



DOCUMENT ROUTING MEMORANDUM

The purpose of this memorandum is to provide information regarding the attached document routed to you for your signature.

TO: Harold Evans, W&S Board Chairman
{Select Recipients Below - See Signature Authority Requirements}
☐ Doug Marek, City Attorney: Legal_Services@greeleygov.com
☐ John Karner, Finance Director: John.Karner@greeleygov.com
☒ Raymond Lee, City Manager: Val.Scheffer@greeleygov.com
☐ John Gates, Mayor: via CityClerk@greeleygov.com
☐ Heidi Leatherwood, City Clerk (Attest): Heidi.L Leatherwood@greeleygov.com

FROM: Gigi Allen, W&S Office Manager
ON BEHALF OF (If applicable):
 Initials of above: ____ (Must be first in signing order)

RE: August 2023 Water and Sewer Board meeting minutes

Executive Summary:

Please see W&S Board minutes approved by the Board and ready for signature.

Time Sensitivity? If yes, deadline date N/A **and reason:**

Legal Review:

Is this a standard contract as defined by City Code Section 2-184(a)(2) ? ☐ Yes ☒ No ☐ N/A

If this is not a standard contract, and has not been reviewed by CAO, this document may not be routed for signatures.
 Please submit for Legal Review on COGI prior to routing.

If this is not a standard contract, which attorney reviewed the document?

Name: Daniel Biwer

Obtained Approvals, Reviews, or Recommendations (If applicable)

☐ City Council Ord./Res. #: _____ Date: _____	☒ Board or Commission (specify) <u>Water and Sewer</u> Date: <u>9/22/23</u>	☐ Other _____ Date: _____
--	---	---

Contract Amount: N/A (if applicable)

**City of Greeley
Water and Sewer Board
Minutes of August 16, 2023
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, August 16, 2023.

1. Roll Call

The Clerk called roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Cheri Witt-Brown, Fred Otis, Tony Miller, Manuel Sisneros, Mayor John Gates, Deputy City Manager Donald Tripp on behalf of City Manager Raymond Lee, Interim Director of Finance Tammy Hitchens

Water and Sewer Department staff:

Director Sean Chambers, Deputy Director of Water Resources Ty Bereskie, Deputy Director of Utility Finance and Customer Service Erik Dial, Office Manager Gigi Allen, Administrative Assistant III Crystal Sanchez, Water Resource Administrator II Alex Tennant, Water Resource Administrator I Megan Kramer, Water Resource Operations Manager Leah Hubbard, Instrument and Control Supervisor Mat Finch, Water & Sewer Intern I Alex Merklein, Water Conservation Manager Dena Egenhoff, Water Resource Administrator III Matt Sparacino.

Legal Counsel:

Senior Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney II Dan Biwer, Environmental and Water Resources Attorney I Arthur Sayre, Counsel to Water & Sewer Board Attorney Carolyn Burr.

Guests:

Emeritus Robert Ruyle, Councilmember Deb DeBoutez, James Sutherland from Wingfoot

2. Approval of Minutes

Mr. Miller made a motion to approve, noting that the minutes should reflect Board member Cheri Witt-Brown was in attendance at the July 2023 meeting and seconded by Vice Chairman

City of Greeley
Water and Sewer Board

August 16, 2023
Board Minutes

Todd the approval of the July 19, 2023 Water and Sewer Board meeting minutes. The motion carried 5-0.

3. Approval of Agenda

There were no changes to the Agenda.

4. Welcome New Employees and Promotions

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

5. Approve First Amendment to Reimbursement Agreement with CPRW

Matt Sparacino introduced the importance of watershed health and wildfire recovery work needed to protect Greeley water resources and water quality. Mr. Sparacino shared that Greeley and the Coalition for the Poudre River Watershed Coalition (CPRW) have a strong common interest in protecting the Poudre River Watershed and desire to continue coordinating recovery measures and mitigation efforts in response to the Cameron Peak Fire. CPRW has received previous funding from various sources, including the Community Foundation of Northern Colorado and the Colorado Water Conservation Board. The work covered under the agreement and this First Amendment is not being funded by the City of Greeley or its Water enterprise; it is a pass-through agreement.

