

**City of Greeley
Water and Sewer Board
Minutes of April 17, 2024, 2024
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, April 17, 2024.

1. Roll Call

The Clerk called the roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Tony Miller, Manuel Sisneros, Joeseeph Murphy, Mayor John Gates, Finance Director Tyra Litzau

Water and Sewer Department staff:

Director Sean Chambers, Deputy Director of Utility Finance and Customer Service Erik Dial, Chief Engineer Adam Prior, Deputy Director of W&S Operations and Maintenance Rebecca Andrus, Office Manager Gigi Allen, Administrative Assistant III Lisa Van Vorous, Acting Deputy Director of Water Resources Kelen Dowdy, Utility Finance Manager Virgil Pierce, Water Resource Operations Manager Leah Hubbard, Civil Engineer II Keri Fishlock, Administrative Assistant II Dana Ortiz, Water Enterprise Financial Analyst Crystal Sanchez, Intern II Mitch Zombek, Water Efficiency Resource Coordinator Margarita Padilla, Water Conservation Manager Dena Egenhoff, Water Resource Administrator II Alex Tennant, Water Resource Administrator II Megan Kramer, Civil Engineer IV Jim Paulson,

Legal Counsel:

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

Guests:

James Sutherland from Wingfoot, Communications Specialist II Cory Channell, PC Specialist Alik Cummins, Emeritus Robert Ruyle, Council member Deb DeBoutez

2. Approval of Minutes

Vice Chairman Todd made a motion, seconded by Mr. Murphy to approve the March 2024 Water and Sewer Board meeting minutes. The motion carried 5-0.

3. Approval of Agenda

Due to an error in packet item nine will proceed item eight in the Agenda order.

4. Welcome New Employees and Promotions

Deputy Director of Finance and Customer Service Erik Dial provided an introduction of new Water and Sewer Department employees starting this month.

5. Approval of Farm Lease Agreement (Cottonwood Bend Property)

Alex Tennant discussed that the Cottonwood Bend Natural Area was acquired and granted a conservation easement in 2016. The total property consists of 180 acres of various natural habitats. The proposed lease agreement is on the western most parcel which is known as Tennyson Meadows. On the northern most portion of this parcel is 10.5 acres of an alfalfa field which is bisected by the property line. North of the property line is owned by Kelly Longacre; he purchased the property from the Tennyson Family and has been irrigating it for the past few years. Mr. Longacre approached city staff about leasing the Greeley owned parcel due to the intent to farm the entire field and cited that the natural drainage of the field runs diagonal SE along Greeley's property towards the Poudre River.

The lease term is for one year, expiring December 31, 2024. The cost of the lease will be \$1,155.00 which equates to \$100/acre and an admin fee of 10% of the lease price. Greeley is providing no water in the lease; Mr. Longacre has sufficient irrigation shares ownership for the north portion of the parcel and the Greeley owned parcel.

The Board asked for additional clarification about the conservation easement, what it entails and how it is managed. Staff explained that it is a typical conservation easement that was granted by the property owner and held by third-party partners (the Town of Windsor and Larimer County, in this case). The primary purpose of the easement is to preserve the property as open space and maintain its natural resources and conservation values.

Vice Chairman Todd moved that the Board approve the Farm Lease Agreement with Kelly Longacre in the form enclosed, and delegate authority to the Director of Water and Sewer to make minor revisions to the lease prior to execution, and to authorize future renewals of the lease, provided the material substance remains unchanged. Mr. Miller seconded. The motion carried 5-0.

6. Approval of Big Thompson Platte River Ditch Company Bypass Agreement

Leah Hubbard presented the Bypass Agreement and recommended that the Water and Sewer Board approve the Agreement with the Big Thompson and Platte River Ditch Company. The previous Bypass Agreement expired on December 31, 2023. This Agreement allows Greeley to consistently deliver water from the Greeley Loveland Irrigation Company system to the South Platte River, which is necessary to meet return flow obligations and augmentation demand. This Bypass Agreement will expire on December 31, 2028.

Mr. Miller moved that the Board approve renewal of the proposed Big Thompson Platte River Ditch Company Bypass Agreement, and delegate authority to renew this Agreement in the future under substantially similar terms to the Director of Water and Sewer. Mr. Sisneros seconded. The motion carried 5-0.

7. Declaration of Water Sufficient Year

Water Resources staff Megan Kramer and Alex Tennant presented to the Board the spring analysis of water supply, including projected runoff, C-BT yeild and projected storage. Based upon the analysis and strong expected yields, staff recommended that the Board declare an “Adequate Water Year,” with normal outdoor watering guidance under the water budget and therewith authorize staff to rent out available excess water supply, so long as the target storage volume of 21,300 acre-feet is maintained.

Vice Chairman Todd moved to approve the staff recommendation of an adequate water year and that supplies are made available for rentals while assuring target storage does not fall below 21,300 acre-feet. Mr. Murphy seconded the motion. Motion carried 5-0.

8. Integrated Water Resource Plan (IWRP) Update

Kelen Dowdy reviewed with the Board to continue the benefits of the Integrated Water Resources Plan (IWRP) beyond the completed plan, an adaptive planning process has been adopted by the department. This process includes annually assessing core adaptive planning questions which will help to identify any signposts or triggers for necessary planning action.

