

**City of Greeley
Water and Sewer Board**

**Minutes of April 20, 2022
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, April 20, 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, Manuel Sisneros, Joseph Murphy, Mayor John Gates, Raymond Lee City Manager, and Finance Director John Karner

Water and Sewer Department staff:

Director Sean Chambers, Deputy Director Adam Jokerst, 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, Water Resource Administrator I Megan Kramer, Civil Engineer II Michael Castillo, Senior Administrative Assistant Crystal Sanchez, Interim Office Manager Gigi Allen, Water Conservation Administrator Ruth Quade, Water Resource Planning Manager Kelen Dowdy, Assistant City Clerk Casey Rogers, Water Conservationist Specialist I Rita Jokerst, Water Resource Operations Manager Jennifer Petrzalka-Dial, Water Conservation Manager Dena Egenhoff and Federal Permit Coordinator Engineer Mary Gearhart

Legal Counsel:

Environmental and Water Resources Attorney II Dan Biwer and Counsel to Water & Sewer Board Attorney Carolyn Burr

Guests:

Emeritus Board Member Robert Ruyle, Lindsey Rogers, Western Resource Advocates, Amy Weinfurter, WaterNow Alliance, Neil Stewart, Stantec

2. Approval of Minutes

Mr. Miller made a motion, seconded by Mr. Todd, to approve the April 20, 2022 Water and Sewer Board meeting minutes. The motion carried 7-0.

3. Welcome New Employees and Promotions

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

4. Review Water Conservation Program Performance

The Board determined a need to hear item number 5 prior to item number 4.

Ms. Egenhoff, Ms. Rogers, consultant from Western Resource Advocates and Ms. Weinfurter, consultant from WaterNow Alliance presented on Greeley's Water Conservation Program. Greeley's Water Conservation program was selected for a WaterNow Alliance's Project Accelerator program in 2020. The WaterNow Accelerator program is a vehicle to jumpstart sustainable water projects by providing professional hands-on support and technical assistance. Greeley's project focused on optimizing its existing conservation program through performance analysis and an equity-focused analysis of metrics such as socioeconomic status of participants, age and geographic distribution, and the value of each program to the City's residents.

The key findings within this project allows the Water Conservation team to:

- Execute data-based program decisions driven by innovation and technology.
- Ensure a return on investment
- Fulfill future customer needs and changing values.

Adam Prior joined the meeting at 2:12 p.m.

5. Review Updated W&S Criteria, Drawing and Specs

Mr. Prior discussed how the City of Greeley Water and Sewer Department is updating the current design criteria from 2008 with new standards to accommodate new technologies, techniques, and materials. The City of Greeley is growing, and updating the design standards will assist in development and ensure quality utility infrastructure into the future. These updates will also facilitate recent non-potable system requirements adopted by City Council in February of 2022, incorporate the Non-Potable Water, Sanitary Sewer, Transmission & Distributions Master Plans that were completed in 2021, and align with the updated development code completed in 2021. These updates will help provide long term infrastructure needs to better prepare and accommodate growth.

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 larger changes include added lift station criteria, changes to the non-potable system criteria, updated criteria to incorporate the new development code changes, compliance with Subsurface Utility

Engineering (SUE) law requirements, and the addition of landscape & irrigation design criteria along with many other smaller changes.

The Water and Sewer Department has worked diligently to coordinate with other departments and engineering development review staff for consistency. A presentation and discussion with the Builders, Realtors, & Developer group was held in July of 2021; there was review and input from the Planning Commission in March of 2022, and staff is currently working to receive comments and questions from engineers, developers, and designers throughout Greeley.

Ruth Quade left the meeting at 2:38 p.m.

6. 2022 State Legislative Update

Ms. Gearhart presented about how the 73rd Colorado General Assembly convened on Jan. 12th and is scheduled to adjourn on May 11, 2022. Greeley has remained active on water legislation through the Colorado Water Congress State Affairs Committee, communication with our legislators and in coordination with peer organizations and their lobbyists on important matters.

7. Integrated Water Resource Plan Update

Ms. Dowdy and Mr. Stewart, consultant from Stantec, went over how the current Greeley Water Supply Master Plan is more than 17 years old. Since the creation of the last water master plan in 2003, Greeley's strategies to continue to provide a robust, resilient water supply have evolved and the water market has transformed. Likewise, widely accepted strategies used to plan for water development have progressed. Consequently, the Water Resources team has been developing a new water master plan, through an Integrated Water Resource Plan (IWRP). 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 IWRP evaluates a suite of future conditions, called "planning scenarios," that are used to plan for a number of potential future conditions. These scenarios define key components of future conditions such as the state of Greeley's water supply system, demands, climate and other system risks. Staff will be providing a briefing on the initially selected planning scenarios as well as an update on project status.

Mayor Gates left the meeting at 3:20 p.m.

8. Water Supply Update and Approve of Water Sufficient

Ms. Petrzalka-Dial provided an overview of Greeley's 2022 water supplies and an update on Greeley's current storage levels. In April, the Board makes a declaration

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

Mr. Todd moved that the that the Board declare the City’s water supply adequate, recommend that City Council leave in effect the associated watering restrictions prescribed by the Greeley Municipal Code, and authorize City staff to rent out available excess water supplies so long as the City’s target storage volume is maintained, in accordance with the Drought Emergency Plan. Mr. Miller seconded the motion. The motion carried 7-0.

