

**City of Greeley
Water and Sewer Board
Minutes of November 16th, 2022
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, November 16, 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, Tony Miller, Joseph Murphy, Deputy City Manager Don Tripp on behalf of City Manager Raymond Lee, and Finance Director John Karner

Water and Sewer Department staff:

Director Sean Chambers, Deputy Director Ty Bereskie, Utility Finance Manager Erik Dial, Deputy Director Operations Nina Cudahy, Chief Engineer Adam Prior, Water Resources Administrator II Alex Tennant, Water Resources Administrator III Cole Gustafson, Senior Administrative Assistant Crystal Sanchez, Interim Office Manager Gigi Allen, Water Resource Operations Manager Leah Hubbard, Water Conservation Manager Dena Egenhoff, Water Resource Administrator II Sam Harshbarger, Water Resource Planning Manager Kelen Dowdy joined virtually

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:

Emeritus Robert Ruyle and Neil Stewart from Stantec

2. Approval of Minutes

Mr. Miller made a motion, seconded by Mr. Otis, to approve the October 19, 2022 Water and Sewer Board meeting minutes. The motion carried 6-0.

3. Approval of the Agenda

There were no changes to the agenda

4. Welcome New Employees and Promotions

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

5. November Water Supply Update

Alex Tennant provided an update on the current water supply, weather forecast, drought forecast and agricultural rental summary.

Alex Tennant left the meeting at 2:37 pm

6. Update on Section 6 – Landscape and Irrigation Criteria

Dena Egenhoff discussed how The City of Greeley Water and Sewer Department is updating the current engineering design criteria from 2008 with new standards to accommodate new technologies, techniques, and materials. The City of Greeley is growing rapidly and updating the design standards will assist in development and ensure quality utility infrastructure into the future. This will encapsulate land use to embrace long-term water conservation. Sections 1-6 of the updated design criteria for the potable water distribution, sanitary sewer collection, non-potable irrigation system, and landscape & irrigation will guide developers and engineers in expanding and connecting to the City's utilities.

The Water and Sewer Department has worked diligently to coordinate with other internal departments including Planning and Zoning, Engineering Development Review, Culture, Parks, and Recreation, and Forestry for consistency within Section 6. Public outreach and engagement started with a presentation and discussion with the Builders, Realtors, & Developer group in July of 2021 and continued until November 2022. We have received comments and questions from engineers, developers, designers, and specific industry focused professionals such as landscape and irrigation specialists.

After review and input from the Planning Commission in March and November of 2022, and meetings with Planning and Zoning and Engineering Development Review, minor changes will be incorporated including:

- Soil amendments
- Mulch
- Removal of minor details from these criteria to checklists used during pre-planning sessions and engineering development reviews
- Adding specification on irrigation equipment

Minor clarifications and reference materials updates.

7. Integrated Water Resources Plan update: Terry Ranch Integration

Kelen Dowdy and Neil Stewart, consultant from Stantec went over how the IWRP process will evaluate Greeley's long-term water supply sustainability, develop a road map to buildout and identify near-term CIP components. As part of the process, the team identified three planning horizons to plan for: 1) a near-term planning horizon, 2) When is Terry Ranch Required, and 3) Terry Ranch fully integrated at buildout. This presentation outlines key components of the Terry Ranch integration process including a project overview and a definition of sustainable use. Next steps in the project will include an analysis to determine the sustainability of Terry Ranch within each planning scenario and what projects may support Greeley's system with Terry Ranch online.

Cory Channell joined the meeting at 3:07 pm

Kelen Dowdy left the meeting at 3:14 pm

Neil Stewart from Stantec left the meeting at 3:15 pm

8. Approve Third Amendment to Mining, Construction and Reclamation Project

Adam Prior discussed that the City entered into an agreement with Hall-Irwin on May 10, 2011 to mine Pond B at Poudre Ponds. The term of the agreement is 15 years. The Water & Sewer Board previously approved the first amendment, on or about October 16, 2012, to acknowledge changes in project timing and work already performed, and the second amendment, on September 16, 2015, to amend the royalty provisions. The purpose of this 3rd amendment is to require mining of additional material based on a revised grading plan that will increase the storage volume and grading the pond walls to their final design slopes. Completing this work will allow the City to utilize Pond B for storage. This work will be completed at no cost to the City in exchange for Hall-Irwin not having to pay royalties to the City. The term of the amended contract is three years.

Vice Chairman Todd moved that the Board approve the Third Amendment to Mining, Construction and Reclamation Project. Mr. Murphy seconded the motion. The motion carried 6-0.

9. Amendment to PRPA Purchase and Sale Agreement

Cole Gustafson and James Noble presented a request to authorize an amendment to an agreement to purchase water rights from the Platte River Power Authority ("PRPA"). Mr. Gustafson explained that on August 17, 2022, the Water and Sewer Board authorized the Purchase and Sale Agreement—Water Rights, between PRPA and Greeley. The terms of the agreement are for Greeley to lease C-BT water to PRPA through 2030 in exchange for the conveyance of the Rawhide Pipeline Water Rights from PRPA to Greeley. The

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agreement also includes a short-term lease back of the Rawhide Pipeline Water Rights to PRPA.

During the course of Greeley's diligence review, staff determined that an additional water right, the Rawhide Reservoir Right, was integral to the historical use and operation of the Rawhide Pipeline Water Rights. Greeley desires to acquire the Rawhide Reservoir Water Right in addition to the Rawhide Pipeline Water Rights so that Greeley can maximize the yield of the water rights and is working with PRPA to amend the contract. Due to timing constraints, Staff is seeking the authority to amend the agreement in order to add the Rawhide Reservoir Water Right to the description of the defined term "Water Rights," so that it is conveyed to Greeley along with the Rawhide Pipeline Water Rights.

Vice Chairman Todd moved that the Board delegate authority to the Director of Water and Sewer or his designee to (1) prepare and enter into an amendment to the Purchase and Sale Agreement between Greeley and Platte River Power Authority, that provides for a revised description of the water rights to include the Rawhide Reservoir water right, (2) to make other minor amendments to the agreement, including but not limited to, changes to contract deadlines and (3) to undertake all necessary and appropriate action to close on the purchase and sale of the water rights. Mr. Otis seconded the motion. The motion carried 6-0.

10. Executive Session

No Executive Session was held.

11. Legal Report

Jim Noble of Welborn, Sullivan, Meck & Tooley stated that based on our review of the September, 2022 Water Court Resume, staff and water counsel do not recommend that the Water and Sewer Board file statements of opposition to any water court applications that would be due at the end of November, 2022.

12. Director's Report

Mr. Chambers provided a summary overview of several items of Board interest:

1. Follow up to NCWCD Fall Symposium – November 15th
2. NGWA Award for Terry Ranch diligence and engineering – December Awards
 - a. The Water Report - Colorado Municipal Water Supply Evolution
3. Colorado River Water Users Association (CRWUA) annual meeting Dec. 14 – 16.
 - a. CRWUA Annual Report attached
 - b. More info on CRWUA and Colorado River policy at:
<https://www.crwua.org/blog-2022.html>

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13. Such Other Business That May Be Brought Before the Board Added to This Agenda by Motion of the Board

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

14. Adjournment

Chairman Evans adjourned the meeting at 3:43 p.m.

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Harold Evans

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Harold Evans, Chairman

DocuSigned by:

Raymond C. Lee III

Raymond Lee, Board Secretary