



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 , Interim W&S Office Manager

ON BEHALF OF (If applicable):

Initials of above: ____ *(Must be first in signing order)*

RE: September 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>10/19/22</u>	☐ Other _____ Date: _____
--	--	---

Contract Amount: N/A (if applicable)

**City of Greeley
Water and Sewer Board
Minutes of September 20, 2023
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, September 20, 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, Joseph Murphy, Deputy City Manager Donald Tripp on behalf of City Manager Raymond Lee, Robert Miller Division Treasurer on behalf of Interim Director of Finance

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, Chief Engineer Adam Prior, 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, Water Conservation Manager Dena Egenhoff, Water Resource Planning Manager Kelen Dowdy, Plans Examiner Derek Hannon, Water Resource Administrator II Sam Harshbarger, Civil Engineer IV Jim Paulson, Rates and Budget Analyst Virgil Pierce

Legal Counsel:

Senior Environmental and Water Resources Attorney Dan Biwer (joined virtually), Environmental and Water Resources Attorney I Arthur Sayre

Guests:

Councilmember Deb DeBoutez, James Sutherland from Wingfoot

2. Approval of Minutes

Mr. Miller made a motion, seconded by Mr. Sisneros to approve the August 16, 2023 Water and Sewer Board meeting minutes. The motion carried 6-0.

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. Approval of the Lowell Property Hunting License

Alex Tennant discussed The City of Greeley owns the Lowell Property consisting of approximately 135 acres spread across 5 parcels. The hunting license utilizes the eastern portion of parcel B which consists of approximately 55 acres. After Water & Sewer purchased the Lowell property in 2021, the licensee reached out to staff about hunting waterfowl on the property. W&S has determined that until the City of Greeley identifies a location and begins construction on city facilities within parcel B, hunting on this property can be permitted at this time. The lessee has been hunting at the location outlined in the lease for over 15 years and has maintained a good relationship and operation since they began hunting on the property.

Board members expressed safety concerns about hunting in the area. Staff indicated that the terms of the license are intended to address those concerns, and that Licensees have coordinated with Colorado Parks and Wildlife in the past to ensure hunting on this parcel can be done safely.

Mr. Miller moved that the Board approve the Hunting License Agreement in the form enclosed and delegate authority to the Director of Water and Sewer or his designee to renew the agreement in the future, provided the material substance remains unchanged. Mr. Murphy seconded the motion. The motion passed 6-1.

6. Introduction to Water Development Code Policy Adjustments

Erik Dial and Derek Hannon discussed with the Water and Sewer Board conceptual changes to Title 20 of the Municipal Code. Most of the changes proposed are aligning code with current practices and procedures. In addition, staff are proposing a limited number of changes to the raw water requirements and plant investment fee calculations with the intent of refining those calculations for variable lot sizes and development types. With recent revisions to the development code, staff believe adjustments are needed ensure adequate raw water and plant investment fees are paid equitably by all types of new development. These policy concepts are presented for the Board's review, deliberation, and feedback prior to modification to the existing code. Staff discussed the proposed changes to the water development code, shared analysis and collected Board feedback. The Board had several questions regarding the fees and if the city is collecting the appropriate fees for various development types and lot sizes. Staff will reevaluate the processes and will present additional data to the Board at a future meeting. drafting

Board member Tony Miller departed early, leaving the meeting at 3:13 p.m.

7. 60" Bellvue Transmission Pipeline and FEMA BRIC Grant Update

Adam Prior and Virgil Pierce presented an update to the Board on the progress and status of the 60" Bellvue Potable Water Transmission Pipeline and recent notice of award of the \$13.8M FEMA Building Resilient Infrastructure and Communities (BRIC) grant.

8. Water Court Update

Sam Harshbarger discussed the city's water resources protection activities in Water Court. Ms. Harshbarger presented that in the second trimester, Greeley filed two (2) statements of opposition in cases where Greeley will seek to protect its water rights, and stipulated out of 4 cases where the decree terms were satisfactory for the protection of Greeley's decrees. Thus far in 2023, city Water Court legal costs have equaled \$296,718 and the related water resources engineering costs equaled \$113,702 for a total annual cost of \$410,420.

