

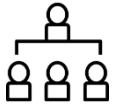
Water and Sewer Board

Regular Meeting

City Council Chambers – City Center South

1001 11th Avenue – Greeley, Colorado

January 17, 2024 at 2:00 p.m.



Regular meetings of the Water and Sewer Board are held **in person** on the 3rd Wednesday of each month in the City Council Chambers, 1001 11th Avenue, Greeley, Colorado.



Members of the public may attend and provide comment during public hearings.



Written comments may be submitted by US mail or dropped off at the

Water and Sewer office located at 1001 11th Avenue, 2nd Floor, Greeley,



CO 80631 or emailed to wsadmin@greeleygov.com. All written

comments must be received by 10:00 a.m. on the date of the meeting.

Meeting agendas and minutes are available on the City's meeting portal at [Greeley-co.municodemeetings.com/](https://greeley-co.municodemeetings.com/)

IMPORTANT – PLEASE NOTE

This meeting is scheduled as an **in-person session only**. If COVID, weather, or other conditions beyond the control of the City dictate, the meeting will be conducted virtually and notice will be posted on the City's MuniCode meeting portal by 10:00 a.m. on the date of the meeting (<https://greeley-co.municodemeetings.com/>).

In the event it becomes necessary for a meeting to be held virtually, use the link below to join the meeting. Virtual meetings are also livestreamed on YouTube at <https://www.youtube.com/CityofGreeley>.

For more information about this meeting or to request reasonable accommodations, contact the administrative team at 970-350-9801 or by email at wsadmin@greeleygov.com



January 17, 2024 at 2:00 PM
1001 11th Avenue, City Center South, Greeley, CO 80631

Agenda

1. Roll Call

	Chairman Harold Evans		Vice Chairman Mick Todd
	Ms. Cheri Witt-Brown		Mr. Fred Otis
	Mr. Joe Murphy		Mr. Tony Miller
	Mr. Manuel Sisneros		Mayor John Gates
	Mr. Raymond Lee		Ms. Debbie Reid
2. Approval of Minutes
3. Approval of the Agenda
4. Welcome New Employees and Promotions
5. Election of Officers
6. Recommend City Council Adopt an Ordinance Amending the Municipal Code Regarding Water and Sewer Service
7. Recommend City Council Adopt an Ordinance Amending the Municipal Code Regarding Domestic and Agricultural Wells
8. Terry Ranch Project Update
9. Annual Water Court Update
10. Legal Report
11. Director's Report
12. Such Other Business That May Be Brought Before the Board Added to This Agenda by Motion of the Board.
13. Adjournment



If, to effectively and fully participate in this meeting, you require an auxiliary aid or other assistance related to a disability, please contact the Water and Sewer Department at 970-350-9801 or wsadmin@greeleygov.com

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

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, December 20, 2023.

1. Roll Call

The Clerk called the roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Cheri Witt-Brown, Tony Miller, Joseph Murphy, Manuel Sisneros, and Mayor Gates, Interim Director of Finance Debbie Reid joined virtually

Water and Sewer Department staff:

W&S Director Sean Chambers, Deputy Director Water Resources Ty Bereskie, Deputy Director of Utility Billing and Customer Service Erik Dial, Chief Engineer Adam Prior, Administrative Assistant III Crystal Sanchez, Office Manager Gigi Allen, Rates and Budget Analyst Virgil Pierce, Water Resource Operations Manager Leah Hubbard, W&S Intern I Alex Merklein, Water Resource Administrator II Sam Harshbarger, Water Efficiency Resource Coordinator Margaria Padilla, Water Conservation Manager Dena Egenhoff, W&S Intern Adam Schofield, Water Resource Administrator III Matt Sparacino, Communication Specialist II Cory Channell, Water Resource Administrator II Megan Kramer

Legal Counsel:

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

Guests:

Emeritus Robert Ruyle, Council member Deb DeBoutez, James Sutherland with Wingfoot, Deputy Director of Community Development Don Threewitt

2. Approval of Minutes

Vice Chairman Todd made a motion, seconded by Mr. Murphy, to approve the November 15, 2023 Water and Sewer Board meeting minutes. The motion carried 7-0.

3. Approval of the Agenda

Director Sean Chambers advised the Board that the Agenda Summary for the 2024 Board meeting dates had to be revised because the date for November 2024 was incorrect in the Board Packet. The correct date was provided on an updated Agenda Summary.

At the end of the meeting the Board noted that the corrected date for November was mistyped by one day. The Board agreed that the correct date for the November 2024 meeting is November 20, 2024.

4. Welcome New Employees and Promotions

Sean Chambers provided an introduction of new Water and Sewer Department employees starting this month as well as announced department promotions.

5. 2024 Board Meeting Dates

Mr. Miller moved to approve the Water and Sewer Board meeting dates and Mr. Otis seconded the motion. The motion carried 7 – 0.

6. Development Code Water Policy Update

Erik Dial discussed with the Water and Sewer Board proposed changes to Title 20 of the Municipal Code. Most of the changes proposed are intended to more closely align the 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 what was presented to the Board monthly since September and asked for additional feedback. Additionally, Community Development leadership was introduced and discussed with the Board the development trends impacting Greeley and Northern Colorado.

Water Resource Administrator II Alex Tennant joined the meeting at 2:42 pm

7. Approve 2024 Rates and Fees Resolution

Virgil Pierce went over the water and sewer rates and fees that were developed in response to the 2024 budget that the Board recommended to the City Manager at the July 2023 meeting.

Vice Chairman Todd moved that the Board approve the Resolution to Adopt Rates, Fees, and Charges for Water and Sewer Services in 2024. Mr. Murphy seconded the motion. The motion carried 7-0.

Don Tripp joined the meeting at 3:04 pm.

8. W&S Technology Enablement Initiatives Update

Staff provided presentations updating the board on technology enablement efforts staff are leading or engaging in.

9. Watershed and Wildfire Recovery Projects Update

Matt Sparacino highlighted watershed health and wildfire recovery initiatives undertaken this past year. These initiatives include post-fire point mitigation projects completed at Kyle Gulch and Sevenmile Creek, both in the Poudre River watershed. Increased post-fire erosion continues to negatively affect water quality in all four of Greeley's source watersheds (Poudre River, Big Thompson River, Upper Laramie River, and Colorado River). Matt summarized how Greeley and partners are funding, designing, and implementing projects to address post-fire issues. Additionally, staff highlighted recent collaboration between Greeley and regional stakeholders related to watershed health and fire recovery.

Adam Prior left the meeting at 3:36 pm

Jerrae Swanson left the meeting at 3:54 pm

James Sutherland, Kelen Dowdy, Margarita Padilla, Dena Egenhoff and Adam Schofield left the meeting at 3:57 pm

10. Legal Report

Mr. Noble provided the Legal Report. Based on review of the October 2023 Water Division 1 Resume, he recommended that the Water and Sewer Board file statements of opposition to the following water court applications that would be due at the end of December 2023:

1. **Case No. 23CW3137:** Applicant, City of Fort Collins Natural Areas Department, is seeking a finding of reasonable diligence and to make water rights absolute for eight separate ponds along the Cache la Poudre River. The application also involves diligence on an exchange water right using water released from some of the ponds. Mr. Noble recommended participating in this case to ensure that the claimed absolute amounts are properly quantified and to protect Greeley's water rights from injury.
2. **Case No. 23CW3138:** Applicant, the Town of Eaton, seeks a decree for water rights for two wells and a plan for augmentation for those wells. The applicant proposes to use water supplied by contract with the City of Greeley as the replacement source for the augmentation plan. Mr. Noble recommended participating in this case to ensure that any decree that is entered in this case is consistent with applicant's contract with Greeley and to protect Greeley's water rights from injury.

Mr. Murphy moved that the Board authorize filing statements of opposition in Case Nos. 23CW3137 and 23CW3138, 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. Mr. Miller seconded the motion. Motion carried 7-0.

11. Director's Report

Sean Chambers provided a summary overview of several items of Board interest:

1. City of Greeley and Colorado Water Industry Education and Advocacy Events Calendar
 - a. **Colorado Farm Show** – January 23 – 25th at Island Grove Regional Park, Greeley
<https://coloradofarmshow.com/>
 - b. **Colorado Water Congress Annual Meeting & Legislative Breakfast** – Jan. 31- Feb 2nd at Aurora-Denver Conference Center
<https://www.cowatercongress.org/advocacy/>
 - c. **Subsurface Water Storage Symposium by CSU Water Center** – Feb. 22nd and 23rd, 2024 at CSU Spur Campus Confluence Theater, Denver
<https://watercenter.colostate.edu/ssws/> Presentation on Terry Ranch Aquifer Storage & Recovery (ASR)
 - d. **AWWA and WEF have established The Utility Management Conference™** - February 13 – 16th,
<https://www.awwa.org/Events-Education/Utility-Management>
2. Terry Ranch and Windy Gap Firing Chimney Hollow Project Updates – *Attached*.
3. Update on Colorado River Task Force work and Overview of Colorado River Water Users Association annual meeting
 - a. Colorado River Drought Task Force drafting a report and recommendations for the Colorado General Assembly: more at: <https://crodroughttaskforce.com/>
 - b. Events taking place in the run up to the US BoR and 7 Colorado River Basin states renegotiating interim operational guidelines to address the operations of Lake Powell and Lake Mead during drought and low reservoir conditions.
 - c. Colorado and the Upper Basin States have maintained strict compliance with the 1922 Colorado River Compact and continue to live within our hydraulic limits
 - d. Greeley's municipal water portfolio is ~ 45% Upper Colorado River Basin resources.
 - e. NCWCD has key staff and legal counsel assigned to participating, monitoring and advocating in support of Colorado's Commissioner Becky Mitchel

12. No other business was brought before the Board.

13. Adjournment

Chairman Evans adjourned the meeting at 4:02 p.m.

Harold Evans, Chairman

Raymond Lee, Board Secretary



Water & Sewer Agenda Summary

January 17, 2024

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Welcome New Employees and Promotions

Summary:

New Hires: Delbert Gfeller – Laborer, Bellvue WTP

Promotions: Crystal Sanchez – Water Enterprise Financial Analyst

Recommended Action:

Informational only

Recommended Motion:

N/A

Attachments:

None



Water & Sewer Agenda Summary

January 17, 2024

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Election of Officers

Summary:

In accordance with carrying out its governmental duties, the Greeley Water & Sewer Board elects officers annually based upon guidance in the Greeley City Charter, Sec. 17-3. - Water and Sewer Board, organization.

There shall be a Water and Sewer Board which shall consist of ten (10) members. The Mayor, City Manager and Director of Finance shall be nonvoting members of said Board. There shall be seven (7) members appointed by the City Council for terms of five (5) years. Any vacancy shall be filled for the unexpired term of any member whose place has become vacant. The Board shall annually elect one (1) of the appointive members as chair, and one (1) as vice chair. The City Manager shall serve as secretary to the Water and Sewer Board.

Recommended Action:

N/A

Recommended Motion:

N/A

Attachments:

None



Water & Sewer Agenda Summary

January 17, 2024

Key Staff Contact: Erik Dial, Deputy Director of Utility Finance

Title:

Recommend City Council Adopt an Ordinance Amending the Municipal Code Regarding Water and Sewer Service

Summary:

Over the last several months, staff has presented to the Water and Sewer Board proposed changes to Title 20 of the Municipal Code. Most of the changes to city code were aligning code with current practices and procedures but staff did propose a limited number of changes to fees and tap configuration that needed Board input. Staff has incorporated Board's feedback within the code changes and fee modifications and is seeking Board approval.

Recommended Action:

Approve and recommend that City Council adopt the associated changes to the Greeley Municipal Code in the form of the enclosed ordinance.

Recommended Motion:

Motion language will be provided at the Board meeting.

Attachments:

1. Water Dev Code Approval
2. 2024.01.10 W and S Dev Code-Draft Ordinance



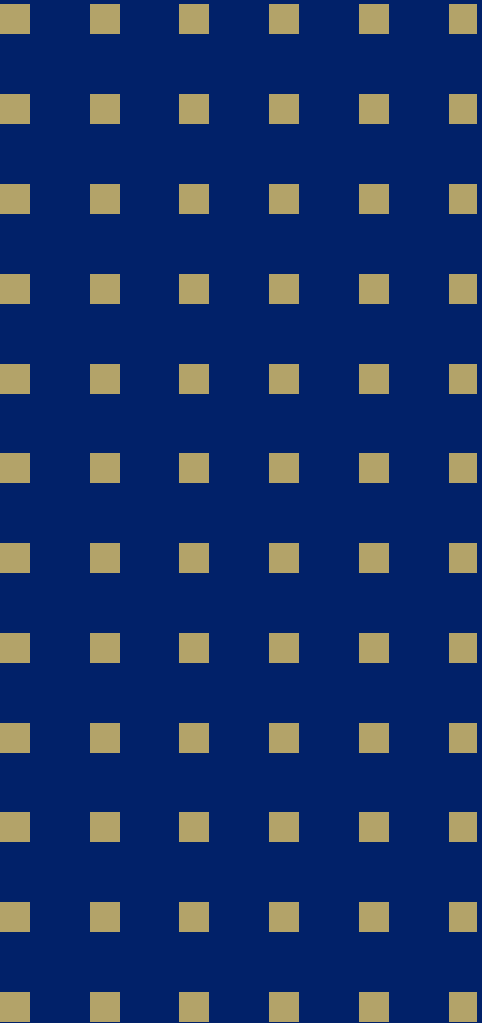
Municipal Code Title 20 – Approve and Recommend to City Council

**Water & Sewer Board
January 17, 2024**

Agenda



- Review code changes
- Raw Water Dedication
- Plant Investment Fees
- Path forward

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Code Revisions



Code Cleanup Items

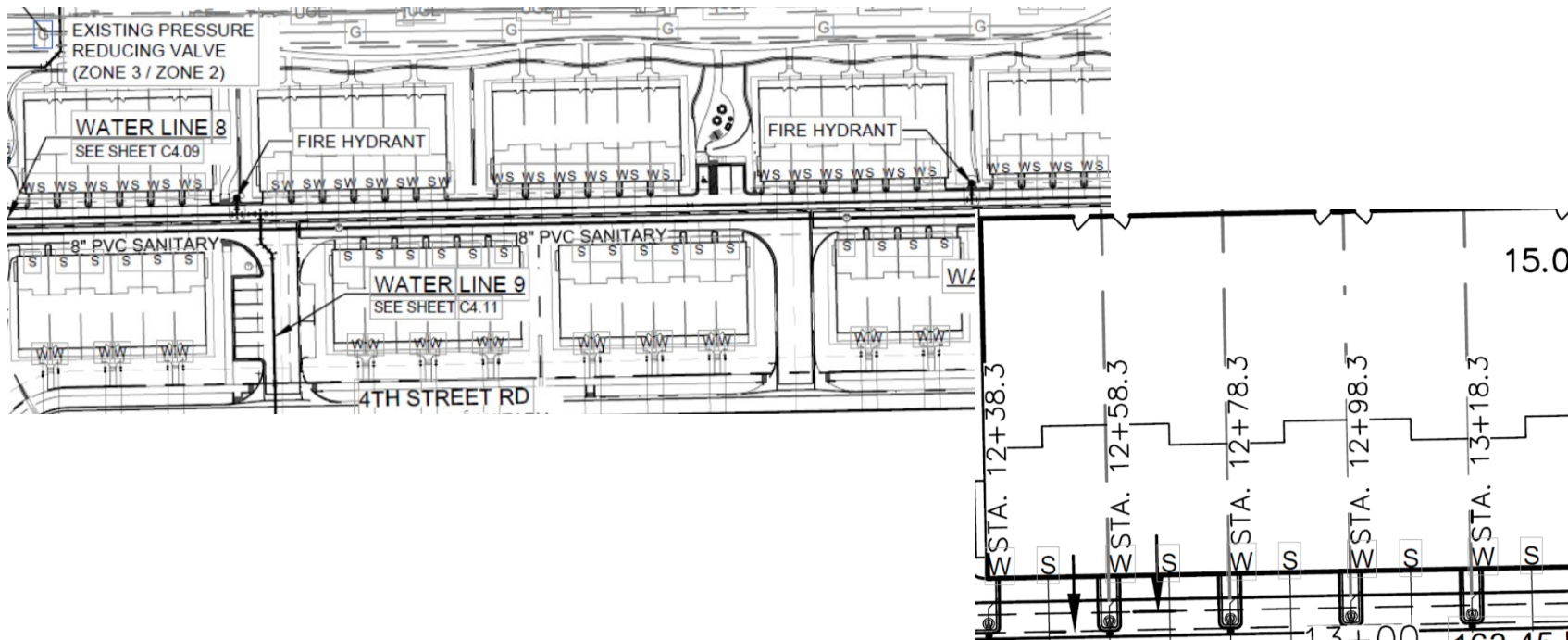
- Clarified signature responsibilities
- Raw Water credit and surcharge administration
 - Credits determined by when the tap was installed – aligning raw water requirements at that time with the credit given
- Updated water and sewer requirements to match the updated Development Code (Title 24)



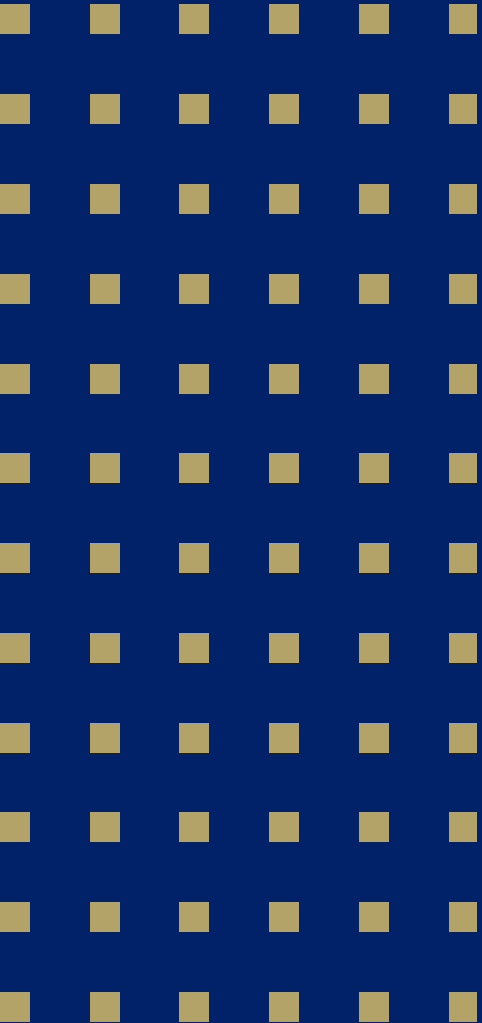
Code Cleanup Items

- Defined how connections to public sewer occur when a property's septic fails and they are within 400 feet of a main
- Updated code to account for private fire hydrants and provided a requirement to make them public when redevelopment occurs

Code Cleanup - Tap & Service Configurations



- Aligned water code with development code language for water service configurations
- Modifying Water PIF to limit the financial disincentive for separate lots in dense development
 - Encourages ownership
 - Better for billing and collections

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Raw Water Dedication

Minimum Water Dedication



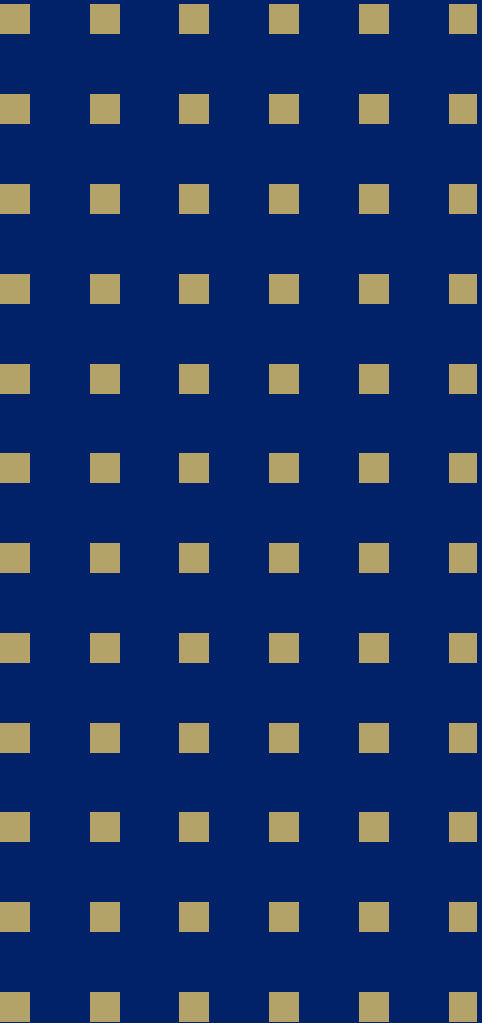
- 3 acre feet/acre criteria does not collect enough raw water for small lots
- Change minimum water dedication for a single-family tap set to 60,000 gallons
- Any lot with a private non-potable system must dedicate at least this minimum amount
- This will not lead to decreased water dedication for any size of lot, only increases.



Large Lot Raw Water Dedication

- Redefine what a large lot is
 - Reduce large lot definition to 0.5 acre or more
 - Any lot 0.5 acre or more dedicates 1.5 acre feet

Lot Size	Raw Water Required (AF)
0.5 acre lot – developed space irrelevant	1.50
0.33 Acres	0.99
0.75 Acres	1.50
2.50 Acres	1.50

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Plant Investment Fees

Plant Investment Fees

Residential Lot Type	Lot Size (s.f.)	Potable Irrigation	Common Space Non-Potable	House to House Non-Potable
Row House	>1000 s.f.	50%	50%	50%
Small Format	1,500-3000 s.f.	50%	50%	50%
Small Lot	3,000-4,500 s.f.	60%	60%	50%
Medium Lot	4,500-6,000 s.f.	70%	70%	50%
Standard Lot	6,000-13,000	100%	75%	50%
Estate Lot	>13,000	100%	100%	50%

Plant investment fee schedule included in annual rate resolution

Recommendation

- Staff recommends that the Water and Sewer Board approve and recommend that City Council adopt the associated changes to the Greeley Municipal Code in the form of the enclosed ordinance.

Future Steps



- Code changes to City Council February 20 (1st Reading) and April 2 (Final Reading)
- Sewer PIF study with rate consultant in 2024
- Graduated Water PIF revisions included in 2024 Rate Resolution Amendment – February W&S Board Meeting

Thank you



CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2024

**AN ORDINANCE AMENDING TITLE 20, CHAPTERS 2, 3, AND 5 OF THE GREELEY
MUNICIPAL CODE RELATING TO WATER AND SEWER SERVICE**

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, inter alia, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board ("Board") to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, various Sections within Title 20 of the Greeley Municipal Code set forth the requirements and regulations related to the initiation and use of water and sewer services from the City; and

WHEREAS, City Water and Sewer staff and legal counsel previously prepared and presented to the Board various corrections and modifications to Title 20 that relate to the initiation and use of water and sewer service based on recommended policy changes; and

WHEREAS, after receiving and incorporating its feedback, City Water and Sewer staff and legal counsel presented Appendix A, attached hereto and incorporated herein, on [date] to the Board and the Board approved and recommended City Council adopt the same.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY,
COLORADO:**

Section 1. That Section 20-19 contained in Chapter 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 2. That Section 20-87 contained in Chapter 3 Article II of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 3. That Section 20-88 contained in Chapter 3 Article II of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 4. That Section 20-120 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 5. That Section 20-121 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 6. That Section 20-154 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 7. That Section 20-159 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 8. That Section 20-160 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 9. That Section 20-161 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 10. That Section 20-251 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 11. That Section 20-252 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 12. That Section 20-253 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 13. That Section 20-254 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 14. That Section 20-257 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 15. That Section 20-260 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 16. That Section 20-261 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 17. That Section 20-262 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 18. That Section 20-263 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 19. That Section 20-264 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 20. That Section 20-267 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 21. That Section 20-269 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 22. That Section 20-295 contained in Chapter 3 Article IV Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 23. That Section 20-299 contained in Chapter 3 Article IV Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 24. That Section 20-322 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 25. That Section 20-323 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 26. That Section 20-324 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 27. That Section 20-326 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 28. That Section 20-327 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 29. That Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be relocated from Article V to Article IV as Division 3 and amended as shown on Appendix A.

