City of Greeley
Water and Sewer Board
Minutes of August 18, 2021
Regular Board Meeting

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:02 p.m. on Wednesday, August 18, 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, Cheri Witt-Brown, Mayor Gates, Roy Otto and Raymond Lee (Interim CM)

Water and Sewer Department staff:
Director Sean Chambers, Deputy Director Water Resources Adam Jokerst, Utility Finance Manager Erik Dial, Chief Engineer Adam Prior, Water Resources Manager Jennifer Petrzelka, Asset Coordinator Cole Gustafson, Water Resources Planning Manager Kelen Dowdy, and Interim Office Manager Ettie Arnold

Legal Counsel:
Counsel to Water & Sewer Board Attorney Carolyn Burr, Senior Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney Dan Biwer, Environmental and Water Resources Attorney Aaron Goldman

Guests: CDM Smith Consultant Carl Lundin, Emeritus Board Member Robert Ruyle

2. Approval of Minutes

Mr. Miller made a motion, seconded by Mr. Otis, to approve the July 21, 2021 Water and Sewer Board meeting minutes. The motion carried 7-0.

3. Approval of and/or Additions to Agenda

Item 9, the 2021 Non Potable Master Plan, was removed from the agenda.

Consent Agenda

4. Action: Authorize Closing on the property identified in the Purchase and Sale agreement, dated June 1, 2021 between Longs Peak Dairy and Greeley

On May 19, 2021, the Water and Sewer Board approved the Purchase and Sale Agreement with Longs Peak Dairy for the acquisition of 5.16667 shares of Water Supply and Storage Company (the property). Under Article 6 of the Agreement, Greeley's obligation to close on the property is contingent upon the Boards authorization within 28 days after the expiration of the Inspection Period.

Recommended action: approval of the closing and delegate authority to the Director to make minor amendments to the Purchase and Sale Agreement and execute all other documents necessary to close on the property.

End of Consent Agenda

Mr. Otis recused himself from participating in the discussion and vote on this item due to a possible conflict of interest.

Chairman Evans made a motion, seconded by Vice Chairman Todd, to approve the item on Consent Agenda and the proposed recommended action. The motion carried 6-0.

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. Approve Cameron Peak Wildfire Project Management Services Agreement with CPRW

Greeley and the Coalition for the Poudre River Watershed (CPRW) are actively working with other stakeholder partners throughout the affected region to coordinate efforts in response to the Cameron Peak Fire, in part to ensure that available grant funding obtained is used efficiently and effectively to mitigate and rehabilitate the impacts of the Fire. In order to achieve this, Greeley has agreed to partially fund and co-coordinate a post-fire recovery project manager position. This agreement details the management and funding of those services.

Vice Chairman Todd made a motion, seconded by Mrs. Cheri Witt-Brown, to approve Cameron Peak Wildfire Management Professional Service Agreement with CPRW and delegate authority to the Director to make minor amendments before execution. The motion carried 7-0.

8. Approve Reimbursement Agreement for Wildfire Mitigation and Rehabilitation Services with CPRW

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. CPRW has received funding from the Northern Colorado Community Foundation and the Colorado Conservation Board that it wished to provide to Greeley for post-fire recovery and mitigation efforts. This agreement details the process for CPRW to reimburse Greeley for this work.

Mr. Otis recused himself from participating in the discussion and vote on this item due to a possible conflict of interest.

Mr. Miller made a motion, seconded by Mr. Murphy, to approve reimbursement agreement for Wildfire Mitigation and Rehabilitation Services with CPRW and delegate authority to the Director to make minor amendments before execution. The motion carried 6-0.

9. Overview of Proposed Interconnect and transfer of transmission line customers with West Fort Collins Water District

Greeley has a long-term plan to transfer transmission line customers to the water districts in which they are located. Recently, Greeley and WFCWD have reached terms to transfer some of Greeley's transmission line customers to WFCWD. Part of the proposed transaction includes construction of an interconnect between Greeley and WFCWD that will provide redundant supply to each entity. The transaction will also require a transfer of raw water supplies.

10. Approve and Recommend to City Council the Second Amendment to Intergovernmental Agreement for Treated Water Service with the Town of Windsor

The Second Amendment to this IGA will provide Greeley with an annual payment for making up to 350 AF of municipal water available to Windsor in times of shortage. The terms allow Windsor access up to 350 AF of drought protection water supply during times of shortage, which are defined by a CBT quota of < 65% (less than .65 AF/unit). City of Greeley may at its sole discretion curtail lease deliveries if it imposes mandatory city-wide water use restrictions.

Mr. Miller made a motion, seconded by Mr. Murphy, to approve the second agreement to IGA for treated water service with the Town of Windsor and recommend that City Council approve the same. The motion carried 7-0.

11. Legal Report

Mrs. Burr recommended filing a statement of opposition.

a) **Case number 21CW3093**, Application of Town of Windsor for change of 42.25 shares of New Cache la Poudre Irrigating Company, 27.5 shares of Cache la Poudre Reservoir Company and 1 preferred right of Fossil Creek Reservoir to municipal, commercial and industrial use, as well as change in location of storage to Kyger and Kern Reservoirs. Greeley owns New Cache shares and has other water rights that could be affected without adequate terms and conditions governing the proposed changes.

Vice Chairman Todd made a motion, seconded by Mr. Miller that the Board authorize the filing of a statement of opposition in Case No. 21CW3093 and for staff and legal counsel to seek resolution of issues raised by the cases as consistent with Water and Sewer Board Resolution No. 3 (2015). The motion carried 7-0.

12. Executive Session

At 3:28 p.m. Chairman Evans made a motion to move into Executive Session to address the following matter as provided by C.R.S. §24-6-402(4) (a), (b) and (e) and Greeley Municipal Code 2.04.020 (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 the water market and the potential, future water right acquisitions.

The motion carried 7-0.

The Board left the public session and moved into a private, executive session. Mr. Otis recused himself from the executive session due to a possible conflict of interest.

Present during the executive session were:

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Joe Murphy, Tony Miller, Manual Sisneros, Mayor John Gates, City Manager Roy Otto, Interim City Manager Mr. Raymond Lee, Director Sean Chambers, Deputy Director Water Resources Adam Jokerst, Chief Engineer Adam Prior, Utility Finance Manager Erik Dial, Water Resources Manager Jennifer Petrzelka, Senior Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources

Attorney Dan Biwer, Environmental and Water Resources Attorney Aaron Goldman, Water and Sewer Board Counsel Carolyn Burr, Interim Office Manager Ettie Arnold, Emeritus Board Member Mr. Ruyle

The Executive Session ended at 3:38 p.m. and the regular meeting resumed.

13. Resolution Recognizing Roy Otto as Ex Officio Board Member

Mr. Chambers stated, Mr. Otto's generous contributions of time, judgement, wisdom, and insight, over the last 22 years, have been of incalculable value to the City, and to the Water & Sewer Board and Department.

Mr. Miller made a motion, seconded by Vice Chairman Todd to approve the resolution in recognition of Roy Otto as an ex officio Board Member.

14. Director's Report

- Cameron Peak Fire recovery and mitigation funding update
- City Clerk's analysis of citizen petitions that propose to amend City Charter sections 17-9 and 17-10
- South Platte Roundtable Colorado River Demand Management
- Board and Council Tour

21. 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 4:04 p.m.

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Harold Evans

Harold Evans, Chairman

Raymond C. Lee III

Raymond Lee, Interim Board Secretary