This First Amendment to the Reimbursement Agreement for Wildfire Mitigation and Rehabilitation Services adds United States Forest Service funding to be made available to CPRW under a Participating Agreement. CPRW and Greeley have agreed to use contractors procured under Greeley contracts for upcoming work. Greeley will pay the contractor per the terms of its contract and secure reimbursement from CPRW under this agreement.

Vice Chairman Todd moved that Board approve the First Amendment to the Reimbursement Agreement for Wildfire Mitigation and Rehabilitation Services with CPRW in the form enclosed, and delegate authority to the Director of Water and Sewer to approve minor amendments and extensions to the agreement, including, without limitation, amendments to include additional sources of funding, provided the material substance of the agreement remains unchanged. Mr. Otis seconded the motion. Motion carried 6-0.

Chief Engineer Adam Prior joined the meeting at 2:17 pm.

6. Approve Augmentation Water Lease Agreement with the Town of Eaton

Alex Tennant discussed The Town of Eaton approached Greeley staff with a need to augment two wells in their town parks under the Colorado Division of Water Resources groundwater well requirements. Eaton will use this agreement with Greeley to implement an augmentation

City of Greeley
Water and Sewer Board

August 16, 2023
Board Minutes

plan with DWR for lagged depletions. The amount of water per year under the proposed lease is 15 AF, broken down into a monthly release schedule and is to be delivered to calling rights on the Cache La Poudre or South Platte rivers below the Eaton Draw. Greeley staff confirmed they can make the augmentation releases either from Poudre Ponds or other wholly consumable effluent credits from the WTRF. Per the schedule provided by Eaton, monthly releases do not exceed 1.69 AF in a given month which staff feels comfortable accommodating the limited duration ten-year lease period. The cost is \$800/AF which falls under Greeley's policy for non-agricultural water rentals of wholly consumable supplies.

Chairman Evans asked for insight on how the staff determined the amount of \$800 an acre foot. The City's staff stated that the amount is in current departmental lease policy for this type of water. Water Resources staff noted that the subject policy will be up for review within the next 18 months, and the goal is to revise the policy to be more market driven and flexible year to year.

Vice Chairman Todd moved to approve the Augmentation Water Lease Agreement with The Town of Eaton. Mr. Miller seconded the motion. The motion carried 6-0.

7. Water Supply Update

Alex Tennant presented Greeley's water supply status. The presentation consisted of spring and early summer climate recap, current storage amounts, weather forecast through 2023, and the agricultural rental summary.

8. SCADA Telemetry & Controls Upgrades and Master Plan

Mat Finch presented an update to the Board on Water & Sewers SCADA system, the new EPA ruling and the SCADA master plan.

9. Legal Report

Based on Staff and outside councils review of the June, 2023 Water Division 1 Resume, staff and water counsel recommend that the Water and Sewer Board file statements of opposition to the following water court cases.

- 1. Case Number: 23CW3074:** Applicant, Arapahoe County Water and Wastewater Authority, is seeking a finding of reasonable diligence for the following rights associated with 70 Ranch Reservoir: 100 cfs bi-directional pipeline; 3,000 a.f. first fill and 3,000 a.f. refill storage right. Applicant claims 51.85 cfs of the 100 cfs bi-directional pipeline and 1,596.9 acre feet of the 3,000 acre-foot first fill of 70 Ranch Reservoir absolute. Water stored in ACWWA's 70 Ranch Reservoir can be exchanged up the confluence of the South Platte and Cache la Poudre, and from there up the Cache la Poudre. We recommend filing a statement of opposition to ensure that the water being claimed as

City of Greeley
Water and Sewer Board

August 16, 2023
Board Minutes

absolute has been diverted and stored in the quantities claimed and Applicant is using the water consistent with the terms of its decree.

