

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 November 21, 2019 at the District offices, 6800 Nimbus Road, Longmont, Colorado. The meeting was called to order by President Julie Trumpler at 9:01 a.m.

**Directors Present:** Julie Trumpler, President  
Dan Lisco, Secretary  
Jim Richard, Director  
Alan Pratt, Director

**Directors Absent:** Mark Hochhauser, Excused  
Sam Barnsley, Excused  
Bart Fischer, Excused

**Staff and Consultants:** Chris Smith, General Manager  
Vicki Santos, Finance Manager  
Jason Whitmore, Treatment Manager  
John Chmil, Attorney  
Adam Delaney, Distribution Manager  
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 10/17/2019**

Approval of the Minutes:

*Draft minutes of the October 17, 2019, Board meeting were submitted to the board prior to the meeting.*

**MSP:** *Secretary Lisco moved to approve the minutes of the October 17, 2019 meeting, as amended at the November 21, 2019 meeting. Motion seconded by Director Pratt. Motion carried unanimously.*

**SUBJECT: PUBLIC HEARING/COMMENT**

**MSP:** *Secretary Lisco moved to officially open the Public Hearing to discuss setting rates and fees for the 2020 calendar year and discuss the Mountain Brook Partners exclusion request. Motion seconded by Director Richard. Motion carried unanimously. Public hearing opened at 9:02 am.*

Public Rate Hearing - Proposed Rates for 2020:

*Vicki Santos presented the Board with a memo on proposed rates and fees. By state statute, notice of the public rate hearing was posted on the District's website, which is linked to the Division of Local Government's special district database. In addition, notice of the public rate hearing was posted at the Niwot Post Office,*

*Mountain View Fire Department on Stagecoach and the District office. Also, as required, all counties within the District's geographic boundaries, Boulder, Weld and Broomfield were provided with notice regarding the public rate hearing. The District did not receive any comments, nor were there any public present at the hearing. Discussion.*

**MSP:** *Secretary Lisco moved to adopt the rates presented in the Staff's memo under Option Number 3 for the 2020 Rate and Fee Schedules. Motion seconded by Director Richard. Motion carried unanimously.*

**MSP:** *Secretary Lisco moved to adopt the 2020 Proposed Tap Fee Component Schedule and Miscellaneous Fees as presented to the Board. Motion seconded by Director Richard. Motion carried unanimously.*

Mountain Brooks Partners LLC Petition for Exclusion from District Boundary:  
*The Board set a public hearing date for this exclusion request at the September 2019 Board meeting. The District has not received any comments from the public regarding this exclusion. All that is needed at this meeting is to approve this exclusion request from Mountain Brook Partners. Lyons Gaddis will file the necessary paperwork with the court. Discussion.*

**MSP:** *Director Richard moved to approve the Exclusion of lands from the Left Hand Water District known as the Mountain Brook Partners LLC Exclusion, situated in the County of Boulder, State of Colorado. Motion seconded by Secretary Lisco. Motion carried unanimously.*

**MSP:** *Secretary Lisco moved to officially close the Public Hearing. Motion seconded by Director Pratt. Motion carried unanimously. Public hearing closed at 10:33am.*

**SUBJECT: TAPS FOR BOARD CONSIDERATION**

John J. Jakosky IV – 9760 Isabelle Rd. Boulder County, CO:  
*This request is for an upgrade and reclassification to an existing 5/8-inch commercial tap to a 3/4-inch residential tap that will serve an existing home and an accessory dwelling. Also, the applicant has requested to purchase a new 3/4-inch commercial tap and a 4-inch fire line that will serve a yoga studio along with a building that will house ranch hands. Pressure and flow are available to serve these requests, which will require a road bore in addition to the other fees for service. Applicant has requested to pay cash-in-lieu of dedication of C-BT. Discussion.*

R&D Enterprises, LLC – 5831 Ideal Dr. Frederick, CO:  
*This tap request is for an upgrade from a 5/8-inch assigned commercial tap to a 1-inch commercial tap and a 6-inch fire line to serve a shooting range in the Glacier West Business Park. Pressure and flow are available to serve this request and the applicant has requested to pay cash-in-lieu of dedication of C-BT. Discussion.*

Luther & Jolene Stromquist – Block 1 Lot 1 Avocet 1<sup>st</sup> Filing, Frederick, CO:

