

**City of Greeley  
Water and Sewer Board  
Minutes of February 15, 2023  
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, February 15, 2023.

**1. Roll Call**

The Clerk called the roll and those present included:

**Board Members:**

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Cheri Witt-Brown (joined at 2:05 pm), Tony Miller, Joseph Murphy, Manuel Sisneros, Mayor John Gates, Chief of Staff Kelli Johnson on behalf of City Manager Raymond Lee III and Finance Director John Karner

**Water and Sewer Department staff:**

W&S Director Sean Chambers, Deputy Director Water Resources Ty Bereskie, Deputy Director of Utility Billing and Customer Service Erik Dial, Chief Engineer Adam Prior, Deputy Director Water and Wastewater Operations Nina Cudahy, Source Water Supply Manager Cole Gustafson, Administrative Assistant III Crystal Sanchez, W&S Office Manager Gigi Allen, Water Resource Administrator II Sam Harshbarger, Water Resource Planning Manager Kelen Dowdy, Communications Specialist II Cory Channell, Water Conservation Manager Dena Egenhoff, Intern I Mitch Zombek, Water Resource Administrator II Alex Tennant, Water Resource Administrator I Megan Kramer, Intern II Griffin Myers, Rates and Budget Analyst Virgil Pierce, Civil Engineer IV Water and Sewer Rebecca Andrus and Administrative Assistant II Erin Maestas

**Legal Counsel:**

Senior Environmental and Water Resources Attorney Jerree Swanson, Environmental and Water Resources Attorney II Dan Biwer, Environmental and Water Resource Attorney I Arthur Sayre and Counsel to Water & Sewer Board Attorney Carolyn Burr joined virtually

**Guests:**

Emeritus Robert Ruyle, Greeley Citizen James Sutherland, Neil Stewart from Stantec and Greeley Councilmember Deb Deboutz joined virtually

**2. Approval of Minutes**

Mr. Miller made a motion, seconded by Mr. Sisneros, to approve the January 20, 2023 Water and Sewer Board meeting minutes. The motion carried 6-0.

**3. Approval of the Agenda**

There were no changes to the agenda, but Sean Chambers noted that voting for the election of officers would take place at the March 2023 Board meeting. It was also discussed that the Board meetings would be live streamed on YouTube going forward.

**4. Welcome New Employees and Promotions**

Sean Chambers provided an introduction of new Water and Sewer Department employees starting this month and announced department promotions.

**5. 2023 Water Conservation Scorecards**

Dena Egenhoff discussed the 2022 Water Efficiency Plan (WEP) implemented a triple bottom line approach that centered water efficiency around a sustainable water future. The three categories for water sustainability are community, prosperity, and water conservation management. To track progress and provide accountability and transparency, annual score cards were created.

Additionally, it was discussed that a newly updated rebate/incentive plan Life After Lawn will launch February 15, 2023, it will increase the amount of turf square footage replacement available to city residents.

The Conservation department is also now collecting GIS information online through rebate programs such as toilet replacements where they now offer higher dollar amounts in rebates to help keep up with inflation costs.

**6. Integrated Water Resource Plan (IWRP)**

Kelen Dowdy and Neil Stewart, consultant for Stantec presented results for the timing and integration of Terry Ranch when Planning Scenarios are applied. Refined planning scenarios were presented including polished scenario names, climate futures, and Colorado River risks. Results from model runs that apply varied water supply system risks, climate, demand, and Colorado River risks to Terry Ranch timing and integration horizons were also discussed. Importantly, findings from the results will be applied to necessary adaptive planning strategies and outcomes.

It was discussed that coming up with easy to comprehend terms for the public when this process is complete will be important and that it would be valuable to get feedback from the Board and Communications and Engagement before finalizing the terminology.

