

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF LITTLE THOMPSON WATER DISTRICT**

The Board of Directors of Little Thompson Water District (LTWD) met in regular session on Thursday, March 21, 2024. Attendance was as follows:

Board of Directors:

Emily McMurtrey, President, Present
Steven Brandenburg, Present
Larry Brandt, Present
Ryan Heiland, Present
Ed Martens, Present
Bill Szmyd, Present
James J. Walker, Present

Staff in Attendance:

Amber Kauffman, District Manager
Angela Diekhoff, Business Manager
Brad E. Eaton, District Engineer
Nancy Koch, Water Resources Advisor
Amanda Hoff, Water Resources Manager
Kammy K. Tinney, Business Project Manager

CALL TO ORDER

The recitation of the *Pledge of Allegiance* occurred, followed by President Emily McMurtrey calling the meeting to order at 5:05 p.m.

ROLL CALL

Roll call was taken. All Directors were present.

AGENDA REVIEW

There were no changes to the agenda.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

President McMurtrey opened the Public Comments period. There being no public comments, the Public Comments period was closed.

CONSENT AGENDA

It was moved by Director Bill Szmyd, seconded by Director Larry Brandt, to approve the Consent Agenda, including:

- **Minutes of the February 15, 2024, Regular Board Meeting,**
- **Minutes of the February 26, 2024, Special Board Meeting,**
- **Tap List 698,**
- **February 2024 Disbursements in the amount \$1,937,842.92:**
 - ❖ **Operating Account: \$1,586,412.82:**
 - **ACH Manual Check Numbers 5235 to 5304 – \$1,175,981.90,**
 - **Check Numbers 11729 to 11754 – \$410,430.92,**
 - ❖ **Payroll Account: (Two Bi-weekly payroll periods in February) for \$351,430.10:**
 - **ACH Transmittal Vouchers O-2443 to O-2453 – \$178,458.13,**
 - **ACH Direct Deposit Numbers N-13368 to N-13446 – \$172,971.97,**
- **February 2024 Financial Report.**

Motion carried unanimously.

DISCUSSION ITEMS

Development Agreement Template:

District Manager Amber Kauffman presented the following information to the Board:

- Staff had been working to put together an agreement for use with development projects to help ensure the requirements of development are clear when the plat is approved for any development.
 - ❖ The type of developments that used to occur in the District were residential and mostly small and more rural in nature.
 - ❖ Many of the new developments are rather large and dense with more types of proposed uses in the same plat (i.e., commercial and residential).
 - This newer type of development can create other phasing issues and various improvement requirements.
 -

- ❖ The District would also like to implement a monetary surety for all development such that during the project and through the warranty period the District has resources to fix/finish the work if the developer/contractor abandons the project responsibilities.
- ❖ Staff developed the agreement based on other jurisdictions requirements/forms and modified it to fit LTWD.
- ❖ Staff have also had Legal review the agreement and incorporated their comments.
- ❖ The proposed agreement:
 - Identifies offsite waterline improvements required by the development and references the last commitment letter issued by the District.
 - Identifies waterline construction standards and plan review by the District.
 - Requires inspection and testing services for waterline construction.
 - Identifies raw water dedication requirements.
 - Addresses requirements for development with proposed non-potable systems.
 - Identifies the approval process and surety requirements for the waterline construction.
 - Identifies when taps can be purchased in the process (residential is different than nonresidential).
 - Provides a section for oversizing reimbursement of waterlines (that definition is in Section 6 Specifications of the Rules and Regulation).
 - Provides a Main Line Extension section that identifies how the main line extension reimbursement or payment will occur.
- Staff will bring an Updated version of Section 8 of the Rules and Regulations to the Board if the Development Agreement Template is approved.

Discussion occurred throughout the presentation regarding the following topics:

- Monetary surety,
- Water dedications,
- Policy clarity has been needed for some time.

It was moved by Director Szmyd, seconded by President McMurtrey, to approve the Development Agreement Template. Motion passed unanimously.