Section 30. That Section 20-355 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 31. That Section 20-361 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 32. That Section 20-365 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 33. That Section 20-665 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 34. That Section 20-666 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 35. That Section 20-667 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 36. That Section 20-668 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 37. That Section 20-670 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 38. Except as explicitly modified on Exhibit A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

Section 39. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2024

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
**ORDINANCE AMENDING TITLE 20, CHAPTERS 2,3, AND 5 OF THE GREELEY
MUNICIPAL CODE RELATING TO WATER AND SEWER SERVICE**

Section 1. That Section 20-19 contained in Chapter 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-19. ~~Enterprise defined~~ Definitions.

~~For the purposes of this chapter, the term "enterprise" means a government-owned business operated according to the accepted principles and procedures established by the governmental accounting standards board for an enterprise fund operation, authorized to issue its own revenue bonds and receiving under ten percent of annual revenue in grants from all state and local governments combined. The following words, terms, and phrases, when used in chapters 2 and 3 of this title, shall have the meanings ascribed to them in this section, except where otherwise defined in a specific article or the context clearly indicates a different meaning:~~

Building drain means the building and all of the plumbing and piping that conveys sanitary sewage from the building to a point five feet outside the foundation wall.

Building sewer means that portion of the sanitary sewer line that extends from five feet outside the foundation wall to the public sewer, including the sewer tap on the public sewer or other point of discharge.

Director, unless otherwise specified, means the director of the city water and sewer department or their authorized designee.

Discharge means any person that discharges or causes the discharge of domestic wastewater directly or indirectly to the publicly owned treatment works (POTW).

Enterprise means a government-owned business operated according to the accepted principles and procedures established by the governmental accounting standards board for an enterprise fund operation, authorized to issue its own revenue bonds and receiving under ten percent of annual revenue in grants from all state and local governments combined.

Individual (private) wastewater disposal system means a septic tank or similar self-contained receptacle or facility that collects and/or treats or otherwise disposes of domestic wastewater and which is not connected to the POTW.

Industrial wastewater or nondomestic wastewater means water carrying wastes from any process or activity of industry, manufacturing, trade, or business; from development of any natural resource; or from animal operations or contaminated stormwater or leachate from solid waste facilities.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Off-premises sewer means a gravity public sanitary sewer constructed to serve a property that is not contiguous to an existing sewer and which crosses other private property or properties. The term "off-premises sewer" does not include a sewer in the interior or on the perimeter of the property initially served.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agents or assigns. The term "person" includes all federal, state and local government entities.

Public sanitary sewer means a sewer in which all owners of abutting properties have equal rights, which is placed in a public right-of-way or dedicated easement, which was constructed according to city specifications for public sanitary sewers applicable at the time of its installation or accepted as substantially equivalent in writing by the city.

Publicly owned treatment works (POTW) means the treatment works as defined by section 212 of the Act (33 USC 1292) that is owned by the city. The term "publicly owned treatment works (POTW)" includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or nondomestic wastewater and any conveyances that carry such wastewater but excludes the building drain and building sewer.

Sanitary sewer means a pipe, conduit and appurtenances to which stormwaters, surface waters and groundwaters are not intentionally admitted, for the collection, transportation, pumping and treatment of domestic and nondomestic wastewater.

Storm sewer means a sewer designed to carry only stormwaters, surface runoff, street wash waters and drainage.

Stormwater means stormwater runoff, snow melt runoff and surface runoff and drainage.

Section 2. That Section 20-87 contained in Chapter 3 Article II of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-87. Appeals.

If ~~any person or entity~~ wishes to appeal any decision of the director ~~of water and sewer~~ pursuant to the provisions of this title, that person ~~or entity~~ shall file a written request with the director asking that the director's decision be reduced to writing and submitted for review by the water and sewer board, such review shall be considered as soon as reasonably possible. Appeals of decisions by the water and sewer board, excluding matters pertaining to the minimum water and sanitary sewer rates, shall be submitted in writing to the city clerk and considered by the city council.

Section 3. That Section 20-88 contained in Chapter 3 Article II of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-88. Violations; penalties.

Any person ~~or entity~~ convicted of violating any provision of this title related to the tapping of water or sewer mains, installing water service lines, meters, or other infrastructure, and taking and using water or sewer service through any of the same, shall be punishable as provided in chapter 9 of title 1 of this Code.

Section 4. That Section 20-120 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-120. Tapping for water without authority unlawful.

It is unlawful for any person ~~or entity~~ to make a service connection with any water pipe or main of the waterworks without authorization from the director ~~of water and sewer~~, or for any person ~~or entity~~ so authorized to install a tap or other service connection to the waterworks contrary to the provisions of this title.

Section 5. That Section 20-121 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-121. Certain water usage, turning on water unlawful.

(a) It is unlawful for any person ~~or entity~~ to use water through a tap or other service connection with any water pipe or main of the waterworks in a manner contrary to the provisions of this title.

(b) It is unlawful for any person ~~or entity~~ to turn on water service to a property, or to otherwise use water through a tap or other service connection to a property, when the director ~~of water and sewer~~ has directed that water service to such property be turned off.

(c) The director ~~of water and sewer~~ has the authority to designate water enforcement officials for the city.

Section 6. That Section 20-154 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-154. Service line failure; computation of charges.

If any person ~~or entity~~ discovers a leak or other failure in its service line, and the director ~~of water and sewer~~ finds that such leak or service line failure directly caused artificially elevated charges in a particular billing period, the ~~customer~~ person may be charged based upon its average consumption for the same period in the two years immediately preceding the leak or service line failure, and accordingly billed at the current rates.

Section 7. That Section 20-159 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-159. Extra charges for connections to public water; computation.

(a) ~~All~~Any persons ~~desiring requesting~~ water service for a buildings located on property abutting a public water line shall ~~be required to~~ pay an extra charge to reimburse the person that built the public water line if all of the following circumstances exist:

- (1) The section of the public water line ~~on which that abuts~~ the property ~~abuts~~ was constructed ~~in accordance with~~ according to city specifications and requirements and with prior approval by the city, at the expense of ~~one or more private~~ another persons;
- (2) The section of the public water line was constructed along the entire frontage of the property of the person ~~who~~ that paid for such construction;
- (3) The person ~~against whom the~~ to be assessed the extra charge ~~is to be assessed~~ applied for water service within ten years of the completion of the construction; and
- (4) The ~~building property~~ to be served with water service ~~is located on land which~~ was owned at the time of construction by a person ~~who~~ that did not participate in the cost of construction;
- (5) The person to be assessed the extra charge, or their predecessor in interest, was notified through certified mail by the person requesting reimbursement of the opportunity to share in the cost of constructing the public water line prior to such construction; and
- (6) A document was recorded against the property to be served that provides notice of the extra charge that may be assessed if the property receives future water service.

(b) If circumstances consistent with subsections (a)(1)-(6) above exist, an extra charge will be assessed. The amount assessed will be based on the section of public water line that abuts the subject property and calculated by prorating the construction cost, without interest or other charges, against the frontage of all property abutting the section of public water line involved.

Section 8. That Section 20-160 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code be renumbered and deleted/repealed as follows:

Sec. 20-1601. ~~Computation of extra charges~~ – Reserved.

~~As to each property for which water service is applied for, the extra charge with respect to that application for service will be computed with reference to the construction costs of the section of public water line on which the property abuts. In each case, the extra charge will be computed by prorating the construction cost, without interest or other charges, against the frontage of all property abutting on the section of public water line involved.~~

Section 9. That Section 20-161 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code be renumbered and amended to read as follows:

Sec. 20-1640. Private payment for public water; reimbursement.

~~Private-Any persons who that pays for the constructions of sections of a public water lines and who desire may request partial reimbursement for such payment shall deliver by submitting a written document request to the director of water and sewer setting forth. The request for reimbursement must be submitted within 12 months of the city's acceptance of the public water line and include documentation establishing: (i) the total construction cost, with including proof of payment, (ii) the frontage of the property abutting on the section of public water line involved, including the initial property served, and setting forth (iii) the name and address of an individual, bank or other organization~~the person authorized to receive payments from the city pursuant to this section. ~~The director may approve a request for reimbursement o~~Only if the public water lines was constructed by with prior approval of the director of water and sewer or designee and completed within 12 months of approval and in strict accordance with city standard specifications for water line construction will be considered for reimbursement. ~~The director may not consider or issue reimbursement for any section of the public water line that was constructed within the public right-of-way that abuts the initial property. As extra charges are paid to the city pursuant to sections 20-122 and 20-123 20-159, the city shall transmit such payments to such authorized individual, bank or other organization~~person. The city shall have no responsibility to see that such individual, bank or other organizationperson properly deals with such funds. The city shall not recognize any recipients or claimants other than the named individual, bank or other organizationperson.

Section 10. That Section 20-251 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-251. Initiation of water service; service commitment agreements.

- (a) Any person ~~or entity~~ seeking water service from the city shall make a request for such service within the associated land use or development application process required by title 24 of this Code. If the person ~~or entity~~ seeking water service is not pursuing a land use or development application, the request shall be made in writing to the director of water and sewer. It is unlawful for a person ~~or entity~~ to take and use water service from the city without first obtaining authorization from the director of water and sewer.
- (b) Requests for water service made through the land use or development application process required by title 24 of this Code shall be forwarded to the director of water and sewer. All requests for water service shall include the information necessary to determine all applicable fees and rates for such service. The director of water and sewer shall not authorize any such water service until all required information is received and all required fees are paid.
- (c) All applicants granted authorization for water service to nonresidential lots and residential lots with more than four units within the city limits shall execute a service commitment agreement to be recorded with the county clerk and recorder setting forth the details and parameters of the potable and non-potable components of such service, including the person ~~or entity~~ to whom which service is granted, the date upon which service shall commence, the specific location at which the tap(s) or service connection(s) shall be made, the permitted size of the tap(s) or service connection(s), a description of the property to which service will be provided, the permissible uses of water on the property, and the annual allotment associated with the water service.

(d) All applicants granted authorization for water service to large parcel single-family residential lots, as described in section 20-257, ~~that are required to install a separate and additional landscape irrigation tap and service line for the service of non-potable water~~ shall execute a service commitment agreement to be recorded with the county clerk and recorder setting forth the details and parameters of ~~the~~any non-potable component of such service, including the person ~~or entity to whom~~which service is granted, the date upon which service shall commence, the specific location at which the tap(s) or service connection(s) shall be made, the permitted size of the tap(s) or service connection(s), a description of the property to which service will be provided, the permissible uses of water on the property, and the annual allotment associated with the non-potable component of the water service.

Section 11. That Section 20-252 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-252. Taps and service lines required; potable and non-potable service.

(a) Except as provided in (a)(1) through (3) below, Each detached residential building, multi-unit residential building, and nonresidential building on a single lot shall be served by a minimum of one separate water tap and service line for the service of potable water. Buildings with mixed residential and nonresidential uses shall be served by separate potable water taps for the residential and non-residential components of the development.

(1) An accessory dwelling as defined under section 24-403(b) does not require a potable water tap and service line separate from the principal dwelling if it complies with all standards established under that section and any other requirement under title 24.

(2) A mobile home or similar small-format dwelling unit as defined under section 24-1301 does not require a potable water tap and service line separate from other units if all units sharing a potable water tap and service line are located within the same mobile home community, or other small format housing project, and comply with all standards and requirements established under title 24 for such communities or projects.

(3) A nonresidential accessory building or structure as defined under section 24-1301 does not require a potable water tap and service line separate from the primary nonresidential building or structure if it complies with all standards and requirement under title 24.

(b) A separate and additional landscape irrigation tap and service line shall be required for the service of non-potable water to all residential detached estate lots with an area of 13,000 square feet or more.

(c) A separate, ~~and~~ additional landscape irrigation tap and service line shall be required for the service of ~~non-potable~~ water to the irrigated common space associated with all nonresidential lots and residential lots with more than four units ~~within the city limits~~, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels). The landscape irrigation tap shall use non-potable water if such irrigated common space totals two acres in area or more.

(d) ~~The director of water and sewer, or his designee, has the authority to grant a temporary or permanent variance to the landscape irrigation tap requirements in this section upon a finding, in their sole discretion, that immediate connection of the subject property to the non-potable water system is not feasible, or that the subject property can be served by a single tap due to minimal landscaping irrigation demand. The grant of such a variance may include any terms and conditions deemed appropriate by the director or his designee in their sole discretion.~~

Section 12. That Section 20-253 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-253. Service line extensions prohibited.

(a) ~~Except as provided under Section 20-252, it is unlawful for a person or entity to extend a service line from one building or lot to serve any other another buildings, lots or premises contrary to the requirements of this section. Notwithstanding the foregoing, the director of water and sewer has the discretionary authority to grant variances when appropriate for accessory uses on the same property or an adjoining lot. or lot. Upon written request, the director may grant a variance for any new or existing service line extension upon a finding in their sole discretion that separating or installing a new separate water tap and service line is not feasible. If granted, a variance shall not alter the maintenance responsibility of the extended or shared service line. The extended or shared service line shall not constitute a public water line and the director shall not perform any maintenance or repair on an extended or shared service line.~~

(b) ~~A prohibited service line extension that was installed prior to September 1, 2019, may remain in effect so long as it does not create a sanitation, public health or public nuisance problem. If, in the discretion of the director of water and sewer, a prohibited service line extension creates a sanitation, public health or public nuisance problem, the subject property owner shall separate the compound tap at their own expense. Unless the director grants a variance, all existing service line extensions must be separated at the expense of the building or lot owner to which the service line was extended, including all fees applicable to the initiation of water service. Plant investment fees that would otherwise be due and payable for a new water tap and service line shall be waived if there is no increase in water service to the subject building or lot.~~

(c) ~~The owner of a property to which a new water service line is installed after the associated separation of a compound tap shall be required to pay all fees applicable to the initiation of water service to the subject property, including, without limitation, the costs required to install another water tap and service line. Plant investment fees that would otherwise be due and payable for a new water service line installed pursuant to this section shall be waived upon a written finding of the director of water and sewer that there will be no increase in water service to the subject property.~~

(d) ~~The use of a common service line by abutting property owners shall not alter the maintenance responsibility of the users of the common service line. The common service shall not constitute a public responsibility and the director of water and sewer shall not perform maintenance or repair on the separate or combined service lines that may serve abutting properties.~~

Section 13. That Section 20-254 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-254. Water rights dedication; amounts and criteria.

(a) All applicants for water service within the city limits shall (i) dedicate to the city water rights, if any, that the city, in its sole discretion, can use in its potable water supply system or non-potable irrigation system and (ii) if the applicant cannot satisfy the raw water dedication requirements through the dedication of water rights, shall furnish to the city a cash-in-lieu fee (or satisfy the same pursuant to subsection (e)) to fulfill all or the remainder of the dedication requirement associated with a request for water service as a prerequisite to and as part of the consideration for city water service to the subject lot. All water rights approved for dedication shall be conveyed to the city on or before the date the final plat for the development is approved. All cash-in-lieu fees shall be due and payable to the city no later than the date on which the building permit is issued.

(b) The city has determined (i) that the water rights represented by shares of stock in the Greeley and Loveland Irrigation Company and the Seven Lakes Reservoir Company, and rights in the Loveland and Greeley Reservoir Company (Lake Loveland) can be used within its potable water supply system and non-potable irrigation system and (ii) that the water rights represented by units of Colorado-Big Thompson Project Water can be used within its potable water supply system. The water rights represented by shares of stock in the Greeley Irrigation Company can only be used within non-potable irrigation systems. Therefore, the city will accept such water rights only in satisfaction of the raw water dedication requirements associated with non-potable water service on property historically irrigated by the subject water rights. The city shall use the following yield values to determine the amount of raw water transferred by an applicant toward the satisfaction of any raw water dedication requirement:

Company	Yield/Share
The Greeley & Loveland Irrigation Company	8 acre-feet/share
The Seven Lakes Reservoir Company	8 acre-feet/share
The Loveland and Greeley Reservoir Company (Lake Loveland)	20 acre-feet/right
Colorado-Big Thompson Project Water (C-BT)	0.75 acre-feet/unit
Greeley Irrigation Company (Greeley No. 3 Canal)	10.3 acre-feet/share

(c) Except for water rights represented by units of Colorado-Big Thompson Project Water, the city will not accept the dedication of any water rights under subsection (b) for use within its potable water supply system unless the director of water and sewer determines that the subject water rights meet the requisite criteria under Colorado law for conversion of the water to municipal use by the city, including, without limitation, that: (i) the water rights have a history of use on the property being developed; (ii) the property being developed was historically and consistently irrigated under the ditch system from which such water rights are being dedicated; (iii) the owner and all lienholders of the property being developed execute a restrictive covenant in a form acceptable to the city requiring the cessation of irrigation on the historically irrigated property with the subject water rights except under conditions authorized by the city; and (iv) the applicant provides any documents and materials reasonably required by the city to ensure consistency with any prior decrees, including but not limited to, decrees adjudicating changes of the Greeley and Loveland Irrigation Company, the Seven Lakes Reservoir Company, the Loveland and Greeley Reservoir Company (Lake Loveland), and the Greeley Irrigation Company water rights.

(d) An applicant for water service may dedicate any water rights identified in subsection (b) as usable within the city non-potable irrigation system, including water rights that satisfy the requirements of subsection (c), in satisfaction of the applicant's raw water dedication requirement associated with non-potable service. An applicant may request that the city accept or permit the use of (i) water rights other than the water rights identified in subsection (b) or (ii) water rights that do not satisfy the requirements of subsection (c) in satisfaction of the applicant's raw water dedication requirement associated with non-potable service. The city, in its sole discretion, may accept or permit the use of such water rights based on certain terms and conditions set by the director ~~of water and sewer~~ but only in satisfaction of the raw water dedication requirement associated with non-potable water service on property that has been historically irrigated by the subject water rights.

(e) On or before December 31, 2099, an applicant for water service, ~~who~~that is also the registered owner of a certificate issued by the department to evidence one or more raw water dedication credits, may redeem such credit(s) in whole or in part (but only in whole numbers) toward the satisfaction of any cash-in-lieu fee obligation associated with the applicant's request for water service in accordance with sections 20-255, 20-256, 20-257, and 20-260. One raw water dedication credit represents the equivalent of, but not an interest in, one acre-foot of raw water that an applicant would otherwise have to satisfy by furnishing to the city a cash-in-lieu fee.

(f) Applicants for water service to residential lots with four units or less within the city limits shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city any applicable cash-in-lieu fee in accordance with section 20-255 in the amount of three acre-feet per acre, or fraction thereof, of property to which water service will be provided. Streets, rights-of-way, driveways, sidewalks, outbuildings, and any other part of the lot that has been or will be developed shall be included in the calculation of the total gross acreage of the property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage ~~provided that~~if irrigating such area is legally prohibited by plat or deed.

(g) Applicants for water service to nonresidential lots and residential lots with more than four units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with section 20-256 in the amount of the water service demand for the subject lot. The potable water service demand for nonresidential lots and residential lots with more than four units shall be determined by multiplying the total units proposed by the applicant by the average unit use, as set forth in the business category and water use table below. The potable water service demand for industrial lots and commercial lots of a type not specifically identified in the business category and water use table below shall be determined by the director ~~of water and sewer~~ on a case-by-case basis, utilizing the projected volume of total water use by the subject lot.

Business Category and Water Use		
Category	Units	Average Unit Use (Gallons Per Unit Per Year)
Auto service and repair	SF	12
Car wash	Bay	1,350,000

Childcare	SF	47
Church	SF	4.5
Grocery store	SF	20
Gas station without car wash	SF	93
Hospital	SF	21
Hotel/motel	Room	30,300
Medical office	SF	25
Office	SF	14
Recreation with pool	SF	122
Recreation without pool	SF	25
Residential (greater than 4 units)	Unit	35,500
Restaurant (outdoor seating areas 50%)	SF	188
Retail	SF	16
School	SF	11
Warehouse	SF	5
Industrial and other commercial	Demand determined on case-by-case basis	
"SF" = Square feet of gross floor space within the building area		

(h) Applicants for water service to nonresidential lots and residential lots with more than four units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), for which a separate and additional landscape irrigation tap and service line is required in accordance with section 20-252, shall also dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with section 20-256 in the amount of the landscape irrigation demand for the subject lot. Landscape irrigation demand shall be determined based on (i) the total gross acreage of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table below. Landscape plans with more than 75 percent high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights-of-way, driveways, sidewalks, outbuildings and any other impervious part of the lot that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage provided that if irrigating such area(s) is legally prohibited by plat or deed.

Landscape Water Use	
Water Use	Dedication Requirement
High water use (>14 gals/sf annual use)	3 acre-feet/acre
Medium water use (10—14 gal/sf annual use)	2.33 acre-feet/acre
Low water use (<10 gals/sf annual use)	1.67 acre-feet/acre
No irrigation	No raw water requirement for landscape

(i) Any owner of a privately owned non-potable irrigation system that seeks to connect such system to the city non-potable system shall be considered an applicant for water service under this title 20. All such applicants shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee, in the amount of the landscape irrigation demand for the subject lot(s), as determined in accordance with the methodology in subsection (h). The acceptance and

connection of any such system to the city non-potable system is subject to approval by the director of ~~water and sewer~~, and to any terms and conditions deemed appropriate by the director or his designee in their sole discretion.

Section 14. That Section 20-257 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-257. Exception for large parcel single-family residential.

(a) The water rights dedication and cash-in-lieu fee requirements set forth in sections 20-254 through 20-256 shall not apply to applications for water service to a large parcel single-family residential lot, defined as a parcel of property exceeding one acre that contains only one detached single-family residence.

(b) All applicants for water service to a large parcel single-family residential lot shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with subsection (c) in the amount of the water service demand for the subject lot. The water service demand for large parcel single-family residential lots shall be ~~determined by (i) the total gross acreage, or fraction thereof, of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table in section 20-254(h) above. Landscape plans with more than 75 percent high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights of way, driveways, sidewalks, outbuildings and any other part of the lot that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.~~ set at 3 acre-feet of water, except in instances where the property is irrigated by a private non-potable system. If the property is irrigated by a private non-potable system, then the potable water service demand shall be set at 60,000 gallons of water.

(c) Any applicant for large parcel single-family residential water service pursuant to this section that cannot satisfy the requirement of subsection (b) through the dedication of water rights shall furnish to the city a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(d) The cash-in-lieu fee for large parcel single-family residential water service pursuant to this section shall be set by resolution of the water and sewer board and calculated as the cash equivalent of the calculated water service demand using the fair market value of water per acre-foot.

Section 15. That Section 20-260 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-260. Raw water surcharge and supplemental cash in lieu of raw water; exception.

(a) A customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of potable or non-potable water used in excess of such allotment, as set forth in its service commitment agreement.