Erin Maestas left the meeting at 2:25 pm

Neil Stantec left the meeting at 2:53 pm

Kelen Dowdy left the meeting at 2:53 pm

Councilwoman Deb Deboutz left the meeting at 2:57 pm

## **7. Approval of Rate and Resolution Amendment**

Erik Dial presented that Greeley Water and North Weld County Water District (North Weld) are in the process of transferring customers from North Weld Water's service area to Greeley Water's service area. While the 2013 Water Service Agreement with North Weld clearly defined the process for transferring customers to Greeley Water, it was silent regarding the rates that Greeley would charge when they became Greeley Water customers. Instead, the agreement only states that Greeley and North Weld would establish their own separate rates, fees, and raw water requirements for their respective customers within the North Greeley Service Area. At the January Water and Sewer Board meeting, Mr. Dial presented the concept of charging all customers formerly in the North Weld service area the inside city rates, regardless of whether the customer's property has been annexed to the City or not. The resolution would amend the 2022 resolution that set the 2023 water and sewer rates and fees to memorialize this new rate class.

It was discussed that since there are not a lot of customers affected by this transition it would be best to reach out to these customers personally and not use a mass mailer or email notification. This would also allow Greeley to better convey transition and rate information.

Fire protection flows for the former North Weld customers was also discussed as such flows will be improved once the customers are connected to Greeley Water.

Mr. Otis moved that the Board approve the Resolution to amend Water and Sewer Board Resolution 2, 2022. Mr. Sisneros seconded the motion. The motion carried 7 – 0.

## **8. Approval and Recommendation to City Council of Evans Treated Water Service IGA**

Erik Dial stated that Greeley's current Treated Water Service Intergovernmental Agreement (IGA) with Evans will expire in April 2023. Staff from Evans and Greeley discussed needed updates to the existing IGA to reflect current operations for both water providers and clarify how certain aspects of the IGA are operationalized. The IGA reflects those changes.

Evans staff will present the proposed IGA to their Water and Sewer Board on February 16<sup>th</sup> and to their City Council for their approval on March 7<sup>th</sup>.

Vice Chairman Todd moved that the Board approve and recommend to City Council the Intergovernmental Agreement for Treated Water Service with the City of Evans, and delegate authority to the Director of Water and Sewer to approve minor revisions to the agreement before its execution, provided the material substance remains unchanged. Mr. Sisneros seconded the motion. The motion carried 7 -0. The IGA will be presented to City Council on March 21<sup>st</sup>.

## **9. Approval of Lowell Farm Lease Agreement**

Alex Tennant discussed that in November 2021, the City acquired approximately 135 acres of land located north of Greeley along F Street between 35th and 59th Avenues (Lowell Property), along with 13.4 shares of the Greeley Irrigation Company (GIC) and a two-year obligation after closing to purchase one additional share of GIC. For the past 20 years, the Adams family has been leasing the GIC water and approximately 86 acres of the Lowell Property for grazing and farming. The Adams family has requested to continue leasing this portion of the Lowell Property as well as the 14.4 shares of GIC from Greeley for one more year. The subject Grazing and Farm Lease would allow the Adams family one additional year of farming the property and would terminate on December 31, 2023. The lease amount is \$9,000.00 and would be paid in two installments of \$4,500.00. The lease amount matches the rate paid by the Adams family to the former owner of the Lowell Property.

City staff are evaluating future uses of the Lowell Property, which could include a new Water and Sewer or multi-department shop facility, City-owned natural areas, and trail corridors. Portions of the property may be divested, with the proceeds appropriated for additional water purchases. The subject Grazing and Farm Lease maintains the status quo while the city's evaluation proceeds. Staff are satisfied with the Adams family past farming operation, evidenced by their maintenance of the property, and believe a continuation of the lease with a one-year term is in the interest of the Water and Sewer Department. Water and Sewer staff recommends that the Water and Sewer Board approve the enclosed Grazing and Farm Lease Agreement between the City of Greeley and A&S Farming LLC (Kurt Adams).

Vice Chairman Todd moved that Board approve the Lowell Property Grazing and Farm Lease Agreement with A&A Farming. Mr. Miller seconded the motion. The motion carried 7-0.