Public Right to Information Policy: Resolution 2024-06:

Business Project Manager Kammy Tinney presented the following information to the Board:

- The District's current policy included in Section 206 of the Rules and Regulations was adopted in 2016 and calls for a \$30.00/hour fee.
 - ❖ The policy as written does not include language for periodic updates to the fee allowed per statute.
- The fee has since been adjusted to \$33.58/hour and is anticipated to increase to \$40.00 plus or minus in 2024.
 - ❖ The ability to adjust research and retrieval fees periodically as noted in C.R.S. 24-72-205(6)(b) is included in Section 6 of the proposed Resolution.
- Staff recommend adoption of the Colorado Open Records Act (CORA) Policy Resolution to allow for collection of research and retrieval fees in the maximum amount permitted by statute.

Discussion occurred throughout the presentation regarding the following topics:

- The number of CORA requests the District receives,
- What type of CORA requests the District receives.

It was moved by Director Ed Martens, seconded by Director Jim Walker, to adopt Resolution 2024-06 Establishing a Policy for Requests for Public Records and Assessing Charges for the Production of Public Records. Motion passed unanimously.

Public Hearing Action Item: Motion to Approve Rates and Fees:

Business Manager Angela Diekhoff presented the following information to the Board:

- The background information on the process and work with Wildan to update the following fees:
 - ❖ Rules and Regulations Section 1501.2 Schedule A – Tap Fees:
 - Plant Investment Fees (PIFs) for Non-Residential 3-inch and 4-inch Taps (recommendations came from Wildan).

- ❖ Rules and Regulations Section 1502.2 Schedule C – Miscellaneous Fees:
 - New Administrative Hourly Fee,
 - CORA-Open Record Fee,
 - Capital Impact Fees,
 - ◇ Based off the replacement cost for new, less depreciation.

Discussion occurred throughout the presentation regarding the following topics:

- If the District has many 3 or 4-inch taps,
- If there was any way to simplify the rates and if a rate hearing must be scheduled,
- Making sure the District has every rate publicized as required.

The Public Hearing had been properly publicized. No written objections were received.

President McMurtrey opened the Public Hearing at 5:31 p.m. No public was present, and the Public Hearing was closed at 5:32 p.m.

It was moved by Director Szmyd, seconded by Director Ryan Heiland, to approve the updated rates as presented to the Board. Motion carried unanimously.

Debrief Central Weld County Water District (CWCWD) – LTWD Joint Board Meeting:

District Manager Kauffman presented the following summary of the meeting to the Board:

- Ms. Kauffman noted that she felt both Boards provided good feedback.
- Carter Lake Filter Plant (CLFP) Pretreatment Presentation:
 - ❖ Josh Cook, P.E. and Randal Williamson of NEC Engineering provided the group with a virtual tour of the new pretreatment plant and expanded filter plant.
 - ❖ Mr. Cook reported that the pretreatment plant would provide 10 Million Gallons per Day (MGD) capacity by gravity to the north plant and 17.5 MGD to the north plant when pumped.
 - ❖ The pretreatment project would extend the capacity of both plants to 65 MGD.
 - ❖ The updated construction cost estimate was \$51 Million (M).
- Dry Creek Reservoir Operations:
 - ❖ Regarding the new pump at Dry Creek, the pump will allow a 10 percent mix of Dry Creek water year-round.
 - ❖ Additionally, CLFP Manager Rick Whittet thought that Copper Sulfate treatment at Dry Creek Reservoir should begin as early as late May, depending on initial testing for algae.
- District Native Waters:
 - ❖ CWCWD has been worried about water quality from the District's raw water sources entering Dry Creek.
 - ❖ The water quality summary was provided to CWCWD and CLFP for their review.
 - ❖ There were a couple of constituents that could be a concern, but most were lower than those currently in Dry Creek Reservoir.
- CWCWD I-25 Treatment Plant:
 - ❖ CWCWD is evaluating a public-private partnership (PPP) to construct their East I-25 Treatment Plant.
 - ❖ CWCWD would own the plant, but the private company would pay for and construct the plant.
 - A payback would be required over 30 years.
 - ❖ CWCWD would be a customer just like other participants.
 - Other agencies interested in capacity include the City of Evans (Evans), the Town of Milliken (Milliken), and the Town of Johnstown (Johnstown).
 - CWCWD would like the District to consider being a customer.
 - ❖ The minimum size of plant they would construct would be a 5 MGD plant.
 - The site could accommodate a plant up to 120 MGD capacity.
 - ❖ CWCWD would use their existing 20-inch treated waterline to deliver raw water from Dry Creek Reservoir to the plant.
 - District customers on that line would need to have other provisions for water service prior to the use of that line for the treatment plant.
- District Projected Water Use/Restrictions:
 - ❖ The District has experienced growth of between six and eight percent (by equivalent taps) over the past three years and is therefore concerned about plant capacity and the timing of the pretreatment project.
 - ❖ CWCWD has had negative growth and the growth with their wholesale customers has stagnated.