(b) ~~Nonresidential and large multi-unit residential customers who~~that initiated water service prior to ~~the enactment of the ordinance codified in this section~~ March 15, 1989, and have not executed a service commitment agreement shall be entitled to an annual allotment in accordance with the raw water dedicated or cash in lieu of raw water it paid upon initiation of service. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.

(c) ~~Large parcel single family residential customers shall be entitled to an annual allotment equal to the water service demand calculated in accordance with section 20-257. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.~~

(~~c~~) The raw water surcharge applicable to customers pursuant to this section under (a) and (b) shall be set by resolution of the water and sewer board. ~~Any customer whose metered water use in a calendar year exceeds its annual allotment may also furnish to the city a separate supplemental cash-in-lieu fee to increase its annual allotment. Any such supplemental cash-in-lieu fee shall be calculated using the fair market value of water per acre-foot, as set by the water and sewer board and in place when the raw water surcharge payment is due and payable, and shall result in a corresponding increase to the annual allotment for that customer, whether as determined in accordance with this section or as set forth in its service commitment agreement.~~

(d) ~~The raw water surcharge applicable to customers pursuant to this section shall be set by resolution of the water and sewer board. Any customer whose metered water use in a calendar year exceeds its annual allotment may also furnish to the city a separate supplemental cash-in-lieu fee to increase its annual allotment. Any such supplemental cash-in-lieu fee shall be calculated using the fair market value of water per acre-foot, as set by the water and sewer board and in place when the raw water surcharge payment is due and payable, and shall result in a corresponding increase to the annual allotment for that customer, whether as determined in accordance with this section or as set forth in its service commitment agreement. If a customer pays the supplemental cash-in-lieu fee, the raw water surcharge due and payable under section (a) or (b) will be reduced by an amount equal to the supplemental cash-in-lieu fee paid.~~

(e) Any customer who initiates or modifies its water service on or after the enactment of the ordinance codified in this section March 15, 1989, and whose metered water use in a calendar year exceeds the annual allotment set forth in its service commitment agreement in any two consecutive calendar years shall be required to pay a supplemental cash-in-lieu fee to increase its annual allotment in the amount of the average volume of water used above the annual allotment over the two consecutive calendar years, as described in subsection (d) of this section. After a customer pays the supplemental cash-in-lieu fee, the raw water surcharge due and payable under section (a) and (b) will be reduced by an amount equal to the supplemental cash-in-lieu fee paid.

(f) Any customer whose metered water use during its first full calendar year of water service exceeds its annual allotment shall be exempt from the raw water surcharge and supplemental cash-in-lieu fee requirements of this section for that first year only.

Section 16. That Section 20-261 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-261. Credit for raw water supplies dedicated or cash in lieu of raw water paid; existing taps.

(a) An applicant for water service shall not be required to dedicate raw water or pay a cash-in-lieu fee if the raw water dedication or cash in lieu of raw water requirement for the subject property was satisfied in full prior to ~~the enactment of the ordinance codified in this section~~ March 15, 1989.

Notwithstanding the foregoing, any such applicant that seeks to initiate new water service, change the type of water service, or expand or change the use of a nonresidential development shall be subject to the water rights dedication and cash-in-lieu fee requirements set forth in sections 20-254 through 20-257.

(b) Any customer that seeks to abandon an existing water tap in favor of a smaller or larger tap to serve the same property shall be entitled to a credit against the water rights dedication and cash-in-lieu fee requirements set forth in sections 20-254 through 20-257. Such credit shall be equal to the raw water previously dedicated or cash-in-lieu fee previously paid for development of the subject property. If there are no records to evidence the previous dedication of water rights or payment of cash-in-lieu fee for the subject property, such credit for nonresidential customers shall be equal to the then current cash-in-lieu fee value associated with the abandoned tap, but shall not include credit for any fire flow diameter associated with the abandoned tap. All other customers shall receive a 3 acre-feet per acre credit, except customers with a tap size of 2" or greater. For a tap size of 2" or greater the customer will receive a credit equal to the customer's annual average water use for the proceeding five years of actual use.

(c) Any credit issued for an abandoned tap pursuant to this section shall not exceed the cash-in-lieu fee due and payable for the replacement tap; the city shall not be required to provide cash refunds for any such credit.

Section 17. That Section 20-262 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-262. Plant investment fees for water service; inside and outside the city.

(a) All applicants for water service, whether inside or outside the city limits, shall furnish to the city a water plant investment fee ~~based on the diameter of the potable water tap as~~ a prerequisite to, and as a part of the consideration for, city water service to the subject property. The water plant investment fee shall be the minimum amount set by resolution of the water and sewer board, unless subsequently increased by resolution of the city council. The diameter of a service line water tap installed for fire suppression purposes shall not be considered when calculating plant investment fees due pursuant to this section.

(b) Upon approval of the director ~~of water and sewer~~, plant investment fees may be based on the volume of a customer's annual allotment rather than the diameter of the potable water tap. When the director ~~of water and sewer~~ authorizes a plant investment fee based on the volume of a customer's annual allotment, then the schedule of tap fees set by resolution of the water and sewer board shall be

applied in accordance with the ~~size of service line~~ diameter of the volume equivalent water tap as determined by the director.

(c) ~~— The plant investment fee associated with a request for water service shall be reduced by up to 50 percent for the following residential lot types to which separate and additional landscape irrigation taps and service lines are installed and connected to the city non-potable system. Reductions are not aggregated for the installation of taps and service lines for both common space and house-to-house non-potable water service.~~

Plant Investment Fee Reduction Percentages			
Residential Building Type	Lot Size	Common Space Non-Potable	House to House Non-Potable
Row House	>1,000 s.f.	50%	N/A
Detached House (Small Format)	1,500 — 3,000 s.f.	50%	50%
Detached or Multi-Unit House (Small Lot)	3,000 — 4,500 s.f.	40%	50%
Detached or Multi-Unit House (Medium Lot)	4,500 — 6,000 s.f.	30%	50%
Detached or Multi-Unit House (Standard Lot)	6,000 — 13,000 s.f.	25%	50%
Detached House (Estate Lot)	>13,000 s.f.	N/A	50%

Section 18. That Section 20-263 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-263. Installation costs for water service.

(a) In addition to the water plant investment fee requirement set forth in section 20-262, an applicant for water service shall pay for all meters, labor and other materials required to tap the potable and non-potable water systems, ~~to install service pipes, and to trench and repair the street,~~ as such costs are determined by the director ~~of water and sewer.~~

(b) All costs shall be paid by the applicant in advance of such work and no later than the time at which a building permit is issued by the city for the subject property.

Section 19. That Section 20-264 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-264. Water plant investment fee credits and exchange; renovations.

(a) Any customer that seeks to abandon an existing potable water tap in favor of a smaller or larger tap to serve the same property shall be entitled to a credit against the water plant investment fee requirement set forth in section 20-262, unless the abandoned tap has been inactive for a period of 10 or more consecutive years at any time. Such credit shall be equal to the then current plant investment fee value associated with the abandoned tap but shall not include credit for any fire flow diameter associated with the abandoned tap. Any credit issued for an abandoned tap pursuant to this section shall not exceed

the water plant investment fee due and payable for the replacement tap; the city shall not be required to provide cash refunds for any such credit.

(b) Any tap abandoned pursuant to this section shall be turned off at the main, and the costs associated with turning off the abandoned tap shall be borne by the person or entity requesting the change of service.

(c) Any customer that renovates one or more residential units that were constructed prior to January 20, 1959, and is accordingly required to replace an existing tap that serves such residential units to comply with the current minimum tap size requirements established by the water and sewer board shall not be required to furnish an additional water plant investment fee if the renovation does not increase the number or size of the residential units, and the use of the subject property is not changed.

Section 20. That Section 20-267 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be deleted/repealed as follows:

~~Sec. 20-267. Transfer of water rights upon annexation— Reserved.~~

~~Any petitioners requesting annexation of their property to the city shall agree, as a prerequisite to receiving approval of such annexation and on behalf of themselves and all successors in interest to the property to be annexed, to comply with this chapter at no cost to the city, before receiving the approval of the annexation.~~

Section 21. That Section 20-269 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-269. Meters required for water service; specifications and exceptions.

(a) It is unlawful for any person ~~or entity~~ to take, receive, or use any water from the city waterworks for any purpose whatsoever, unless such water is measured through a meter. This requirement shall not apply to residential fire sprinkling lines which ~~are two inches or less in diameter and which~~ serve only the fire suppression system.

(b) Failure to install a meter before water is used is punishable under chapter 9 of title 1 of this Code and shall result in the water being turned off to the property until a meter is installed and all penalties and fines are paid in full.

(c) All meters installed shall be of a type, size and design approved by the director ~~of water and sewer~~. There shall be only one meter for each water tap installed, and each meter shall be of the same size as the associated water tap. The director ~~of water and sewer~~ shall have the discretion to adjust meter size requirements based on AWWA standards.

(d) Each meter shall be placed under the direction of the director ~~of water and sewer~~, and each new meter shall be installed outside in a code meter pit/vault. Each meter shall be supplied with a stopcock on the inlet side of the yoke. Existing meters inside buildings must have a stopcock on both sides of the meter. All meters shall be located where accessible for inspection and/or repair at any time during business hours. Meters previously installed inside buildings shall be relocated outside to code meter

pits/vaults when the building is remodeled, plumbing systems are modified, accessibility becomes limited, or as otherwise directed by the director of water and sewer.

Section 22. That Section 20-295 contained in Chapter 3 Article IV Division 1 of Title 20 of the Greeley Municipal Code be deleted/repealed as follows:

Sec. 20-295. Definitions – Reserved.

(a) — ~~Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251—1387.~~

~~*Building drain* means all of the building/plumbing/piping that conveys sanitary sewage from the building to a point five feet outside the foundation wall.~~

~~*Building sewer* means that portion of the sanitary sewer line that extends from five feet outside the foundation wall to the public sewer, including the sewer tap on the public sewer or other point of discharge.~~

~~*City* means the City of Greeley, Colorado.~~

~~*Direct discharge* means discharge of treated or untreated wastewater directly to state waters.~~

~~*Director*, unless otherwise specified, means the director of the city water and sewer department or his authorized designee.~~

~~*Discharge* means any person who discharges or causes the discharge of domestic wastewater directly or indirectly to the publicly owned treatment works (POTW).~~

~~*Domestic wastewater* means a combination of liquid wastes (sewage) which may include chemicals, household wastes, human excreta, animal or vegetable matter in suspension or solution or other solids in suspension or solution which are discharged from a dwelling, building or other structure.~~

~~*Environmental Protection Agency or EPA* means the United States Environmental Protection Agency.~~

~~*Garbage* means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, the processing of food by products, the processing of agricultural products and the handling, storage and sale of produce.~~

~~*Individual (private) wastewater disposal system* means a septic tank or similar self-contained receptacle or facility that collects and/or treats or otherwise disposes of domestic wastewater and which is not connected to the POTW.~~

~~Industrial wastewater or nondomestic wastewater means water carrying wastes from any process or activity of industry, manufacturing, trade or business, from development of any natural resource or from animal operations, or contaminated stormwater or leachate from solid waste facilities.~~

~~Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.~~

~~Off-premises sewer means a gravity public sanitary sewer constructed to serve a property that is not contiguous to an existing sewer and which crosses other private property or properties. The term "off-premises sewer" does not include a sewer in the interior or on the perimeter of the property initially served.~~

~~Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agents or assigns. The term "person" includes all federal, state and local government entities.~~

~~Public sanitary sewer means a sewer in which all owners of abutting properties have equal rights, which is placed in a public right-of-way or dedicated easement, which was constructed according to city specifications for public sanitary sewers applicable at the time of its installation or accepted as substantially equivalent in writing by the city.~~

~~Publicly owned treatment works (POTW) means the treatment works as defined by section 212 of the Act (33 USC 1292) that is owned by the city. The term "publicly owned treatment works (POTW)" includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or nondomestic wastewater and any conveyances that carry such wastewater but excludes the building drain and building sewer.~~

~~Sanitary sewer means a pipe, conduit and appurtenances to which stormwaters, surface waters and groundwaters are not intentionally admitted, for the collection, transportation, pumping and treatment of domestic and nondomestic wastewater.~~

~~Storm sewer means a sewer designed to carry only stormwaters, surface runoff, street wash waters and drainage.~~

~~Stormwater means stormwater runoff, snow melt runoff and surface runoff and drainage.~~

~~Subdivider or developer means any person who develops plans to improve, or who improves, undeveloped land for the purpose of industrial, commercial or residential use; or who redevelops land or property for industrial, commercial or residential use.~~

~~User means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.~~

~~(b) — The following abbreviations, when used in this article, shall mean:~~

~~CWA means Clean Water Act, 33 USC 1251 — 1387.~~

~~EPA means U.S. Environmental Protection Agency.~~

~~POTW means publicly owned treatment works.~~

~~USC means United States Code.~~

Section 23. That Section 20-299 contained in Chapter 3 Article IV Division 1 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-299. Connection to sanitary sewer and service line required.

(a) The owner of any ~~houses, buildings or~~ property used for human occupancy, employment, recreation or other purposes situated within the city and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required, at ~~his~~ their expense, to install suitable toilet facilities therein and connect such facilities directly with a proper public sanitary sewer in accordance with the provisions of this article within 90 days ~~after date of~~ receiving official notice to do so, ~~provided that~~ if the public sanitary sewer is within 400 feet of the property. Except as provided in (a)(1) through (3) below, each detached residential building, multi-unit residential building, and nonresidential building on a single lot shall be served by a minimum of one sanitary sewer line. Where a public sanitary sewer is not available, the owner shall connect the building sewer to an individual wastewater disposal system that complies with applicable plumbing codes and county health department codes and regulations.

(1) An accessory dwelling as defined under section 24-403(b) does not require a sanitary sewer line separate from the principal dwelling if it complies with all standards established under that section and any other requirement under title 24.

(2) A mobile home or similar small-format dwelling unit as defined under section 24-1301 does not require a sanitary sewer line separate from other units if all units sharing the sanitary sewer line are located within the same mobile home community, or other small format housing project, and comply with all standards and requirements established under title 24 for such communities or projects.

(3) A nonresidential accessory building or structure as defined under section 24-1301 does not require sanitary sewer line separate from the primary nonresidential building or structure if it complies with all standards and requirements under title 24.

(b) If a public sanitary sewer is constructed within 400 feet of a property that is served by an individual wastewater disposal system, the owner of the property shall connect, at their expense, to the POTW in accordance with the provisions of this article within 90 days of receiving notice to do so. Upon connection, the owner shall then abandon any septic tanks, cesspools and similar private sewage disposal facilities and fill them with suitable material as required by county department of public health and environment at their expense.

Section 24. That Section 20-322 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-322. ~~Conditions invoking reimbursement~~Extra charges for connections to public sewer;
calculation.

(a) Property benefiting from sanitary service can be either contiguous or noncontiguous to the existing public sanitary sewer system. Noncontiguous development requires the construction of an off-premises sewer. The measurement of the off-premises sewer shall be from the point it departs the initially served property to the point of connection to the existing public system. ~~All~~Any persons ~~desiring requesting~~ sanitary sewer service for property abutting or in the drainage area of an off-premises sanitary sewer line shall ~~be required~~pay an extra charge to reimburse the ~~party~~person that built the sanitary sewer, if all of the following circumstances exist:

(1) The off-premises sewer was constructed according to city specifications and requirements and with prior approval by the city, at the expense of ~~one or more private~~another persons.;

(2) The person ~~against whom the reimbursement is to be assessed~~ the extra charge requests approval applied for an additional sewer line extensions or services that connects to the off-premises sewer either directly or indirectly within five ~~ten~~ years of the completion of the construction. ~~The initial five-year period may be renewed for an additional five-year period by action of the water and sewer board upon petition by the person or persons who paid for such initial construction. The petition for renewal shall be prior to the lapse of a five-year period, or such renewal shall not be allowed.;~~

(3) The property to be served by the sanitary sewer service was owned at the time of construction of the off-premises sewer by a person ~~or persons who~~that did not share the cost of construction.;

(4) ~~The property owners against whom the reimbursement may~~ person to be assessed the extra charge, or their predecessors in interest, were notified through certified mail by ~~the initial developer~~the person requesting reimbursement of their opportunity to share in the cost of construction ~~ing of the off-premises sewer prior to such construction.;~~ and

(5) A document ~~is~~was recorded for ~~each property against whom the reimbursement is to be assessed~~ the property to be served that provides notice of the ~~reimbursement due~~extra charge that will be assessed if that property receives future sewer service.

(b) If circumstances consistent with subsections (a)(1)-(5) above exist, then an extra charge will be assessed. The amount assessed will be based on the total area of the property to be served by the off-premises sewer and calculated by prorating the construction costs against the area to be served based either on the frontage, flow capacity, drainage area or other equitable basis. If allocated on a drainage area basis, then the costs shall be allocated on a gross acreage and include all rights-of-way, stormwater facilities, parks and other private land that may be dedicated to a public purpose within each tract. The extra charge shall be due prior to the approval of plans for construction of additional sewer extensions or when service taps are requested, whichever comes first.

Section 25. That Section 20-323 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be renumbered and deleted/repealed as follows:

Sec. 20-3234. ~~Computation of reimbursement for connections to public sewer.~~ – Reserved.

~~The area subject to the reimbursement procedure described in section 20-322 shall consist of land tracts that the director determines benefit from the off-premises sewer. The director shall proportionally allocate costs to the land area on a frontage, flow capacity, drainage area or other equitable basis if all conditions of section 20-322 are met. The director shall calculate the allocations on gross acreage if allocated on a drainage area basis and shall include all rights-of-way, stormwater facilities, parks and other private land that may be dedicated to public purposes within each tract. In each case, the director shall compute reimbursement by prorating the construction cost, without additional charges other than interest, against the property served by the off-premises sewer. The reimbursement shall be paid prior to the approval of plans for construction of additional sewer extensions or when service taps are requested, whichever comes first. The interest shall apply to the first five-year period, and it shall be equal to that of five-year U.S. treasury bills at the time of construction.~~

Section 26. That Section 20-324 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be renumbered and amended to read as follows:

Sec. 20-3243. Reimbursement procedure for private payment.

~~Private~~A persons who~~that~~ pays to construct sections of public sanitary an off-premises sewer and who desire may request partial reimbursement for such payment ~~shall deliver by submitting~~ a written document request to the director ~~setting forth~~. The request for reimbursement must be submitted within 12 months of the city's acceptance of the public sanitary sewer and include documentation establishing: (i) the total construction cost, including proof of payment, (ii) the total area to be served by the public sanitary sewer, including the initial property served, and (iii) the name and address of ~~an individual, bank or other organization~~ the person authorized to receive payments from the city pursuant to this article. The director ~~shall consider for~~ may approve a request for reimbursement only ~~those if the public sanitary sewer lines was constructed with his prior approval and in strict accordance with city standards and specifications for sanitary sewer line construction. The director may not consider or issue reimbursement for the prorated cost of the sanitary sewer attributable or allocated to the initial property served.~~ As extra charges are paid to the city pursuant to sections 20-322 and 20-323, the city shall transmit such payments to such authorized ~~an individual, bank or other organization~~ person. The city shall not recognize any recipients or claimants other than the authorized ~~an individual, bank or other organization~~ person. The city shall have no other organizational involvement and shall have no responsibility to see that such ~~an individual, bank or other organization~~ person properly manages such funds.

Section 27. That Section 20-326 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-326. Sewer plant investment fee credits and exchange; renovations.

(a) Any customer that seeks to abandon an existing water tap in favor of a smaller or larger tap to serve the same property shall be entitled to a credit against the sewer plant investment fee requirement set forth in section 20-325, unless the abandoned tap has been inactive for a period of 10 or more consecutive years at any time. Such credit shall be equal to the then current sewer plant investment fee value associated with the abandoned tap but shall not include credit for any fire flow diameter associated with the abandoned tap. Any credit issued for an abandoned tap pursuant to this section shall be capped at the sewer plant investment fee due and payable for the replacement tap; the city shall not be required to provide cash refunds for any such credit.

(b) An additional sewer plant investment fee shall not be required in the following circumstances:

(1) ~~Any~~ When a customer that renovates one or more residential units that were constructed prior to January 20, 1959, and is accordingly required to replace an existing water tap that serves such residential units to comply with the current minimum tap size requirements established by the water and sewer board, shall not be required to furnish an additional sewer plant investment fee if provided that the renovation does not increase the number or size of the residential units, and the use of the subject property is not changed;~~or~~

(2) When a customer corrects an unlawful service line extension under section 20-253 and is accordingly required to construct a new water tap and service line, provided that the use of the subject property is not changed.

Section 28. That Section 20-327 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-327. Installation costs; advance payment required.

In addition to paying the plant investment fees provided for in section 20-325, the applicant for sanitary sewer service shall pay for all labor and materials required to installing the tap onto the sewer main, ~~to install the service pipes and lines, and to perform all trenching and street repairs.~~ All costs shall be paid by the applicant in advance of such work and no later than the time at which a building permit is issued by the city for the subject property.

Section 29. That Article V of Chapter 3, Title 20 of the Greeley Municipal Code shall be relocated and established as Division 3 of Article IV and amended to read as follows:

~~ARTICLE V~~Division 3. – Restrictions and Requirements.

Section 30. That Section 20-355 contained in Article V of Chapter 3, Title 20 of the Greeley Municipal Code shall be relocated from Article V to Division 3 of Article IV and deleted/repealed to read as follows:

Sec. 20-355. ~~Registration of water wells-~~ Reserved.

~~The owner of any water wells within the city shall register such well with the water and sewer department. The owner shall provide the following information for each well: location; depth; casing, if~~

any; production in gallons per minute; the date of completion; the type of use; and whether the well has been permitted by the state engineer.

Section 31. That Section 20-361 contained in Article V of Chapter 3, Title 20 of the Greeley Municipal Code shall be relocated from Article V to Division 3 of Article IV and amended to read as follows:

Sec. 20-361. Maintenance of public and private sewers.

(a) The property owner, at ~~his~~their expense, shall install the service line from the ~~property line~~ public sanitary sewer to the structure to be served in accordance with section 20-~~322~~299. The property owner shall hold the city harmless for any loss or damage that may directly or indirectly result from installing service line or the malfunction of any private sewer.

(b) The owner of any property connecting to the public sanitary sewer shall be responsible for maintaining the service line from the public sanitary sewer tap to the structure to be served. The owner shall keep the service line for which ~~he is~~they are responsible in good condition and shall repair or replace at ~~his~~their expense any portions thereof which, in the reasonable opinion of the director, no longer function properly. The owner shall complete all repairs or replacements within 30 days after notification of the need for same by the director. The owner shall be responsible for returning the public right-of-way and the street to acceptable city standards as determined by the city.

(1) Failure to maintain the service line is a code violation pursuant to chapter 10 of title 1 of this Code. Should the director determine that the owner of any property has failed to maintain the service line (including repair or replacement when needed), the director ~~or the director's designee~~ may issue a notice of violation in accordance with chapter 10 of title 1 of this Code.

(2) If the director determines that the failure of the property owner to maintain the service line (including repair or replacement when needed) poses an imminent risk to the health, safety or welfare of the community, the director may take action necessary to limit such risk, including, but not limited to, making entry on the property pursuant to section 20-85 or causing the shut-off or disconnection of the water supply.

