

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 August 15, 2019 at the District offices, 6800 Nimbus Road, Longmont, Colorado. The meeting was called to order by President Julie Trumpler at 9:03 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
Steve Buckbee, District Engineer
Martin Harders, Engineering Tech I
Jordan Tyson, GIS Technician
Lilah Imes, Assistant Secretary, Board of Directors

Public Present: N/A

SUBJECT: MINUTES OF THE DISTRICT REGULAR MEETING HELD 07/18/2019

Approval of the Minutes:

Draft minutes of the July 18, 2019, Board meeting were submitted to the board prior to the meeting.

MSP: *Secretary Lisco moved to approve the minutes of the July 18, 2019 meeting. Motion seconded by Director Fischer. Motion carried by 6 board members, Mark Hochhauser was not in attendance at the time of this vote.*

Staff discovered a portion of the June meeting, an action taken by the Board regarding an amendment to the agreement for the Fox Chase Subdivision, was not included in the approved minutes of the June 20, 2019 meeting. After reviewing the notes and the recording of the meeting, staff presented the amended minutes to the board prior to today's meeting.

MSP: *Secretary Lisco moved to amend the Minutes from the June 20, 2019 Board of Directors Meeting. Motion seconded by Treasurer Barnsley. Motion carried by 6 board members, Mark Hochhauser was not in attendance at the time of this vote.*

SUBJECT: PUBLIC HEARING/COMMENT

There was no public hearing, nor were there any comments from the public.

SUBJECT: TAPS FOR BOARD CONSIDERATION

Niwot Hills, LLC – Subdivision/Multiple Tap Purchase Agreement (7 lots):

This development, called Niwot Hills, is just west of Niwot High School. The subdivision was developed about ten years ago, and all the infrastructure is already in place, including the looping of the system. The developer originally left a very large lot open as an out-lot, and now would like to add seven new large home lots. The applicant has received final plat approval from Boulder County. Pressure and flow are available to serve the additional lots and the applicant has requested to pay cash in lieu of dedication for the water requirement. Discussion.

MSP: *President Trumpler moved to approve the Subdivision Multiple Tap Purchase Agreement with Niwot Hills, LLC for 7 Lots in Niwot Hills Subdivision Filing No. 2 conditional on meeting all requirements and fees required for service. Motion seconded by Secretary Lisco. Motion carried unanimously (Director Hochhauser was in attendance for this vote).*

Horizon Technology Co. LLC – Out-lot A Bixler Homesteads Boulder County, CO:

This property is on Out-lot A of the Bixler Homesteads in Boulder County. The applicant is installing a hemp processing plant. The property has an existing well which will be used some for irrigation. The applicant is not within the Northern Colorado Water Conservancy District boundaries and the applicant has already begun the inclusion process. This process could take up a year due to a required review from NEPA. The request, if approved will be conditional upon inclusion into NCWCD's boundaries. The 1-inch tap required to serve this parcel of land will require an additional 5.5 units of C-BT, that will make the total water requirement 8.0 units of C-BT. The applicant has requested to pay cash in lieu of dedication for the water requirement. Also, the purchase for this 1-inch tap will be completed at the then current cash-in-lieu rate. Discussion.

MSP: *Treasurer Barnsley moved to approve a 1-inch Commercial Tap for Out-lot A Bixler Homestead NUPUD conditional on meeting all requirements and fees required for service. Motion seconded by Secretary Lisco. Motion carried unanimously.*

BECC, LLC – Lot 5, Block 4 Vista Commercial Filing 2 Weld County, CO:

The applicant of this tap request is constructing a storage facility that will require minimal water. Steve Buckbee has worked closely with the applicant regarding their site plan, landscaping and water usage numbers. In addition to the 1.0 unit of C-BT assigned to the requested 5/8-inch commercial tap, the usage will require 0.5 units of C-BT to meet the water requirements. This tap will be assigned to lot 5 of block 4; however, the facility will be on lots 5, 6 and 7. Pressure and flow are

available for water service to this property and the applicant has requested to pay cash in lieu of dedication for the water requirements. Discussion.