*This request is for a 5/8-inch residential tap to serve a new home being built on the property. The service lines and curb stops were installed several years ago and the District currently serves two homes in this subdivision. Pressure and flow are available to provide service and the applicant has requested to pay cash-in-lieu of dedication of C-BT. The lots in this subdivision are over 20,000 sf and will require 1.5 units of dedication. Discussion.*

Russell Coburn, LLC – PUDF 19-004 Vista Commercial Center Filing 2:

*This tap request is for a 1.5-inch commercial tap to serve a sportswear company in Vista Commercial, Filing 2. The proposed building will encompass 4 lots and the applicant is in the process with Weld County to remove the lot lines to create one lot. Pressure and flow are available to serve this request and the applicant has requested to pay cash-in-lieu of dedication of C-BT. Discussion.*

**MSP:**

**Secretary Lisco moved to approve:**

**1. (1) an Upgrade for the existing 5/8-inch Commercial Tap (Account 2364.02) to a 3/4-inch Single Family Residential with Accessory Dwelling account. AND (2) a new 3/4-inch Commercial Tap and a 4-inch Fire line, both conditional on meeting all requirements and fees required for service.**

**2. an Upgrade for the existing 5/8-inch Commercial Tap (Account 6857.02) to a 1.0-inch Commercial Tap with the addition of a 6-inch Fire Line conditional on meeting all requirements and fees required for service.**

**3. a 5/8-inch Residential Tap to serve Block 1, Lot 1 Avocet 1<sup>st</sup> Filing Frederick, CO conditional on meeting all requirements and fees required for service.**

**4. a 1-1/2-inch Commercial Tap and 6-inch fire line to serve PUDF 19-004 Vista Commercial Center Filing 2 (Block 7, Lots 3, 4, 7 & 8) conditional on meeting all requirements and fees required for service.**

**Motion seconded by Director Richard. Motion carried unanimously.**

Jeffrey & Andrea Van Sambeek – Silver Owl Lane Minor Subdivision: Subdivision/Multiple Tap Purchase Agreement – 4 lots:

*This contract request is to serve a proposed subdivision located on the east side of Weld County Road 7, south of Highway 119. There is an existing tap that serves an old farm house and the applicant is requesting 4 additional residential taps to serve a new 5 lot subdivision. A single service line extension will be constructed going into the proposed cul-de-sac, which is the responsibility of the developer. Pressure and flow are available for the additional taps and the applicant has requested to pay cash-in-lieu of dedication of C-BT for the additional 6 units required to serve the large lots. Discussion.*

**MSP:** *Director Richard moved to approve the Subdivision/Multiple Tap Purchase Agreement with Jeffrey & Andrea Van Sambeek for 4 single family residential taps in Silver Owl Lane Minor Subdivision conditional on meeting all requirements and fees required for service. Motion seconded by Secretary Lisco. Motion carried unanimously.*

Lennar Colorado, LLC – Wyndham Hill Filing 9 Phase 2 Subdivision/Multiple Tap Purchase Agreement – 83 lots:

*This contract is to serve 83 lots in the Wyndham Hill subdivision. It has been some time since the District has entered into a contract with Lennar Homes. The lots were previously platted and will require 66.20 units of C-BT. The applicant has requested to pay cash-in-lieu of dedication of C-BT. The District has the capacity to serve these 83 lots. Discussion.*

**MSP:** *Director Pratt moved to approve the Subdivision/Multiple Tap Purchase Agreement with Lennar Colorado, LLC for 83 Lots in Wyndham Hill Subdivision Filing No. 9 – Phase 2, conditional on meeting all requirements and fees required for service. Motion seconded by Secretary Lisco. Motion carried unanimously.*

New Expressions Homes LLC – Wyndham Hill Filing 5 Subdivision/Multiple Tap Purchase Agreement – 10 Townhomes:

*This will be the fourth contract the District has entered with New Expression Homes. This request is for 10 townhomes on the west side of Summit Peak Ct. in the Wyndham Hill subdivision. In total the developer will construct 63 town homes and the infrastructure was installed with the first contract in 2016. The applicant has requested to pay cash-in-lieu of dedication of C-BT for the required 5 units. Discussion.*

