

**City of Greeley
Water and Sewer Board
Minutes of April 21, 2021
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, April 21, 2021. Due to City remote operations status 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 Mayor Gates

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 Petrzelka, Water Resources Asset Coordinator Cole Gustafson, Technical Services Manager Joe Kunovic, Rates and Budget Analyst Kalen Myers and Office Manager Shannon Metcalf

Legal Counsel:

City Attorney Doug Marek, Counsel to Water & Sewer Board Attorney Carolyn Burr, 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. Miller made motion, seconded by Mr. Sisneros, to approve the March 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 Glover Grazing Lease**
- 5. Approve Lower Latham Bypass Agreement**
- 6. Adopt Joint Resolution Terminating the Industrial Water Bank**
- 7. Approve and Recommend to Council the Balmer Farm Easement Divestment**

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

Vice-chairman Todd moved, seconded by Mr. Murphy to approve the items and recommend actions on the Consent Agenda. The motion carried 7-0.

8. Welcome New Employees

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

9. Water Supply Update and Adequacy Determination

Ms. Petrzelka noted that staff reports to the Water and Sewer Board in April, July, and November of each year on Greeley's water supply status. In April, the Board makes a declaration concerning the adequacy of the Water Year. Projected storage is presently at 26,778 acre-feet exceeding the target storage volume of 21,300 acre-feet.

Based on projected storage, staff recommended that the Board declare an Adequate Water Year, with the normal three days a week watering schedule and authorize staff to rent out available excess water supply, so long as the target storage volume of 21,300 acre-feet is maintained.

Vice-Chairman Todd moved, seconded by Mr. Miller that the board declare the City's water supply adequate for this water year, and authorize staff to rent out available excess supplies so long as the City's target storage volume is maintained in accordance with the Drought Emergency Plan. The motion carried 7-0.

10. 1st Quarter Water Court Update

Ms. Petrzelka updated the Board on the current status of Greeley's Water Court cases, including statements of opposition and cases where Greeley is the applicant or will soon be filing an application for change of water rights, and provided a summary of the Water Resources Division's legal costs.

11. Approve and Recommend to Council the Evans Sewer Service Intergovernmental Agreement

Mr. Prior explained that the 1st Amendment to the Intergovernmental Agreement for Sewage Treatment Services is Modification of an Existing Agreement with the City of Evans to Address Sewer Service Associated with the Ashcroft Draw Lift Station Project. The Agreement Addresses Temporary Treatment by Evans for New Taps within the Service Area Prior to Completion of the Ashcroft Draw Lift Station. Once the Lift Station is Completed the Agreement Provides Greeley Emergency Overflow Conveyance and Treatment to Evans for the Lift Station.

Vice-Chairman Todd moved, seconded by Mr. Miller that the Board approve the First Amendment to IGA for Sewage Treatment Services with the City of Evans and recommend that City Council approve the same. The motion carried 7-0.

12. Approve and Recommend to Council an Intergovernmental Agreement Regarding Rehabilitation Work for the Cameron Peak Fire

Ms. Petrzelka explained that the Cameron Peak Fire was the largest wildfire in CO history burning over 208,000 acres. 90% was on US Forest Service land. The estimated costs to mitigate impacts of erosion, sedimentation, flooding and infrastructure protection is over \$38 million. An intergovernmental agreement to coordinate recovery efforts and costs is needed to effectively undertake watershed mitigation efforts. This IGA between Greeley, Fort Collins, and Larimer County is intended to meet that need.

There was a discussion on the limitations of state and federal funding.

Vice-Chairman Todd moved, seconded by Mr. Murphy that the Board approve the IGA regarding Rehabilitation Work for the Cameron Peak Fire with Fort Collins and Larimer County, and delegate authority to City staff and legal counsel to make modifications to the IGA, including amendments to and extensions of the IGA as appropriate to facilitate additional funding and partners, provided that the material substance of the IGA remains unchanged. The motion carried 7-0.

13. Approve Non-Agricultural Water Rental Policy

Mr. Jokerst explained that pursuant to the City of Greeley Agricultural Rental Policy and Procedures approved by the Water & Sewer Board in December 2019, up to 15% of the

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city's total annual excess rental supplies may be used for non-agricultural purposes. Non-agricultural rentals can be made to supply augmentation, industrial water needs, home owner association irrigation, or other uses unrelated to agricultural use. This new policy proposes a process for requesting and approving non-agricultural water rentals from Greeley; it defines sources of rental water for non-agricultural uses; it specifies terms of delivery; and it sets prices based on various types of non-agricultural use.

Vice-Chairman Todd moved, seconded by Mr. Sisneros that the Board adopt the Non-Agricultural Water Rental Policy as presented, and authorize City staff as necessary to carry out the terms on the policy. The motion carried 7-0.

14. Presentation and Overview of Pretreatment Program Modifications

Mr. Kunovic provided a summary of proposed modifications to the Industrial Pretreatment Program. He explained that these are amendments to the Enforced Response Plan.

15. Legal Report

Carolyn Burr 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 February 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.

16. Director's Report

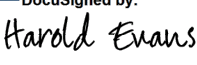
Mr. Chambers reported on the following items:

- Tier 3 Violation Report in Bill Stuffer
- Wildfire Recovery Update
- Terry Ranch Celebration

17. 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 3:42 p.m.

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Harold Evans, Chairman

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DocuSigned by:

Shannon Metcalf

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Shannon Metcalf, Office Manager