- The Town of Firestone's (Firestone) use of the St. Vrain Water Authority (SVWA) will help alleviate growth demand at CLFP.
- ❖ Both parties agreed to encourage water schedules for customers to water three times per week to help with plant capacity.
 - Ms. Kauffman said she would assist where possible to encourage Firestone to use the same schedule.
- Ms. Kauffman and the District Board appreciated the work that CWCWD Office Manager Roxanne Garcia put into arranging the Joint Board Meeting.

CLFP:

District Manager Kauffman presented the following information to the Board:

- BDO, the auditor for CLFP, presented their findings for the 2023 fiscal year.
 - ❖ The results of the audit were presented with corrected and uncorrected misstatements.
 - ❖ The uncorrected misstatements were determined to be immaterial to the financial statements taken as a whole, considering both qualitative and quantitative factors.
 - ❖ The auditor identified one material weakness in the audit that was a repeat comment.
 - ❖ The material weakness was for the proposed multiple material adjustments to the Plant's accounting records due to incorrectly posted year-end accrual and closing entries.
 - ❖ The auditor recommended that the Plant establish effective review policies and procedures as a customary part of the year-end closing process.
 - ❖ The CLFP board approved the audit as submitted.
- The delivery of the new one MGD pump for the pump station at Dry Creek Reservoir has been delayed and is now expected to be onsite by the end of April.
 - ❖ No updated schedule for the start of the pump station has been provided but will be at the next CLFP board meeting.
- The media in the upflow clarifiers were replaced in clarifiers 16 and 19 and is ready to go into service.
- Josh Cook, P.E. requested the board to think about what type of fencing and how much fencing be installed at the south plant and be ready to discuss at the next meeting.
 - ❖ There was some concern for wildlife getting caught on any barbed wire on the top of fencing.
 - ❖ The need for fencing is being considered now, rather than later for construction activities to prevent theft as well as the longer-term protection of the filter plant.
- CLFP Plant Superintendent Darrell Larson is expected to retire at the end of 2024.

SVWA:

District Manager Kauffman presented the following information to the Board:

- There was a request for approval of a contract for Injection Well Temperature Logging Services.
 - ❖ The service was not budgeted but is only required every four years.
 - ❖ The contract amount was \$23,189.00.
 - ❖ The test results are due to the Environmental Protection Agency (EPA) in one month.
 - ❖ The board approved the contract.
- It was decided that Firestone's Information Technology (IT) department should manage SVWA's Microsoft (MS) 365 account.
 - ❖ The SVWA Board felt the Firestone IT department should investigate using MS Teams for meetings from the current MS 365 Business Basics package the Authority already has.
 - ❖ There is some serious concern that Zoom is not secure and people can hack into the meeting and listen without anyone in the meeting knowing.
 - ❖ This is a concern for executive and/or privileged conversations/meetings.
- SVWA's legal counsel will be providing the Board with a resolution for Americans with Disabilities Act (ADA) Compliance in the coming month ahead of the July 1 deadline.
- There was a testing issue with Colorado Analytical in February that indicated a significant level of Fluoride.
 - ❖ Colorado Analytical had some issues with maintaining qualified, trained employees.
 - ❖ Further testing indicated that the fluoride levels were normal.

- Julie Svaldi, the Firestone appointee and SVWA Board President, is moving and the March 11 meeting will be her last.
 - ❖ She will be missed as she is a good leader for the organization.

President McMurtrey called for a break at 6:07 p.m. The meeting was reconvened at 6:13 p.m.

Public Hearing: Action Item: Resolutions 2024-07 and 2024-08 Inclusions and 2024-09 Exclusions:

The Public Hearing had been properly publicized. No written objections were received. President McMurtrey opened the Public Hearing at 6:14 p.m. No public was present, and the Public Hearing was closed at 6:15 p.m.

It was moved by Director Szmyd, seconded by Director Heiland, to adopt Resolution 2024-07 Inclusion (Tanner), Resolution 2024-08 Inclusions (Artesia Lot Holdings, Hartman/Hood, Richmond American Homes, Schaal) and Resolution 2024-09 Exclusions (CR II, Centerra Investments/CR II/CR Development, Centerra Properties West, Salg Family). Motion carried unanimously.