(c) If the owner desires to disconnect ~~his~~their ~~premises~~property from the public sanitary sewer, ~~he shall not be permitted to remove that portion of the service line between the main and the property line, but at his expense shall excavate, sever and tightly cap the service line from the property line to the premises, but shall leave in place all of the service line from the main to such cap then the owner shall remove and abandon the service line in accordance with the city's adopted design and construction standards. The city shall not approve any new services to replace existing services the property until the old service lines are excavated and properly capped. Such cap shall be sufficient to prevent the escaping of sewer gas or the infiltration of water and tree roots has been properly abandoned.~~

Section 32. That Section 20-365 contained in Article V of Chapter 3, Title 20 of the Greeley Municipal Code shall be relocated from Article V to Division 3 of Article IV and deleted/repealed as follows:

Sec. 20-365. ~~Connection to available public sewer required~~ - Reserved.

~~The owner of an individual wastewater disposal system shall connect at his expense to the POTW in accordance with the provisions of this chapter when the public sanitary sewer runs within 400 feet of the owner's property line. Such owner shall then abandon at his expense any septic tanks, cesspools and similar private sewage disposal facilities and fill them with suitable material as required by county department of public health and environment.~~

Section 33. That Section 20-665 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-665. Condition of fire hydrants; interference prohibited.

All public fire hydrants shall be under the control of and shall be kept in repair by the director of water and sewer. In case of fire, the member of the fire department and such other persons as the director of water and sewer shall authorize shall have free access to ~~such~~ all public and private fire hydrants. No other person shall open or operate any public fire hydrant without permission of the director of water and sewer or draw therefrom or obstruct the approach thereto.

Section 34. That Section 20-666 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-666. Testing hydrants; defects.

The water and sewer director shall make periodic tests of all public fire hydrants and keep such records of testing and flushing as required by the approved city records retention schedule.

Section 35. That Section 20-667 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-667. Additional fire hydrants.

Each year the city council shall budget funds, as it deems necessary, to install additional public fire hydrants in areas of the city determined to be deficient in public fire hydrants according to current fire safety standards and as displayed on the official map provided for at section 20-670.

Section 36. That Section 20-668 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-668. Fire protection fee established.

There is created a fire protection fee which will be collected from each individual who is within the zone of influence of a public fire hydrant provided by the city in its effort to enhance fire protection. The zone of influence of a public fire hydrant shall include those properties to be served by that public fire hydrant as set forth by the fire department, as mandated by the uniform fire code and the resolutions of the city council, as adopted by the city council from time to time. Individuals whose properties are located

within the redevelopment district boundary as established by the planning commission and adopted by the city council are exempt from the payment of the fire protection fee.

Section 37. That Section 20-670 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-670. Map of hydrants.

The city manager is directed to keep an official map which will have displayed on it those public and private fire hydrants which have been installed ~~by the city~~ to meet current fire safety standards and the properties which are within the zone of influence of those hydrants. The official map will also have represented on it those hydrants required to be placed by the current fire code and city council resolutions.



Water & Sewer Agenda Summary

January 17, 2024

Key Staff Contact: Adam Prior, Chief Engineer

Title:

Recommend City Council Adopt an Ordinance Amending the Municipal Code Regarding Domestic and Agricultural Wells

Summary:

In 2020 the Colorado Division of Water Quality proposed changing the Poudre River Segment 12 classifications from recreational use to a Water Supply classification. This reclassification of the river segment below the WTRF could have required significant upgrades to the WTRF facilities and processes to meet the stringent water quality requirements. The Division said that there were 152 wells that utilized water for domestic purposes. Greeley refuted these facts and found that only one well was allowed for domestic purposes and the owner did not use it for such purpose. Greeley and Colorado Division of Water Quality agreed to resegment Segment 12 at the Hwy 85 Bridge in Greeley with only Segment 12a having the Water Supply classifications. Greeley commitment to work closely with landowners to ensure that any future development with the LREGA will be connected to potable supply from a municipality or a water district. The proposed amended ordinance supports Greeley's commitment for development to connect to potable supplies.

Recommended Action:

Recommend to City Council Ordinance Amending the Greeley Municipal Code Relating to the Use and Construction of Domestic and Agricultural Wells

Recommended Motion:

N/A

Attachments:

1. Well Prohibition Presentation
2. Draft Ordinance 20-126 - Well Prohibition



ORDINANCE AMENDING THE USE AND CONSTRUCTION OF DOMESTIC AND AGRICULTURAL WELLS

Adam Prior, Chief Engineer

Adam.Prior@greeleygov.com, 970-573-0218

Water & Sewer Board – January 17, 2024



Infrastructure and Mobility

Agenda

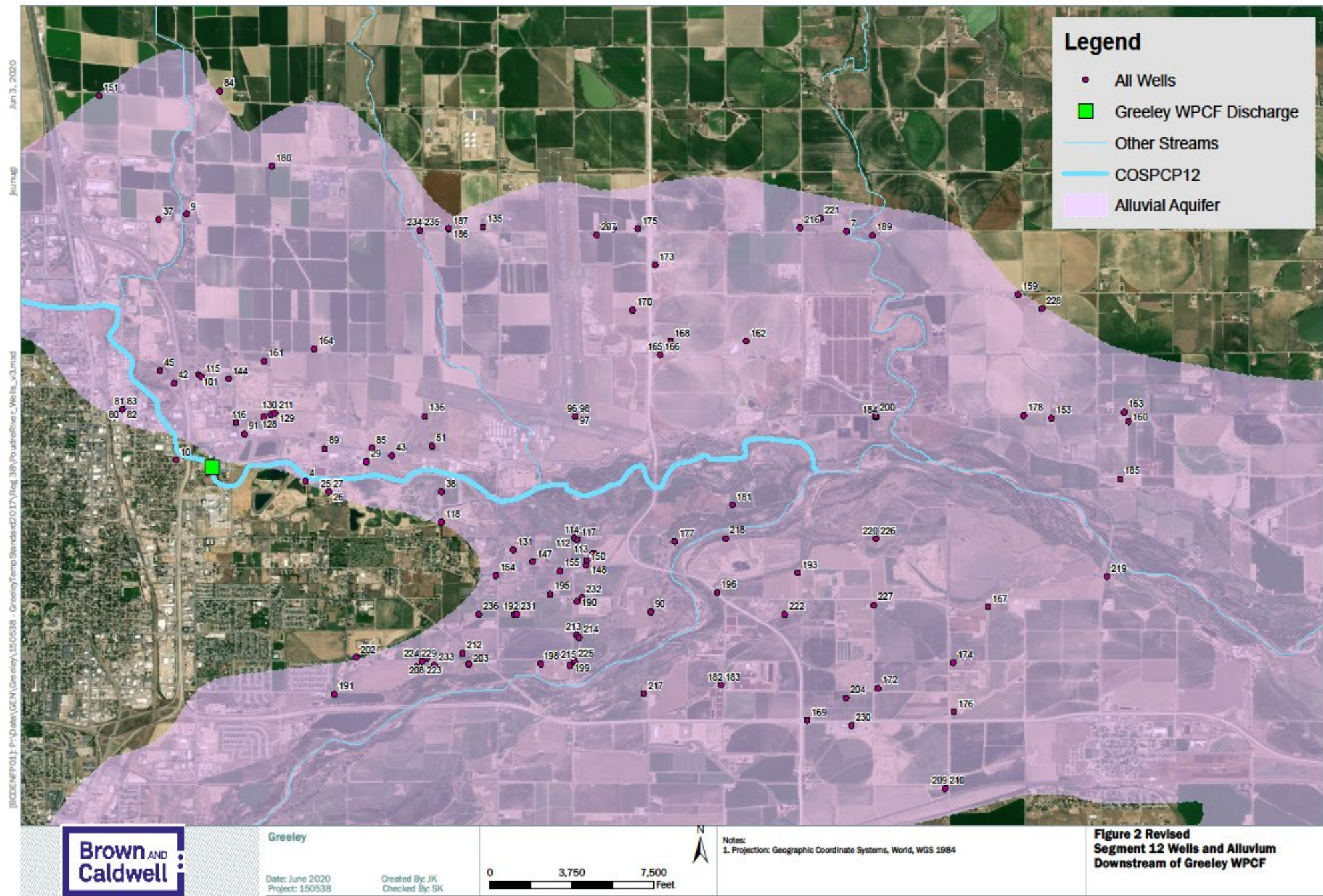


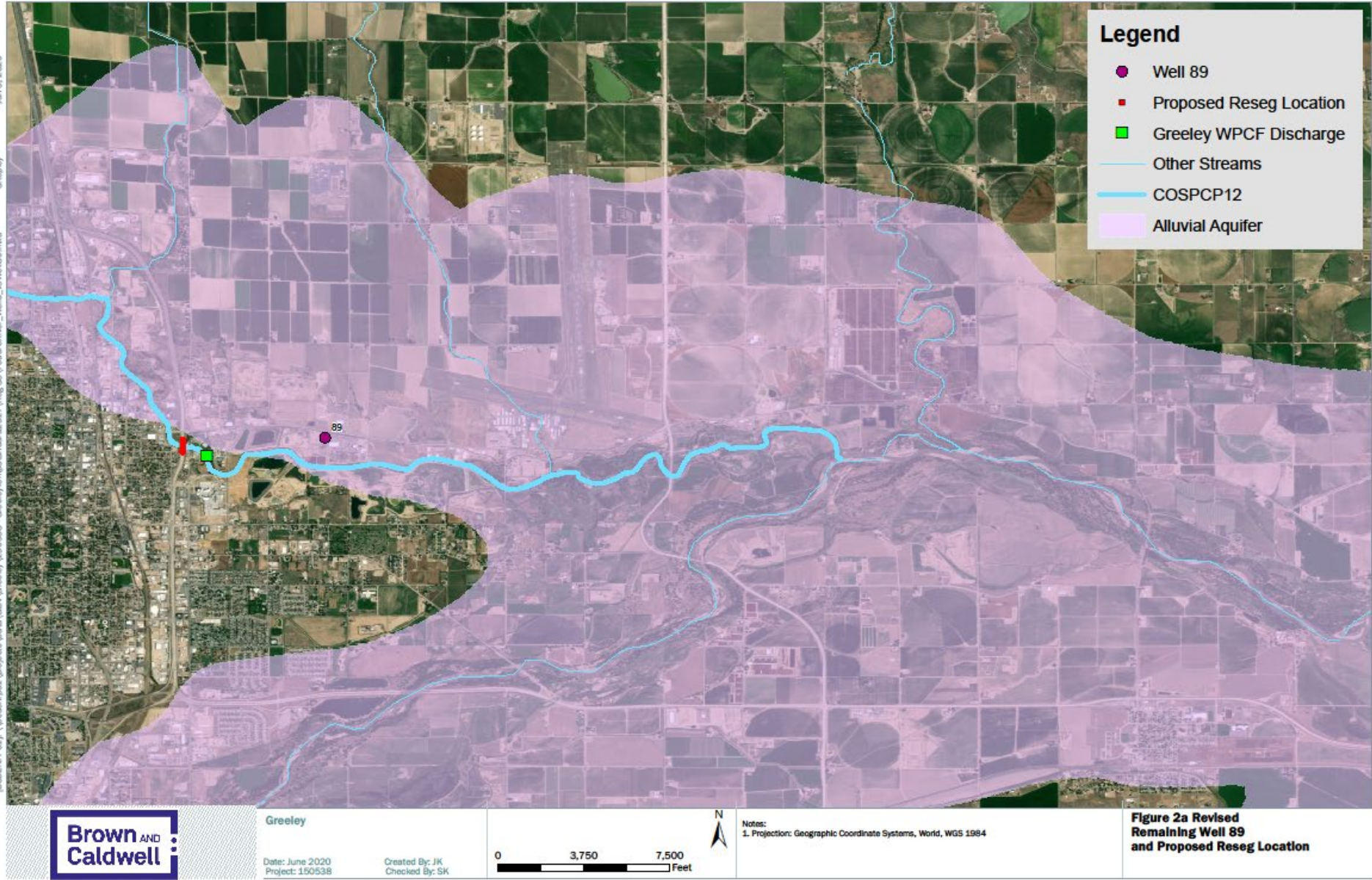
Amended Well Ordinance

1. Poudre River Segment 12 Background
2. No Future Expected Use
3. Proposed Ordinance Amendment

Greeley's Interest in Water Quality Division Rulemaking in 2020

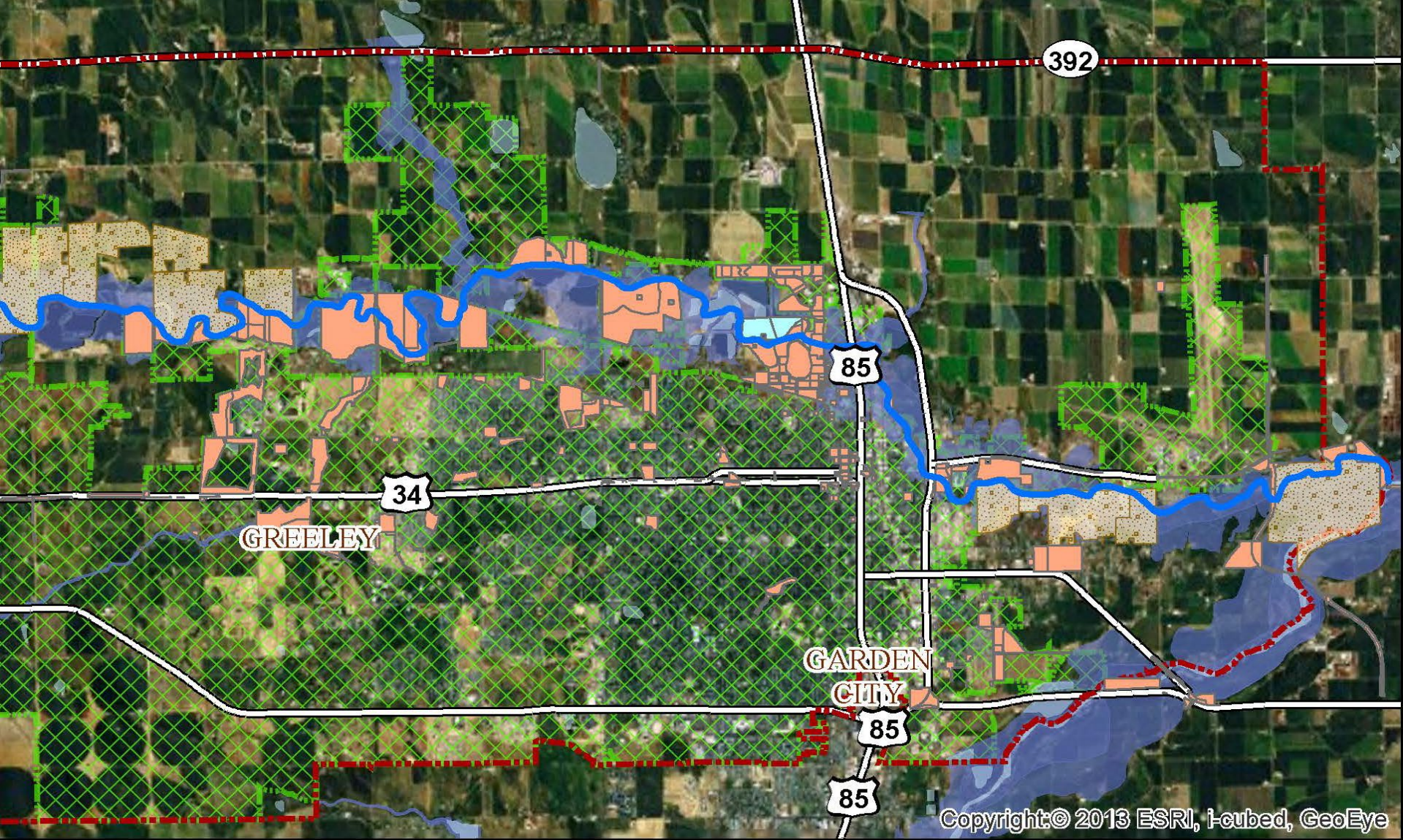
- ❖ Greeley opposed the Division's original proposal for a Water Supply classification for Poudre Segment 12, particularly below the WTRF outfall.
 - Believed Segment 12 surface flows and groundwater are not currently used and are not reasonably expected to be used for potable supply.
 - An inappropriate Water Supply classification would have more than doubled the costs of required upgrades to the WTRF, from approximately \$40,000,000 to approximately \$81,000,000.
- ❖ Evaluated 152 wells of concern to the Division. Documented no actual use and no reasonably expected future use of Segment 12 water for potable supplies below the WTRF outfall.
- ❖ The Division and Greeley agreed to resegment Segment 12 at Hwy 85 bridge in Greeley, with only upstream Segment 12a carrying Water Supply classification.





How Greeley Moved Forward - No Reasonably Expected Future Use

- ❖ In Greeley's demonstrated no reasonable expectation of future Water Supply use below the WTRF.
 - Greeley's Long Range Expected Growth Area (LREGA).
 - Intergovernmental Agreements.
 - FEMA flood area that renders development extremely difficult.
 - Active gravel mining permits.
 - Government owned parcels.



0 1 2 4 Miles



5/13/2020
PoudreStateHealthStudy-V3.mxd
COG IT, BPS

- | | | |
|------------------------|--|------------------|
| Cache La Poudre River | Fort Collins - Loveland Water District | FEMA Flood Areas |
| Water District Parcels | Greeley LREGA | GREELEY |
| Government Properties | Windsor LRG | GARDEN CITY |
| Gravel Mining Permits | State Highways | TIMNATH |
| County Line | Interstate 25 | WINDSOR |

Greeley's Commitment Moving Forward

- ❖ Greeley affirms its intention to work closely with landowners to ensure that any future development within the LREGA will be connected to a potable supply from a municipality or a water district.
- ❖ The Amended Ordinance supports Greeley's commitment for development to connection to potable water supplies.

Proposed Amended Well Ordinance

- ❖ Violation to drill new well or use any existing well for domestic drinking water purposes
- ❖ Violation to drill new well for agricultural purposes (livestock watering, irrigation, gardening, crop production, or non-potable)

Proposed Amended Well Ordinance

- ❖ Existing wells may continue use if
 - ❖ Registered with City
 - ❖ Valid permit from state engineer
 - ❖ Location, depth, casing, flow rate is provided
 - ❖ Executed covenants with Greeley
 - ❖ No use of well for domestic purposes
 - ❖ Comply with state and local laws, rules, and regulations
 - ❖ City may enter and inspect well comply with covenants

Questions?



CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2024

**AN ORDINANCE AMENDING TITLE 20, CHAPTER 3, ARTICLE III, DIVISION 1 AND
ARTICLE V OF THE GREELEY MUNICIPAL CODE RELATING TO THE USE AND
CONSTRUCTION OF DOMESTIC AND AGRICULTURAL WELLS**

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, inter alia, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board ("Board") to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, Section 17-4(c) of the Greeley City Charter and Section 20-30 of the Greeley Municipal Code authorize the Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, the Greeley Municipal Code currently requires that every building within the city be served by a minimum of one tap; and

WHEREAS, it has come Water and Sewer Department staff's attention that there are residents who are using a well for domestic purposes; and

WHEREAS, for both health and safety and policy reasons, Water and Sewer staff recommends that the City adopt language within the Greeley Municipal Code that more clearly prohibit the construction and use of wells for domestic purposes and the use of wells, in certain circumstances, for agriculture; and

WHEREAS, Water and Sewer staff presented Appendix A, attached hereto and incorporated herein, on [date] to the Board and the Board recommended City Council adopt the same.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY,
COLORADO:**

Section 1. That Section 20-126 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 2. That Section 20-355 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code be deleted and repealed as shown on Appendix A.

Section 3. Except as explicitly modified on Appendix A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

Section 4. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2024

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
**ORDINANCE AMENDING TITLE 20, CHAPTER 3, ARTICLE III, DIVISION 1 AND
ARTICLE V OF THE GREELEY MUNICIPAL CODE RELATING TO THE USE AND
CONSTRUCTION OF DOMESTIC AND AGRICULTURAL WELLS**

Section 1. That Section 20-126 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code shall be amended to read as follows:

Sec. 20-126. ~~–Reserved.~~ Wells Prohibited; Exceptions.

(a) It is a violation for a person to drill a new well or use any existing well for domestic purposes. As used in this section, “domestic purpose” or “domestic well” means a well that is used for human consumption or for any other household or indoor use. If any building or structure is being served by an existing domestic well, the property owner shall abandon the well in accordance with all applicable state and local law within 90 days of receiving notice from the city to do so unless the well also qualifies as an existing agricultural well as defined in section (b) below. In such instances, the property owner may retain use of the well on the property provided the property owner complies with subsection (b). If the property owner does not have an existing water tap and service line as required by Section 20-252, then the owner shall request water service from the city in accordance with this title.

(b) It is a violation for a person to drill a new well for agricultural purposes. As used in this section, “agricultural purpose” or “agricultural well” means a well that is used for livestock watering, lawn irrigation, gardening or crop production, and similar non-potable uses. If a property is currently being served by an existing agricultural well, the property owner may continue to use the well for such purposes provided that the owner registers the well within 90 days of receiving notice from the city to do so. Registration of the well must include the following:

1. Proof of a valid permit from the state engineer for the construction and use of the well and decreed water right, if applicable;
2. Location, depth, casing, if any, production in gallons per minute and the type of use of the well; and
3. An executed covenant approved by the city, which shall be recorded in the real property records of Weld County, affirming that the property owner and all subsequent owners will:
 - (i) not use the well for any domestic purpose;
 - (ii) comply with all state and local laws, rules, regulations, and requirements, now or in the future, with respect to the use of the well on the subject property, including but not limited to section 20-191 of this title; and
 - (iii) affirm that, in accordance with section 20-85 of this title, the city may enter and inspect the subject property to ensure the property owner is complying with the terms of the covenant.

(c) A violation noticed under this section shall be deemed an administrative code violation and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

Section 2. That Section 20-355 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be deleted and repealed as follows:

Sec. 20-355. ~~Registration of water wells.~~ Reserved

~~The owner of any water wells within the city shall register such well with the water and sewer department. The owner shall provide the following information for each well: location; depth; casing, if any; production in gallons per minute; the date of completion; the type of use; and whether the well has been permitted by the state engineer.~~



Water & Sewer Agenda Summary

January 17, 2024

Key Staff Contact: Jim Paulson - W&S Engineer IV

Title:

Terry Ranch Project Update

Summary:

The City of Greeley Water and Sewer Department (W&S) is constructing the Terry Ranch pipeline to connect the eventual Terry Ranch groundwater wellfield to the water supply system. The pipeline is to be built over the course of the next 10 years depending on available funding. Segment 1 is the first approximately 7 miles from the connection with the Bellvue 60" to about one-mile past Highway 14. To date, approximately 50% of this segment has been installed. The W&S is also evaluating the groundwater resource beneath State Land Board sections located adjacent to the Terry Ranch parcels from which water rights have been purchased.

