

The Board of Directors of the Left Hand Water District, meeting as the Board of the District and of the Left Hand Water Activity Enterprise, held their regular meeting on March 15, 2018, at the District offices, 6800 Nimbus Road, Longmont, Colorado. The meeting was called to order by President Julie Trumpler at 9:00 a.m.

Directors Present: Julie Trumpler, President
Mark Hochhauser, Vice President
Dan Lisco, Secretary
Sam Barnsley, Treasurer
Bart Fischer, Director
Jim Richard, Director
Alan Pratt, Director *

Directors Absent: N/A

Staff and Consultants: Chris Smith, General Manager
Vicki Santos, Finance Manager
Jason Whitmore, Treatment Manager
Scott Holwick, Attorney
Meghan Connolly, Engineer I
Tina Conilogue, Receptionist

Public Present: *Alan Pratt, 5953 Heather Way, Longmont, Appointed 3/15/2018

SUBJECT: MINUTES OF THE DISTRICT REGULAR MEETING HELD 2/15/2018

Approval of the Minutes:

The minutes of the February 15, 2018, Board meeting were submitted prior to the meeting.

MSP: *Director Jim Richard moved to approve the minutes of the February 15, 2018, meeting. Motion seconded by Director Fischer. Motion carried unanimously.*

SUBJECT: PUBLIC HEARING/COMMENT

Update of May 2018 Election:

The District did not receive more self-nominations than seats available for the May 2018 election. Therefore, pursuant to Section 1-13.5-513(6) C.R.S., the 2018 election was cancelled and the six applicants are deemed elected and will take oaths of office at the May 2018 Board of Directors meeting. Discussion.

The vacant At-Large position received a self-nomination form from Alan Pratt who lives at 5953 Heather Way. He is deemed elected to serve on the Board beginning in May 2018. However, Mr. Pratt is open to filling the vacant position now, via appointment, if the Board chooses to appoint him. Discussion.

MSP: *Treasurer Barnsley moved to appoint Alan Pratt for the At-Large Director vacancy until the May 2018 Board meeting where Mr. Pratt is deemed elected. Motion seconded by Secretary Lisco. Motion carried unanimously.*

SUBJECT: TAPS FOR BOARD CONSIDERATION

Boulder County Refund Request – 8531 N Foothills Highway & 7847 N 73rd Street:
The properties at 8531 N. Foothills Highway and 7847 N. 73rd Street. sustained significant damage from the flood in 2013. These properties were part of the FEMA buyout program and Boulder County Open Space received ownership of the parcels via the buyout program. The homes were demolished and no longer have the use for the single family residential taps on either property. Boulder County has requested a partial refund for the taps according to District Policy 10.4 Refunds. Discussion.

MSP: *Secretary Lisco moved to approve partial tap refund of 80% of the original tap purchase price for the existing taps at 8531 N. Foothills Highway and 7847 N. 73rd Street in accordance with District Policy 10.4. Motion seconded by Director Richard. Motion carried unanimously.*

9302 Hills View Drive – David Reyes:

The owner of 9302 Hills View Dr. would like to construct a private horse barn on this vacant parcel. Pressure and flow are available for an additional 5/8-inch tap to service the barn. The applicant is requesting to pay cash-in-lieu for the C-BT water dedication. The property is greater than 20,000 square feet and per District Policy, will require 1.5 units of C-BT. The owner will also be required to install backflow device due to agricultural use of this tap and provide the District with evidence of a suitable easement along the west property line. The property is west of 95th Street and not subject to the EZT line fee. Discussion.

Lot A REC Exemption RE-4550 – Wayne Brzezinski:

The owner of Lot A REC Exemption RE-4550 has requested a 5/8-inch single family tap to service this parcel of land. Pressure and flow are available for an additional tap on the District's 8-inch main in WCR 5. The applicant will be served by C-BT water and has requested to pay cash-in-lieu of dedication for one unit. The property is east of 95th Street and subject to the EZT line fee. Discussion.

Highland Farms PUD Tract D-Lewis & Elizabeth Sherman:

The owner of Highland Farms PUD Tract D has requested a 5/8-inch single family tap to serve a home on this parcel of land. Pressure and flow are available to add an additional tap on the 8-inch main in Highland Farms PUD. The applicant is requesting to pay cash-in-lieu of dedication of C-BT and per District policy, the property is over 20,000 square feet and will require 1.5 units. Also, the property is east of 95th Street and subject to the EZT line fee. Discussion.

MSP: *Treasurer Barnsley moved to approve 5/8-inch single family residential tap for: 9302 Hills View Drive (Outlot B), Lot A REC Exemption RE-4550 and*

Highland Farms PUD Tract D (Lot 10), subject to all requirements for service. Motion seconded by Secretary Lisco. Motion carried unanimously.