9. Ratify Participating Agreement with the U.S. Forest Service for Cameron Peak Fire Mitigation and Watershed Recovery

Ms. Petrzalka-Dial provided an overview of the Agreement with the U.S Forest Service for Cameron Peak fire mitigation and watershed recovery. The 2020 Cameron Peak Fire burned over 200,000 acres in the watersheds of the Cache la Poudre and Big Thompson River basins where Greeley obtains more than 50% of its water supplies. The major wildfire is the state’s largest on record and severely burned areas include both public and private properties. This fire significantly affected hundreds of thousands of acres of watersheds that are of critical importance for the domestic, agricultural, and municipal water supplies for over one million people and tens of thousands of acres of productive irrigated agriculture. The damage to these watersheds continues to pose immediate and future threats to public infrastructure serving communities across Larimer and Weld Counties, including but not limited to water supply diversions and storage infrastructure. The purpose of this agreement is to document the cooperation between the parties to implement watershed recovery and restoration in and adjacent to lands affected by the Cameron Peak Fire and includes an initial reimbursement from the U.S. Forest Service of \$6,000,000 to Greeley for this mitigation work. This intergovernmental agreement was approved by City Council on April 19, 2022.

Mr. Miller moved that the Board ratify the Participating Agreement between the City of Greeley and the U.S. Forest Service for Cameron Peak Fire Mitigation Work in the form enclosed, and delegate authority to City staff and legal counsel to make minor revisions to the agreement before execution, provided that the material substance of the agreement remains unchanged. Mr. Sisneros seconded the motion. The motion carried 7-0.

10. Approve and Recommend to Council Divestment of the Balmer Farm

Mr. Gustafson provided an overview to the Board of the proposed divestment of the Balmer Farm. In 2016, the City of Greeley purchased a 139 +/- acre farm in Weld County, known internally as the “Balmer 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 two of the three shares historically irrigated the Balmer Farm. Since 2016, the City has leased the Balmer

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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 2022, City staff negotiated an offer of \$850,000 to purchase the Balmer Farm. A dry-up covenant, revegetation covenant, and leaseback of the two shares of WSSC Water Rights to the buyer are part of the agreement. Staff recommends the divestment of the Balmer Farm to the potential buyer.

Mr. Otis recused himself from participating in the vote due to a potential conflict of interest.

Mr. Todd moved that the Board make a finding that the Balmer Farm is not currently being used or held for a governmental purpose, authorize the proposed divestment of real property, approve the Contract to Buy and Sell Real Estate and exhibits in the forms enclosed, delegate authority to the Director of Water and Sewer or his designee (i) to make minor amendments to the documents, including, but not limited to, corrections to property descriptions and contract extensions, and (ii) to undertake all necessary and appropriate action to close on the divestment, and recommend that City Council authorize the same. Mr. Sisneros seconded the motion. The motion carried 6-0.

Ms. Petrzelka-Dial left the meeting at 4:03 p.m.

11. Legal Report

Carolyn Burr of Welborn, Sullivan, Meck & Tooley recommended the Board file statements of opposition in the following cases:

- a. Case Number: **22CW3022**: Central Colorado Water Conservancy District and the Ground Water Management Subdistrict application to change 6.5 shares of the Greeley Canal No. 3 and Fossil Creek Reservoir. Central is proposing to change the shares based on the Poudre Prairie decree methodology. However, the allocation of shares to particular use categories is complex. It was recommended that Greeley file a statement of opposition to ensure that the change of GIC shares is consistent with other GIC change decrees, that appropriate dry up is ensured and that there is no injury to Greeley's GIC share interests.
- b. Case Number: **22CW3024**: Application by Central and GMS for diligence and to make partially absolute the Geisert Reservoir water rights located on the Poudre. Central is claiming just over 19 cfs of the 55 cfs decreed fill rate absolute, and they are claiming that 1,957 AF of the 2200 AF initial fill have been made absolute. It was recommended that Greeley file a statement of opposition to ensure that the amounts claimed by Central as absolute are accurate. Greeley has an ongoing interest in the Geisert Reservoir in that it leases augmentation water to Weld County for Weld County's interest in Geisert.

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Mr. Miller moved that the Board authorize the filing of statements of opposition in Case Nos. 22CW3022 and 22CW3024, and for staff and legal counsel to seek resolution of issues raised by these cases consistent with Water and Sewer Board Resolution No. 3, 2015." Mr. Todd seconded the motion. The motion carried 7-0.

12. Director's Report

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

- Recognition and appreciation for Windy Gap Firing, Chimney Hollow Tour
- Water Treatment Facilities construction activity update
- Cameron Peak Fire burn area stabilization and watershed recovery funding
 - 2022 work plan, financial resources, permits and coordination
 - 2023 funding opportunities and federal appropriations request
- Water Meter Replacement Project Update
- IJJA (Infrastructure Bill) grant opportunities and application strategy
- Water Education Colorado (WECO) South Platte Basin Tour
 - South Platte Basin Education Video: <https://vimeo.com/654954080/1691291801>

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 4:12 p.m.

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Harold Evans, Chairman

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DocuSigned by:

Raymond C. Lee III

Raymond Lee, Board Secretary