Recommended Action:

Informational only

Recommended Motion:

N/A

Attachments:

1. Terry Ranch Project Board Presentation
2. Terry Bison Ranch_Monthly Report_December 2023



TERRY RANCH WATER SUPPLY PROJECT

Jim Paulson, Civil Engineer IV

Jim.Paulson@greeleygov.com, 970-590-5338

Water & Sewer Board – January 17, 2024



Infrastructure and Mobility

Agenda



MULTI-PHASE DEVELOPMENT PLAN

1. State Land Board Wells
2. Pipeline Construction
3. Status Update – No Board Action Required

TERRY RANCH WATER SUPPLY PROJECT

MULTI-PHASE DEVELOPMENT PLAN

1. State Land Board Wells
2. Pipeline Construction
3. Well Field Development (TBD)
4. Collection/Distribution Pipeline Network (TBD)
5. Treatment Plant Design and Construction (TBD)



Phase 1 - Terry Ranch/State Land Board Drilling Update

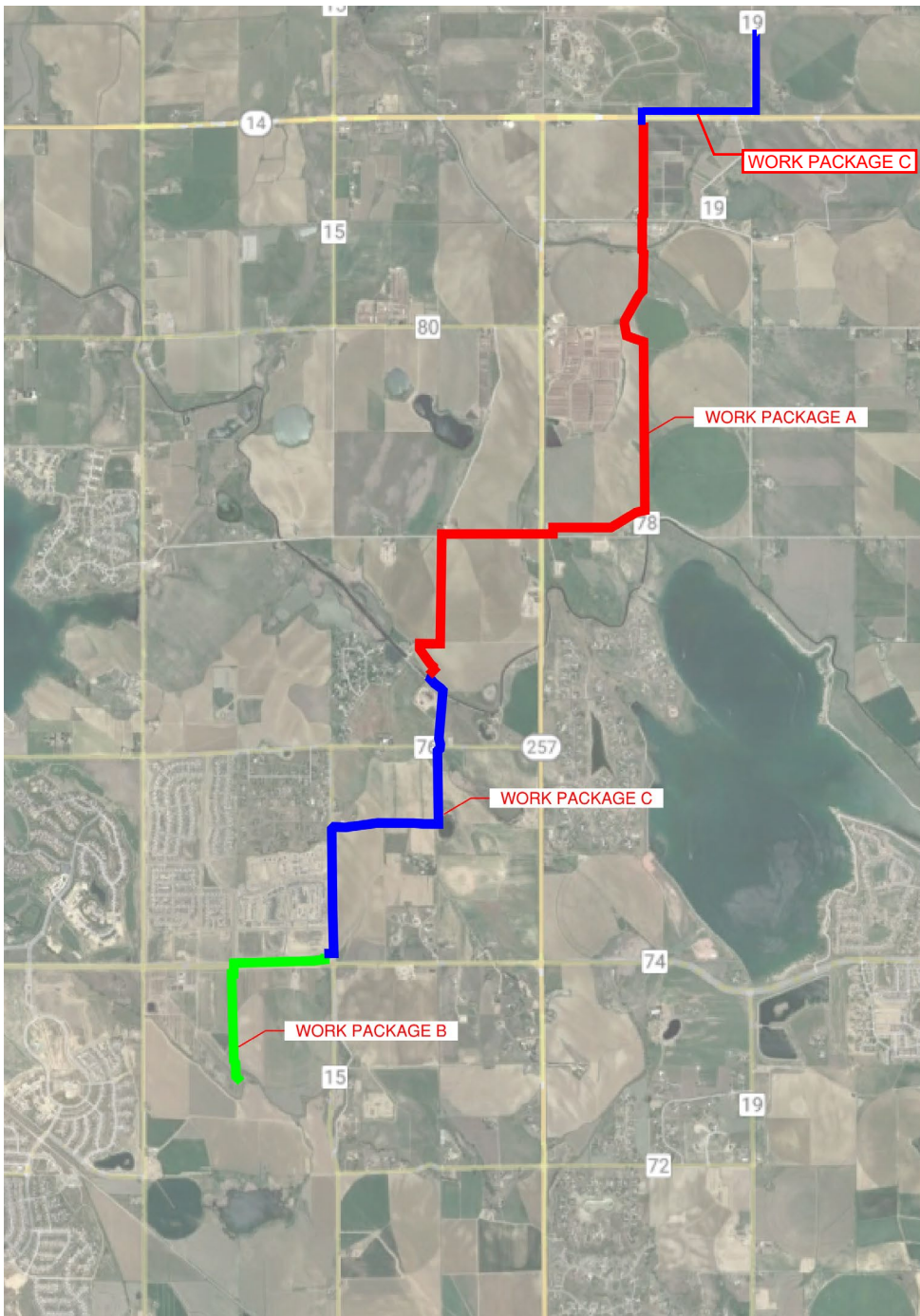
- CAO and Legal Counsel
 - Ensure drilling program satisfies lease obligations
 - Meets long-term City objectives.
- Hydrogeology consultants
 - Preparing well yield estimates
 - Recommendations for well sizing
 - Assisting with revised RFP.
- Updated Timeline:
 - Post revised RFP by end of 1Q 2024
 - Begin drilling 4Q 2024

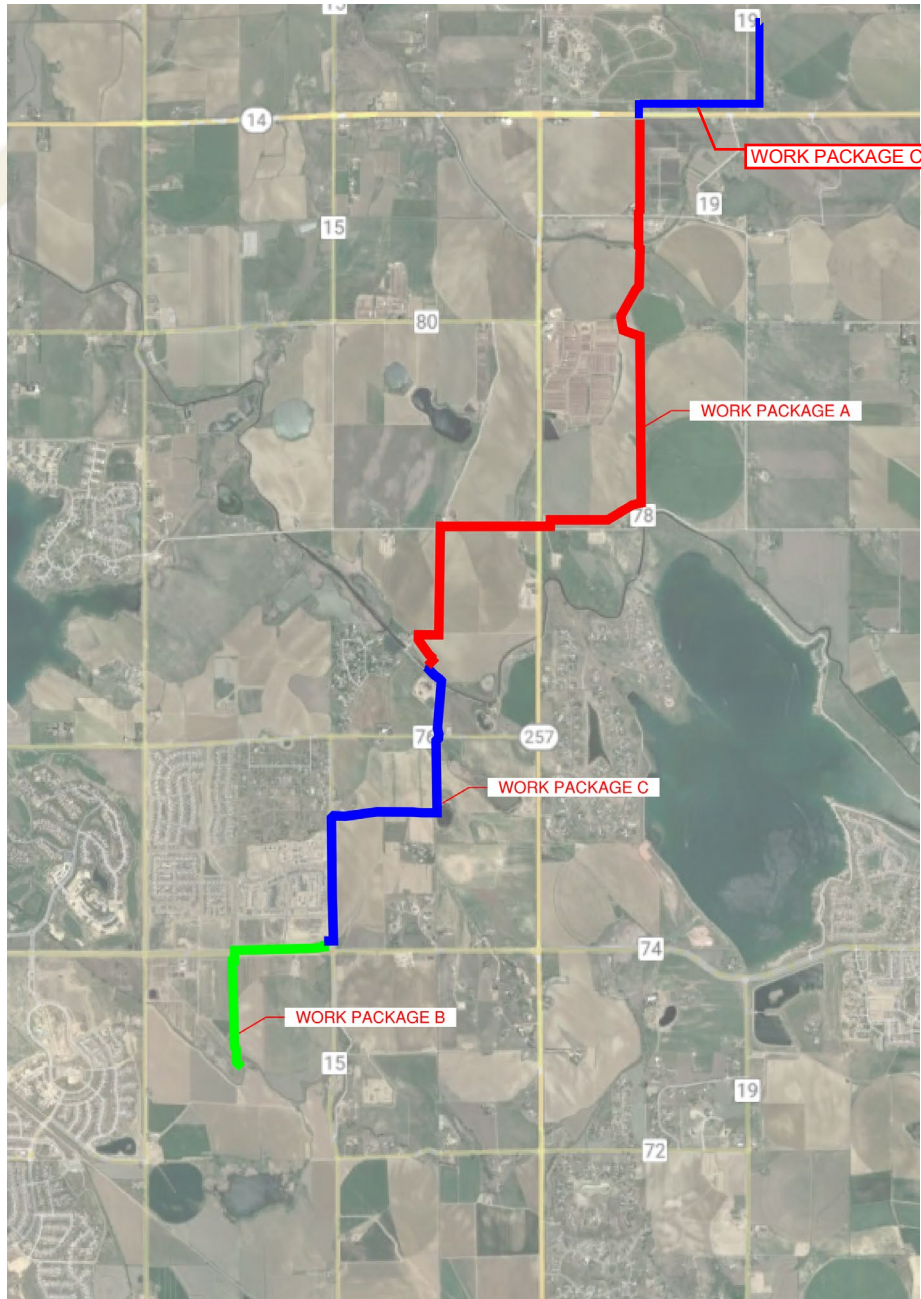


Phase 2-Pipeline Construction

Segment 1:

- From Bellvue 60" Tie-in to North of SH 14
- Construction Contract Finalized March 2023
- Construction started May 6

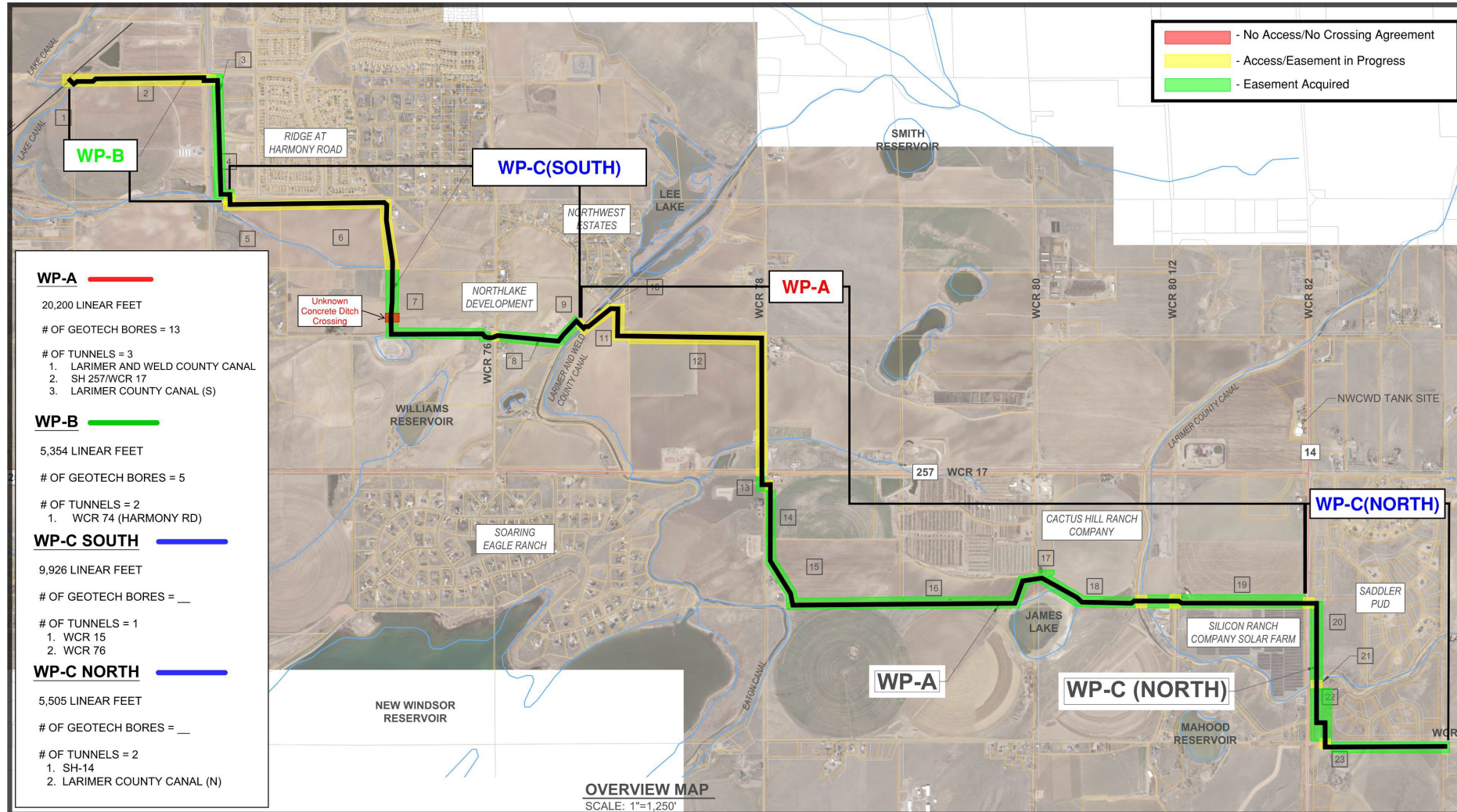




Segment 1

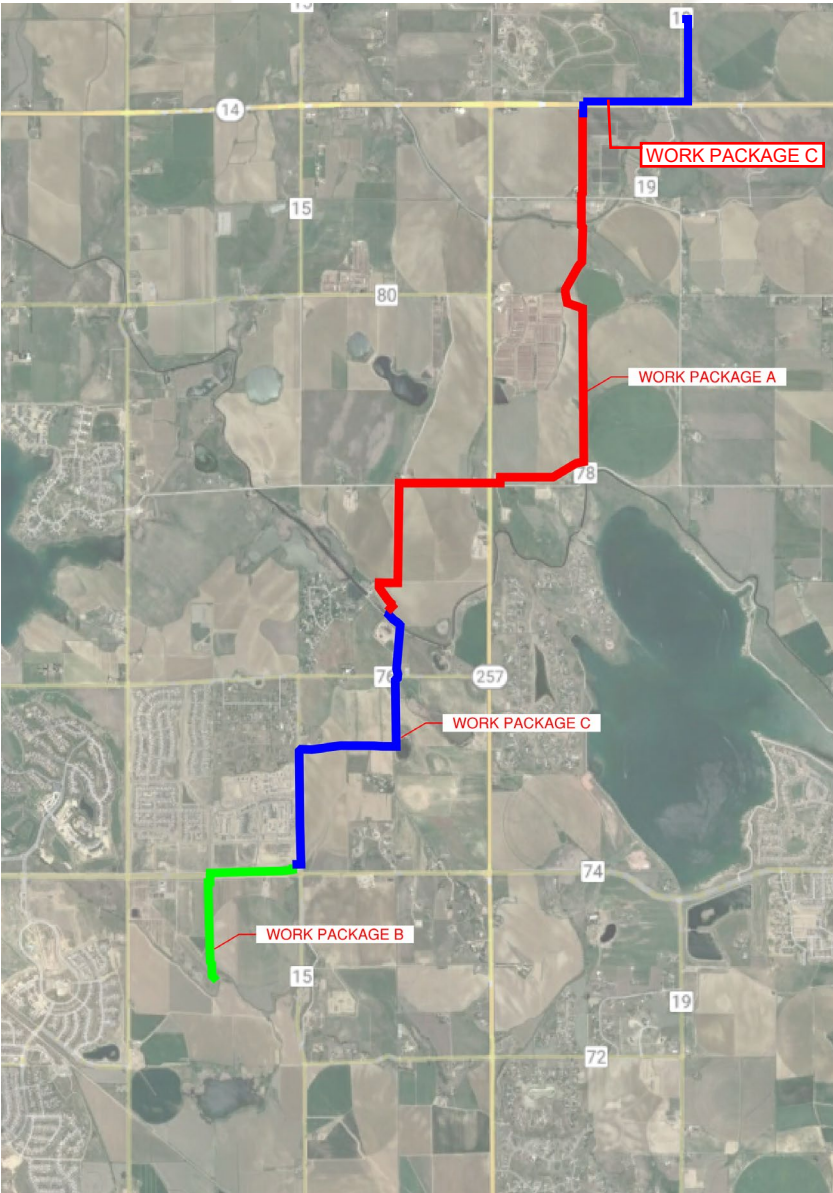
- Segment 1 Broken into 3 Work Packages (WP)
 - WP-A: Larimer and Weld County Canal Crossing to HWY 14
 - WP-B: Bellvue 60" Line connection to Harmony Rd/CR 15
 - WP-B includes NWCWD Interconnect (Costs Reimbursed by NWCWD)
 - WP-C South: Harmony Rd/CR 15 to Larimer and Weld County Canal Crossing
 - WP-C North: Crossing Hwy 14 to 1 mile north on CR 19

Segment 1 - Easements



Segment 1 - Schedule

- Overall Construction
 - April 2023 – October 2024
- Work Packages A & B
 - Contract Awarded March 2023
 - Steel pipe fabrication in process
 - Pipe deliveries began in April
- Work Package C
 - Contract Awarded December 2023
 - Pipe Arriving Late January

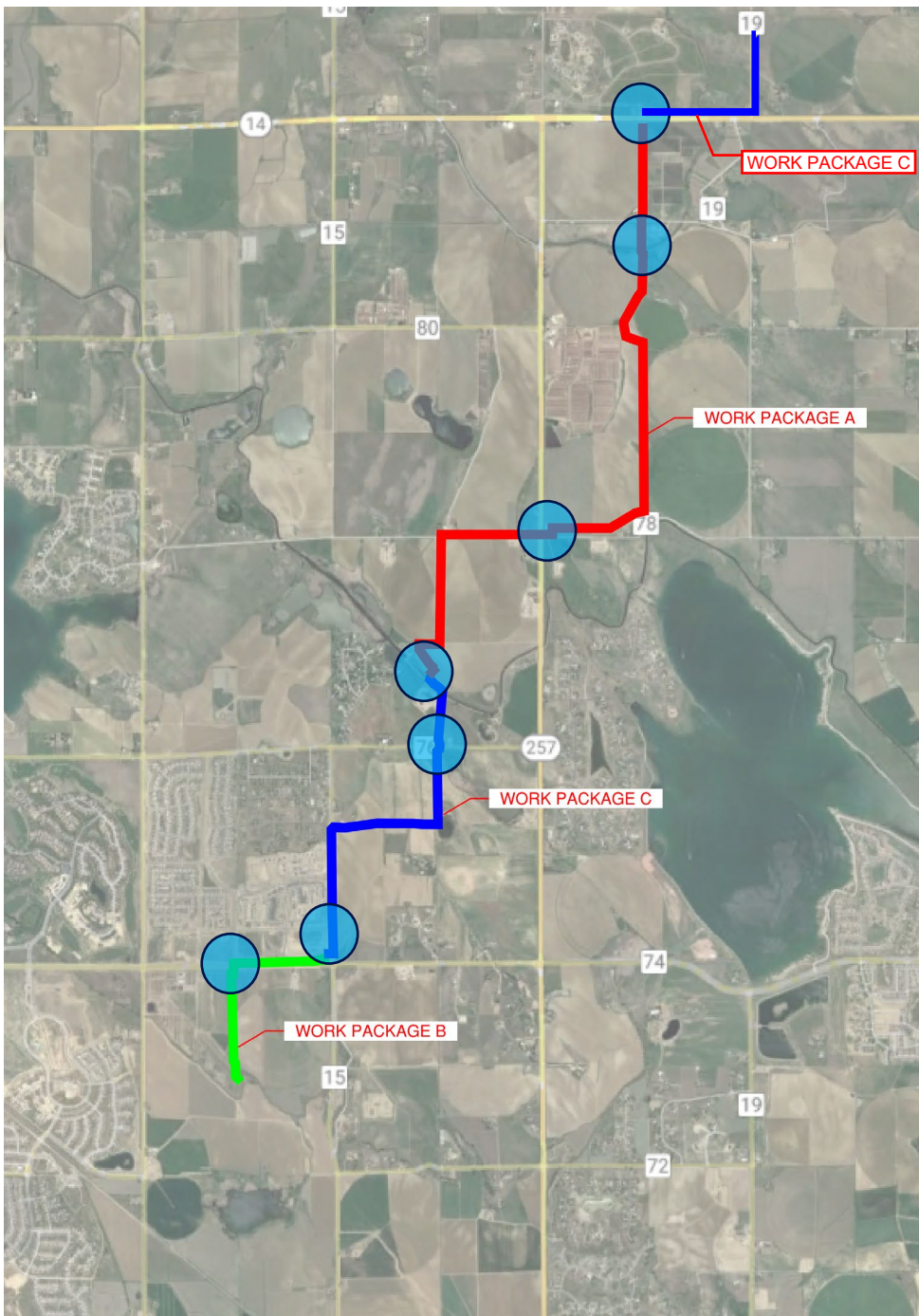


Bellvue 60" Tie-in and Valve



Segment 1- Tunnels

- Currently 7 Tunnels Planned
 - WP-A
 - HWY 257 (Completed)
 - Larimer County Canal (Completed)
 - WP-B
 - Harmony Road (Tunnel failed-Open cut)
 - WP-C South
 - Larimer and Weld County Canal
 - CR 76
 - CR 15
 - WP-C North
 - HWY 14



Harmony Tunnel – Open Cut



Hwy 257 Tunnel



Larimer County Canal Tunnel



Larimer & Weld Canal Tunnel



Segment 1 - Budget to Date

- \$43M Appropriated in 2022 and 2023
- Contracts To Date (\$27.4M):
 - \$38M for Pipe and Installation (Segment 1 just past CO 14)
 - ~7.7 Miles Total
 - WPA, WPB, WPC-South, WPC-North, NWCWD Interconnect
 - \$4M Professional Services (Includes Design [Segment 1-100% and Segments 2-4-60%], CM, Land Acquisition Services)
 - Land Acquisition = ~\$908K to Date



Segment 1 - Budget to Date

- Reimbursement Requests from Escrow (\$9.1M)
 - Wingfoot \$7.3M (80%)
 - City of Greeley \$1.8M (20%)
- Reimbursement from NWCWD
 - \$763K (of \$1.28M)



Construction Progress – WPA, WPB, NWCWD Interconnect

WPA:

- 36" Pipe Received 20,200 LF of 20,200 LF, 100% Complete
- 36" Pipe Installed 19,156 LF of 20,200 LF, 94% Complete

WPB:

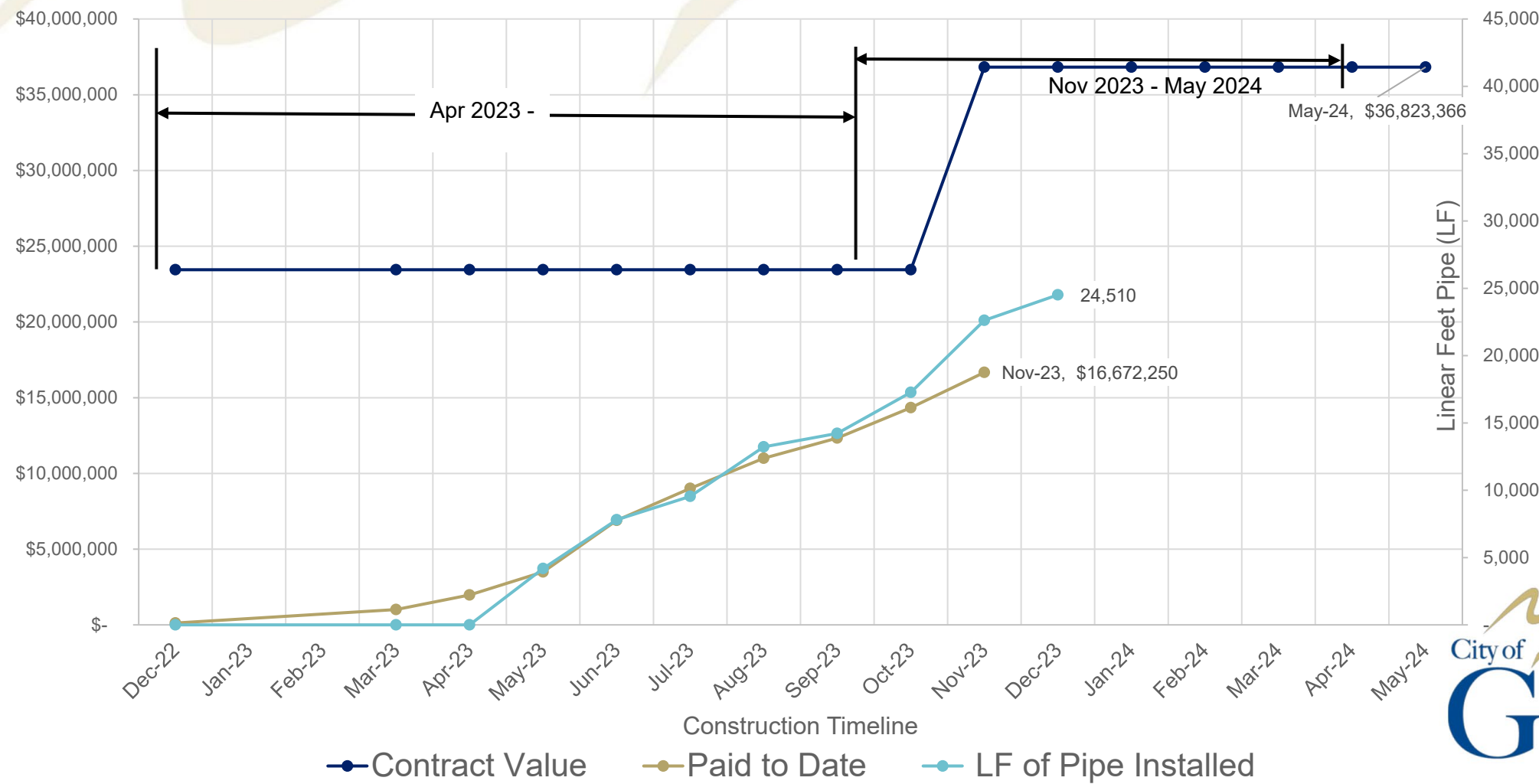
- 36" Pipe Received 5,354 LF of 5,354 LF, 100% Complete
- 36" Pipe Installed 5,354 LF of 5,354 LF, 100% Complete

NWCWD Interconnect:

- 24" pipe installed 640 LF of 650 LF, 98% completed



Construction Progress – Earned Value



NWCWD Interconnect at Harmony



Feb 1 Target Date

- Disinfection and Pressure testing of COG 36" from Bellevue tap to NWCWD Valve
- Disinfection and Pressure testing of NWCWD Line from COG Connection to Meter Station

Placing Pipe and Restoration



CHALLENGES

- Permits
 - CDOT
 - Tied to Access/Easements
- Timely Easement/Access Acquisition
 - Eminent Domain Process
 - Negotiations
 - Internal Process for Payments
- Potential Claims
 - Harmony Tunnel-DSC
 - LWIC Tunnel-Dewatering
- Crossings
 - O&G Agreements
 - Canal Agreements
- Supply Chain
 - Long Lead Times
 - Commitments from Suppliers (Pipe)



Questions?



