

**City of Greeley
Water and Sewer Board
Minutes of January 20, 2023
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, December 14, 2022.

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 virtually), Tony Miller, Joseph Murphy, Manuel Sisneros, and Deputy City Manager Don Tripp (joined virtually)

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, Source Water Supply Manager Cole Gustafson, Senior Administrative Assistant Crystal Sanchez, Interim Office Manager Gigi Allen, Water Resource Administrator II Sam Harshbarger, Water Resource Planning Manager Kelen Dowdy, Communications Specialist II Cory Channell, Utility Billing Manager Yesenia Padilla and Water Resource Operations Manager Leah Hubbard

Legal Counsel:

Senior Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney II Dan Biwer and Counsel to Water & Sewer Board Attorney Jim Noble

Guests:

No guests attended

2. Approval of Minutes

Mr. Otis made a motion, seconded by Mr. Miller, to approve the December 14, 2022 Water and Sewer Board meeting minutes. The motion carried 7-0.

3. Approval of the Agenda

There were no changes to the agenda

4. Welcome New Employees and Promotions

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

5. Tri-Annual Water Court Update

Leah Hubbard discussed that the City of Greeley Water and Sewer Department is active in numerous Water Court matters to develop additional water supply and to protect existing water rights. In the last four months of 2022, Greeley was active in 30 water court cases, 27 of which Greeley is an opposer. For 2022, water court legal costs equaled \$260,289 and engineering costs equaled \$237,983 for a total annual cost of \$498,272.

6. North Weld County Water District Customer Water Rate Policy

Erik Dial summarized the process to transfer water customers from North Weld County Water District to Greeley as defined in the 2013 Water Service Agreement and discussed a proposed water rate policy for those transferred customers who are not located within the city limits. After discussion between Board members and staff, the Board indicated that they supported the proposal and instructed staff to bring an amended Rate Resolution to the February Board meeting for consideration.

7. Integrated Water Resource Plan (IWRP)

Kelen Dowdy went into detail on the analysis of Terry Ranch integration and sustainable use. Results from the Greeley System Model (GSM) with Terry Ranch fully integrated were shared and discussed of how “sustainable use” will be defined. Consequently, results include integration alternatives like drought response, infrastructure additions, and water rights acquisitions. These integration alternatives seek to lower the need to drawdown native Terry Ranch supplies while also helping the City maintain Level of Service goals. The Terry Ranch “delta” or the difference between injection and withdrawal of TR supplies will be discussed at length. Secondly, the development of a water acquisition decision support tool was introduced and discussed. The tool will bring adaptability and data-driven decision-making front and center to our acquisition approach. Next steps include an analysis to explore a fully integrated Terry Ranch within all the Planning Scenarios. Once completed, an adaptive plan and CIP will be created before completion of the IWRP and the final report.

Deputy City Manager Don Tripp joined the meeting virtually at 2:52 pm.

8. Approval Of Amendment to the IGA for Potable Water Interconnect

Adam Prior presented that the 2019 Intergovernmental Agreement for Potable Water Interconnect is an agreement between City of Greeley, North Weld County Water District (NWCWD), and the East Larimer County Water District. The agreement provides a framework for the construction of a new municipal grade potable interconnections that will give the parties the physical and legal ability to take raw water from another party, treat that water and delivery said water back through the new interconnection or other existing interconnections under the limited terms of the agreement.

The First Amendment to the IGA will provide Greeley and NWCWD a new point of interconnect that will be located between the Weld County Road 15 and Larimer County Road 1 and approximately 400 feet south of Harmony Road. The proposed interconnect would be located north of 60" Bellvue transmission line and directly connected to the new 36" Terry Ranch pipeline.

The water providers would also like to share the costs associated with the acquisition, construction, and installation of infrastructure for efficient and cost-effective construction.

Mr. Miller moved that the Board (1) approve the First Amendment to the Intergovernmental Agreement for Potable Water Interconnect and delegate authority to staff to make minor amendments or extensions to the same provided the substance remains substantially unchanged and (2) recommend that City Council approve the same if such approval is required based on final reimbursement costs. Vice Chairman Todd seconded the motion. The motion carried 7 – 0.

9. Legal Report

James Noble of Welborn, Sullivan, Meck & Tooley stated that Case Number 22CW3184 is an application by the New Cache La Poudre Irrigating Company for a finding of reasonable diligence and to make a conditional storage water right partially absolute for the New Cache Agricultural Pond 1. This application relates to a water right for a pond that is filled from the Ogilvy Ditch, and is within a reach of the Cache la Poudre River that is in Greeley's area of interest. Mr. Noble recommended filing a statement of opposition to this application to confirm the claims made in the application are justified and to protect Greeley's water rights from injury.

Mr. Miller moved that the Board authorize the filing of a statement of opposition in Case No. 22CW3184, 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. Mr. Murphy seconded the motion. The motion carried 7-0.

Sam Harshbarger and Yesenia Padilla, left the meeting at 3:17 pm
Gigi Allen and Crystal Sanchez left the meeting at 3:20 pm

10. Executive Session

Fred Otis recused himself from the Executive Session and left the meeting at 3:20 p.m.

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 right of first refusal agreement between Greeley and Longs Peak Dairy.

The motion was seconded by Vice Chairman Todd. The motion carried 6-0.

Present during Executive Session were:

Chairman Evans, Vice Chairman Todd, Manuel Sisneros, Tony Miller, Cheri Witt-Brown (virtual), Joe Murphy, Director Sean Chambers, Deputy Director of Water Resources Ty Bereskie, Deputy City Manager Don Tripp (virtual), Source Water Supply Manager Cole Gustafson, Deputy Director of Utility Billing and Customer Service Erik Dial, Communication Specialist II Cory Channell, Water Resource Operations Manager Leah Hubbard, Water Resource Planning Manager Kelen Dowdy, Senior Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney II Dan Biwer and Counsel to Water & Sewer Board Attorney Jim Noble

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 3:58 pm

Gigi Allen and Crystal Sanchez rejoined the meeting at 4:00 pm

11. Director's Report

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

1. Lead and Copper Rule Revision Inventory and Replacement Project Update
2. Legislative Advocacy Update
3. 2023 Wildfire Recovery Planning and Funding Advocacy Update
4. Future W&S Board Meeting Simulcast to Web via YouTube

15. 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

16. Adjournment

Chairman Evans adjourned the meeting at 4:13 p.m.

Harold Evans, Chairman

Raymond Lee, Board Secretary