

**City of Greeley
Water and Sewer Board
Minutes of October 18, 2023
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, October 18, 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

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, Water Resource Administrator III Matt Sparacino, Plans Examiner Derek Hannon, Water Resource Administrator II Sam Harshbarger, Civil Engineer IV Jim Paulson, Rates and Budget Analyst Virgil Pierce, Communication Specialist II Cory Channell, Source Water Supply Manager Cole Gustafson, Water Efficiency Resource Coordinator Margarita Padilla-Pizarro

Legal Counsel:

Supervising Senior Environmental & Water Attorney Jerrae Swanson, Senior Environmental & Water Resources Attorney Dan Biwer, Environmental and Water Resources Attorney I Arthur Sayre, Counsel to Water & Sewer Board Attorney Jim Noble

Guests:

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

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2. Approval of Minutes

Mr. Miller made a motion, seconded by Ms. Witt-Brown to approve the September 20, 2023 Water and Sewer Board meeting minutes. The motion carried 7-0.

3. Approval of Agenda

Item Number 5 (Trails Master Plan Update (CPRD)) was removed from the agenda as the person presenting this item was unable to attend the meeting.

4. Welcome New Employees and Promotions

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

5. CIP Update

Adam Prior gave updates on the following projects: Peterson Dam, treated water reservoir, distribution system rehab, 71st Ave water distribution repair, lead service line inventory and replacement, non-potable water expansion, Terry Ranch water pipeline, Hwy 257 Tunnel installation, sewer projects, nitrification project phase II.

Council member Deb DeBoutez joined the meeting at 2:26 pm

6. Water Development Code Policy

Erik Dial discussed proposed changes to Title 20 of the Municipal Code. Most of the changes proposed are aligning code with current practices and procedures but staff is proposing a limited number of changes to fees charged that deserve Board deliberation. Staff discussed the changes to the material that was presented to Board in September. Staff will provide additional details to the Board in November.

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.

The following staff and guests left the meeting at 3:09 pm: Crystal Sanchez, Sam Harshbarger, Jim Paulson, Derek Hannon, Virgil Pierce, Matt Sparacino, Cory Channell, Margarita Padilla-Pizarro, Dena Egenhoff, James Sutherland, Deb DeBoutez.

8. Executive Session

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Chairman Evans moved that the Board hold an executive session to address the following matters as provided by C.R.S. §24-6-402(4)(a), (b), and (e) and Greeley Municipal Code Sec. 2-151 (a) (1), and (5):

1. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators in potential water acquisitions based on the current water market.

The motion was seconded by Joe Murphy. The motion carried 7-0.

Present during Executive Session were:

Chairman Harold Evans, Vice Chairman Mick Todd, Tony Miller, Manuel Sisneros, Cheri Witt-Brown, Joe Murphy, Fred Otis, Emeritus Robert Ruyle, Director Sean Chambers, Deputy City Manager Don Tripp, Water Supply Manager Cole Gustafson, Supervising Senior Environmental & Water Attorney Jerrae Swanson, Senior Environmental & Water Resources Attorney Dan Biwer, Environmental and Water Resources Attorney I Arthur Sayre, Counsel to Water & Sewer Board Attorney Jim Noble, Deputy Director of Water Resources ty Bereskie, Deputy Director of Utility Finance and Customer Service Erik Dial, Chief Engineer Adam Prior, Water Resource Administrator II Alex Tennant, Water Resource Operations Manager Leah Hubbard, Water Resource Planning Manager Kelen Dowdy, Office Manager Gigi Allen

This executive session was authorized by Subsection(s) (a) and (e) of Section 24-6-402(4) of the Colorado Revised Statutes, and Subsection(s) (1) and (5) of Section 2-151 (a) of the Greeley Municipal Code.

The Executive Session ended at 3:35 pm.

Crystal Sanchez rejoined the meeting at 3:36 pm

9. Legal Report

Mr. Noble presented this month's legal report. He reported that, based on a review of the July, 2023 Water Division 1 Resume, staff and water counsel recommend 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 October, 2023:

1. **Case No. 23CW3100:** Applicant, Hartford Investments, LLC, is seeking to change 12.83 shares of stock in the Lake Canal Ditch Company, for use at a new 570 acre residential community north of Windsor named "Prairie Song." The Lake Canal is a senior ditch that diverts from the north side of the Cache la Poudre River in Fort Collins. Legal counsel and staff recommends participating in this case to ensure that the changed water rights are properly quantified and to protect Greeley's water rights from injury.

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2. **Case No. 23CW3104:** Applicants, Fort Collins-Loveland Water District and East Larimer County Water District, are seeking to change the point of diversion, place, and purpose of use for 9.5794 shares in the New Mercer Ditch Company. The applicants seek to use the water rights for municipal purposes in their service areas. Legal counsel and staff recommends participating in this case to ensure that the changed water rights are properly quantified and to protect Greeley's water rights from injury.

Vice Chairman Todd moved that the Board authorize filing statements of opposition in Case Nos. 23CW3100 and 23CW3104, 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. Murphy Seconded the motion. The motion carried 7-0.

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. Distribution of bound final IWRP – Integrated Water Resources Plan.
2. Becky Mitchel's appointment to lead the state's Interbasin Compact Committee
 - a. Opportunity to align IBCC work and expertise with Colorado River Commissioner priorities on the upcoming renegotiations of the Interim Guidelines for Lower Basin Shortages and Coordinated Operations of Lake Powell and Lake Mead.
 - i. Sean Chambers is the South Platte Basin alternate to the IBCC backing up Jim Yahn of North Sterling and Sean Cronin of Left Hand – St. Vrain Conservancy District.
3. City of Greeley and Colorado Water Industry Education and Advocacy Events Calendar
 - a. **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>
 - b. **CWCB's C-9 Statewide Water Basins Roundtable Summit** – November 14th
 - c. **Northern Colorado Water Conservancy District's Fall Symposium** – Nov. 15th
 - i. Embassy Suites – Loveland, CO
 - ii. <https://www.northernwater.org/NorthernWaterevents>
 - d. **Colorado Ag Water Alliance Agricultural Water Summit** – Nov. 17-18th
 - i. Larimer Co. Fairgrounds, Loveland, CO
 - ii. <https://www.coagwater.org/summit>
 - e. **West Greeley Conservation District Ag Symposium** – Nov. 29 – 30th
 - i. Island Grove Park, Greeley
 - ii. <https://www.wgcd.org/>

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- f. **South Platte Basin Water Forum** – November 30th
 - i. Aims Community College Welcome Center
 - ii. <https://www.southplatteforum.org/>
- 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/>

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 3:51 pm.

DocuSigned by:

Harold Evans

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Harold Evans, Chairman

DocuSigned by:

Raymond C. Lee III

Raymond Lee, Board Secretary