

City of Greeley
Water and Sewer Board

February 16, 2022
Board Minutes

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

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:02 p.m. on Wednesday, February 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, Joe Murphy, Cheri Witt-Brown, Tony Miller, Manuel Sisneros, Interim Chief of Staff/Community Engagement Director Kelli Johnson attending on behalf of the 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 Manager Jen Petzelka, Water Resources Administrator II Alex Tennant, Water Resources Administrator III Leah Hubbard, Water Inventory Coordinator Tia Miller, Community Specialist Sharon Dunn, Senior Administrative Assistant Crystal Sanchez and Office Manager Ettie Arnold

Legal Counsel:

Counsel to Water & Sewer Board Attorney Carolyn Burr, Senior Environmental and Water Resources Attorney Jerrea Swanson, and Environmental and Water Resources Attorney Dan Biwer, Attorney Jennifer DiLalla

Guests:

Emeritus Board Member Robert Ruyle

2. Approval of Minutes

Mr. Murphy made a motion, seconded by Mr. Miller, to approve the January 19, 2022 Water and Sewer Board meeting minutes. The motion carried 7-0.

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3. Approval of and/or Additions to Agenda

Executive Session was moved up to Agenda Item 6.

Consent Agenda

4. Renewal of Grazing Lease Agreement (Dustin Glover)

Recommended action: Approve the enclosed lease agreement and delegate authority to staff to renew the lease in the future, provided the material terms remain unchanged.

End of Consent Agenda

Mr. Otis requested that Agenda Item 4 be pulled from the Consent Agenda.

4. Renewal of Grazing Lease Agreement (Dustin Glover)

The property's ownership and lease terms were discussed, and thereafter Mr. Otis made a motion, seconded by Mr. Miller, to approve the enclosed lease agreement with Dustin Glover for 2022. The motion carried 6-1.

5. Welcome New Employees and Promotions

Mr. Chambers provided an introduction of new Water and Sewer Department employees starting this month and noted the departure of Office Manager, Ms. Arnold.

6. Executive Session

Carolyn Burr recused herself from participating in the Executive Session due to a possible conflict of interest.

The Chair moved to go into executive session. In the motion for an executive session, the Chair announced the following matter(s) to be discussed during the executive session in conformance with 24-6-402(4), C.R.S. and the Greeley Municipal Code:

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 in Case 18CW3042.

The motion carried 7-0.

Present during the executive session were:

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Chairman Harold Evans, Vice Chairman Mick Todd, Manual Sisneros, Joe Murphy, Tony Miller, Cheri Witt-Brown, Fred Otis, Director Sean Chambers, Deputy Director Water Resources Adam Jokerst, Water Resources Manager Jen Petrzelka, Water Resources Admin. II Leah Hubbard, Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney Dan Biwer, Attorney Jennifer DiLalla, and Office Manager Ettie Arnold

Kelli Johnson left the meeting and Raymond Lee joined the meeting at 3:10 p.m.

This executive session was authorized by Subsections (a),(b) and (e) of Section 24-6-402(4) of the Colorado Revised Statutes, and Subsections (2) and (5) of Section 2-151(a) of the Greeley Municipal Code.

Executive Session ended at 3:17 p.m.

Erik Dial, Adam Prior, Nina Cudahy, Tia Miller, and Carolyn Burr rejoined the meeting at 3:20 p.m. Jen Petrzelka left the meeting at 3:20 p.m.

Tia Miller left the meeting at 3:40 p.m.

Leah Hubbard left the meeting at 3:49 p.m.

7. 4th Quarter Revenue Update

The 2021 year-end water and sewer revenue report was summarized by Erik Dial. Water rate revenues ended up meeting budgeted numbers, due to residential revenue being higher than expected. Conversely, sewer rate revenues were 10% shy of budgeted targets due to the closure of a large industrial wastewater user contributing to the shortfall. Plant investment fees recovered from the decrease in development amidst the COVID-19 pandemic. Both water and sewer plant investment fee revenues were above budget.

8. Bi-Annual CIP Report

Adam Prior presented an update on CIP projects.

9. Legal Report

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

- a. Case Number: **21CW3216**: State Decennial 2020 Abandonment List. Greeley's Island Grove Well No. 4503, originally decreed in Case No. W-2642, is on the list. Greeley had previously committed to filing an augmentation plan by June 1, 2020 in a stipulation in Case No. 12CW148. Greeley failed to do so, but is planning to submit an augmentation plan that includes this well in the near future.

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- b. Case Number: **21CW3225**: Application by St. Michael's Reservoir LLC c/o Art Gutterson for a water storage right of 142.4 AF on Ashcroft Draw. A water right was decreed for this reservoir in 00CW52, a case in which Greeley participated as an opposer. Applicant failed to file an application for diligence and the conditional storage right was deemed abandoned. This is a new application for the same reservoir.
- c. Case Number: **21CW3229**: Application by East Larimer County Water District for change of 9.5 shares of Water Supply and Storage Co. (WSSC), alternate points of diversion, alternate places of storage and exchanges. It was recommended that Greeley file a statement of opposition to protect Greeley's water rights, including its own WSSC shares, from injury. This application also involves infrastructure, such as Overland Ponds, Monroe Gravity Canal and Chambers Lakes, that are owned and/or used by Greeley. The proposed exchange of 100 c.f.s. is in reaches important to Greeley's water rights and water system.

Mr. Murphy moved that the Board authorize staff and legal counsel to file statements of opposition in the three cases discussed and to seek resolution of the issues raised consistent with Water and Sewer Board Resolution No. 3, 2015. Mr. Miller seconded the motion. The motion passed 7-0.

10. Director's Report

Sean Chambers provided an update to the Board on the following topics:

- . Rescheduled Windy Gap Firing Project Construction Site Tour
- . '22 Water Enterprise and Sewer Enterprise Revenue Bonds
- Colorado River Systemic Drought
- Water Meter Replacement Project

11. 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 4:06 p.m.


Harold Evans, Chairman

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DocuSigned by:

Raymond Lee, Board Secretary

