

City of Greeley
Water and Sewer Board

September 15, 2021
Board Minutes

**City of Greeley
Water and Sewer Board
Minutes of September 15, 2021
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:03 p.m. on Wednesday, September 15, 2021.

1. Roll Call

The Clerk called the roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Tony Miller, Manuel Sisneros, Cheri Witt-Brown, and Raymond Lee (Interim CM)

Water and Sewer Department staff:

Director Sean Chambers, Deputy Director Water Resources Adam Jokerst, Utility Finance Manager Erik Dial, Deputy Director Operations Nina Cudahy, Chief Engineer Adam Prior, Water Resources Manager Jennifer Petrzeka, Water Resources Admin. III Leah Hubbard, Water Resources Planning Manager Kelen Dowdy, Rates and Budget Analyst Kalen Myers, Water Resources Engineer IV Ryan Duve, W&S Engineer III John Goin, and Interim Office Manager Ettie Arnold

Legal Counsel:

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

Guests: Finance Staff Ben Alexander, Emeritus Board Member Robert Ruyle

2. Approval of Minutes

Mr. Miller made a motion, seconded by Mr. Sisneros, to approve the August 18, 2021 Water and Sewer Board meeting minutes. The motion carried 5-0.

Emeritus Board Member Robert Ruyle joined the meeting at 2:09 p.m.

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3. Approval of and/or Additions to Agenda

Item 5, Welcome New Employees, was moved to the Director's report. Item 7, CPFWR, moved to agenda item 5. Item 9, Approve and Recommend to City Council the 2021 Non-Potable master plan, moved to agenda item 6.

Consent Agenda

4. Action: Approve and Recommend to City Council the Second Amendment to Intergovernmental Agreement for Treated Water Service with the Town of Milliken

Recommended action: Approve and Recommend to City Council the Second Amendment to Intergovernmental Agreement for Treated Water Service with the Town of Milliken.

Vice Chairman Todd made a motion, seconded by Mr. Miller, to approve the item on Consent Agenda and the proposed recommended action. The motion carried 5-0.

End of Consent Agenda

5. Pulled Consent Agenda Items

There were no items removed from the consent agenda.

6. Welcome New Employees and Promotions

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

7. Cameron Peak Fire Watershed Recovery & Impact Mitigation and Funding Update

Staff presented an update regarding Cameron Peak Fire mitigation funding and recovery efforts. Greeley and the Coalition for the Poudre River Watershed (CPRW) have a strong common interest in the protection of the upper Cache la Poudre River watershed, and desire to coordinate on recovery measures and mitigation efforts being employed in response to the Cameron Peak Fire.

Jen Petrzelka left the meeting at 2:14 p.m.

8. Approve and Recommend to City Council adoption of the 2021 Non-Potable Water Master Plan

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Water and Sewer Department launched the process of completing a Non-Potable Water Master Plan in 2018 with CDM Smith. CDM has extensive master planning experience with Greeley completing work in 2008 and 2014. The two primary goals of the project are to reduce use of potable water for irrigation and increase non-potable use. The development of the master plan started with inventorying all 45 different wells and pump stations within the existing system. This critical step allowed the project team to evaluate the existing system for deficiencies and where the system has capacity for expansion. Next step in the project, development of the existing system model for all sites based on historical usage, piping configurations, and pumping capacity. The project progressed to utilizing the system model to look at existing conditions of the system and planning for the expansion of the system in the 5-year, 20-year, and full system build-out time frames. The expansion of the system was coordinated with the RAS BBC report and matched the middle adoption rates. The adoption scenarios are dependent on final City policy's and should be developed to meet or enhance the adoption rates. The expansion of the system focused on expanding the non-potable system at existing and future parks as the hubs of the systems. The final steps included developing CIP projects throughout the system and making sure it was coordinated with the other two Water & Sewer master plan projects and other City Department CIP projects. The project team conducted work sessions with Westminster, Denver Water, Evans, and Windsor to learn about their systems and examine opportunities for collaboration. The final aspects of the project included coordinating outreach efforts to discuss the planned master plans with different community members and groups interested in participating in reviewing the City's draft master plan and providing critical input or comments. This different feedback and input has now been incorporated into the master plan final report completed in June 2021.

