

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

Held: Monday, the 12th day of June, 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
Nels Nelson, Treasurer
Matthew Pettinger, Assistant Secretary
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; Richard Raines and Jan Sitterson, Water Resources; Loren Eldridge-Looker and Jade Gernant, Tri-Hydro Corporation; Mary Gross and Barbara Shaw, Wildwing Development; John Johnson, Johnson Dairy; Stephen Gagliari and Dave Bruen, Town of Severance; and Wade Potdberg; Longs Peak Dairy and other 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.

Election of Officers

The Board engaged in general discussion regarding the Election of Officers. Following discussion, upon a motion duly made and seconded, the Board elected Director Stout as President, Director Nelson as Treasurer, Director Cockroft as Secretary, Director Pettinger as Assistant Secretary and Director Hennen as Assistant Secretary.

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

Ms. Shaw addressed the Board regarding the non-potable water service to Wildwing Development and requested clarification for why the service fluctuates. Mr. Reckentine responded stating the service starts with the ditch begins to flow and noted that overuse surcharges are likely to be adopted.

Mr. Bean addressed the Board regarding an update on the WSSC change case. Mr. Reckentine responded stating the trial is scheduled for 2025 if the issues are not resolved.

Mr. Johnson addressed the Board regarding the impact on his dairy by the policies adopted by the Board within the last 18 months.

Mr. Bruen addressed the Board regarding the status of the District's model and verification. Mr. Reckentine responded that the verification of the model is expected to be completed within the next week and then the master planning can begin and is expected to be completed in the fourth quarter.

**CONSENT AGENDA
MATTERS**

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

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

- a. Minutes from April 8, 2023 and May 16, 2023 Meetings
- b. Unaudited Financials for April and May 2023
- c. Invoices through June 12, 2023
- d. Scope of Services
 - i. Tri-Hydro Corporation Scope of Services 36-inch Pipeline Lowering Timnath
 - ii. Tri-Hydro Corporation County Road 84 2-inch Replacement Project
 - iii. Tri-Hydro Corporation Scope of Services Regulatory Compliance

- iv. Stantec Scope of Service Easement Acquisition Knox Pit
- v. GIS Server Update – Connecting Point
- vi. Providence Infrastructure 1st Amendment NEWT 3 Professional Services
- vii. Ditesco Bellvue Pipeline Interconnect
- e. BPCCC Cross Connection Variance Requests
 - i. Containment to Isolation Variances (31 Premises)
- f. Letter Agreement Town of Windsor Transfer of Four Taps
- g. Eaton Pipeline Phase 2 Change Order 1 Connell, Extended Warranty and Additional Pressure Testing
- h. Easement and Access Agreements
 - i. City of Thornton Farm 64 – Zone 1 Pipeline Project
 - ii. Houston – NEWT III
 - iii. Citizen – NEWT III
 - iv. Western Heritage – NEWT III
 - v. Basiliere Easement – Woods Lake Waterline Relocation Project
 - vi. Bayshore Access Agreement – Longs Peak Recharge Site
- i. Grazing Lease Coalson

North Weld County Water District 2023 Raw Water Operation Plan and Drought Determination

Mr. Reckentine presented the 2023 Raw Water Operation Plan and Drought Determination and reported on the status of the Districts water supply portfolio and the dangers a drought could post on the District water supply and reserves, and if Northern Water reduces the allocation to 50% for a duration of greater than a year. It was further noted that the completion of the WSSC change cases by 2026 should help to address the Districts dependence on the CSU lease agreement.

Water and Plant Investment Reallocation – Longs Peak Dairy

Mr. Potdburg addressed the Board regarding the request to reallocate water shares plant investments from one tap to another in order to equalize water usage and not to have to pay a surcharge. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the water and plant investment reallocation for 1 Water Allocation and 2 PI's. The remainder of the request would be addressed following hydraulic model verification and master planning effort.

Consider Acceptance of Resolution of Necessity for NEWT III Alignment

Mr. White presented the Resolution of Necessity for NEWT III Alignment to the Board. Mr. Reckentine discussed the need to utilize eminent domain to obtain easements for the pipeline. It is noted that negotiations with property owners are ongoing, but the District may need to utilize eminent domain. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the resolution.

**DISTRICT MANAGER'S
REPORT**

Tap Sales

Mr. Reckentine reported that 70 taps have been sold to date and that there are 60 more expected to be sold by the end of the year.

NWCWD Letter to Town of Ault, Town Not to Dedicate WSSC Share

Mr. Reckentine reported that the Town of Ault decided not to dedicate its WSSC share. If the Town of Ault's position changes in the future, it will be subject to a new dedication agreement.

Letter to Wild Wing Development and Town of Timnath Non-Potable Operations

Mr. Reckentine reported that a letter sent to Wildwing regarding operations of the non-potable water system and accounting for the same.

Larimer County 1041 Planning Commission and County Commissioners Hearings NEWT III Project

Mr. Reckentine reported that Larimer County approved the NEWT III 1041 permit.

City of Fort Collins 1041 Regulation Update

Mr. Reckentine reported that Ft. Collins approved 1041 regulations for the City.

NWCWD and City of Greeley Harmony Interconnect Construction May 8, 2023

Mr. Reckentine reported that the interconnect project is underway.

Stantec Analysis SCFP Expansion to 67 MGD

Mr. Reckentine reported that Stantec is analyzing expansion of the plant from 60 to 67 MGD.

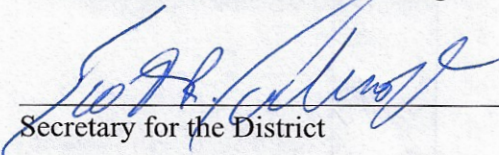
OTHER BUSINESS

Mr. Reckentine reported to the Board regarding the status of the GMP negotiations with plans at 90% and that negotiations are ongoing and requested the Board meeting be moved to July 17 to allow more time.

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