



DOCUMENT ROUTING MEMORANDUM

The purpose of this memorandum is to provide information regarding the attached document routed to you for your signature.

TO: W&S Board Chairman Harold Evans
{Select Recipients Below - See Signature Authority Requirements}
☐ Stacey Aurzada, City Attorney: Legal_Services@greeleygov.com
☐ Tyra Litzau, Finance Director: Tyra.Litzau@greeleygov.com
☒ Raymond Lee, City Manager: CMO.Admin@greeleygov.com
☐ John Gates, Mayor: via CityClerk@greeleygov.com
☐ Heidi Leatherwood, City Clerk (Attest): Heidi.L Leatherwood@greeleygov.com

FROM: Gigi Allen

ON BEHALF OF (If applicable):

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

RE: March 2025 W&S Board meeting minutes

Executive Summary:

Please see W&S Board minutes approved by the Board and ready for signature.

Time Sensitivity? If yes, deadline date _____ and reason:

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Legal Review:

Is this a standard contract as defined by City Code Section 2-184(a)(2) ? ☐ Yes ☐ No ☐ N/A

If this is not a standard contract, and has not been reviewed by CAO, this document may not be routed for signatures.
 Please submit for Legal Review on COGI prior to routing.

If this is not a standard contract, which attorney reviewed the document?

Name: Daniel Biwer

Obtained Approvals, Reviews, or Recommendations (If applicable)

☐ City Council Ord./Res. #: _____ Date: _____	☐ Board or Commission (specify) <u>W&S Board</u> Date: <u>4/14/25</u>	☐ Other _____ Date: _____
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Contract Amount: _____ (if applicable)

Send all fully signed documents to City Clerk: CityClerks@greeleygov.com

**City of Greeley
Water and Sewer Board
Minutes of March 19, 2025
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:01 p.m. on Wednesday March 19, 2025.

1. Roll Call

The Clerk called the roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Tony Miller, Joseph Murphy, Cheri Witt-Brown, Director of Finance Tyra Litzau, Deputy City Manager Rachel Flynn on behalf of City Manager Raymond Lee

Water and Sewer Department Staff:

Director Sean Chambers, Deputy Director of Utility Finance and Customer Service Erik Dial, Deputy Director of Water and Wastewater Operations and Maintenance Rebecca Andrus, Deputy Director of Water Resources Leah Hubbard, Water Transmission and Distribution Superintendent Jason Clark, Office Manager Gigi Allen, Utility Finance Manager Virgil Pierce, Water Resource Operations Manager Brian Von Seggern, Source Water Supply Manager Cole Gustafson, Water Resource Administrator III Alex Tennant, Water Resource Administrator II Morgan Effrein, Water Resource Administrator I Eric Clark, Project Manager III Kelen Dowdy, Water Resource Planning Manager Matt Sparacino, Plans Examiner Derek Hannon, Civil Engineer IV Cort Nickel, Civil Engineer IV Jim Paulson, Civil Engineer I Clayton Orback, Administrative Assistant III Lisa Van Vorous, Asset Manager Patrick Turn, Asset Analyst Sophie Glaubius, Asset Technician Griffin Myers, Communication Specialist II Cory Channell

Legal Counsel:

Deputy City Attorney Jerrae Swanson, Senior Environmental and Water Resources Attorney Dan Biwer, Counsel to Water & Sewer Board Attorney Jim Noble

Guests:

Dr. Michael Welsh, University of Northern Colorado

2. Approval of Minutes

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Mr. Miller made a motion, seconded by Vice Chairman Todd to approve the February 2025 Water and Sewer Board meeting minutes. The motion carried 6-0.

3. Approval of Agenda

The title of item six was changed to Approve Emergency Water Interconnect IGA with the City of Loveland. It was determined that this item does not need to go to Council for approval.

4. Welcome New Hires and Promotions

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

5. Approval of Resolution Regarding Eminent Domain for the Terry Ranch Pipeline

Board member Tony Miller recused himself from the Eminent Domain for Terry Ranch Pipeline presentation and vote due to relationships with parties involved. Mr. Miller left the meeting at 2:07 pm.

Jim Paulson discussed that during engineering design of the Terry Ranch pipeline, two areas were realigned to avoid environmental issues, avoid major structures, and limit the number of property owners affected and that would need to be negotiated with for acquisition of easements. The realignments identified 4 parcels that were not included in the original ordinance authorizing the use of eminent domain authority to acquire property interests. The presentation explained the additional authorization requested for acquiring property interests to enable the construction of the pipeline and infrastructure and request authorization to acquire interests in the real property.

Vice Chairman Todd moved that the Board adopt the enclosed Resolution Authorizing the Acquisition of Interests in Real Property, by purchase or through the power of eminent domain, for the Development of the Terry Ranch Potable Water Treatment Plant and Additional Water Transmission Lines and Associated Facilities and recommend that City Council authorize the same. Mr. Otis seconded the motion. The motion carried 5 to 0.

Mr. Miller returned to the meeting at 2:17 pm.

6. Approve Emergency Water Interconnect IGA with the City of Loveland

Leah Hubbard discussed that the City of Greeley and the City of Loveland have been negotiating an interconnect agreement that previously expired. This agreement allows for an emergency water service for both Greeley and Loveland.