Megan Kramer left the meeting at 3:10 pm

## **10. Legal Report**

Dan Biwer presented on behalf of Carolyn Burr of Welborn, Sullivan, Meck & Tooley. The following cases were discussed.

Case Number 22CW3206 is an application by the of Town of Berthoud for conditional storage rights and exchanges.

Case No. 22CW3207 is an application by the City of Dacono for conditional storage rights and exchanges.

Case No. 22CW3218 is an application by Loveland Ready-Mix Concrete, Inc. for groundwater rights and an augmentation plan for the Dunn gravel pit site located on the Big Thompson River.

Case No. 22CW3223 is an application by the Ogilvy Irrigating and Land Company and the Ogilvy Augmentation Company for a conditional storage right in the Loloff Pit located off the Ogilvy Ditch.

Case No. 22CW3224 is an application of Central GMS to change 94 shares of the Western Mutual Ditch Company.

Case No. 22CW3228 is an application by the Handy Ditch Company for junior storage right in Welch Reservoir and to make a portion of the right absolute.

All the above-described applications are for water rights within Greeley's areas of interest and have the potential of injuring Greeley water rights.

Mr. Miller moved that the Board authorize the filing of statements of opposition in Case Nos. 22CW3206, 22CW3207, 22CW3218, 22CW3223, 22CW3224 and 22CW3228, and for staff and legal counsel to seek resolution of issues raised by this case consistent with Water and Sewer Board Resolution No. 3-15. Ms. Witt-Brown seconded the motion. The motion carried 7-0.

The following people left the meeting at 3:26 pm: Adam Prior, Gigi Allen, Nina Cudahy, Dena Egenhoff, Mitch Zombek, Sam Harshbarger, Alex Tennant, Griffin Myers, Cory Channell, Virgil Pierce, Rebecca Andrus, James Sutherland

## **11. Executive Session**

Chairman Evans moved that the Board hold an executive session to address the following matters as provided by C.R.S. §24-6-402(4)(a), (b), and (e) and Greeley Municipal Code Sec. 2-151 (a) (1), and (5):

1. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding the potential Patterson Ditch and New Cache Irrigation water trade.

The motion was seconded by Mr. Miller. The motion carried 7-0.

Present during Executive Session were:

Chairman Evans, Vice Chairman Todd, Manuel Sisneros, Tony Miller, Cheri Witt-Brown, Joe Murphy, Fred Otis, Mayor John Gates, Director Sean Chambers, Deputy Director of Water Resources Ty Bereskie, Chief of Staff Kelli Johnson on behalf of City Manager Raymond Lee, Source Water Supply Manager Cole Gustafson, Deputy Director of Utility Billing and Customer Service Erik Dial, Administrative Assistant III Crystal Sanchez, Emeritus Robert Ruyle, Senior Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney II Dan Biwer, Environmental and Water Resources Attorney I Arthur Sayre and Counsel to Water & Sewer Board Attorney Carolyn Burr joined virtually

This executive session is authorized by Subsection(s) (a) and (e) of Section 24-6-402(4) of the Colorado Revised Statutes, and Subsection(s) (1) and (5) of Section 2-151 (a) of the Greeley Municipal Code.

Executive Session ended at 3:40 pm

Gigi Allen rejoined the meeting at 3:40 pm

## **12. Director's Report**

Sean Chambers provided a summary overview of several items of Board interest:

- Current Snowpack – SNOTEL Data for Northern Colorado
- Employee Recognition – Annual Core Value Awards
- Overview of Utility Billing Balance Forward Issue
- Legislative Advocacy Update

Fred Otis asked about the Bellvue Water Treatment Plant and it was mutually agreed that it was best to discuss in an Executive Session at a later date regarding repairs to the plant.

## **13. Such Other Business That May Be Brought Before the Board Added to This Agenda by Motion of the Board**

No other business was brought before the Board

**14. Adjournment**

Chairman Evans adjourned the meeting at 3:56 p.m.

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Harold Evans, Chairman

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Raymond Lee, Board Secretary