

**City of Greeley
Water and Sewer Board
Minutes of May 15, 2024, 2024
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:01 p.m. on Wednesday, May 15, 2024.

1. Roll Call

The Clerk called the roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Tony Miller, Cheri Witt-Brown, Fred Otis, Manuel Sisneros, Joeseeph Murphy, Mayor John Gates, Finance Director Tyra Litzau, Deputy City Manager – Chief Financial Officer Allena Portis on Behalf of Raymond Lee

Water and Sewer Department staff:

Director Sean Chambers, Chief Engineer Adam Prior, Deputy Director of W&S Operations and Maintenance Rebecca Andrus, Office Manager Gigi Allen, Administrative Assistant III Lisa Van Vorous, Civil Engineer II Keri Fishlock, Administrative Assistant II Dana Ortiz, Intern II Mitch Zombek, Water Conservation Manager Dena Egenhoff, Water Resource Administrator II Alex Tennant, Water Resource Administrator II Megan Kramer, Communication Specialist II Cory Channell, Interim Deputy Director of Water Resources Randy Gustafson, Water Conservation Seasonal Reeves Wester, Water Conservation Seasonal Shannon Vestecka, Engineering Technician III Eliel Aguinaga, Water Resource Administrator III Matt Sparacino, Water Resource Administrator II Samantha Harshbarger, Water and Sewer Asset Analysis Sophie Glaubius, Water Conservation Specialist I Jake Robinson

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, , PC Specialist Alik Cummins, Council member Deb DeBoutez

2. Approval of Minutes

Vice Chairman Todd made a motion, seconded by Mr. Miller to approve the April 2024 Water and Sewer Board meeting minutes. The motion carried 7-0.

3. Approval of Agenda

There were no changes to the Agenda.

4. Welcome New Employees and Promotions

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

5. Lead and Copper Rule Private System Update

Keri Fishlock presented an update to the EPA's Lead and Copper Rule Revisions (LCCR) which require the city to develop an inventory of all public and private water service line materials and remove lead service lines. The city is offering a free program to replace customer service lines that are found to contain lead. The City has reviewed the potential lead water services lines within the existing private water systems with an update. The City also proposed a draft policy for the Water & Sewer Board to review and provide input for the lead service line inventory and replacements program.

6. Non-Potable Infrastructure Plan & Equalizer Project Review

Adam Prior discussed that the City started examining opportunities to exchange water from the WPCF to points on the Big Thompson River and to the GLIC ditch in 2005. As Greeley advanced its planning on water resources and non-potable irrigation water, several different concepts were developed and evaluated through the years. In 2016, the upper equalizer concept started developing to pump water from the GIC ditch at 71st Ave and put water into the GLIC ditch near HWY 34. This concept has been advancing in planning and design with much of the new alignment going along 83rd Ave to be coordinated with road widening and improvement projects to reduce project costs. Design and construction of the first phase started in 2021 with construction along 35th Ave to connect Poudre Ponds to the GIC ditch. An Operations Agreement with GIC was completed in 2022 to allow inputting water into the ditch at 35th Ave and removing water at 71st Ave. The design for phase 2 work for this project was started in 2022 with Brown & Cadwell preliminarily being awarded the design work. This has been delayed until 2024 to accommodate evaluating other alternatives.

7. Tri Annual Water Court Review of Cases

Sam Harshbarger presented an update to the Board regarding its participation in water court cases during the first four months of 2024. 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 four months of 2024, Greeley filed five statements of opposition and stipulated out of six cases. Greeley is a co-applicant in Case No. Water court legal costs equaled \$118,013 and engineering costs equaled \$113,955 for a total annual cost of \$231,968. CW3158 (change of WSSC shares), 22CW3220 (Lower Poudre diligence), and 23CW3158 (Lower Poudre stewardship project diligence).