Designating Staff Authorized to Transact Adams Bank and Trust Business: Resolution 2024-10:

District Manager Kauffman presented the following information to the Board:

- With the retirement of Operations Manager Ken Lambrecht, Adams Bank and Trust requested an updated resolution from the Board stating what District employees have permission to transact business.

It was moved by Ed Martens, seconded by Director Szmyd, to adopt Resolution 2024-10 authorizing specific employees to transact business on behalf of the District. Motion carried unanimously.

STAFF REPORTS

District Manager's Report: District Manager Kauffman reported on the following:

- Meetings:
- Ms. Kauffman had lunch with Kevin Gertig, the City of Loveland (Loveland) Water and Power manager, on February 20 where the following topics were discussed:
 - ❖ Regional projects and organizations,
 - ❖ Opportunities between the two entities,
 - ❖ Training opportunities at Loveland for Commercial Driver's License (CDL) drivers,
 - ❖ Metro district on-hold statuses by Loveland's City Council,
 - ❖ Emergency Response training,
 - ❖ Along with other topics.
- Ms. Kauffman had lunch with Ken Matthews, the Town of Berthoud's (Berthoud) Utility Manager, on February 21 where the following topics were discussed:
 - ❖ An Intergovernmental Agreement (IGA) update with service area boundaries,
 - ❖ Berthoud's need for supplemental water of nearly 0.75 MGD until their 1 MGD water treatment plant improvements can be completed (2026-mid 2027),
 - The District has told Berthoud that water can be provided this year, but Staff are not sure about future years.
 - Staff conveyed the estimated timeline of the CLFP pretreatment plant being on-line with additional capacity.
 - ❖ The status and considerations of the two entities' respective water court cases,
 - ❖ Developments around Berthoud that may impact or require the relinquishment of District taps.
 - ❖ Director Steve Brandenburg recommended Ms. Kauffman request Berthoud implement water restrictions in-line with the District's.
 - Ms. Kauffman felt this to be a good idea.
- District Activities:
 - ❖ Ms. Kauffman offered kudos to District Staff who were working hard and quickly to pull together the work plan for the Lead Service Line Inventory (LSLI) project.

- A big shout out to District Engineer Brad E. Eaton for helping to move things along and to Business Project Manager Tinney for being willing to be the District Project Manager.
- This will be a big undertaking for the District under a tight timeline.
- The District has engaged our marketing firm for a communication strategy for our customers; an engineering firm to help manage the field work; and is opening bids for the potholing on March 21.
- ❖ Ms. Kauffman and Business Manager Diekhoff will be working with the Operations Team to determine the appropriate responsibilities and needs for a new Operations Manager.
 - Ms. Kauffman appreciates how willing people are to help pick up various tasks to assist during the position's vacancy.
- ❖ Ms. Kauffman did not provide the regular quarterly updates for the Windy Gap Firing Project (WGFP) or the District goals for 2024.
 - Ms. Kauffman did note that breakthrough of the tunnel had occurred for the WGFP, and the Barefoot Agreement had been completed.

Business Manager's Report: Business Manager Diekhoff reported on the following:

- Board:
 - ❖ The District owes the Board Members for the Special Rate Hearing and Mileage Paycheck from March 14, 2024.
 - Ms. Diekhoff noted the Board had been paid for the February Board Meeting and Joint Board Meeting.
 - Ms. Diekhoff apologized for missing pay for the third meeting for the Rate Hearing but will add to the next payroll check, date March 28, 2024.
 - ❖ Ms. Diekhoff requested Board permission to leave the Dashboard out of the monthly Board Packet since it is provided as a placemat during the meeting.
 - Ms. Diekhoff noted it is extremely difficult to make the Dashboard ADA compliant for the online version of the Board Packet.
- Kudos to the Backhoe Crew:
 - ❖ The District received a card from a customer on Valley Oak Drive stating the customers were very pleased with the work done by the District crew, particularly the leak clean-up.
 - Ms. Diekhoff believes Water Maintenance Workers Kris Behrens and Gabe Smith went out to the site a few times.
 - The customer stated the crew was courteous and attentive, and they appreciated it very much!
- Allotment Postcards:
 - ❖ Four different allotment postcards had been mailed to customers based on their type of account.
 - Standard Taps within their allotments,
 - Standard Taps that go over their allotments,
 - Urban Taps within their allotments,
 - Urban Taps that go over their allotments.
- EyeOnWater (EOW):
 - ❖ District customers signing up for new EOW accounts continued to increase slightly.

