

**City of Greeley
Water and Sewer Board
Minutes of January 21, 2026
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:03 p.m. on Wednesday December 17, 2025.

1. Roll Call

The Clerk called the roll and those in attendance included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Joseph Murphy, Matt Anderson, Cheri Witt-Brown, Mayor Dale Hall, Interim City Manager Brian McBroom, Interim Deputy Director of Finance Kirk Jones

Water and Sewer Department Staff:

Director Sean Chambers, Deputy, 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, Chief Engineer Adam Prior (arrived 2:12 pm), Executive Assistant Gigi Allen, Administrative Assistant IV Tracy Simon, Water Resource Administrator II Morgan Effrein, Water Resource Operations Manager Brian Von Seggern, Water Resource Administrator I Eric Clark, Water Resource Administrator III Travis Gilbertson, Utility Finance Manager Virgil Pierce, Long Range Utility Planner Derek Hannon, Civil Engineer IV Jim Paulson, Water Efficiency Manager Dena Egenhoff (arrived 2:08 pm), Civil Engineer II Heather Mullen, Deputy City Manager Bret Naber

Legal Counsel:

Deputy City Attorney Jerrae Swanson, Senior Environmental and Water Resources Attorney Dan Biwer, Environmental & Water Resources Attorney Jessie Raybon, Counsel to Water and Sewer Board Attorney Carolyn Burr

Guests:

James Sutherland, Wingfoot Water, Communications Specialist II Cory Channell, Dr. Michael Welsh, University of Northern Colorado, Justin Bieri, State Land Board – Colorado, City Council member, Deb DeBoutez

2. Approval of Minutes

Mr. Otis made a motion, seconded by Mr. Murphy to approve the December 2025 Water and Sewer Board meeting minutes. The motion carried 6-0.

3. Approval of Agenda

There were no changes to the agenda.

4. Election of Board Officers

Ms. Witt-Brown moved to nominate Harold Evans as Chairman of the Water and Sewer Board for 2025 and Joseph Murphy nominated Mick Todd as Vice Chairman of the Water and Sewer Board for 2025. The motion was seconded by Mr. Anderson. The motion carried 6-0.

5. Welcome New Employees and Promotions

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

6. Approve and Recommend to Council of State Land Board Lease Amendment

Leah Hubbard and guest, Justin Bieri from the State Land Board presented that through the Terry Ranch acquisition, the City of Greeley inherited a groundwater production lease agreement with the State Land Board (SLB). This lease was originally executed between the State Land Board and Wingfoot Water Resources, LLC.

Greeley has drilled 16 wells on the SLB parcels through 2025 to meet the terms of the lease. It was determined alongside SLB that the lease should be amended to better represent a municipal government needs, additional parcels added to the lease under new contract terms, and to perpetually cement that the well drilling obligation has been completed by Greeley.

Vice Chairman Todd moved that the Board approve and recommend to City Council the Lease Amendment between State Land Board and the City of Greeley in the form presented, and delegate authority to the Director of Water and Sewer or their designee to: (1) approve minor revisions to the agreement before execution, provided the material substance remains unchanged and (2) enter into subsequent amendments, including but not limited to amendments that relate to the financial assurances or the development, production, operation, and maintenance of the leased water and related infrastructure determined to be necessary to administer the Lease Amendment over time. Mr. Murphy seconded the motion. The Motion carried 6 to 0.

7. Approve and Recommend to Council of Graywater Prohibition Ordinance

Graywater recapture is the collection of lightly used household water and its reuse for non-potable purposes, such as irrigation or toilet flushing. Water and Sewer staff Brian Von Seggern presented the significant risks and implementation challenges of graywater systems for use in Greeley. First, he reviewed Colorado Regulation 86, which provides a legal pathway for graywater systems and House bill 24-1362 which makes graywater authorized statewide unless a municipality adopts a prohibition. Second, he identified that Graywater often contains pollutants and brings a risk of contaminating the public drinking water if a cross-connection is made. He explained the risk is magnified in retrofitting existing homes. Third, he explained there were implications for other water source operations. The Water and Sewer Board recommended that the Greeley City Council adopt a prohibition on greywater collection due to the numerous risks and uncertainties outweighing the limited benefits if implemented correctly.

Vice Chairman Todd moved that the Greeley Water and Sewer Board recommend that the Greeley City Council adopt a prohibition on graywater collection and use in the form of the enclosed ordinance amending Title 20, Chapter 3, Article 3 of the City of Greeley Municipal Code. Mr. Otis seconded the motion. The motion carried 6-0.

8. Approval of 2nd Amendment to the Wingfoot Master PSA

Sean Chambers provided the background on the master purchase and sale agreement (MPSA) to purchase the Terry Ranch groundwater project from Wingfoot Water Resources for aquifer storage and recovery purposes. He described the unique purchase structure, where Greeley secured Terry Ranch in exchange for Raw Water Credits that are available for dedication to meet Greeley's raw water requirements for new development. Additionally, the MPSA obligated Wingfoot to contribute \$125 million to cost to develop the infrastructure to deliver Terry Ranch water. Included within the master purchase and sale agreement was a provision where the seller could "Put" to Greeley during times of slow credit sales on the open market, obligating Greeley to purchase up to 167 Raw Water Credits annually through 2045. Mr. Chambers described how Raw Water Credit sales have proven slower than anticipated for Wingfoot since the MPSA was finalized in 2021. This has driven Wingfoot to Put to Greeley from 2022 to 2025 for a total of 668 Raw Water Credits. The slow Raw Water Credit Sales also made it difficult for Wingfoot to contribute its current financial contribution to infrastructure construction.