Vice Chairman Todd moved that the Board approve the IGA for Potable Water Interconnect

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Operations with the City of Loveland in the form enclosed, and delegate authority to the Director or his designee to make minor revisions to the agreement before execution, provided the material substance remains unchanged. Mr. Miller seconded the motion. The motion carried 6 to 0.

7. Water Resource Portfolio Update

Leah Hubbard reviewed how the City of Greeley has smartly invested in the water rights portfolio for the past three decades. Through modeling and assumptions, the division of Water Resources provided a brief overview of the owned water rights and their approximate yields for the Water and Sewer Board.

8. Water Transmission and Distribution Update

Jason Clark and Patrick Turn updated the Water and Sewer Board on accomplishments of the Distribution and Transmission team in 2024 including crew updates, leaks, and asset management.

9. Legal Report

James Noble reported that upon review of the January 2024 Water Division 1 Resume, Mr. Noble recommended the Water and Sewer Board authorize filing a statement of opposition by the end of March 2025 to the following water court application:

Case No. 25CW3005: This case concerns an application by Martin Marietta Materials, Inc. for reasonable diligence for an existing conditional water right for the 35th Avenue Reservoir, in the amount of 8,010 acre feet. This reservoir would be filled by diversions from the Boyd and Freeman Ditch and the Greeley Canal No. 3, in which Greeley holds substantial ownership interests. The proposed reservoir is also in close proximity to Greeley's Poudre Ponds complex.

In addition, Dan Biwer provided a brief summary of the following matter:

Case No. 23CV00533 (United States of America v. WSSC) – The U.S. District Court for the District of Colorado entered a consent decree on January 30, 2025, finalizing settlement of the lawsuit brought by the United States against The Water Supply and Storage Company ("WSSC") for damages to Rocky Mountain National Park allegedly caused by a 2017 rupture of the Grand River Ditch. The settlement requires WSSC to compensate the United States in the amount of \$2.68 million and retain an independent third-party consultant to develop a comprehensive operations and maintenance plan for the Grand River Ditch.

Vice Chairman Todd moved that the Board authorize filing a statement of opposition in Case

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No. 25CW3005 and for staff and legal counsel to seek resolution of issues raised by the case consistent with Water and Sewer Board Resolution No. 3, 2015. Ms. Witt-Brown seconded the motion. The motion carried 6 to 0.

10. Director's Report

The Director, Sean Chambers provided the Water & Sewer Board with a summary of water resource policy events, and an update on notable water utility activities. Update Items include the following:

1. Water Industry Education and Advocacy Events
 - Colorado Water Conservation Board Meeting
 - March 19th and 20th at Doubletree Hotel in downtown Greeley
 - <https://cwcw.colorado.gov/board-meetings>
 - CSU Water Tables and Conference at Colorado State University SPUR Campus
 - March 25th
 - <https://watercenter.colostate.edu/event/rotary-colorado-river-spur-conference/>
 - BizWest Confluence Water Summit
 - Thursday, April 3, 2025 - at Aims Welcome Center
 - <https://events.bizwest.com/confluence-colorado-water-summit-and-net-zero-cities/>
 - Northern Water 2025 Spring Water Symposium
 - Tuesday, April 8th
 - 2025 Hydrology and Quota setting discussion
 - South Platte Basin Roundtable
 - Tuesday, April 8th at 4:00 PM at Greeley Fun Plex Meeting Rm.
 - Presentation of South Platte Recovery Project
 - <https://southplattebasin.com/>
2. Reminder of rescheduling April Board meeting to April 14th
3. Report out on federal advocacy on water infrastructure funding, utility affordability programs, and watershed health and flood resiliency programs
4. NISP litigation settlement with *Save the Poudre* in CASE NO.24-CV-00235

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

Board member Miller brought before the Board that the Greeley Art Commission is looking to place some artwork near the Wastewater Treatment Plant and Reclamation Facility. And he requested any ideas for artwork be referred to him as he and the rest of the group are working to come up with ideas for the artwork.

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No other information was brought before the Board.

The Regular Session of the meeting ended at 3:49 pm.

12. Executive Session

Chairman Evans moved that the Board adjourn the public portion of this March 19, 2025, Water & 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 purposes 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 possible revision of the Terry Ranch Project Master PSA terms.
2. 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 possible development of Northern Integrated Supply Project (NISP) infrastructure over the City’s property.
3. For the purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning water rights acquisition strategy within the context of current water market conditions.

Vice Chairman Todd seconded the motion. The motion passed.

Roll call was taken and those present were, Chairman Evans, Vice Chairman Todd, Mr. Miller, Mr. Murphy, Mr. Otis and Ms. Witt-Brown.

Others present during the Terry Ranch Purchase, Sale and Raw Water Credit Administration were:

Sean Chambers, Erik Dial, Leah Hubbard, Virgil Pierce, Daniel Biwer, Jerrea Swanson, Jim Noble

Others Present during the Northern Integrated Supply Project (NISP) Impact Mitigation and the Bi-Annual Water Market Report were:

Sean Chambers, Erik Dial, Leah Hubbard, Matt Sparacino, Kelen Dowdy, Cole Gustafson, Brian Von Seggern, Daniel Biwer, Jerrea Swanson, Jim Noble

13. Adjournment

The Executive Session ended at 5:28 pm

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DocuSigned by:
Harold Evans
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Harold Evans, Chairman

DocuSigned by:
Raymond Lee
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Raymond Lee, Board Secretary