It was requested by the Board to schedule a Work Session item with the Council to go over the IWRP. Staff agreed to add it to the Council calendar.

Emeritus Robert Rule left the meeting at 3:19 pm
Dana Ortiz left the meeting at 3:25 pm

9. Ordinance of Lead Pipe Removal Update

Adam Prior and Keri Fishlock discussed how the EPA's Lead and Copper Rule Revisions (LCCR) and CDPHE regulatory mandates on public water systems that require the city to methodically investigate service lines and develop a comprehensive inventory of all private and public water service lines in the city. The service line inventory must include information on the current and prior service line materials and document any removal and replacement of lead services or galvanized lines that were at any time downstream of lead lines. This is a complicated rule, and the staff walked the Board through the city's program to meet the new regulatory framework and discussed the costs and challenges of the program.

Among the important elements of the replacement program, is that the city will be held accountable for the removal of lead service lines, regardless of their ownership. Therefore, the city will be offering to replace private service lines to single family and multifamily homes that qualify because of their service line materials. Therewith, the city will need a new Ordinance that obligates property owners to comply with the regulatory requirement to have all service mains containing lead be replaced; and if done timely and within the bounds of the city's program, the line replacement projects would be organized by the city and standard replacement costs covered by the city. A draft Ordinance to prohibit lead service lines, must require the removal of all lead service lines, and comply with LCCR and CDPHE Regulations was presented to the Board for their questions and feedback.

The Board appreciated the importance of this regulatory obligation and engaged in a discussion on the mechanics of the lead service line replacement program. The Board inquired about how property owners with limited financial resources would be assisted in meeting the replacement requirements. Further, the Board wanted to know if the city's willingness and ability to pay for service line replacements would be extended to private water systems that do not have the financial means to replace any lines found to be lead or downstream of lead.

A discussion was had about the history of how private systems were created, noting that most are behind a master meter, operated independently of the city and often not constructed to city standards. Staff noted that it will be helpful to have further analysis on the configuration, age, pipe material, and length of pipe in the approximately 75 private systems that exist within the city. Staff believed that many of these private systems were constructed after the 1960's, after most plumbers and engineers had stopped using lead pipe; but be that as it may, there is a lot of work to account for the actual materials in the ground and identify how they will be replaced. Engineering staff believed that upon further analysis, they could better quantify the extent of the private systems that might need replaced and identify a program that would help those systems in a way comparable to how the city plans to lend financial assistance to the replacement of residential lead service lines.

Water & Sewer Dept. engineering and GIS staff committed to undertake further work to analyze records, survey and take steps to collect information on the private systems before

developing a proposal for how they can be supported in a fair and equitable way. The Board and staff agreed that said work is important prior to refining some elements of the proposed policy and prior to advancing the Ordinance. Staff will bring the data and proposal for how to best manage the private systems for future policy discussion at a future Board meeting.

Margarita Padilla left the meeting at 3:51 pm

Mayor John Gates left the meeting at 3:55 pm

Jerrae Swanson left the meeting at 3:58 pm

Dena Egenhoff left the meeting at 4:00 pm

10. Preliminary Budget Presentation

Erik Dial provided the Water and Sewer Board an overview of the 2025 Budget preparation process and the department's strategic and operational priorities. Board feedback was solicited for inclusion in the Water and Sewer Department's 2025 Budget preparation.

Cory Channell left the meeting at 4:19 pm

Crystal Sanchez, Alex Tennant and Council member Deb DeBoutez left the meeting at 4:26 pm

11. Legal Report

James Noble provided the Legal Report. Based on review of the February 2024 Water Division 1 Resume, and based upon the nature of the cases in the Resume staff and water counsel did not recommend that the Water and Sewer Board authorize filing any statements of opposition this month.

Mr. Noble provided a brief update on two water court cases to which Greeley is a party, that have been appealed by other parties to the Colorado Supreme Court. The cases include *Parker Water and Sanitation District v. State Engineer* and *In Re Water Rights of Lazy D Grazing Association*. Both cases are scheduled for oral argument at the Colorado Supreme Court on May 7, 2024.

12. Director's Report

Sean Chambers provided a short summary report including educational opportunities and updates on the legislative session, litigation settlement and on various operations activities.

1. Education, Advocacy and Events Calendar

Greeley Water & Sewer Board / City Council Annual Water Utilities Tour – Tentatively planned for June 7th

Colorado Interbasin Compact Committee – Triannual Meeting – June 18th

June 20, 2024 • 5-9pm • Hillside Vineyard & Event Center

<https://www.poudrewatershed.org/take-me-to-the-river>

The Colorado River District's Annual Water Seminar - Friday, September 20th, 2024 at Colorado Mesa University in Grand Junction

<https://www.coloradoriverdistrict.org/annual-water-seminar-2024/>

Colorado Water Conservation Board Annual all basins summit (C-9 Summit) – Oct. 1-2, 2024, in Crested Butte

<https://cwcb.colorado.gov/events/c9-summit>

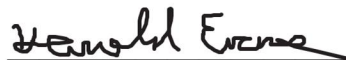
2. Update on Conservation program partnership

Intergovernmental Agreement (IGA) to support the installation of water efficient fixtures installed into income qualified homes and supporting water conservation goals and priorities.

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

14. Adjournment

The meeting ended at 4:51 p.m.



Harold Evans, Chairman



Raymond Lee, Board Secretary