

**City of Greeley
Water and Sewer Board
Minutes of January 20, 2021
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, March 17, 2021. Due to City Closures related to COVID-19, this meeting was held remotely and was aired via live stream for public viewing at <https://www.youtube.com/user/CityofGreeley>.

1. Roll Call

The Clerk called the roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Bob Ruyle, Tony Miller, Joe Murphy, Manuel Sisneros and Roy Otto

Water and Sewer Department Staff:

Director Sean Chambers, Deputy Director Water Resources Adam Jokerst, Deputy Director of Operations Nina Cudahy, Utility Finance Manager Erik Dial, Water Resources Manager Jen Petrzela, Water Resources Asset Coordinator Cole Gustafson, Rates and Budget Analyst Kalen Myers and Office Manager Shannon Metcalf

Legal Counsel:

City Attorney Doug Marek, Counsel to Water & Sewer Board Attorney Jim Noble, Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney Dan Biwer, Environmental and Water Resources Attorney Aaron Goldman

Other Guests:

2. Approval of Minutes

Mr. Ruyle made motion, seconded by Mr. Miller, to approve the February 17, 2021 Water and Sewer Board meeting minutes. The motion carried 7-0.

3. Approval of and/or Additions to Agenda

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There were no changes to the agenda.

******Consent Agenda******

4. Approve Amendment No. 1 to the Memorandum of Understanding Regarding Water Quality Monitoring in Northern Colorado

******End of Consent Agenda******

Vice-chairman Todd moved, seconded by Mr. Miller, to approve the item on Consent Agenda. The motion carried 7-0.

5. Welcome New Employees

Mr. Chambers provided an introduction of new Water and Sewer Department employees starting this month.

6. Approve First Amendment to the Addendum Agreement between the Greeley and Loveland Irrigation Company and the City of Greeley

Ms. Petrzalka delivered a presentation on this proposed amendment ("First Amendment") to a 1982 agreement ("Addendum Agreement") between the City of Greeley and the Greeley and Loveland Irrigation Company. The Addendum Agreement modified previous agreements between the City and Company allowing for the construction of the City's Boyd Water Treatment Plant and associated transmission infrastructure. The Addendum Agreement allowed the City to store 5,000 acre-feet of C-BT water in Lake Loveland. In 2018, Northern Colorado Water Conservancy District changed its accounting rules for C-BT. To ensure compliance with the rule change and maintain operational integrity at the Boyd Water Treatment Plant, the First Amendment would only commit the City to store 2,000 C-BT Units, at a storage rate of fourteen dollars per acre-foot for the 2021 water year, with a maximum annual increase thereafter of three percent.

Vice-Chairman Todd moved, seconded by Mr. Miller, to approve the First Amendment to the Addendum Agreement between Greeley and Loveland Irrigation Company and the City of Greeley, and delegate authority to staff to perform all terms and conditions contemplated thereunder. The motion carried 7-0.

7. 4th Quarter 2020 CIP Update

Mrs. Cudahy provided an update on the 2020 Capital Improvement Projects. She reported on the status of distribution, transmission, man-hole rehab and water treatment plant projects.

8. Legal Report

Jim Noble of Welborn, Sullivan, Meck & Tooley stated Greeley's counsel and Water and Sewer Department staff had reviewed the resume of water court applications filed in January of 2021, and that they do not recommend for Greeley to file any statements of opposition in water court cases that would be due this month.

9. Executive Session

Vice Chairman Todd moved, seconded by Mr. Otis, to 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 § 2.04.020(a) (1), (2) and (5):

1. For the purpose of providing the Board legal advice on the Petitions to amend the City Charter and the Referendum to challenge City Council's passing of the Ordinance to Amend Chapter 14.06 of the Greeley Municipal Code; and,
2. For the purpose of providing the Board legal advice and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators on matters related to the water market and the potential, future water right acquisitions.

The motion carried 7-0.

The Board left the public session and moved into a private, executive session. The live feed of the public session on YouTube stopped recording, but was still accessible to the public. While the Board conducted the executive session, the public was provided with a screenshot of the agenda and a message stating the Board was in Executive Session.

Present during the executive session were:

Chairman Harold Evans, Vice Chairman Mick Todd, Manual Sisneros, Joe Murphy, Tony Miller, Fred Otis, Bob Ruyle, Roy Otto, Director Sean Chambers, Deputy Director Water Resources Adam Jokerst, Deputy Director of Operations Nina Cudahy, Utility Finance Manager Erik Dial, Water Resources Operations Manager Jennifer Petrzeka, Water Administrator II Cole Gustafson, City Clerk Anissa Hollingshead, City Attorney Doug Marek, Outside Legal Counsel Jim Noble, Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney Dan Biwer, Environmental and Water Resources Attorney Aaron Goldman, and Senior Administrative Specialist Ettie Arnold

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This executive session was authorized by Subsections (a),(b) and (e) of Section 24-6-402(4) of the Colorado Revised Statutes, and Subsections (1), (2) and (5) of Section 2.04.020 (a) of the Greeley Municipal Code.

The Executive Session ended at 3:51 p.m. The Board then left the private, executive session and moved back into the open, regular session. At that time, the live feed of the meeting resumed on YouTube.

10. Director's Report

Mr. Chambers reported on the following items:

- Preview of April Agenda
- Terry Ranch Communication Summary

11. Such Other Business That May be Brought before the Board and Added to This Agenda by Motion of the Board

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

Chairman Evans adjourned the meeting at 4:20 p.m.

DocuSigned by:

Harold Evans

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Harold Evans, Chairman

DocuSigned by:

Shannon Metcalf

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Shannon Metcalf, Office Manager