Terry Ranch Water Supply Pipeline



Walker to Winter North Connection

24" NWCWD Interconnect
at Serfer Tree Farm

Larimer and Weld County Canal Bypass

WORK COMPLETED

- Reynolds connected the 36" mainline at the Walker property to the previously installed 36" mainline pipe at the Winter North property.
- Installation of cathodic protection test stations at the Winter/Walker property line and on both sides of the Harmony Rd crossing.
- Reynolds completed the Larimer and Weld County Canal Bypass, creating a 50 ft section of dry work area for BTrenchless to begin tunneling operations.
- BTrenchless completed installation of the 48" casing pipe beneath the Larimer County Canal.
- IME was on site installing fiber optic conduit on the south end of the Cactus Hill property.

WORK UPCOMING

- Reynolds will complete the 24in NWCWD interconnect piping at the Serfer Tree Farm.
- BTrenchless will complete carrier pipe installation at the Larimer County Canal tunnel.
- Reynolds will complete the open cut crossing of county road 80.5 and tie-in to either side of the Larimer County Canal tunnel.
- IME to continue fiber optic conduit installation across the job site.
- BTrenchless to commence tunneling operations at the Larimer & Weld County Canal crossing.

COST

Segment 1 Contract Value:

\$36,823,366

Work Complete:

\$16,672,250 (Through November)

Change Order Percentage:

0%

45%

COMPLETE

SCHEDULE

Notice to Proceed: 4/4/2023

Substantial Completion: 10/4/2024

Final Completion: 11/4/2024

Calendar Days Charged to Date: 271

PROJECT TASKS

■ COMPLETE ■ INCOMPLETE

36" Steel Pipe Work Package A

18,156 LF 20,200 LF

36" Steel Pipe Work Package B

5,354 LF 5,354 LF

36" Steel Pipe Work Package C

0 LF 15,431 LF

24" Pipe for NWCWD Interconnect

364 LF 650 LF

EASEMENTS EXECUTED

WP-A: (2 of 4)

WP-C South: (2 of 2)

WP-B: (2 of 2)

WP-C North: (4 of 4)



Water & Sewer Agenda Summary

January 17, 2024

Key Staff Contact: Sam Harshbarger - Water Resources Administrator II

Title:

Annual Water Court Update

Summary:

The City of Greeley Water and Sewer Department is active in numerous Water Court matters to develop additional water supply and to protect existing water rights. In the third trimester, Greeley filed seven statements of opposition and stipulated out of three cases. During 2023, water court legal costs equaled \$378,751 and engineering costs equaled \$208,721 for a total annual cost of \$587,472.

Recommended Action:

Informational only

Recommended Motion:

N/A

Attachments:

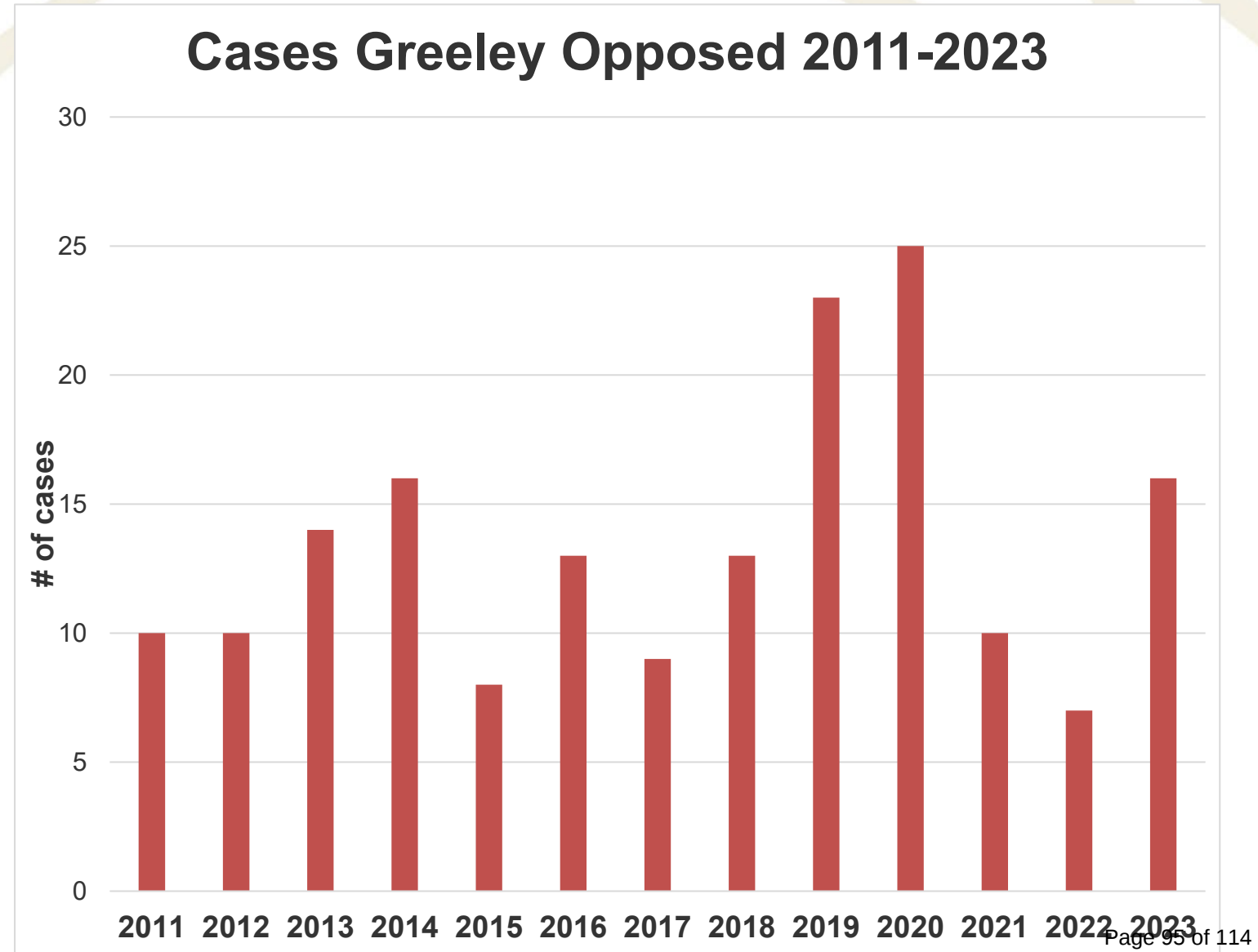
1. Water Court Update
2. Annual Water Court Update Memo

3rd Trimester Water Court Update

Sam Harshbarger, Water Resources Administrator II
January 24th, 2024

Statements of Opposition

- T1 2023: 7 statements of opposition filed and 4 stipulations reached
- T2 2023: 2 statements of opposition filed and 4 stipulations reached
- T3 2023: 7 statements of opposition filed and 3 stipulations
- Number of cases Greeley is *currently* an opposer: **35**
- Total number of active cases in 2023: **39**



Greeley as Applicant

Poudre Instream Flows Aug. Plan 21CW3056



- Preserve and improve Poudre River instream flows
- Co-Applicants with CWCB, Fort Collins, and Thornton
- Greeley using GIC rights
- 20 statements of opposition filed
- Case has been re-referred to Judge
- Status Conference on 1/12 for additional deadlines

Greeley as Applicant

Greeley Change of WSSC (22CW3042)

- Changing 23.917 shares
- Municipal, augmentation, and other uses
- Includes plan for augmentation for return flows
- Conditional direct flow water right for return flows
- 24 statements of opposition were filed; 2 stipulations reached
- Greeley will respond to 3rd round of comments by January 30th.



Greeley as Applicant

Greeley Lower Poudre Diligence (22CW3220)



- Filed application on December 31st, 2022
- Greeley claiming additional amount of junior storage right as absolute for a total of 1,458.6AF
- Greeley also seeking to increase rate of exchange from 6.14 cfs to 9.04 cfs from WWTP to Boyd and Freeman Headgate
- 4 statements of opposition were filed
- Greeley will provide a response to comments by February 2nd.

Greeley as Applicant

Greeley Non-Potable Augmentation Plan (99CW231)



- Filed application on November 30, 2023.
- Greeley is not claiming additional conditional groundwater rights or rights of exchange as absolute.
- Awaiting statements of opposition and initial status conference for deadlines

Legal & Engineering Expenses

2023 Costs

Legal	\$ 378,751
Engineering	\$ 208,721
Total	\$ 587,472

This is 118% of the \$498,272 spent in 2022



Questions?





Water & Sewer Department MEMORANDUM

TO: Greeley Water & Sewer Board
FROM: Sam Harshbarger, Water Resources Administrator II
DATE: January 9, 2024
RE: 2023 Water Court Cases Update

This memorandum is a review of the Water and Sewer Department's legal activities from September 2023 through December 2023. The review includes an update on Greeley's current Water Court cases and a summary of the Water Resources Division's legal expenses.

STATEMENTS OF OPPOSITION

Since the last update in September, Greeley has filed seven statements of opposition and stipulated in three cases. As of December 31, 2023, the number of pending Water Court cases in which Greeley was an opposer is 35.

Statements of Opposition filed:

Case	Applicant
23CW3082	Sky Corral Ranch
23CW3084	City of Evans (GLIC)
23CW3100	Hartford Investments
23CW3104	FCLWD & ELCO
23CW3112	Hartford Investments
23CW3137	City of Fort Collins Natural Areas
23CW3138	Town of Eaton

Stipulations filed:

Case	Applicant
22CW3184	NPIC
21CW3023	Town of Berthoud
20CW3069	Hunt Water, LLC

SERVING OUR COMMUNITY • IT'S A TRADITION

We promise to preserve and improve the quality of life for Greeley through timely, courteous and cost-effective service.

GREELEY AS APPLICANT

A summary of pending Water Court cases in which Greeley is the applicant is as follows:

21CW3056 (City of Greeley, et al., Poudre River Instream Flows Augmentation Plan)

On April 29, 2021, the City of Greeley filed a joint application with the Colorado Water Conservation Board, Colorado Water Trust, City of Fort Collins, City of Thornton, Northern Water, and the Cache la Poudre Water Users Association for approval of a plan of augmentation for instream flows in the Cache la Poudre River. The purpose of the augmentation plan is to preserve and improve the natural environment to a reasonable degree at various locations in the Poudre River from the Cache la Poudre at Canyon Mouth near Fort Collins gage to the confluence of the South Platte River. Greeley has proposed to include certain of its changed Greeley Irrigation Company shares in the plan. Twenty statements of opposition have been filed. This case has been re-referred to the water judge and is set for trial in October 2025. Co-applicants recently responded to the opposers' comments. A status conference will be held on January 12th and additional deadlines will be set at that time.

22CW3042 (City of Greeley Change of WSSC)

On March 31, 2022, the City of Greeley filed its application for the change of 23.917 shares in the Water Supply and Storage Company ("WSSC"). Greeley is changing the shares from irrigation to municipal, augmentation, and other uses. Greeley also seeks a plan for augmentation and water exchange project for the replacement of return flows from the native portion of the Subject Shares and an appropriation of such return flows. Greeley also seeks a conditional direct flow water right for replacement of return flows. Twenty-four statements of opposition were filed and Greeley has stipulated with two opposers. We are in the third round of informal comments in this case. Greeley's next response to opposer comments is due on January 30th.

22CW3220 (City of Greeley Lower Poudre Diligence)

On December 31, 2022, the City of Greeley filed its application for diligence and to make an additional portion absolute for partially conditional water rights originally decreed in Case No. 99CW234. This application concerns the partially conditional water storage rights for Flatirons Reservoirs 1-5 (a.k.a. Poudre Ponds) and the partially conditional rights of substitution and exchange. Greeley is seeking to increase the absolute storage amount in Poudre Ponds from 1,304 acre-feet to 1,458.6 acre-feet. Greeley is also seeking to increase the absolute rate of exchange from 6.14 c.f.s. to 9.04 c.f.s. from the Wastewater Treatment Plant to the Boyd and Freeman Headgate. Four statements of opposition were filed. Greeley has received preliminary comments and will circulate a revised proposed decree and respond to comments from opposers by February 2nd.

23CW3158 (City of Greeley Lower Cache la Poudre River Water Stewardship Project)

On November 30, 2023, Greeley filed this application for diligence for conditional groundwater rights and a conditional exchange water right previously decreed in Case No. 99CW231. The Groundwater rights include several wells at various locations within Greeley, and the Flatiron Reservoirs (a.k.a. Poudre Ponds). The exchanges will be used to replace depletions from various

structures including the groundwater rights that are also the subject of this application. Statements of opposition to this application are not due until January 30, 2024.

LEGAL & ENGINEERING EXPENSES:

The Water Resource Division's outside legal and engineering expenses from January through July 2023 totaled \$410,420, which is 82.4% of the total \$498,272 spent in 2022.

2023 Water Resources Legal and Engineering Costs

<u>1st trimester</u>	
Legal	\$133,066
Engineering	\$46,203
<i>Total</i>	\$179,269
 <u>2nd trimester</u>	
Legal	\$163,652
Engineering	\$67,499
<i>Total</i>	\$231,151
 3rd trimester	
Legal	\$82,033
Engineering	\$95,019
<i>Total</i>	\$177,052
 <u>Annual Totals</u>	
Legal	\$378,751
Engineering	\$208,721
Total	\$587,472



Water & Sewer Agenda Summary

January 17, 2024

Key Staff Contact: Leah Hubbard

Title:

Legal Report

Summary:

This report has been provided by Carolyn Burr, outside counsel for the Greeley Water & Sewer Board.

Based on our review of the November 2023 Water Division 1 Resume, staff and water counsel recommend that the Water and Sewer Board file no statements of opposition this month.

On Nov. 30, 2023, an application for diligence was filed on behalf of the City of Greeley in Case No. 23CW3158. Greeley is seeking a finding of diligence for ground water rights associated with seven wells used on park or school grounds, as well as the ground water rights associated with the Flatirons gravel pit reservoirs 3, 4 and 5. Greeley is also seeking a finding of diligence for the appropriate rights of exchange associated with the augmentation plan for these ground water rights, which allows fully consumable water to be exchanged to the reaches of the Poudre that are depleted by the ground water rights. All of the rights remain conditional. Statements of opposition are due by the end of January.

Recommended Action:

None

Recommended Motion:

None

Attachments:

None



Water & Sewer Agenda Summary

January 17, 2024

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Director's Report

Summary:

The Director will provide the Water & Sewer Board and staff with a brief update on the following items of water utilities policy interest;

1. City of Greeley and Colorado Water Industry Education and Advocacy Events Calendar
 - a. **Colorado Farm Show** - January 23 – 25th at Island Grove Regional Park, Greeley
<https://coloradofarmshow.com/> Presentation on Ag Water Transfers and Leaseback program
 - b. **Colorado Water Congress Annual Meeting & Legislative Breakfast** – Jan. 31- Feb 2nd at Aurora-Denver Conference Center <https://cowatercongress.org/advocacy/>
 - c. **Subsurface Water Storage Symposium by CSU Water Center** - Jan. 31- Feb 2nd at Aurora-Denver Conference Center <https://watercenter.colostate.edu/ssws/>
 - d. **AWWA and WEF have established The Utility Management Conference™** - February 13th -16th, <https://www.awwa.org/Events-Education/Utility-Management>
2. South Platte Basin Round Table Update
 - a. 2024 Election of Officers, Vacant Positions, CWCB Board Rep from South Platte Basin
3. F-Street Property Update and NEW Operations and Maintenance Facility Planning Overview
4. February W&S Board Agenda Preview

Recommended Action:

Informational only

Recommended Motion:

N/A

Attachments:

1. 2024 WS Board Meeting Dates
2. Board Meeting Charts 2023

Water & Sewer Agenda Summary

Date: December 20, 2023 REVISED January 17, 2023

Key Staff Contact: Sean Chambers, Director

Title: Review and Approve 2024 Board Meeting Dates

Summary:

Board Meetings will be set and noticed for the following dates. Except Wednesday June 26th all other meeting dates are set for the 3rd Wednesday monthly. The June 2024 meeting is being set for the 4th Wednesday to avoid a holiday conflict with Juneteenth 2024. Board meetings are set for City Council Chambers at 1001 11th Avenue, Greeley, CO 80631, and meetings of the Board are set to commence at 2:00 p.m. unless otherwise noticed.

January 17, 2024
February 21, 2024
March 20, 2024
April 17, 2024
May 15, 2024
June 26, 2024
July 17, 2024
August 21, 2024
September 18, 2024
October 16, 2024
November 20, 2024
December 18, 2024

Recommended Action: Approve the schedule of 2024 Water and Sewer Board meetings as presented.

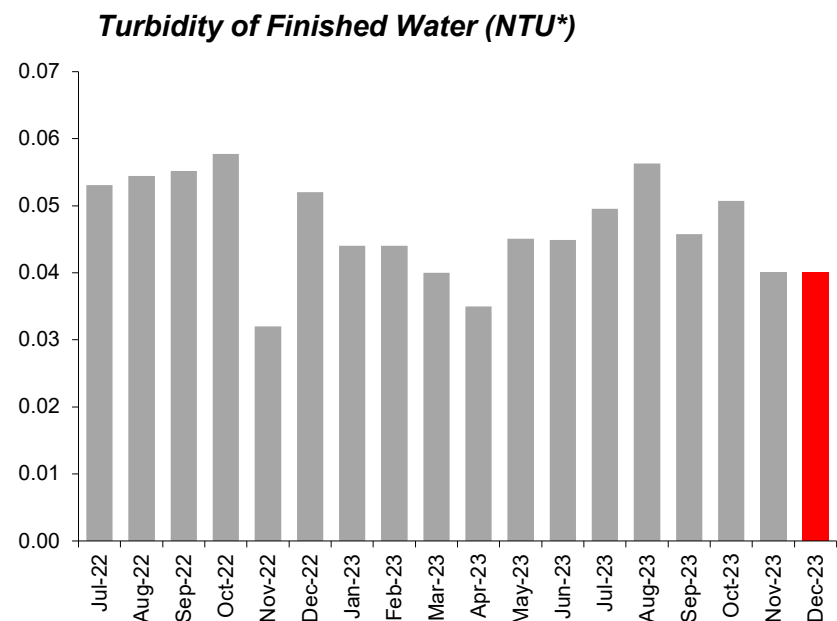
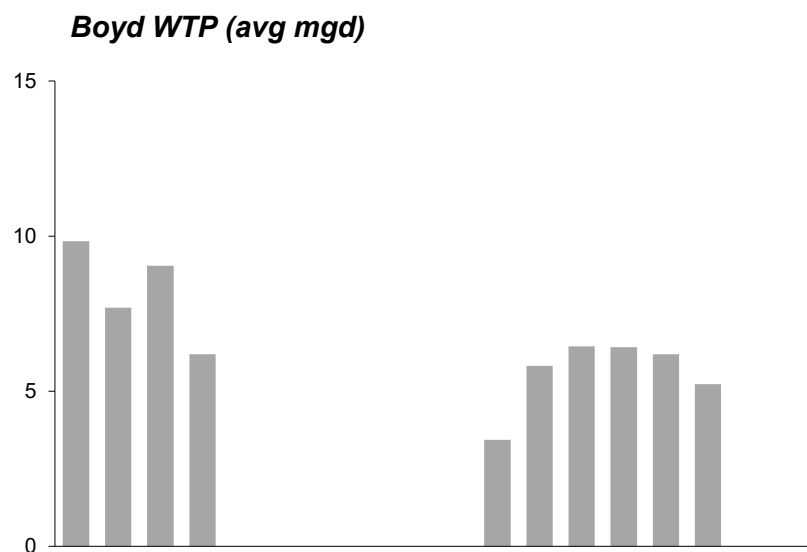
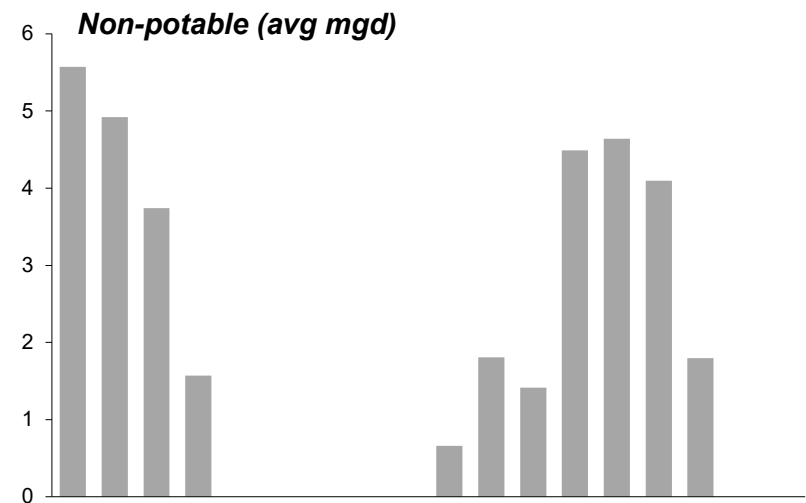
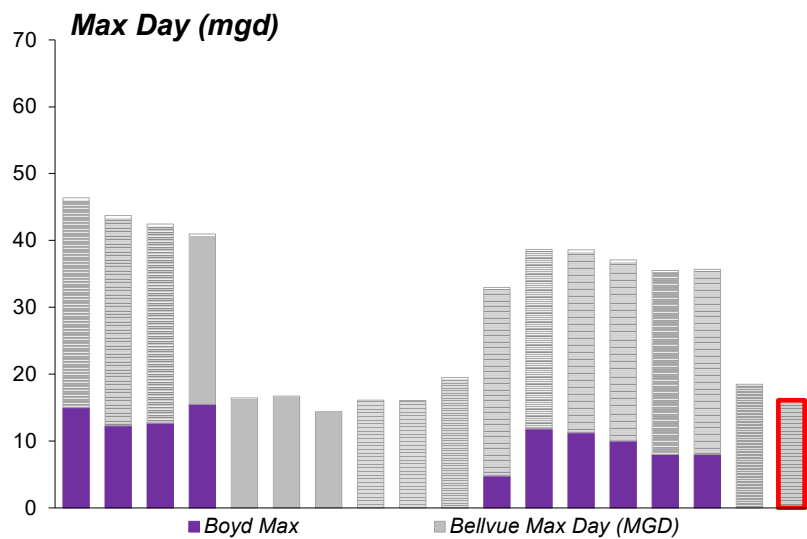
Attachments: N/A

Water Treatment

Bellvue Water Treatment Plant operates year-round with a transmission capacity of 29.1 million gallons per day (mgd) (plant capacity is 32 to 35 mgd). Water sources include Poudre River direct flows, Colorado-Big Thompson (C-BT), Windy Gap, High Mountain Reservoirs, Laramie-Poudre Tunnel, and Water Supply and Storage. Average volume is 19,000 acre-feet a year (2000-2011). The plant was built in 1907, with its last treatment upgrade in 2009. Solar panels were added in 2014.