Victory Valley Subdivision Amendment – Victory Valley LLC:

The applicant of this Subdivision/Multiple Tap Purchase Agreement is proposing a 3-lot subdivision for the first phase of this development located south of WCR 18 and east of WCR 7. Pressure and flow are available to provide service to this first phase, which includes an irrigation tap for the entry sign garden and trees. The taps will be supplied by C-BT water and the applicant is requesting to pay cash-in-lieu of dedication for three ¾-inch single family taps and one 5/8-inch irrigation tap. Discussion

MSP: ***Secretary Lisco moved to approve the Subdivision/Multiple Tap Purchase Agreement between Left Hand Water District and Victory Valley, LLC, for three ¾-inch single family residential taps (Lots > 20,000 sf) and one 5/8-inch irrigation tap conditional on meeting all the requirements of the Agreement. Motion seconded by Vice President Hochhauser. Motion carried unanimously.***

10443 Isabelle Road (account #2435; parcel ID 146522000013)-Transfer of Existing Water Tap:

Staff was contacted about a Boundary Line Adjustment through Boulder County Land use. The parcels at 10420 and 10443 Isabelle Road both have a 2-inch tap assigned to them and as the owners adjust the boundaries, they wish to retain the tap at 10443 Isabelle Road., but transfer the tap to the proposed 20-acre parcel that is going through Land Use. This would require an exemption of District Policy 3b LIMITATION ON USE OF WATER, by the Board. Staff recommends the exemption as the parcels are located adjacent to each other, are located on the same pressure zone and at the same point of connection to the District's system. If the County does not grant the boundary line adjustment, the tap would remain where it is. Discussion.

MSP: ***Treasurer Barnsley moved to conditionally grant an exemption to Policy 3b to allow for the transfer of account # 2435 with a 2-inch tap on an existing 9-acre parcel to the proposed 20-acre parcel owned by Isabelle Estates, Inc., subject to Boulder County Land Use process and subsequent to Boulder County approval of the boundary change. Motion seconded by Secretary Lisco. Motion carried unanimously.***

SUBJECT: FINANCIAL REPORTS

Monthly Financial Statements:

Vicki Santos presented the financial reports and payables for the month of February 2018. Discussion.

Bills and Appropriations:

A listing of monthly bills and appropriations was presented for review prior to the meeting. The total payables equaled \$857,886.66.

SUBJECT: UNFINISHED BUSINESS

NISP Update Memo:

The District received a memo containing an updated cost estimate for NISP, the Northern Integrated Supply Project. As expected the cost continues to rise; however, this is the first time the estimate has exceeded \$1 billion. Included in the estimate are the construction of two reservoirs and conveyance pipelines that are referred to as an “exchange security”. Exchange security are those costs associated with ensuring that enough land within the two ditch companies that NISP exchanges with will remain productive farmland and that water rights are not otherwise purchased and moved out of the ditch company service areas. The District’s estimated cost is \$139.5M. Vicki Santos is on the Financial committee for NISP and the committee will have discussions regarding each participant’s ability to fund their shares. Staff will continue to research all funding options, including a possible NISP impact fee. Discussion.

Northern has offered to provide individual informational tours of the NISP project. It would be beneficial to the District’s Board to participate in one of these tours that include a visit to the site of the Glade Reservoir. The Board directed staff to arrange a tour. Discussion.

Niwot Youth Sports Baseball Field Lease Renewal:

Included in the Board packet was a draft copy of a new lease agreement between Left Hand Water District and Niwot Youth Sports. The previous agreement of 25 years has expired and NYS would like to enter into a new lease agreement. There are a couple of changes in the new agreement that are significant. First, the lease will ask for updated insurance requirements of \$1M for General Liability; and second, the requirements have been updated for the irrigation water provided from the District’s Left Hand Ditch shares that have not been converted to municipal and industrial use. The draft agreement includes a requirement by NYS to pay assessments each year for 4 shares of Left Hand Ditch. Discussion.

MSP: *Treasurer Barnsley moved to approve the lease agreement in form, with any minor revisions approved by District Counsel and General Manager. Authorize signature of final lease agreement by General Manager. Motion seconded by Secretary Lisco. Motion carried unanimously.*

SUBJECT: NEW BUSINESS

Northern Water – C-BT Project Water Orders:

Northern Water sent a letter to the District regarding new requirements for ordering water from the C-BT project and the location of the diversion. There will not be any additional work currently for staff, however future changes to track where our C-BT is being used and how return flows are accounted may change the District’s processes and workload. Discussion.

CBT Water Purchases:

Chris Smith discussed with the Board another potential C-BT water purchase. The Board gave staff direction to purchase additional units for up to \$28,500.00. Any purchase will need final Board approval. Discussion.

CBT-Carryover:

The Board gave direction, by consensus, for staff to carryover all available units of C-BT. Discussion.

Northern Water Spring Water Users Meeting:

The Annual Northern Spring Water Users meeting will be held at the Ranch in Loveland on Tuesday, April 10th. Julie Trumpler and Sam Barnsley would like to attend. Discussion.

Attorney Comments:

Counsel has filed two diligence applications on behalf of the District – one for conditional exchanges (Case No. 18CW3023) and the other for the conditional water storage right (Case No. 18CW3046). The Left Hand Ditch Company indicated it might file a statement of opposition to each application. The District and the Left Hand Ditch Company have a good relationship and the Ditch Company does not have issues with the diligence application. Counsel has spoken with the Ditch Company's attorney about stipulated settlements being executed and filed concurrent with the filing of statements of opposition. In any event, assuming no other opposers, each diligence decree should be entered by the end of the year and each will afford the District with an additional six years of diligence on the conditional water rights. Discussion.

MSP: *Secretary Lisco moved to enter into Executive Session at 11:36 am, pursuant to Section 24-6-402(4)(f) C.R.S. Motion seconded by Director Richard. Motion carried unanimously.*

MSP: *Secretary Lisco moved to exit Executive Session at 12:10 pm. Motion seconded by Director Richard. Motion carried unanimously.*

MSP: *Secretary Lisco moved to have President Trumpler sign the Release by Employee discussed in the executive session, upon the advice of District Counsel. Motion seconded by Director Pratt. Motion carried unanimously.*

Meeting adjourned at 12:28 pm.

By,

Lilah Imes, Assistant Secretary, Board of Directors

Dan Lisco, Secretary