9. Legal Report

Dan Biwer presented (virtually) the legal report on behalf of James Noble, outside counsel for the Greeley Water & Sewer Board and based on review of the July 2023 Water Division 1 Resume, staff and water counsel recommended that the Water and Sewer Board authorize filing statements of opposition to the following water court applications that would be due at the end of September, 2023:

1. **Case No. 23CW3082:** Applicant, "Sky Corral," is seeking a finding of reasonable diligence and to make a portion of a conditional water right absolute for a small capacity well that is covered by an augmentation plan. The application claims to make 5 gpm absolute out of a total of 30 gpm. Staff recommends participating in this case because the applicant has a lease with Greeley to provide the replacement supply for the augmentation plan. Greeley will participate in this case to ensure that the claim ed operations are consistent with the terms of the lease.
2. **Case No. 23CW3084:** Applicant, the City of Evans, is seeking to change the use of six shares in the Greeley & Loveland Irrigation Company ("GLIC") for use in Evans' potable and non-potable municipal water systems. Applicant intends to follow the systemwide analyses for GLIC shares as set out in previous GLIC decrees, including 96CW958, 03CW314, and 08CW175, as well as the settlement agreement in Case No. 18CW3042, to which Greeley was a party. Staff recommends participating in this case to protect Greeley's extensive interests in the GLIC system and to ensure that the settlement agreement is applied appropriately.

City of Greeley
Water and Sewer Board

September 20, 2023
Board Minutes

Mr. Murphy moved that the Board authorize filing statements of opposition in Case Nos. 23CW3082 and 23CW3084, 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. Vice-Chairman Todd seconded the motion. The motion carried 6-0.

10. Director's Report

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

1. Water Literate Leaders program <https://watercenter.colostate.edu/wll/>
2. Greeley Wastewater Treatment Nitrification Phase 2 Ribbon Cutting
 - a. October 6, 2023 | 10 a.m. at 300 E. 8th Street, Greeley, CO 80631
 - b. Ribbon Cutting with City leadership and Greeley Chamber of Commerce
3. City of Greeley and Colorado Water Industry Education and Advocacy Events Calendar
 - a. South Platte Basin Roundtable – Sept. 12th at SW Weld Co. Building
 - i. <https://www.southplattebasin.com/>
 - b. Colorado Water Conservation Board (CWCB) fall meeting – 9/20 – 9/21/23
 - i. In person at The Steam Plant Event Center with virtual meeting broadcast
 - ii. <https://cwcb.colorado.gov/board-meetings>
 - c. Interbasin Compact Committee (under CWCB) – Oct. 19th
 - d. Upper Colorado River Water Forum - Oct. 30-31st
 - i. Colorado Mesa University in Grand Junction, CO.
 - ii. <https://www.coloradomesa.edu/water-center/events.html>
 - e. South Platte Basin Water Forum – November 30th
 - i. Aims Community College Welcome Center – Greeley, Colorado
 - ii. <https://www.southplatteforum.org/>
 - f. CWCB's C-9 Statewide Water Basins Roundtable Summit – November 14 - 15th
 - g. Colorado River Water User Association (CRWUA) Annual Meeting – Dec. 13 – 15th
 - i. <https://www.crwua.org/welcome.html>
 - h. Colorado Water Congress Annual Meeting & Legislative Breakfast – Jan. 31- Feb 2nd
 - i. Aurora-Denver Hyatt Conference Center
 - ii. <https://www.cowatercongress.org/advocacy/>
 - i. Virtual re-broadcast of CWCB Drought Summit (5/31-6/1) is available for viewing at:
 - i. <https://engagecwcb.org/drought-summit>

City of Greeley
Water and Sewer Board

September 20, 2023
Board Minutes

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 3:36 pm.

DocuSigned by:

Harold Evans

9A5B7210-42A4-445D-

Harold Evans, Chairman

DocuSigned by:

Raymond C. Lee III

Raymond Lee, Board Secretary