

**City of Greeley
Water and Sewer Board
Minutes of June 21, 2023
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 1:59 p.m. on Wednesday, June 21, 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, Deputy City Manager Donald Tripp on behalf of City Manager Raymond Lee, Fiscal Manager – Capital Planning and Debt Diana Frick

Water and Sewer Department staff:

Director Sean Chambers, Deputy Director Water Resources Ty Bereskie, Deputy Director of Utility Finance and Customer Service Erik Dial, 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, Water Resource Administrator III Sam Harshbarger, Water Resource Administrator III Matt Sparacino, Water Resource Administrator II Alex Tennant, Water Resource Administrator I Megan Kramer, Water Resource Operations Manager Leah Hubbard, Source Water Supply Manager Cole Gustafson, Civil Engineer IV Water & Sewer Jim Paulson, Legal Intern II Zach Weinburg

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 Carolyn Burr.

Guests:

Emeritus Robert Ruyle, Council Member Deb DeBoutez, James Sutherland from Wingfoot

2. Approval of Minutes

Mr. Murphy made a motion, seconded by Mr. Miller to approve the May 17, 2023 Water and Sewer Board meeting minutes. The motion carried 6-0.

3. Approval of Agenda

There were no changes to the Agenda.

4. Welcome New Employees and Promotions

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

5. Terry Ranch Project

Matt Sparacino and Jim Paulson presented an update on the Terry Ranch Project. The first part of the update included a brief presentation on the State Land Board well drilling program on the ranch. The second part was a review of the scope, progress, and budget updates on the pipeline construction phase.

The Board asked if we have had to use Eminent Domain at this point. We always start with the Eminent Domain process but have not gone to condemnation on any property yet. We have received a Permission to Enter Agreement in some areas already while we finalize the terms of the Easements.

6. Approve and Recommend to City Council Goza Water Trade Agreement

Cole Gustafson presented on the Water Rights Trade Agreement with Calvin Goza. The Trade Agreement contemplates the City of Greeley conveying three shares of stock in the Delta Irrigation Company (“Patterson Ditch”) to Goza in exchange for four and one-half shares of stock in the Cache La Poudre Reservoir Company (“CPRC”) and three shares of stock in the New Cache la Poudre Irrigation Company (“NCPIC”). Dry-up covenants are not included for any of the water rights in this trade. Staff recommends the trade, among other reasons, because 1) acquiring the CPRC & NCPIC below market value; 2) New Cache can be used in Greeley’s non-pot system; 3) There is no ongoing future need for the Patterson Ditch shares.

Vice Chairman Todd moved that the Board make a finding that the Patterson Ditch water rights are not currently being used nor held for a governmental purpose, authorize the propose divestment of the water rights, approve the Water Rights Trade Agreement with Calvin Goza and its exhibits, delegate authority to the Director of Water and Sewer or his designee (i) to make minor amendments to the documents, including, but not limited to, contract extensions, and (ii) to undertake all necessary and appropriate action to close on the trade, and recommend that City Council authorize the divestment. Mr. Sisneros seconded the motion. The motion carried 6-0.

7. Legal Report

Having reviewed the April 2023 Water Division 1 Resume, staff and water counsel did not recommend that the Water and Sewer Board file statements of opposition to any water court matters that would be due at the end of June, 2023.

Carolyn gave the Board members a brief update on a week-long trial that took place the week of June 5th. Greeley, together with several other parties, are opposers in a case where the applicants are seeking to change about 7% of the Fort Morgan Reservoir and Irrigation Company. FMRIC has an 1882 direct flow right and owns the majority of shares in Jackson Lake, which is a senior storage right. The issue in the case is whether or not the applicants had selected an appropriate study period to quantify the historic consumptive use of those shares. This is the first change of shares under the system therefore the methodology that is used in this case will set precedent for future change cases in the system. Several experts testified in the case and felt that the study period used by the applicants, a 25-year period (1985-2010) didn't capture the full scope of operations over the historic period of the water rights and that it overstated how much consumptive use they could get out of their shares. The long-term concern is that the overstated consumptive use would be repeated in future cases, possibly to the detriment of the river system of almost 3,000 acre foot a year. The parties to the case are in the process of preparing closing briefs to the court. A decision by the court is not expected for several months.

8. Director's Report

Sean Chambers provided the Water and Sewer Board a brief update on the following items of water utilities policy interest:

1. City of Greeley and Water Industry Events
 - a. Johnson Subdivision Sewer Project Update Open House Project Meeting
 - i. July 6th at 6:00 pm in Council Chambers
 - b. Summer Board & Council Tour – July 28, 2023
 - i. Chimney Hollow Res. Construction, Boyd Lake WTP, Terry Ranch Pipeline Construction, 23rd Ave. Reservoirs and Wastewater Treatment Facility
 - c. Tour of Greeley's Bob Creek Diversion from Upper Laramie into Poudre – TBD
 - d. Citizen Bus Tour - Aug. 11th 8:30 am – 12:30 pm
 - e. Water Congress Conference – August 22 – 24, 2023;
 - i. Water policy and law education
 - ii. Meeting of the Interim Water Resources Review Committee
 - iii. Meetings with Sen. Bennet's Farm Bill policy and forest health staff
 - f. Broadcast of CWCB Drought Summit (5/31-6/1) at:
 - i. <https://engagecwcb.org/drought-summit>

2. Colorado River supply and demand imbalance and shortage negotiations update:
 - a. <https://cwcb.colorado.gov/news-articles/colorado-collaborates-with-colorado-river-basin-states-to-analyze-potential-solutions>
3. Technology enablement for W&S Board Mtgs.
 - a. Future Board packets delivered through CivicClerk software,
 - i. City is transitioning to CivicClerk and training available from W&S Staff.
 - b. Appreciate staff and Board effort to make the live stream YouTube meetings a success with the timely starting of meetings, microphones usage, and meeting management.

9. 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.

10. Adjournment

Chairman Evans adjourned the meeting at 3:04 pm.

Harold Evans, Chairman

Raymond Lee, Board Secretary