Boyd Water Treatment Plant operates normally from April to October with a plant capacity of 38 mgd (transmission capacity is 40 mgd). Water sources include Greeley-Loveland Irrigation Company, C-BT, and Windy Gap. Average Volume is 8,200 acre-feet (2000-2011). The current plant was built in 1974, with its last treatment upgrade in 1999. Solar panels were added at Boyd in 2014. In 2016, tube settlers and platte settlers were replaced in the sedimentation basins. In 2018, all old existing chemical lines were replaced with new lines and the piping was up-sized to carry more chemical. A PLC upgrade was done on the SCADA system. Sludge pumps were replaced and hooked into the Trac Vac system that pulls sludge out of the sedimentation basins.

Combined, Bellvue and Boyd can treat a maximum of 70-73 million gallons per day.



Starting May 2016 Bellvue turbidity measurements will use a new method resulting in more accurate readings.

*Turbidity limit: 95% of samples must be below 0.3 NTU.

Turbidity is the measure of relative clarity of a liquid. Clarity is important when producing drinking water for human consumption and in many manufacturing uses. Turbidity is measured in Nephelometric Turbidity Units (NTU).

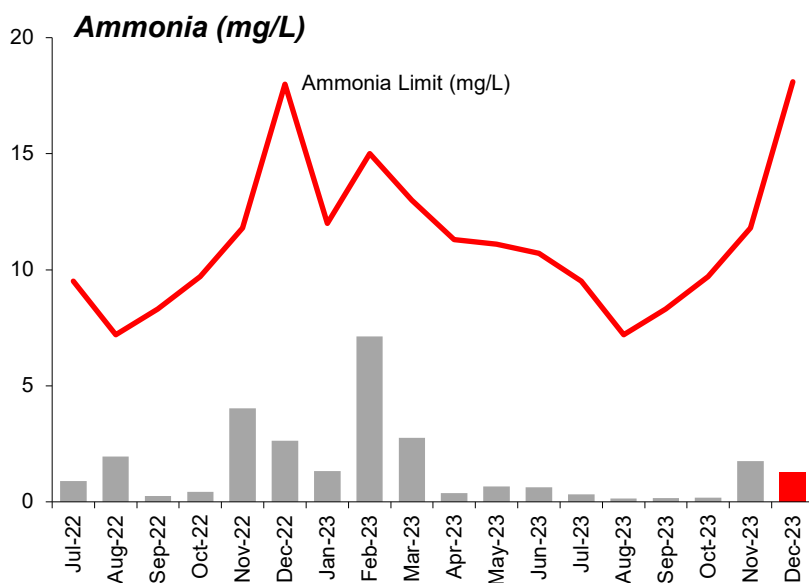
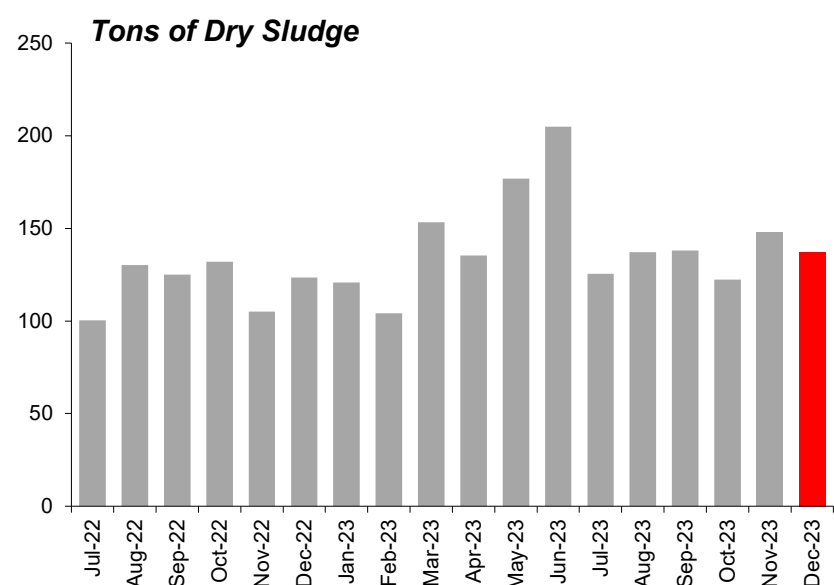
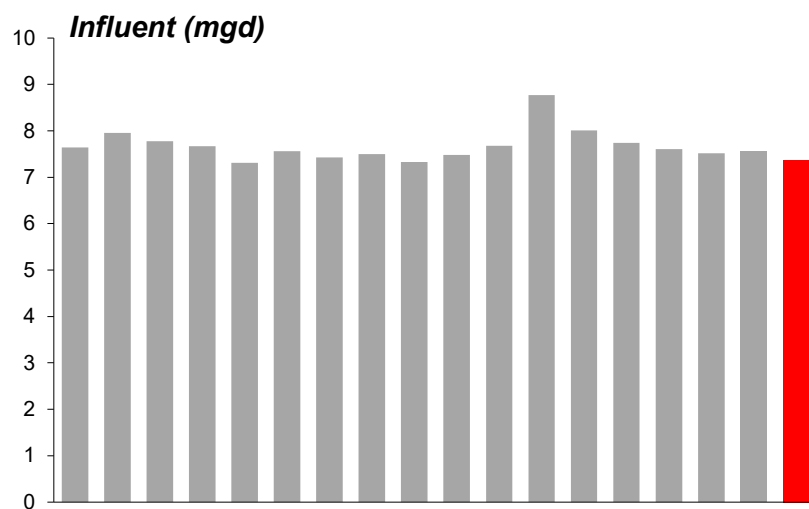
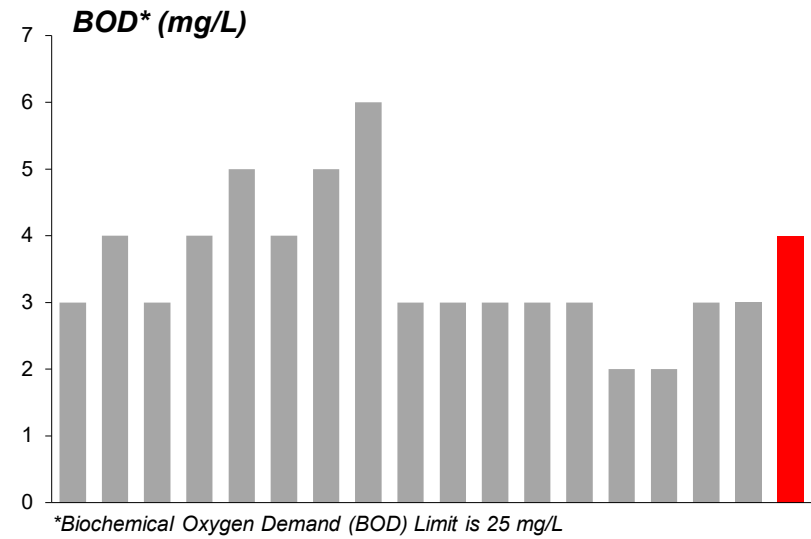
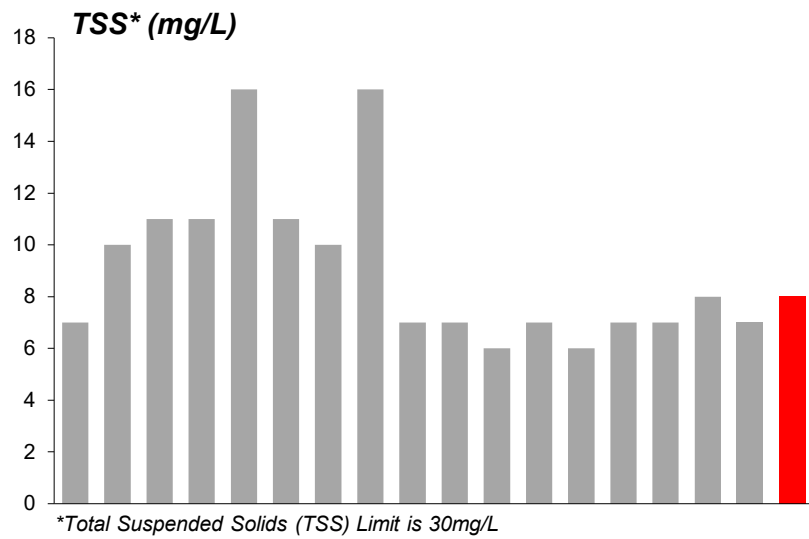


Wastewater Treatment

The Water Pollution Control Facility (WPCF) staff are dedicated environmental professionals who provide quality, safe and cost-effective wastewater treatment services for the citizens of Greeley. The WPCF treats wastewater to meet or exceed Environmental Protection Agency (EPA) and Colorado Department of Public Health & Environment requirements.

In 2011, the WPCF received an Xcel Energy Custom Efficiency Achievement Award for saving 2.78 million kWh and reducing CO2 emissions by 1,584 tons. In 2012, the WPCF received the Rocky Mountain Water Environment Association's (RMWEA) Sustainability Award for Colorado demonstrating excellence in programs that enhanced the principles of sustainability. A Certificate of Achievement from the Colorado Industrial Energy Challenge program managed through the Colorado Energy Office was received in the same year. In 2013, the plant received the City of Greeley's Environmental Stewardship Award for outstanding efforts to reduce energy (watts), conserve energy and water, reduce air and water pollution, and educate and encourage others to be environmental stewards. Also, in 2013, the plant was the recipient of a Bronze Award from the Colorado Environmental Leadership Program. In 2015, after having 5 years without a plant violation, the plant received the 2015 National Association of Clean Water Agencies (NACWA) Platinum Peak Performance award for the City of Greeley Water and Sewer Department.

Note: the red column indicates the current month.



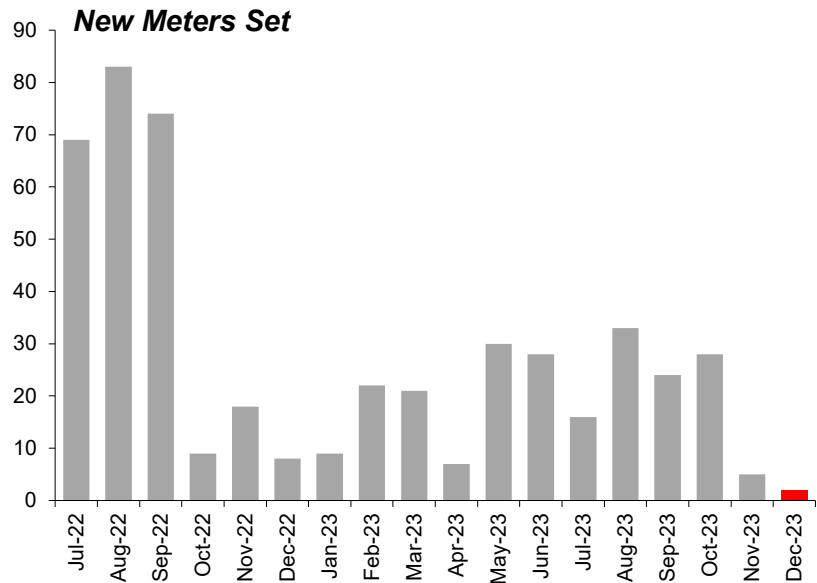
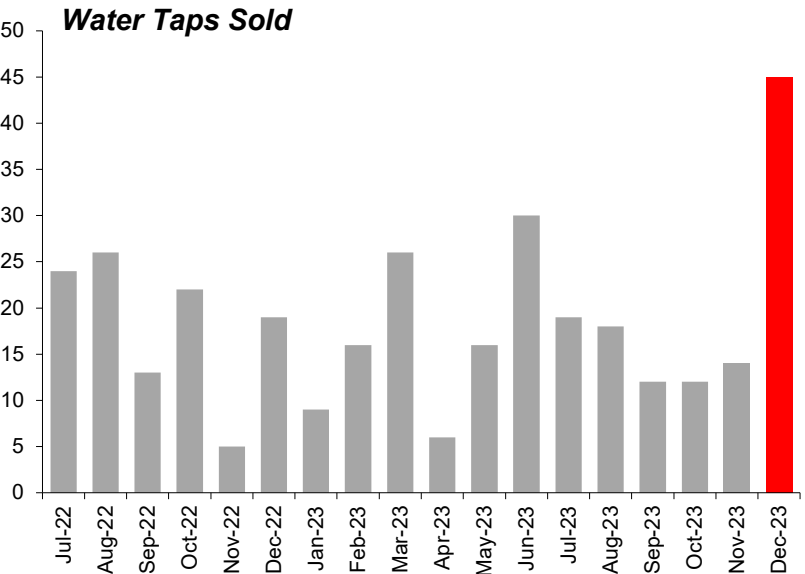
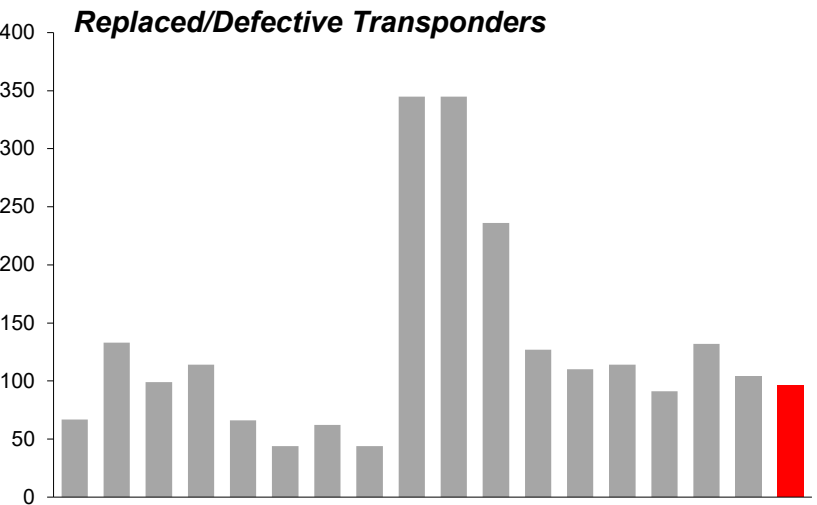
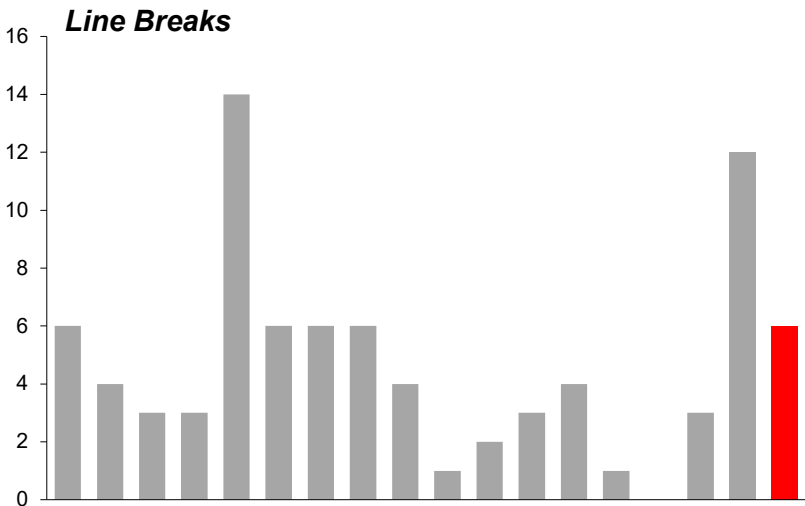
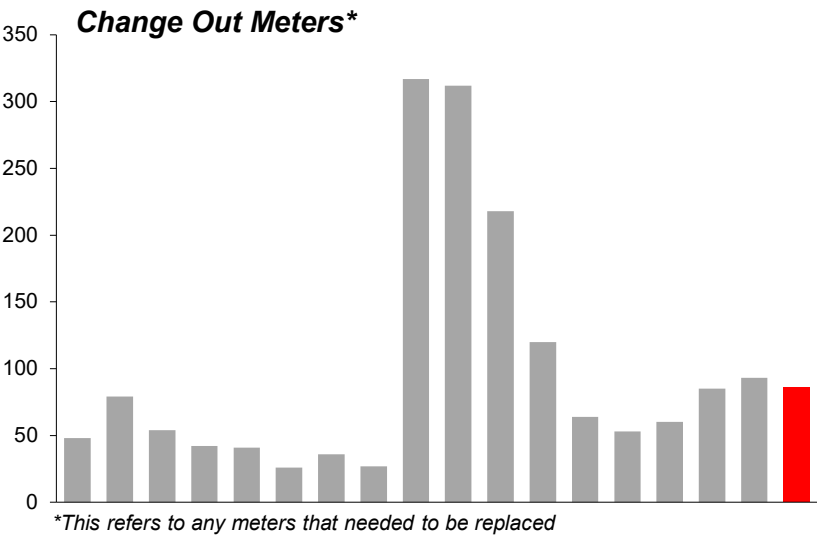
Water Distribution

The Greeley water distribution system consists of various sizes of pipes that generally follow the streets within the City. The distribution system serves residences and businesses in Greeley, Evans and Garden City, and the system is divided into four pressure zones.

There are 69.75 million gallons of potable water storage in Greeley. The water is stored within three covered reservoirs and one elevated tank; 23rd Avenue - 37.5 million gallons, Mosier Hill - 15 million gallons, and Gold Hill - 15 million gallons. The system also has 476 miles of pipeline, 24,233 water meters and 3,378 fire hydrants.

The water pipes in the distribution system vary in size from 4" to 36". Pipe material is steel, ductile iron, cast iron, or polyvinyl chloride. The age of the pipes varies from the 1890's to new installations.

Note: the red column indicates the current month.



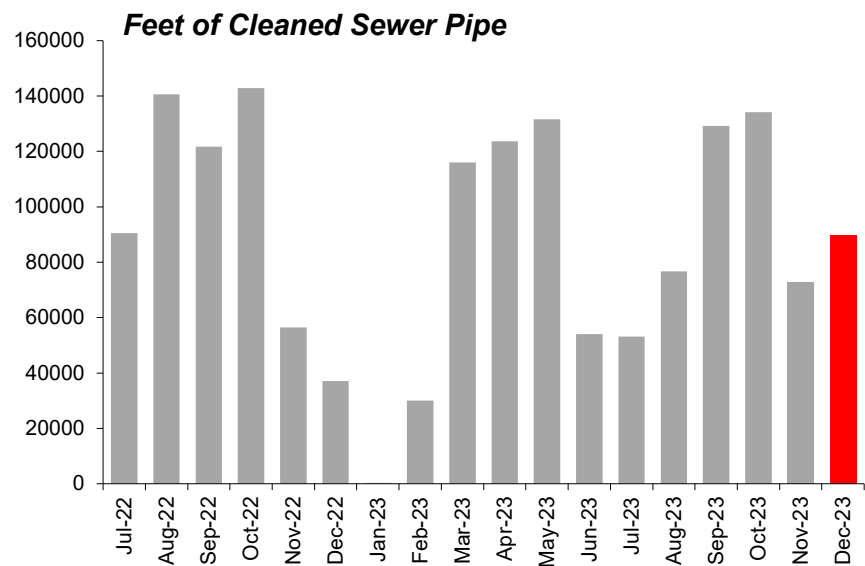
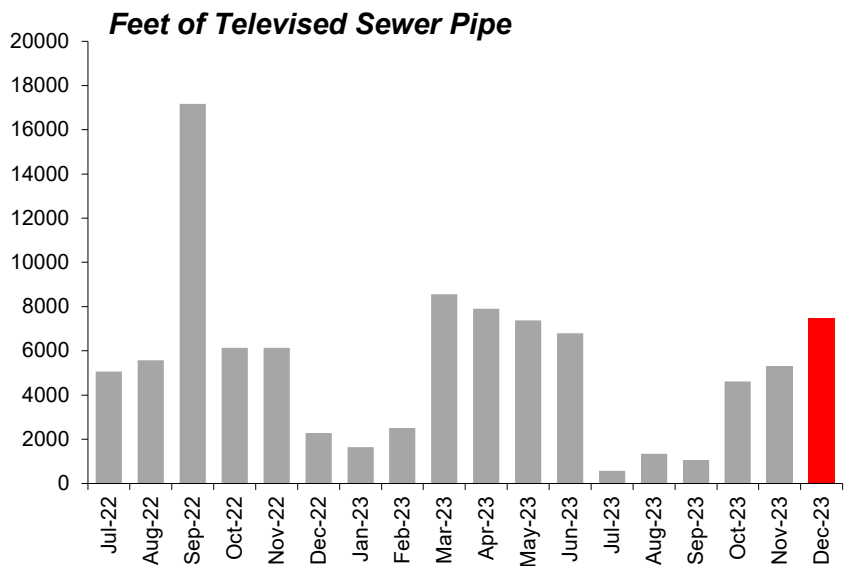
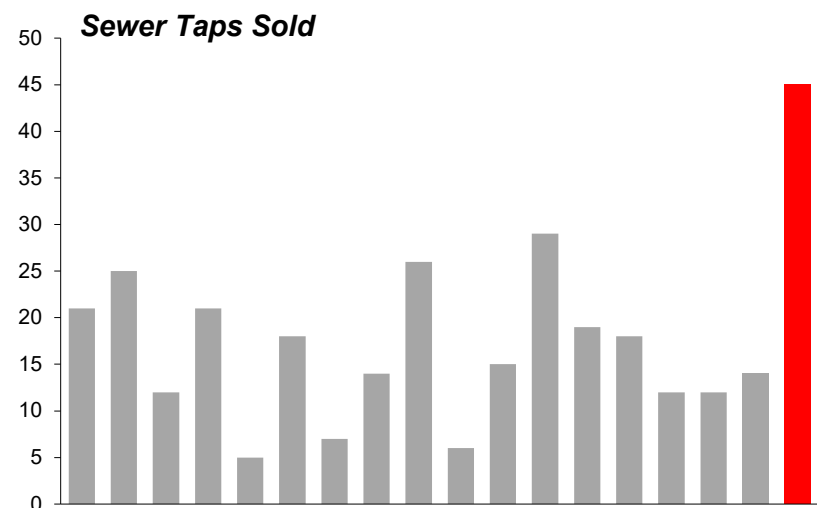
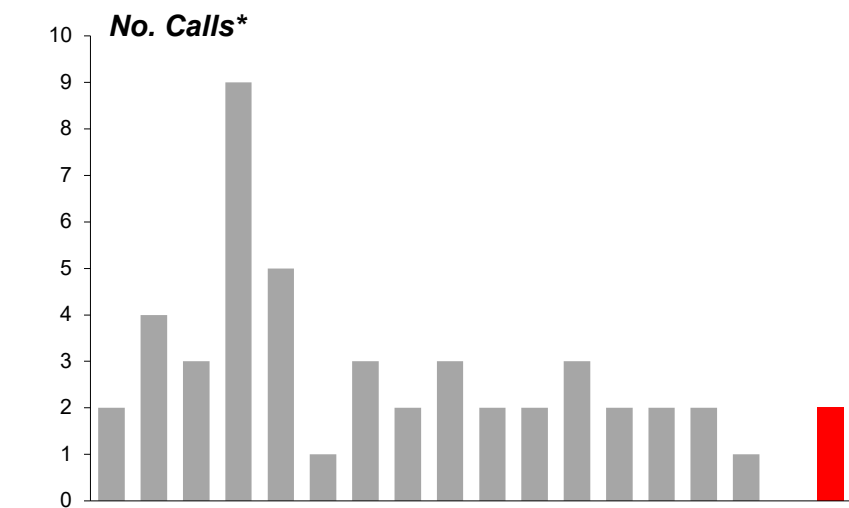
Wastewater Collection

The mission of the Wastewater Collection Division of the Water and Sewer Department is to protect community health by transporting wastewater away from homes and businesses. This includes respecting property values and public safety by reducing the frequency of blockages in the sanitary sewer lines.

