

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

Held: Monday, the 13th day of February, 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
Scott Cockroft, Secretary
Matthew Pettinger, Assistant Secretary
Brad Cook, Treasurer
Anne Hennen, Assistant Secretary

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; Bill Renz, Ditesco; Stephen Gagliardi, Town of Severance Liaison; members of the public.

ADMINISTRATIVE MATTERS

Call to Order

The meeting was called to order at 1:30 P.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 as amended to remove Item 5.f. from the consent agenda.

**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 January 9, 2023, Regular Meeting
- b. Approve Unaudited Financials for December 2022 and January 2023
- c. Approve Invoices through February 13, 2023
- d. Nutri-Turf Backflow and Cross Connection Variance Request
- e. BDO Audit Scope of Services (Nunc Pro Tunk)
- f. Ditesco 42-inch Zone 1 Transmission Line Design and Construction Management Agreement
- g. Letter of Understanding Regarding Maintenance of the Overland Ponds Gravel Pits City of Greeley and Tri Districts (Previously Approved)
- h. LetRbuck, LLC Temporary Construction Easement Agreement, Eaton Pipeline Phase 2
- i. Viking Painting Tank 5 Coating Agreement (Nunc Pro Tunk)
- j. Change Order 01 Graney Construction – Timberline Crossing NEWT III
- k. Town of Ault 1 Share WSSC Dedication Huntsman Share (Approved by Board July 2020)
- l. Sullivan Tap Relocation Request

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

- a. Annual Lease of WSSC 1 Share, Mr. Brad Cook

**Larimer #2 Ditch Headgate
Project Agreements**

**i. Easement Agreements
Treiber and Linder**

Mr. Reckentine presented easement agreements needed for the Larimer #2 Headgate project. Upon a motion by Ms. Hennen, seconded by Mr. Pettinger, the Board unanimously approved the Treiber and Linder easement agreements.

**ii. Resolution Authorizing
Execution of Notice of
Award, Notice to proceed
and Contractor
Agreement**

Mr. Renz presented bids for the Larimer #2 Ditch headgate Project. There were three bidders with Crow Creek Construction as the low bidder. Mr. Renz recommended awarding the project to Crow Creek Construction. The Board discussed a completion date target of April 15, and requested the contract to include liquidated damages in the amount of \$1000/day if not ready for substantial completion by April 15. Upon a motion by Mr.

Pettinger, seconded by Mr. Cockcroft, the Board unanimously approved the award of the project to Crow Creek Construction and authorized execution of such documents as may be necessary to effectuate the contract.

Discussion re Town of Timnath Latham Ave. Storm Culvert and NWCWD 36" water Line Project

Mr. Reckentine discussed with the Board a request by the Town of Timnath to lower the 36-inch pipeline due to repairs needed to a culvert at Latham Avenue. Mr. Reckentine reported that the Town may be willing to split the cost with the District. Try-Hydro is undertaking an investigation verify the information received from the Town and beginning the design. No action is necessary at this time.

Consider Approval of Ridge 5 Water Service Agreement

Mr. Reckentine presented to the Board the Ridge 5 Water Service Agreement. The agreement is the last action necessary related to the Ridge 5 and was contemplated and approved under the moratorium. Following discussion, upon a motion by Mr. Pettinger, seconded by Mr. Cockcroft, the Board approved the agreement. Mr. Stout abstained from discussion and voting.

PUBLIC COMMENT

None.

DISTRICT MANAGER REPORT

a. Tap Sales

Mr. Reckentine reported there have been no tap sales.

b. City of Fort Collins 1041 Update Letter to Planning Commission and City Council

Mr. Reckentine reported that Ft. Collins has pushed out the first reading on their 1041 regulations until further public engagement is completed. Mr. Reckentine reported that a 1041 application for NEWT III will be filed with Larimer County.

c. NEWT III Pre-con meeting held January 27, 2023

Mr. Reckentine reported that a pre-construction meeting took place in January and work is getting underway.

d. Stantec SCWTP Study in March

Mr. Reckentine reported Stantec is underway with a study to expand the treatment plant.

e. 74/33 Cty Road Pipeline Relocations Complete

Mr. Reckentine reported that the 74/33 County Road pipeline relocation is substantially complete.

f. CSU Approved C-BT Trade Agreement

Mr. Reckentine reported that the agreement was approved by CSU.

g. Letters to non-compliant BPCCC

Mr. Reckentine reported that non-compliance letters will be going out.

Mr. Reckentine reported and the Tank 1 coating project is

h. Tank Maintenance and Coating Projects

- i. Tank 1 Complete
- ii. Tanks 7 and 5 ongoing

complete and the Tank 7 and Tank 5 projects are ongoing.

EXECUTIVE SESSION

Upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously determined to enter into executive session for the purpose of reviewing Mr. Reckentine's performance review pursuant to 24-6-402(4)(f), C.R.S.

Following the executive discussion, upon a motion by Mr. Pettinger, seconded by Mr. Cockroft, the Board unanimously accepted Mr. Reckentine's performance review.

Upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously approved a salary increase for Mr. Reckentine of 6.2%.

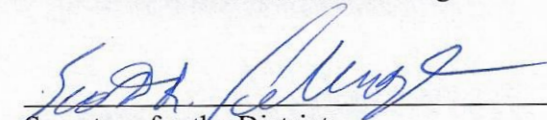
OTHER BUSINESS

Mr. White reported to the Board regarding the status of the May 2, 2023 director election.

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