**MSP:** *Director Pratt moved to approve Subdivision/Multiple Tap Purchase Agreement with New Expression Homes LLC for 10 Townhomes in Wyndham Hill Subdivision Filing No. 5 (4th Contract) conditional on meeting all requirements and fees required for service. Motion seconded by Secretary Lisco. Motion carried unanimously.*

Williams Family Farm, LLC – Nelson Lakes Subdivision Amendment to Subdivision/Multiple Tap Purchase Agreement – 6 lots:

*The first part of this requested Amendment is from a previous contract executed in 2008 between the District and Williams Family Farm, LLC, the Nelson Lakes Subdivision. At the time the developer entered into contract, negotiations were in progress with County Open space to purchase additional land. The slowing of the economy put the development on hold. In the meantime, Bart Fischer entered into a Line Participation Agreement with the District that extended the water line on County Road 16.5 to serve a recorded exemption on the east side of his property. The development under discussion is now subject to that Line Participation Agreement with each tap purchase.*

*The second part of this proposed Amended Agreement is the transfer of 9 units of C-BT. At the time they entered into the original Agreement, the developer paid for*

*the Plant Investment Fees and the EZT line fees for each lot and was required to turn in the water to serve the development. The land had enough units of C-BT to serve the proposed subdivision, so they were not obligated to pay cash-in-lieu of dedication if the water was turned into the District. When the development was put on hold, the water was not transferred to the District, as they were using it to continue farming the land. In reviewing the old Agreement, it stated the Agreement expired on the fifth anniversary of the execution of the Agreement. The developer did not want to start all over, so staff worked with Lyons Gaddis to amend the Agreement to state they are responsible for transferring the water within 60 days of the Amendment. The Williams family has already begun the process required to make the water transfer with Northern Water. The developer will now be fulfilling all the requirements for these taps. Although the original Agreement is for six taps, they are certain they will build four. The Amendment will require the developer to pay the Fischer Line Participation Fee upfront for the four lots. Those four lots will be the only taps to be set. If they decide to go forward with the other two taps, they will be required to pay the lines fees, assuming that the remaining taps to fulfill the Participation Agreement have not been completed by then. Discussion.*

**MSP:** *Secretary Lisco moved to approve the Amendment to Subdivision/Multiple Tap Purchase Agreement with Williams Family Farm, LLC and to authorize all signatures required for completing the transfer of 9 units of C-BT in accordance with the Amendment. Motion seconded by Director Pratt. Motion carried unanimously.*

**SUBJECT: FINANCIAL REPORTS**

Monthly Financial Statements:

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

Bills and Appropriations:

*A listing of monthly bills and appropriations was presented for review prior to the meeting. The total payables equaled \$1,502,837.48.*

**SUBJECT: UNFINISHED BUSINESS**

Information Items and Reports:

*Treatment, Distribution, Engineering, and Water Management reports have been included to provide information related to operations.*

Northern Integrated Supply Project – Larimer County IGA Update:

*A letter from Northern Water regarding an update on the NISP project, the Larimer County IGA, was included in this month's board packet. The letter discussed the 1041 permitting process with Larimer County. Discussion.*

**SUBJECT: NEW BUSINESS**

C-BT Water Purchase – 2 AFU / Shirley A. Hyden:

*Staff was contacted by Shirley Hyden with regards to selling the District 2 A/F of C-BT. This purchase is somewhat unusual because in order to meet the deadlines for Northern Water, the transfer paperwork had to be submitted by Friday, November 15, 2019, due Northern's December meeting being moved up a week. Chris Smith reached out to Julie Trumpler to sign the application last week, however, if the Board chooses not to pursue this purchase, the District can withdraw the application request. Staff recommends moving forward with this request due to the price the seller is asking for, which is \$40,000 an A/F. Discussion.*

**MSP:** *Director Lisco moved to approve the purchase of allotment contract #7949 from Shirley A. Hyden and to execute all documents necessary to complete the purchase for 2 AFU's of C-BT Project Water at \$40,000 per unit. Motion seconded by Director Pratt. Motion carried unanimously.*

Attorney's Comments:

*Jon Chmil briefly touched on Proposition CC that recently was defeated in Colorado's statewide election. John Chmil and Chris Smith mentioned the potential benefits to Colorado water entities based on the passage of Proposition DD in Colorado's statewide election. Discussion.*

Meeting adjourned at 11:50 am.

By,

Lilah Imes, Assistant Secretary, Board of Directors

Dan Lisco, Secretary