

**City of Greeley
Water and Sewer Board
Minutes of May 17, 2023
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, May 17, 2023.

1. Roll Call

The Clerk called roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Tony Miller, Joseph Murphy, Manuel Sisneros, Cheri Witt-Brown, Deputy City Manager Donald Tripp on behalf of City Manager Raymond Lee, Finance Director John Karner

Water and Sewer Department staff:

Director Sean Chambers, Deputy Director Water Resources Ty Bereskie, Deputy Director of Utility Finance and Customer Service Erik Dial, Chief Engineer Adam Prior, Office Manager Gigi Allen, Administrative Assistant III Crystal Sanchez, Water Resource Planning Manager Kelen Dowdy, Water Conservation Manager Dena Egenhoff, Rates and Budget Analyst Virgil Pierce, Communication Specialist II Cory Channell, Water Resource Administrator III Matt Sparacino, Water Resource Administrator III Sam Harshbarger, Water Resource Administrator II Alex Tennant, Water Resource Administrator I Megan Kramer, Water Resource Operations Manager Leah Hubbard, Civil Engineer I Keri Fishlock, Source Water Supply Manager Cole Gustafson, Civil Engineer III Cadee Oakleaf, Water Quality & Regulatory Compliance Manager Michaela Jackson

Legal Counsel:

Senior Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney II Dan Biwer, Environmental and Water Resources Attorney I Arthur Sayre, Counsel to Water & Sewer Board Attorney James Noble.

Guests:

Emeritus Robert Ruyle, Council Member Deb Deboutez (joined virtually), James Sutherland from Wingfoot, Legal Intern II Allison Drosihn

2. Approval of Minutes

Mr. Miller made a motion, seconded by Mr. Murphy to approve the April 19, 2023 Water and Sewer Board meeting minutes. The motion carried 7-0.

3. Approval of Agenda

Items 13 and 14 were moved above item 12.

4. Welcome New Employees and Promotions

Director, Sean Chambers provided an introduction of new Water and Sewer Department employees starting this month.

5. Integrated Water Resource Plan (IWRP) Final Review and Approval of 2023 Master Plan

Kelen Dowdy presented to the Board the final IWRP report.

Mr. Miller moved that the Board hereby adopt the 2023 Integrated Water Resource Plan, and recommended City Council approve and accept the as the Board's long-range plans for the water system. Mr. Murphy seconded the motion. Motion Carried 7-0.

6. Lead and Copper Rule Revisions – Lead Service Line inventory and Replacement Project update

Michaela Jackson and Keri Fishlock presented on the progress, inventory, communications and next steps for the Greeley Lead Protection Program.

The Board requested verification on how all the potholing and replacement work would be paid for. It was discussed that the City is applying for a subsidized loan that will be disbursed through the State Revolving Fund (SRF) with a possibility of some forgiveness of the loan principal. It was also mentioned that the City just received a note from CDPHE stating that the Federal Government (EPA) is reducing the amount of money available for lead replacement through SRF programs so the amount of loan forgiveness will be scaled back.

The Board asked why the Budget increased as much as it did. Engineer Keri Fishlock stated it was directly associated to the amount of lead that has been discovered. It wasn't expected that there wouldn't be any lead on the public side and there has been significant findings since the potholing began which has caused the most significant increase in the budget.

The Board wanted to know how much the Brita filters that the City is providing to the households with known lead are removing the lead from the water. It is about 99.5%.

7. Wastewater Treatment Nitrification Project Update

Cadee Oakleaf shared an update to the board on the progress and status of the Wastewater and Reclamation Facility Nitrification Phase 2 project.

The Board asked about the TIN levels and whether they would meet the future requirements in Regulation 31 and what the TIN requirement would be. Cadee explained that we are trying to get to 13¹ TIN marker and under 1 for Total P with the project which will meet the PELs received from CDPHE for Regulation 85. Achieving treatment levels better than Regulation 85 will give the City an extension to meet the Regulation 31 requirements. Currently with this project the City will not meet the Regulation 31 requirements without adding tertiary treatment to the plant. The plan is to start working to meet Reg 31 requirements in 2032 given, TIN and phosphorus VIP levels are met get the extension.

8. 2024 Budget Overview and CIP Priorities

Erik Dial provided an overview of the 2024 budget preparation process and the Water and Sewer Department's priorities. He explained that the budget is being developed with operational needs, customer service, regulatory compliance, and capital investment being the primary drivers. Staff and Board members had a dialogue on financial and development trends and how they impact the department's budget and rate changes.

9. Water Court Update

Leah Hubbard presented the Water Court Update and provided a summary of the water court cases in which Greeley is currently participating. Greeley is currently an opposer in 33 cases, including seven cases in which statement of oppositions were filed this year. Greeley is also an applicant in three pending cases. So far in 2023, water court legal costs equaled \$133,066 and engineering costs equaled \$46,203 for a total annual cost of \$179,269.

Jim Noble explained the status of Case 20CW3117 which is heading to trial on June 5, 2023. This case involves a change of water rights for the shares in the Fort Morgan Reservoir and Irrigation Company. The FMRIC system holds senior rights and is downstream of Greeley's water rights. Greeley has not stipulated out of the case and will participate in trial to protect its water rights from injury.

10. Legal Report

Mr. Noble reported that legal counsel and water resources staff had reviewed the March 2023 Division 1 resume, and they do not recommend authorizing filing any statements of opposition to any water court matter this month.

11. Director's Report

Sean Chambers provided a brief update on the following items:

1. City of Greeley and Water Industry Events
2. Greeley Water Treatment Source Water Quality Disruptions Update
3. 2023 Legislative Session at a Glance – Colorado Water Congress State Affairs Report
4. Data and Analytics Charts for Water & Sewer Utilities
5. Appreciate staff and Board effort to make the live stream *YouTube* meetings a success

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

There were no additional items brought before the Board and added to the agenda.

13. Adjournment of Regular Session

Chairman Evans adjourned the regular session portion of the meeting at 4:09 p.m.

14. Executive Session

Chairman Evan moved that the Board adjourn the public portion of the May 17, 2023 Water and Sewer Board meeting and 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 in potential water acquisitions based on the current water market. Vice Chairman Todd seconded the motion. The motion passed.

Executive Session began at 4:10 pm

Present During Executive Session were:

Chairman Harold Evans, Vice Chairman Mick Todd, Manuel Sisneros, Cheri Witt-Brown, Fred Otis, Director Sean Chambers, Deputy Director of Water Resources Ty Bereskie, Deputy City Manager Don Tripp, Source Water Supply Manager Cole Gustafson, Deputy Director of Utility Billing and Customer Service Erik Dial, Water Resource Operations Manager Leah Hubbard, Water Resource Administrator II Alexander Tennant, Water Resource Planning Manager Kelen Dowdy, Senior Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney II Dan Biwer, Environmental and Water Resources Attorney I Arthur Sayre, Counsel to Water & Sewer Board Attorney Jim Noble, Emeritus Robert Ruyle,

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 4:26 pm.

Harold Evans, Chairman

Raymond Lee, Board Secretary