Mr. Chambers shared that Greeley staff and Wingfoot recognized the slow pace growth in Greeley and slow pace of Raw Water Credit Sales, and entered into negotiations for the 2nd Amendment to the MPSA. The 2nd Amendment allows Wingfoot to provide a partial cash contribution for their construction escrow and in exchange, Greeley can now utilize the 668 Put Raw Water Credits to create a Primary Employer Water Bank. The 2nd Amendment also describes how Wingfoot can utilize future Put/Call to sell to Primary Employers at a price less than the open market price. Long Range Utility Planner Derek Hannon then walked the Board through examples of how this program might work with different types of Primary Employer developments.

9. Terry Ranch Project Update

Jim Paulson gave semi-annual update on the Terry Ranch development project. The update included a progress report on water well drilling activities on State Land Board parcels on the Terry Bison Ranch. Also included was an update on the pipeline development project. Segment 2 is under construction with a target finish date of summer 2026. Segments 3 & 4 are in design and property acquisitions are in process.

10. Water Court Update

Morgan Effrein updated the Board that During the third trimester, the City of Greeley Water and Sewer Department continued its active involvement in Water Court proceedings to secure new water supplies and safeguard existing water rights. The city filed six new statements of opposition and entered into eight stipulations – Five involving the City of Greeley Poudre Flows case, 21CW3056. In December, Judge Taylor entered the final decree for the Poudre Flows case. Joint applicants are now coordinating operations of the Poudre Flows plan under the guidance of the final decree. We continue to work with opposers in the other three applications and aim to have the City of Greeley Water Storage and Supply Company change case settled before the anticipated trial date in 2027. Legal expenses for Water Court proceedings totaled \$88,163, with engineering costs* at \$70,643 (*excluding December 2025), bringing the total expenditure to \$158,806 for the third trimester.

11. Legal Report

This report was provided by Carolyn Burr of Welborn Sullivan Meck & Tooley, P.C., outside counsel for the Greeley Water & Sewer Board and Dan Biber, Senior Environmental and Water Resources Attorney, City Attorney's Office.

1. Future Filing for Non-Tributary Groundwater Rights in the Upper Laramie Aquifer on State Land Board Property as part of Terry Ranch Project.
2. Proposed Statements of Opposition: Based on our review of the November 2025 Water Court Resume in Div. 1 and Div. 5, staff and legal counsel recommend that the Water and Sewer Board authorize filing statements of opposition by the end of January 2026 to the following water court applications:
 - **Water Division 1 – Case No. 25CW3158:** This case concerns an application by the City of Aurora to change of 24 shares of the Western Mutual Ditch Company and 7 cfs of the Hewes and Cook Ditch, Priorities 13 and 23 on the South Platte River Aurora seeks new places and types of use, including storage. This is the most recent of several changes of Western Mutual shares. Greeley has participated in each of the prior changes. We recommend filing a statement of opposition to ensure that the return flows are replaced in quantity and time to protect Greeley's South Platte River exchange rights

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from injury.

- **Water Division 1 – Case No. 25CW3168:** Application by CWH Properties, LLC to change 5.5 shares of the Box Elder Ditch historically used on the Swets and Weitzel farms located just east of the Costco on Harmony Rd. Greeley recommends filing a statement of opposition in order to protect Greeley’s water rights on the Lower Poudre and Fossil Creek.
- **Water Division 1 – Case No. 25CW3173:** This case concerns an application for reasonable diligence by Fox Acres Community Services & Hidden Lakes Golf & Trout Club for a conditional exchange of 150 acre-feet. The exchange from points include Seaman Reservoir, Terry Lake, Barnes Meadow, Comanche, and Peterson Reservoirs, and the applicants have contracts with Greeley for delivery of water from the former Mountain and Plains system. Greeley recommends filing a statement of opposition in order to monitor the case and to ensure any decree entered is consistent with prior related decrees and applicants’ contracts.
- **Water Division 5 – Case No. 25CW3177:** This case concerns an application by Colorado River Water Conservation District, Public Service Company of Colorado, and Colorado Water Conservation Board to change the Shoshone Water Rights to include instream flow use. Greeley recommends filing a statement of opposition in order to monitor the case and to protect the Colorado and South Platte River basin water rights in Greeley’s portfolio from injury.

Vice Chairman Todd moved that the Board authorize filing statements of opposition in Case Nos. 25CW3158, 25CW3168, and 25CW3173 in Water Division No. 1, and Case No. 25CW3177 in Water Division No. 5, and for staff and legal counsel to seek resolution of issues raised by this case consistent with Water and Sewer Board Resolution No. 3, 2015. Mr. Otis seconded the motion. The Motion carried 6 to 0.

Adam Prior and Brett Naber left the meeting at 4 pm
Jerrae Swanson left the meeting at 4:16 pm

12. Director’s Report

The Director provided the Water & Sewer Board with a summary of water resources and utility policy events, and updated Board on notable utility activities.

Moving the April 15th Board meeting to allow time for members of the Board to attend the State of the City was discussed and it was agreed to move the meeting to 10 am on April 15th.

13. Such Other Business That May Be Brought Before the Board and Added to This

Agenda by Motion of the Board

No other business was brought before the Board.

14. Adjournment

The Public Session of the meeting ended at 4:28 pm

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Harold Evans
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Harold Evans, Chairman

Signed by:
Brian K. McBroom
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Brian McBroom, Board Secretary