District Engineer's Report: District Engineer Eaton reported on the following:

- There were four new taps and no Accessory Dwelling Unit (ADU) Commitment to Serve Requests for February. The 2024 total was 13 taps and one ADU.
- Capital Projects:
 - ❖ The Loveland/Campion project substantially completed and expected to be finished in the next few weeks.
 - ❖ The H2 and RFO Raw Water Infrastructure project was progressing well.
- Development Projects:
 - ❖ Access 25 South will be a new development with nine commercial lots going in the Town of Mead (Mead).
- Other Engineering Department Activities:
 - ❖ Colorado Department of Transportation (CDOT) presented a draft Standard Utility Agreement (SUA) for the Segment 5 impacts to the District.
 - Staff was reviewing the SUA.

- ❖ Organization of the LSLI project was well underway.
 - Potholing investigation of service lines was expected to start in early April.
- ❖ Shoulder damage occurred due to the West 1st Street Project.
 - Staff were working with Larimer County to remediate the area.

Water Resources Manager's Report: Water Resources Manager Amanda Hoff and Water Resources Advisor Nancy Koch reported on the following:

- Water Resources Advisor Koch presented the Raw Water Master Plan Update to the Board.
- Highlights of the presentation were as follows:
 - ❖ A milestone for the completion of the Master Plan was learning the new water demands per development.
 - Most developments are in Mead.
 - ❖ Staff will incorporate the future demands by development into planning for:
 - Second use water,
 - Water treatment plant source,
 - Infrastructure limits,
 - Future supply location.
 - ❖ The Future Demands data was to be sent to the Farnsworth Group the following week.
 - The Farnsworth Group will develop the Water System Master Plan based on the data to include:
 - Evaluate water demand and impact to treatment capacity,
 - Five-year increments,
 - Assumptions.
- Water Resources Manager Hoff reviewed the following with the Board:
 - ❖ The Monthly Water Use for February 2024 was lower than predicted but was about the same as the maximum water use from 2015 through 2024.
 - ❖ The Cumulative Water Use for February was close to the projected amount.
 - ❖ Ms. Hoff reviewed the current Snow Water Equivalent data.

Operations Manager's Report and Water Quality Update: District Manager Kauffman reported on the following:

- Locate requests were close to normal in February, however, Leak Repairs had increased.
- Monthly Water Quality Report:
 - ❖ Monthly Total Coliform samples were within acceptable parameters.
 - ❖ Lead and Copper samples will be taken later in 2024.
- Project Updates and Notes:
 - ❖ Pre-bid meeting was held on February 29 for the LSLI project potholing service lines for material verification.
 - Bid opening was scheduled for March 21.
 - ❖ A total of 6,370 out of 6,564 valves had been exercised.

Discussion followed regarding the Beacon Meters. Different meter types are being tested throughout the District to determine what type has the best service.

DIRECTOR REPORTS

- President McMurtrey encouraged Board Members to attend the Northern Colorado Water Conservancy District (Northern) Water Symposium on April 2.
- Director Brandt advised he had received a notice from Poudre Valley Rural Electric Authority (PVREA) that a tree on his property must be trimmed. Mr. Brandt also noted a 6,000-unit subdivision is planned for the intersection of Weld County Rd. (WCR) 52 and Highway 257.
 - ❖ Mr. Brandt also advised the Buc-ee's Gas Station has opened and he does not understand the phenomenon.
- Director Heiland advised that Colorado Governor Polis signed a bill limiting non-functional turf.
- Director Szmyd noted the Northern East Slope Tour is open for registration.
 - ❖ District Manager Kauffman added that she was not sure if a West Slope Tour would be added.
 - ❖ Mr. Szmyd also advised Loveland just completed a rate study and currently have flat rates.

- Mr. Szmyd researched how tiered rates affect water usage and found there is very little impact on water use.

It was moved by Director Szmyd, seconded by President McMurtrey, to adjourn the meeting at 7:25 p.m. Motion carried unanimously.

Respectfully submitted,

Amber Kauffman