantec Regional Master Plan Scope and Fees
- h. BPCCC Variance Request - Mrs. Isbell
- i. Western Plains Aviation Meter Abandon Premise 1803
- j. Crossing Agreement New Cache La Poudre Irrigation Co.

Presentation: Colorado River Presentation from Northern Colorado Water Conservancy District Mr. Kyle Whitaker from the Northern Water Conservancy District presented to the Board regarding the health of the Colorado River. Mr. Whitaker discussed issues surrounding water compact states and impacts of the compact states on the Colorado River. No action was taken.

Consider Approval Purchase and Sale Agreement for Recharge Site Longs Peak Dairy LLC Mr. Reckentine presented to the Board a purchase and sale agreement for the Longs Peak Dairy Recharge Site. Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously approved the purchase and sale agreement.

Consider Acquisition of 31 Units C-BT Mr. Reckentine presented to the Board a proposal to purchase 31 units of C-BT from Foss Dairy.

Letter of Intent to Purchase 2 ¼ Shares of Water Supply and Storage Company Mr. Reckentine presented to the Board a letter of intent to acquire 2 ¼ Shares of Water Storage and Supply Company (WSSC).

Review Bids for Contractor Selection for Capital Improvement Projects

Mr. Reckentine presented the bids for the Eaton Pipeline, Phase 2 construction project and the County Road 74/33 construction project.

a. Consider Approval of Bid and Award of Construction Agreement for Eaton Pipeline Project Phase 2 Bid

Upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board approved awarding the contract to Connell Resources. Director Cook abstained.

b. Consider Approval of Bid and Award of Construction Agreement for County Road 74/33 Project Bid

Upon a motion my Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously approved awarding the contract to American West.

## **WATER TAP SALE MATTERS**

Update Regarding Water Taps

Mr. Reckentine noted that to date 150 taps have been sold year-to-date, and tap sales are slowing down.

## **EXECUTIVE SESSION**

Executive Session pursuant to § 24-6-402(4)(e), C.R.S. related to:

Water Acquisition Matters

Upon motion of Mr. Cockroft, seconded by Mr. Pettinger, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session for the purpose of determining positions relative to matters that are subject to negotiation water acquisitions to §§ 24-6-402(4)(e), C.R.S.

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

Following discussion, the Board reconvened in regular session.

Upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously approved the purchase of 31 units of C-BT from Foss Dairy and authorized Mr. Reckentine to finalize the agreement.

Upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board authorized Mr. Reckentine to negotiate a purchase of 2 ¼ Shares of WSSC for a not to exceed amount of up to \$3,000,000 per share.

**DISTRICT MANAGER'S  
REPORT**

Mill Levy Status Update Mr. Reckentine the Slate Consulting is working on PR materials that can be provided to voters. Mr. White reported to the Board regarding the type of materials and information the Board can present.

Bond Sale Update Mr. Reckentine reported on the successful bond sale closing in August.

Tank 7 Site Purchased Mr. Reckentine reported to the Board regarding finalizing the acquisition of the Tank 7 site.

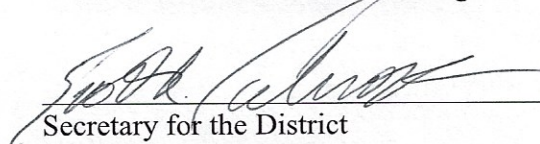
Tank 1 B Update Mr. Reckentine reported to the Board that divers will be installing a new seal in the tank to stop the leak.

City of Fort Collins 1041 Update Mr. Reckentine reported to the Board that staff and consultants have submitted comments to the City regarding the proposed regulations, and is planning to meeting with City staff in October to discuss the same.

**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