MSP: *Director Pratt moved to approve a 5/8-inch Commercial Tap for Lot 5 Block 4 Vista Commercial Center Filing 2 conditional on meeting all requirements and fees required for service. Motion seconded by Secretary Lisco. Motion carried unanimously.*

Chris Smith updated the Board regarding two Richmond American Homes contracts that were previously approved by the board. Richmond has decided not to purchase the lots in the Wyndham Hill Subdivision from CDG. Staff had a meeting with Jon Lee from CDG to discuss other potential developers that are interested in those particular lots. Recently, construction in the Front Range has been struggling in part due to the high price of water. Staff is working on a proposal to add another tier to its water rates, which would alleviate the amount required for dedication based on varied lot sizes, thus resulting in a lower price for water. The Loveland/Fort Collins Water District breaks down its water requirements into tiers for every 1000 sf. Changes to the water requirement tiers will require Board action as a policy change. Staff will continue to review water use averages, etc., and prepare information to present to the Board. Staff has also been in discussion with a potential developer for the area north of Highway 119 and east of County Road 1 known as the Firelite development. This project will have access to irrigation water, which will help keep their water costs down. Discussion.

SUBJECT: FINANCIAL REPORTS

Monthly Financial Statements:

Vicki Santos presented the financial reports and payables for the month of July 2019. Discussion.

Bills and Appropriations:

A listing of monthly bills and appropriations was presented for review prior to the meeting. The total payables equaled \$1,529,462.78.

Budget Committee Selection:

Staff has already begun meeting and gathering numbers and information for the District's 2020 budget. Typically, the budget committee consists of the District's managers and two board members. President Trumpler and Treasurer Barnsley represented the board on the committee last year.

MSP: *Secretary Lisco moved to appoint President Trumpler and Treasurer Barnsley to the 2020 budget committee. Motion seconded by Director Pratt. Motion carried unanimously.*

SUBJECT: UNFINISHED BUSINESS

Information Items and Reports:

Staff reviewed their respective reports that were included in the board packet. Discussion.

AT&T/Cingular Wireless Site Lease @ Spurgeon Tanks:

Chris Smith updated the Board regarding the Spurgeon Tank antenna lease with AT&T. The Boulder County Planning Commission held its meeting, which was well-attended by the public. The Commission has decided to review the site location further and then decide how best to proceed. Discussion.

SUBJECT: NEW BUSINESS

Erie Petition for Exclusions and IGA Discussion:

Chris Smith and Steve Buckbee met with the Town of Erie regularly to discuss situations that effect both entities, including parcels of land that have been previously annexed to the Town, but are still in the District's boundaries. There are a handful of parcels that have fallen through the cracks and should have been excluded from the District's boundaries and included into the Town's boundaries when the IGA was created between the Town and the District in 2002. The Town is not ready to take any action yet, as it, along with staff, are in the early stages of identifying all the parcels that would need to be excluded. Both parties are discussing the value of a mass exclusion process with the Town bearing the responsibility of all fees associated with the process. If there are some properties that the Town is not ready to serve at the time of exclusion, and the District already serves them, the District will continue to serve them until the Town has the capacity to, as per the IGA. A draft copy of documents for the exclusions was included in the board packet. Discussion.

C-BT Water Purchase – 31 AFU / Loukonen Family, LLC & Loukonen G-4, LLC:

Dale Loukonen contacted Chris Smith to discuss his intent to sell 31 AFU of C-BT. Mr. Loukonen would prefer the water stay in the watershed and he was willing to sell the water to the District for \$40,000 an AFU. Included in the board packet is an application for a water allotment contract with NCWCD that will need to be signed by the Board and delivered to NCWCD in time for their next board meeting in September. The Escrow Agreement and the Statements of Authority that allows Mr. Loukonen to sign the sale of the water for both LLC's in the Loukonen name, was delivered to the District's office the day after the board packet was distributed. Staff will make sure the appropriate paperwork will be turned into the appropriate places. Discussion.

MSP: *Secretary Lisco moved to approve the purchase of allotment contract #8069 from Loukonen Family, LLC & Loukonen G-4, LLC and to execute the Application to Northern Colorado Water Conservancy District (Northern Water) for Water Allotment Contract, for 31 AFU's of CBT Project Water. Motion seconded by Director Pratt. Motion carried unanimously.*

Special District Association (SDA) 2019 Board Member Manual:

The District has received two copies of the SDA's annual Board Member Manual. These manuals serve as a reference guide for board members of Special Districts. If any board member would like a copy, they are available. Discussion.

Attorney's Comments:

Scott Holwick recently received information about CORA requests made by a private entity requesting information on several mutual ditch companies. The request was focused on identifying which ditch companies lease water to oil and gas companies. This CORA request is unusual because ditch companies are privately owned and not under CORA obligations. Any board members or staff that sit on any ditch company board should be aware that any information from such ditch companies stored on District property could fall under CORA regulations. Discussion.

Meeting adjourned at 11:03 am.

By,

Lilah Imes, Assistant Secretary, Board of Directors

Dan Lisco, Secretary