2. **Case Number: 23CW3075:** Applicant, East Cherry Creek Valley Water & Sanitation District, is seeking a finding of reasonable diligence for the following rights associated with 70 Ranch Reservoir: 100 cfs bi-directional pipeline; 3,000 a.f. first fill and 3,000 a.f. refill storage right. Applicant claims 51.85 cfs of the 100 cfs bi-directional pipeline and 1,596.9 acre feet of the 3,000 acre-foot first fill of 70 Ranch Reservoir absolute. Water stored in ACWWA's 70 Ranch Reservoir can be exchanged up the confluence of the South Platte and Cache la Poudre, and from there up the Cache la Poudre. We recommend filing a statement of opposition to ensure that the water being claimed as absolute has been diverted and stored in the quantities claimed and Applicant is using the water consistent with the terms of its decree.
3. **Case Number: 23CW3078:** Applicant, the Handy Ditch Company is seeking to make Welch Reservoir an alternate point of storage for Hertha Reservoir. Sources for Hertha Reservoir: Knaus Creek, Dry Creek, tributaries to the Big Thompson. Hertha Reservoir is decreed for 2,729 acre-feet. Pursuant to the application, water delivered to Hertha Reservoir under the Hertha Reservoir Rights may continue to be stored in Hertha or may be delivered via Hertha Reservoir to Welch Reservoir for storage and use within the Handy Ditch System for the presently decreed uses. Applicant does not seek a change in point of diversion, type of use or place of use for the Hertha Reservoir Rights. We recommend filing a statement of opposition to ensure terms and conditions that will protect Greeley's interests in the GLIC system.
4. **Case Number: 23CW3079:** Application by Bryant and Kelsey Mundt claiming a 2019 storage right of 80.4 acre feet with one refill in Mundt Reservoir. The source of the water is seepage from the Larimer County Canal and surface inflows from precipitation that would otherwise accrue to the Poudre. Applicants are also claiming a plan for augmentation to replace out of priority depletions caused by the reservoir using water leased from the Lake Canal Reservoir Company. We recommend filing a statement of opposition to protect Greeley's water rights from injury due to out of priority depletions from this project.

Vice Chairman Todd moved that the Board authorize filing statements of opposition in Case Nos. 23CW3074, 23CW3075, 23CW3078 and 23CW3079, and for staff and legal counsel to seek resolution of issues raised by these cases consistent with Water and Sewer Board Resolution No. 3-15. Ms. Witt-Brown seconded the motion. The motion carried 6-0.

10. Director's Report

City of Greeley
Water and Sewer Board

August 16, 2023
Board Minutes

Sean Chambers provided the Water and Sewer Board a brief update on the following items of water utilities policy interest:

1. Water industry events
 - a. Colorado Water Congress Annual Meeting– Aug. 23rd-25th
 - b. Statewide C9 Roundtable Summit – Nov. 14th
 - c. Colorado River Water User Association Annual Meeting – Dec. 13th-15th
 - d. Water Literate Leaders 2023-2024 cohort selections include several from Greeley
2. Financial Memorandum
 - a. Mr. Chambers noted that this summer had been a particularly wet year, which started with a good snow pack, plenty of water supply and which has been characterized by very low demand for irrigation water. While the city's water utility plans conservatively for revenues, this extremely wet summer has impacted rate revenue beyond expectations.
3. NCWCD Board Vacancy for Larimer County
4. Monthly W&S Utility Charts

Chairman Evans asked for a brief update on the Citizen's Tour. Leah Hubbard, Water Resource Operations Manager came to the podium and spoke about the locations that were visited, and she noted that the people who attended really enjoyed the tour and felt like it could have been a little longer. Residents especially appreciated the Wastewater Treatment Plant and Boyd Water Treatment Plant infrastructure visits. The tour started at 8:30 am and went to 1 pm. Next year's plans are to consider two Greeley Evans Transit (GET) buses and try and schedule the tour for around 6 hours.

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

No other business was brought before the Board.

12. Adjournment

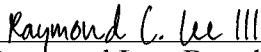
Chairman Evans adjourned the meeting at 3:31 pm.

DocuSigned by:

9A5B7210-4000-4000-4000-4000-4000
Harold Evans, Chairman

City of Greeley
Water and Sewer Board

August 16, 2023
Board Minutes

DocuSigned by:

Raymond Lee, Board Secretary