Mr. Miller made a motion, seconded by Mrs. Witt-Brown, to approve and recommend to city council adoption of the 2021 Non-Potable Water Master Plan and Incorporation of the Same by Reference as an Amendment to the 2018 Comprehensive Plan and to the Planning Commission recommendation of the same to city council. The motion carried 5-0.

9. Legal Report

- a) Mr. Noble recommended filing one statement of opposition in **Case number 21CW3108**, Application of the Little Thompson Water District for a change of water rights for 94.75 shares (out of 2001) in the Home Supply Ditch Company, and 1/3 share (out of 48) in the Big Thompson Ditch and Manufacturing Company for municipal uses. These are senior water rights on the Big Thompson River. Mr. Noble reported that staff and counsel recommend that Greeley file a statement of opposition to ensure that Applicant's claims do not cause injury to Greeley's Big Thompson River water rights and exchanges.

Vice Chairman Todd made a motion, seconded by Mr. Miller that the Board authorize the filing of a statement of opposition in Case No. 21CW3108 and for

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staff and legal counsel to seek resolution of issues raised by this case consistent with Water and Sewer Board Resolution No. 3 (2015). The motion carried 5-0.

- b) Mr. Noble also reported that the City Attorney's office would be seeking approval from the City Council to institute legal action against the Taylor & Gill Ditch Company related to a claimed breach of contract. The claim is related to a right of first refusal agreement that Greeley entered with the ditch company in 2014 for carrying capacity in the ditch. Greeley has become aware that the ditch company entered a contract with a third party for this ditch capacity. The legal action will seek damages because Greeley alleges that it did not receive the benefit of the right of first refusal agreement.

10. Executive Session

No executive session took place.

Mr. Miller left the meeting at 2:39 p.m.

11. Update on Intergovernmental Agreement for Temporary Infrastructure Use and Cost Sharing with North Weld County Water District

North Weld County Water District (NWCWD) has historically served customers within the Budweiser Annexation. In a separate, forthcoming agreement in 2022, the City of Greeley will purchase infrastructure from NWCWD and will provide service in this area. In addition, Weld County and City of Greeley Public Works Department are installing roundabouts at 59th Ave. and O St., and 35th Ave. and O St. Therefore, the Water and Sewer Department will use this opportunity to install infrastructure in anticipation of accepting said customers from North Weld. Said installation will be more cost effective by collaborating Weld County and NWCWD. This IGA will allow NWCWD to use Greeley's new potable water distribution infrastructure located within the new roundabouts and surrounding areas on a temporary basis to serve customers located within the Budweiser Annexation until Greeley assumes responsibility for serving the customers in the separate, forthcoming agreement in 2022. Allowing NWCWD temporary use will limit their installations and reduce Greeley's costs. The water providers would also like to share the costs associated with the design, acquisition, construction, and installation of master meters, and other associated infrastructure, near the intersection of 35th Avenue and O Street and 59th Avenue and O Street.

12. Non-Potable Irrigation Water Policy Update

Mr. Dial summarized the history of Greeley's non-potable utilization and the goals of modifying Greeley's non-potable policy related to new development. The proposed new non-potable policy has been communicated to stakeholders over the last five months and staff has made minor revisions to the proposed policy. Mr. Dial updated the Board about those policy changes and the updated schedule for policy adoption. Board members

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provided their feedback regarding the policy and schedule and Mr. Dial indicated that the Board will see the final policy and code revisions in the next two months.

13. Director's Report

- Thank you – Board & Council tour
- Chimney Hollow Reservoir Construction
- Larimer County 1041 regulation update
- Report on resolution of litigation against Aggregate Industries

14. 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 3:17 p.m.



Harold Evans, Chairman

DocuSigned by:



Raymond Lee, Interim Board Secretary

