

**City of Greeley  
Water and Sewer Board  
Minutes of November 17, 2021  
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, November 17, 2021.

**1. Roll Call**

The Clerk called the roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Joe Murphy, Tony Miller, Manuel Sisneros, and Cheri Witt-Brown

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 Administrator II Cole Gustafson, Budget Analyst Kalen Myers, Conservation Manager Dena Egenhoff, Conservation Specialist Ben Schaffer, and 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 Director John Karner, Deputy City Manager Paul Fetherston, Emeritus Board Member Robert Ruyle

**2. Approval of Minutes**

Ms. Witt-Brown made a motion, seconded by Vice Chairman Todd, to approve the October 20, 2021 Water and Sewer Board meeting minutes. The motion carried 7-0.

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**3. Approval of and/or Additions to 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.

Consent Agenda

**5. Approval of First Amendment to the Agreement with the Water Supply Storage Company Permitting Storage at the Terry Ranch Aquifer**

Recommended action: Approve First Amendment to Agreement with WSSC permitting storage at Terry Ranch Aquifer.

**6. Resolution in Support of an Application for Federal Assistance from the U.S. Bureau of Reclamation's WaterSMART Water and Energy Grant Program**

Recommended action: Approve Resolution in Support of Application for Federal Assistance in regards to US Bureau of Reclamation's WaterSMART Water and Energy Grant.

**7. Approve Water Bond Resolution and Recommend to Council**

Recommended action: Approve and Recommend water bond resolution.

**8. Approve Sewer Bond Resolution and Recommend to Council**

Recommended action: Approve and Recommend sewer bond resolution.

Staff provided a brief overview of each item on the consent agenda at the request of Chairman Evans. Mr. Murphy made a motion, seconded by Vice Chairman Todd, to approve the four items on Consent Agenda and the proposed recommended actions. The motion carried 7-0.

End of Consent Agenda

**9. Pulled Consent Agenda Items**

There were no items removed from the consent agenda.

**10. 3<sup>rd</sup> Quarter CIP Report**

Adam Prior presented an update on CIP projects within the department.

**11. Approve Non-Potable Development Policy and Recommend Associated Code Changes to City Council**

Mr. Dial presented the proposed non-potable policy that will require the installation of non-potable infrastructure in new development in most cases. The new policy concept was first presented to the Water and Sewer Board in November 2020 and through feedback from the Board, Community Development, and the development community, the policy has evolved to its current form for Board's approval. The City Attorney's Office has proposed revisions to the Greeley Municipal Code to reflect the recommended changes to the non-potable policy. Mr. Dial presented the new policy and recommended that the Water and Sewer Board approve the enclosed non-potable policy and recommend the associated Greeley Municipal Code changes to the City Council.

Vice Chairman Todd made a motion, seconded by Mr. Miller, to approve the Non-Potable Development Policy as presented and recommend that City Council adopt associated changes to the Greeley Municipal Code in the form of the enclosed ordinance. The motion carried 7-0

**12. Approve and Recommend to Council McWilliams' Farm Divestment**

In 2016, the City of Greeley purchased a 133 +/- acre farm in Weld County, known internally as the "McWilliams Farm". The land was part of the Danielson Farms acquisition, which included two other farms totaling 332 acres along with three shares of the stock in the Water Supply and Storage Company ("WSSC Water Rights"). Only one-half of the three shares historically irrigated the McWilliams Farm. Since 2016, the City has leased the McWilliams Farm, along with the WSSC Water Rights, to a tenant farmer in order to maintain the use of the WSSC Water Rights on the historically irrigated land. In 2021, the City received an offer to purchase the McWilliams Farm. A dry-up covenant, revegetation covenant, and a leaseback of the one-half share of WSSC Water Rights to the buyer are part of the agreement. Staff recommended the divestment of the McWilliams Farm to the potential buyer.

Mr. Miller made a motion, seconded by Vice Chairman Todd, to approve and recommend to council McWilliams' Farm Divestment. The motion carried 7-0.

**13. North Weld County Water District IGA for Temporary Infrastructure Use and Cost Sharing**

Under the terms of the IGA submitted for Board's consideration, the City and NWCWD will also share the costs associated with the design, acquisition, construction, and installation of the new potable water distribution infrastructure for NWCWD, near the intersection of 35<sup>th</sup> Avenue and O Street and 59<sup>th</sup> Avenue and O Street. Under the terms of this IGA, NWCWD will deduct the costs of the new infrastructure built for its long term use, from the overall amounts owed to it under the 2013 IGA when the City takes over service areas and acquires the infrastructure for the Budweiser Annexation area.

Vice Chairman Todd made a motion, seconded by Mr. Miller, to approve NWCWD IGA for temporary infrastructure use and cost sharing. The motion carried 7-0

**11. Legal Report**

Jim Noble of Welborn, Sullivan, Meck & Tooley stated they do not recommend for Greeley to file any statements of opposition in water court cases that would be due this month. Mr. Noble also explained to the Board that staff, outside counsel, and the City Attorney's Office are working on an application to change the use of shares in the Water Supply and Storage Company ("WSSC"). The application will be brought before the Board for approval at an upcoming Board meeting.

**12. Executive Session**

Chairman Evans made motion for the Board 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 and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators on matters related to potential water right acquisitions.

The motion carried 7-0.

The Board left the public session and moved into a private, executive session.

Deputy City Manager Paul Fetherston, Chief Engineer Adam Prior, Conservation Manager Dena Eganhoff, Staff Ben Schaffer left the meeting at 3:07 p.m.

Board Member Fred Otis recused himself and left the meeting at 3:08 p.m.

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Present during the executive session were:

Chairman Harold Evans, Vice Chairman Mick Todd, Manual Sisneros, Joe Murphy, Tony Miller, Cheri Witt-Brown, Emeritus Bob Ruyle, Finance Director John Karner, Director Sean Chambers, Deputy Director Water Resources Adam Jokerst, Deputy Director of Operations Nina Cudahy, Utility Finance Manager Erik Dial, Budget Analyst Kalen Myers, Water Administrator II Cole Gustafson, Outside Legal Counsel Jim Noble, Environmental and Water Resources Attorney Jerrea Swanson, Environmental and Water Resources Attorney Dan Biwer, Environmental and Water Resources Attorney Aaron Goldman, and Office Manager Ettie Arnold

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 3:40 p.m. The Board then left the private, executive session and moved back into the open, regular session.

**13. Director's Report**

- Cameron Peak Fire recovery partners update on work and ongoing needs
- SPBRT Demand Management Remarks (Colorado River shortage)
- Annual W&S Department core values awards and employee recognition
- Fort Collins 1041 regulation process

**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 4:00 p.m.

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DocuSigned by:

*Harold Evans*

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Harold Evans, Chairman

DocuSigned by:

*Raymond C. Lee III*

Raymond Lee, Board Secretary