8. Legal Report

James Noble provided the Legal Report. Based on a review of the March 2024 Water Division 1 Resume, Mr. Noble recommended that the Water and Sewer Board authorize filing a statement of opposition to the following water court application:

1. **Case No. 24CW3041:** This case involves a claim for nontributary groundwater rights in the Upper Laramie aquifer in Weld County. Applicant claims an annual average amount of 16,116.64 acre feet per year from the aquifer. The overlying land for this claim consists of approximately 11,631 acres, located in Townships 11 and 12 North, Range 65 West. This is about six miles east of the Terry Ranch and north of Greeley. Mr. Noble recommended that Greeley file a statement of opposition to evaluate the nontributary claims and to ensure that Greeley's water rights are not adversely affected.

Vice Chairman Todd moved that the Board authorize filing a statement of opposition in Case No. 24CW3041 and for staff and legal counsel to seek resolution of issues raised by this case consistent with Water and Sewer Board Resolution No. 3-15. Mr. Murphy seconded the motion. The motion carried 7-0.

9. Director's Report

Education, Advocacy and Events Calendar

**Greeley Water & Sewer Board / City Council Annual Water Utilities Tour –
Friday, June 7th from 8:30 am to approx. 4:30 pm
Includes stops at SCADA and controls, Gold Hill, Bellvue Filter Plan and Chimney Hollow construction site.**

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>

Regional Water Initiatives:

On May 8th, City of Thornton obtained Larimer County BoCC approval of the 1041 land use permit for their Northern Water Project pipeline from WSSC Reservoir No. 4 out to the Weld Co line. More at <https://coloradosun.com/2024/05/09/larimer-county-thornton-water-pipeline-approval/>

Greeley and Ft. Collins completed an IGA covering a shared engineering study to further analyze water quality and operational impacts to Greeley's Milton Seaman Reservoir and Bellvue Treatment Plant that would be a result of Ft. Collins Halligan Reservoir expansion project on the North Fork of the Poudre River. AECOM will undertake the analysis, and to the extent infrastructure changes need be made at Milton Seaman's outlet gates to manage water quality and / or facilitate operations necessary to Ft. Collins, AECOM will consider how those modification would tie into the gate replacement project that Greeley has planned for 2025-2026.

Utility Billing Customer Information System Project Update

Replacing Greeley's legacy CIS system is ready to move forward with Spry Point contract fully executed.

SpryPoint CIS project kick off on June 11th. Working to contract with Invoice Cloud for 3rd party secure payment processing. An external communications PFQ is posted and the project will bring on communications support to augment the project team, vendors and City Communications and Engagement Dept. staff. Krystal Dilka is Greeley's staff project manager, and she will leverage external project support as needed from Plante Moran consultants.

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

11. Executive Session

Chairman Evans moved that the Board adjourn the public portion of the May 15, 2024 Water and Sewer Board meeting and hold an executive session to address the following matters as provided by C.R.S. § 24-6-402(4)(a), (b), and (e) and Greeley Municipal Code § 2-151(a)(1), (2), and (5):

1. For the purpose of obtaining legal advice, determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators on matters related to the purchase and sale of non-potable irrigation infrastructure and associated real property interests.

Cheri Witt-Brown seconded the motion. The motion passed.

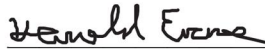
Present during Executive Session were:

Chairman Harold Evans, Vice Chairman Mick Todd, Manuel Sisneros, Tony Miller, Cheri Witt-Brown, Fred Otis, Joe Murphy, Director of Finance Tyra Litau, Deputy City Manager Allena Portis, Director of Water and Sewer Sean Chambers, Senior Environmental and Water Resources Attorney Daniel Biwer, Supervising Senior Environmental and Water Resources Attorney Jerree Swanson, Water Resource Attorney I Arthur Sayre, Chief Engineer Adam Prior, Deputy Director of Operations and Maintenance Rebecca Andrus, Interim Deputy Director of Water Resources Randy Gustafson, Counsel to Water and Sewer Board Attorney Jim Noble

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

12. Adjournment

The Board came out of executive session and the meeting ended at 3:41 p.m.



Harold Evans, Chairman



Raymond Lee, Board Secretary