A wide variety of work is performed including routine cleaning of sewer lines, inspection of sewer lines, maintenance of the sewage pumping stations, rehabilitation of the system and responding to emergencies.

The wastewater collection system dates back to 1889. At the end of 2017, the system had a total of 364.8 miles of line and 10 sewage pumping stations. The sewer service area is approximately 51 square miles. Over the last 10 years, the system has grown by 17 miles.

Note: the red column indicates the current month.

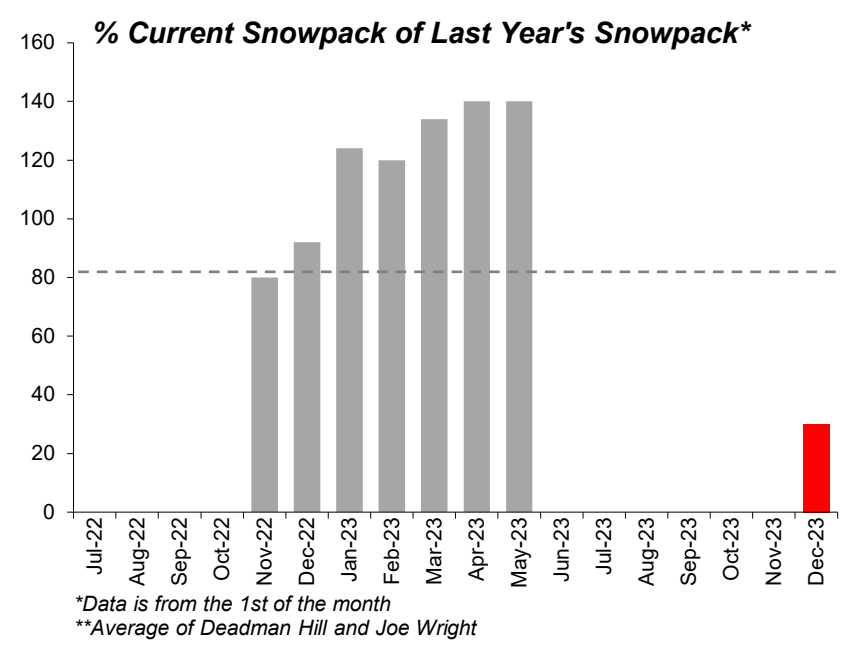
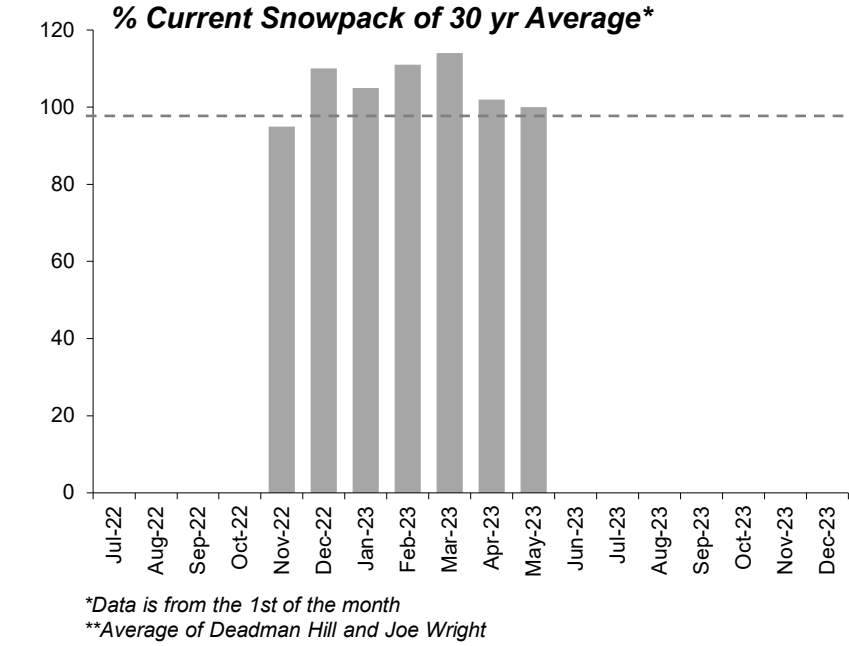
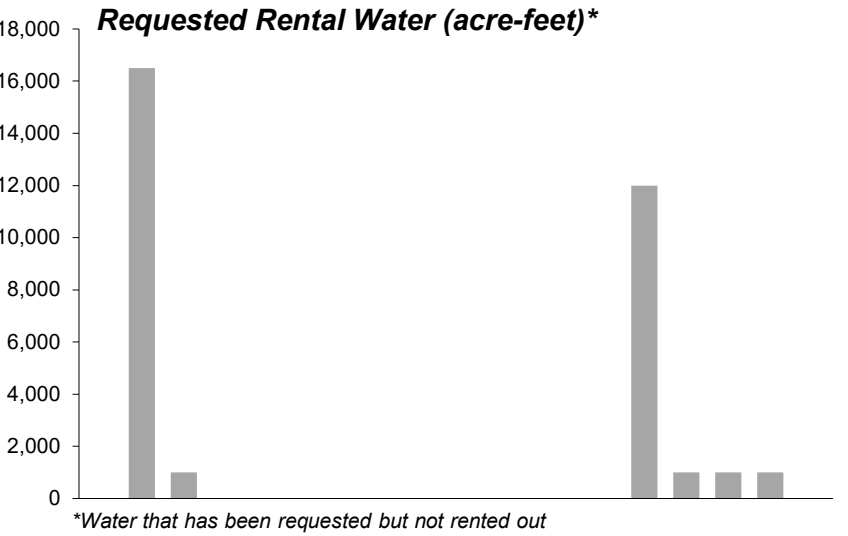
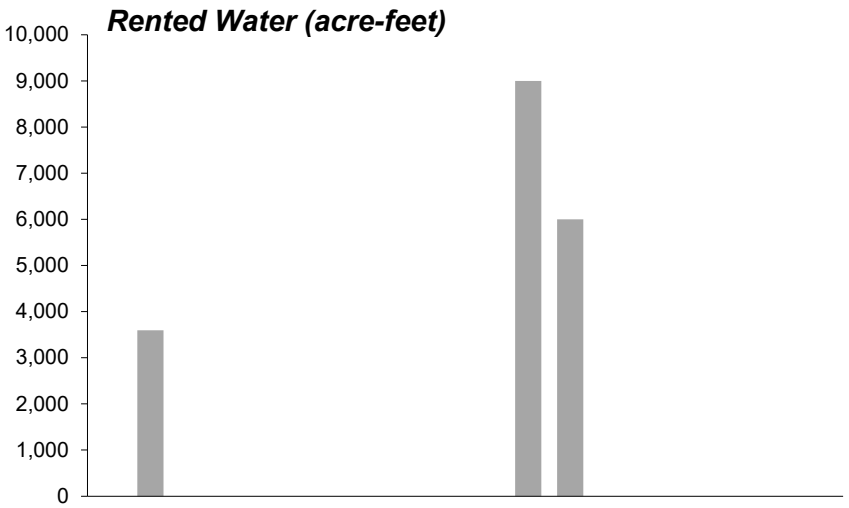
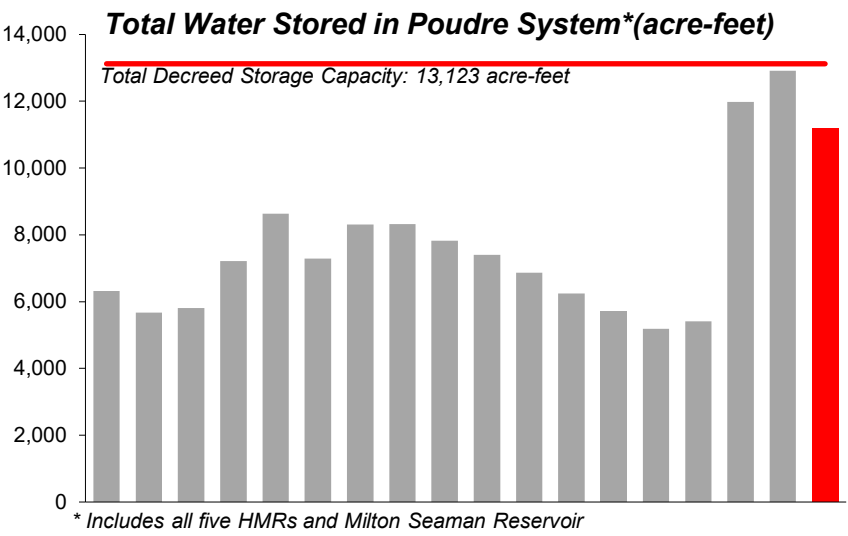
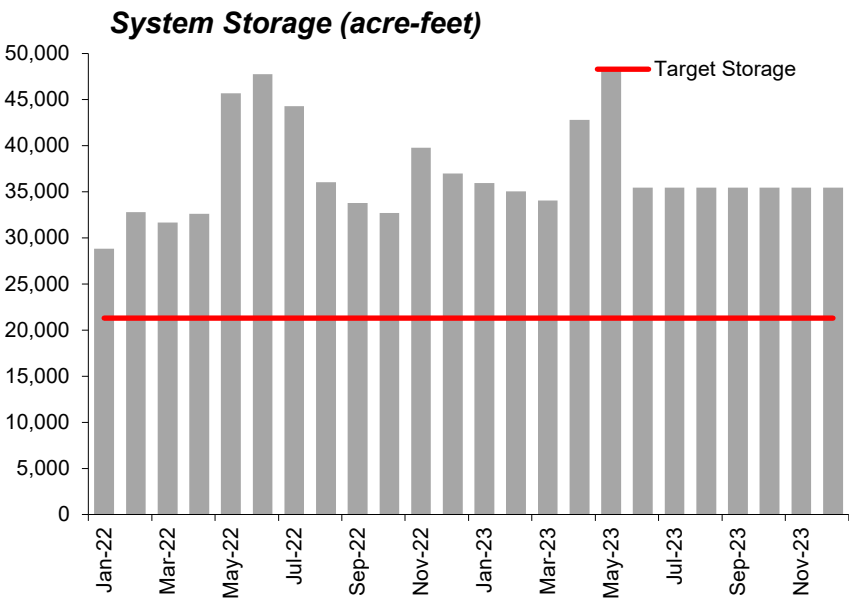


Water Resources

Greeley has numerous water rights in four river basins; the Upper Colorado River, Cache La Poudre, Big Thompson and Laramie River. The Water Resource staff must account for all of this water and comply with the rules of the Colorado Water Court and the State Engineer’s Office which is in charge of allocating all of Colorado’s water resources. Approximately one-third of the City’s water supply comes from agricultural water rights. These water rights must be formally changed to municipal use by a special legal process through the Water Court. In this court, Water Resource staff and attorneys also defend the City’s water rights against adverse claims from other parties.

Greeley’s goal is to have enough water in carry-over storage to sustain Greeley through a 50-year critical drought. Water in excess of this carry-over drought supply can be leased to agriculture, both for revenue and to support our local agricultural community. Modeling has shown that, given existing population and demand factors, Greeley will have sufficient water for citizens, if at the beginning of the 6-year long, 50-year critical drought, there is 20,000 acre-feet in storage on April 1st of the following year.

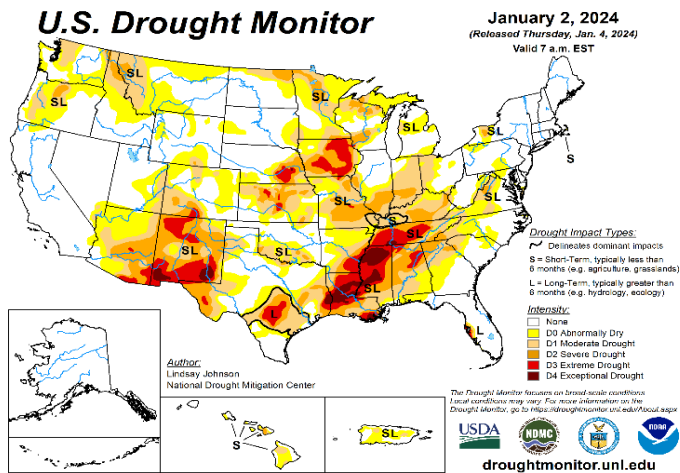
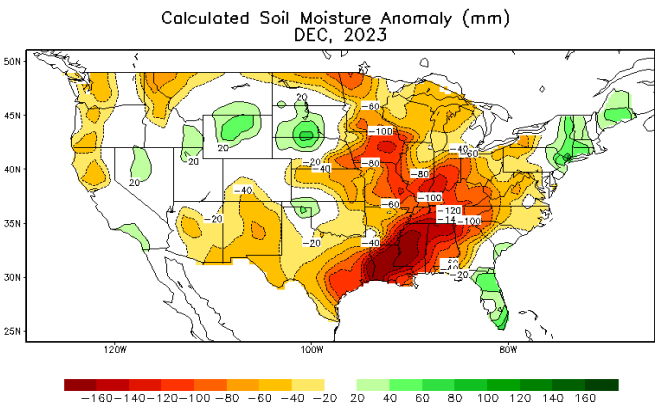
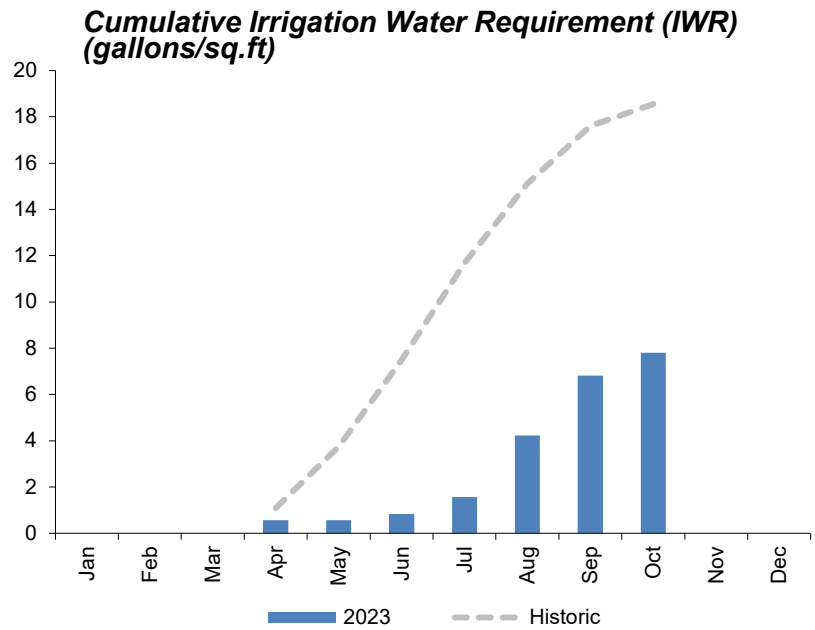
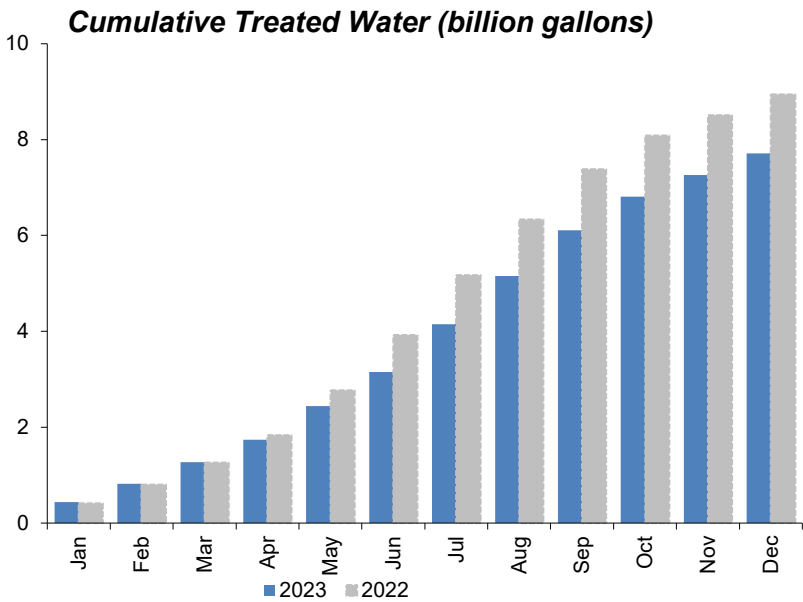
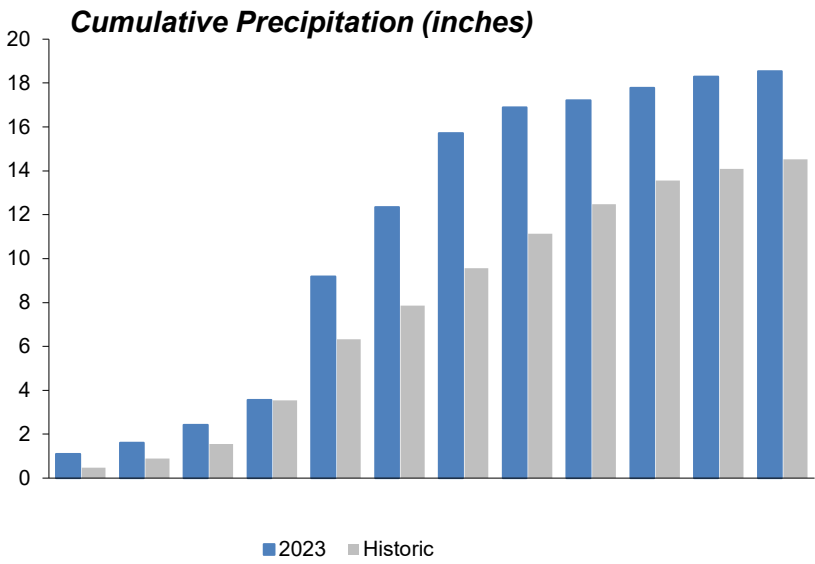
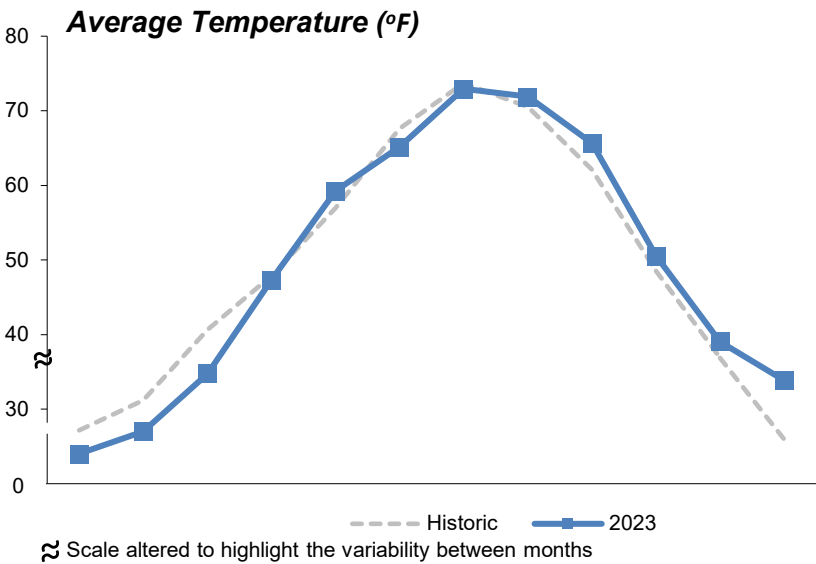
Note: the red column indicates the current month.



Treated Water and Weather Data

January was a cold month with an average temperature of 24°F. The average temperature for February was 27°, about 4° lower than the historical. It's been another cold month in March with an average temperature of 34.8°F, which is still 4° lower than the historical average. The average temperature in April was 47.33°F which is very close to the historical average. May's average temperature was slightly above average at 59.23°. June's average temperature was 65.15°F, about 2° lower than the historical average. The average temperature in July was 72.95°F, which was very close to the historical average. The average temperature in August was 71.9°F, slightly above average. The average temperature in September was 65.7° slightly above the historical average. In October, the average temperature was 50.56°F and in November it was 39.05°F, both slightly above the historical average. December was much warmer than average at 33.83°F, 7° higher than the historical average.

Greeley received 1.1 inches of precipitation in January, this is more than double the historical average for this month. February brought 0.51 inches of precipitation. Total precipitation for March was 0.81 inches, bring the total so far this year to 2.42. Greeley received 1.14 inches of precip in April, bringing the cumulative precip very close to the historical. Greeley received an astonishing 5.63 inches of precipitation in May, this is close to 3 inches above average. Another 3.16 inches of precipitation fell in June, which is more than double what has historically been received in June 3.37 inches of rain fell in July, bringing the annual total to 15.72 inches. In August, another 1.17 inches of rain fell. September was a relatively dry month only receiving 0.33 inches of rain. 0.56 inches of precipitation fell in October and 0.53 inches fell in November. December received 0.53 inches of precipitation, bringing the 2023 annual total to 18.54 inches.





Water & Sewer Agenda Summary

January 17, 2024

Key Staff Contact:

Title:

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

Summary:

Recommended Action:

Recommended Motion:

Attachments:

None