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TO: W&S Board Chairman Harold Evans
{Select Recipients Below - See Signature Authority Requirements}
☐ Stacey Aurzada, City Attorney: Legal.Services@greeleygov.com
☐ Kirk Jones, Acting Finance Director: Kirk.Jones@greeleygov.com
☐ Brian McBroom, Acting City Manager: CMO.Admin@greeleygov.com
☐ Dale Hall, Mayor: via CityClerk@greeleygov.com
☐ Heidi Leatherwood, City Clerk (Attest): Heidi.L Leatherwood@greeleygov.com

FROM: Gigi Allen, W&S Executive Assistant
ON BEHALF OF (If applicable):
 Initials of above: ____ (Must be first in signing order)

RE: October 2024 W&S Board Meeting Minutes

Executive Summary:

Please see attached October 2024 Water and Sewer Board Meeting Minutes. These were somehow missed back in 2024 and not sure how. It was during the time prior City Manager was out on Leave and we also switched from SignNow back to Docusign during this time. I have exhausted all resources trying to locate the signed version and am now asking that they get resigned.
 These are critical now to get signed right away as they pertain to the Neff Lake closing happening next Tuesday.

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) W&S Board Date: 10/17/2024	☐ 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 October 16, 2024, 2024
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:03 p.m. on Wednesday, October 16, 2024.

1. Roll Call

The Clerk called the roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Tony Miller, Matt Anderson, Joeseeph Murphy, Cheri Witt-Brown, Fred Otis, Finance Director 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, Chief Engineer Adam Prior, Deputy Director of W&S Operations and Maintenance Rebecca Andrus, Office Manager Gigi Allen, Administrative Assistant III Lisa Van Vorous, Utility Finance Manager Virgil Pierce, Water Resource Operations Manager Leah Hubbard, Water Conservation Manager Dena Egenhoff, Water Conservation Laborer Morgan Murphy, Water Resource Administrator II Sam Harshbarger, Source Water Supply Manager Cole Gustafson, Water Conservation Coordinator Ben Schaffer, Water and Sewer Intern Zac White, Asset Analyst Sophie White, Water and Sewer Asset Manager Patrick Turn, Civil Engineer IV Cort Nickel

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 Carolyn Burr

Guests:

James Sutherland from Wingfoot, Council member Deb DeBoutez

2. Approval of Minutes

Ms. Witt-Brown made a motion, seconded by Mr. Otis to approve the September 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 of Water and Sewer Sean Chambers provided an introduction of new Water and Sewer Department employees starting this month.

5. Approval of Neff Lake Purchase and Sale Agreement

Sean Chambers presented background information on the proposed purchase of the Neff Lake Pipeline system, and how the Water and Sewer Staff with support from legal counsel previously negotiated a mutually agreed upon Term Sheet, dated June 13, 2023, that frames the proposed transactions whereby the City of Greeley, through its Water Enterprise, would purchase and acquire from Laramie River LLC the raw water pumping and delivery system known as the Neff Lake Pipeline, located within the growth boundary for the City of Greeley and Weld County, Colorado. The Neff Lake Pipeline is a raw water conveyance system that was constructed for the delivery of untreated river water originating in the Cache la Poudre or New Cache Irrigation Co. Ditch. The Neff Lake Pipeline configuration will allow the City's water utility to deliver reliable low-cost, non-potable water from the lower Poudre to non-potable systems throughout the City, further conserving existing water treatment and potable pipeline capacity for future growth. Furthermore, the use of the Neff Lake Pipeline allows the City to better use the right quality of water for their best uses. This helps the City to control the cost of water provided for supplies because the water sources on the lower Poudre River can be purchased for fractions of the cost compared to water rights that originate near the foothills that would be available for treatment at the City's water treatment facilities. Additionally, non-potable water does not require filtration or costly chemical addition for irrigation uses.

The Neff Lake Pipeline is well situated to address the City's long-range raw water transmission infrastructure requirements. As an existing system, the Neff Lake Pipeline can be acquired with reduced capital outlay and the use of excess water supplies as non-monetary compensation will further minimize impacts to water utility rate payers. With legal advice and support, Water & Sewer staff and Laramie River have negotiated a mutually agreeable Purchase and Sale Agreement (PSA) for certain physical infrastructure, appurtenances, easements and related rights that make up the Neff Lake Pipeline water system.

The PSA as drafted contains a number of key terms, including cash payment over time, secured by a promissory note, a ten-year water lease, and a ten-year lease-back of the Neff Lake Pipeline from Greeley back to Laramie River. Thus, Laramie River is compensated with a mix of cash payments over a ten-year period and non-monetary consideration in the

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form of a ten-year water lease and pipeline leaseback. In exchange, Laramie River will convey to Greeley the Neff Lake Pipeline which includes the licenses, leases, easements and other agreements associated with the pump station and pipeline system

Vice Chairman Todd moved that the Board approve the Neff Lake Pipeline Purchase and Sale Agreement and delegate authority to the Director to (1) finalize the agreement and make any necessary amendments thereto, including but not limited to the terms and conditions of any exhibit, schedule or attachment thereto, the description of the assets, and extension of deadlines, provided the substantive terms of the agreement remain unchanged, and (2) to take all necessary and appropriate action to close on the transaction. Mr. Murphy seconded the motion. The motion carried 7-0.

6. Approval of Surface Use Rider to State Land Board Lease

Cole Gustafson discussed that the State Land Board Water Well Drilling Project is starting up. This Surface Use Rider will be incorporated into the current 10-year Ground Water Production Lease between the City of Greeley and the Colorado State Land Board. Wingfoot Water Resources LLC assigned the lease to Greeley when the city closed on the Terry Ranch acquisition in 2021. The Surface Use Rider will allow Greeley to locate a maximum of two trailers for temporary occupancy for Lessee's staff or consultants for up to 12 months after being fully executed on State Land Board property.

Vice Chairman Todd moved that the Board approve the Surface Use Rider and delegate authority to the Director of Water and Sewer or his designee to enter into amendments to the Surface Use Rider or the Ground Water Production Lease, including but not limited to amendments that relate to the development, production, operation, and maintenance of the leased water and related infrastructure. Mr. Miller seconded the motion. The motion carried 6-0.

7. Approval of Real Property Acquisition from Greeley Urban Renewal Authority

Dena Egenhoff, Morgan Murphy and Ben Schaffer left the meeting at 2:59 pm.
Board member Otis recused himself for this presentation and left the room at 3:06 pm.

Sean Chambers presented how the Water & Sewer Dept. has been involved in conversations with the Greeley Urban Renewal Authority (GURA) over recent years regarding gravel pits and other property assets that GURA may consider liquidating. An opportunity to acquire a strategic property asset on Ash Street, just north of the Poudre River was identified. The property is of interest to the Water & Sewer Dept. and the Culture, Parks and Recreation Departments of the City, and the departments have agreed to split the purchase price and acquire the site for the purpose of siting future utility and trail access type uses. While the exact future uses are not yet fully known, acquiring the site is important to preserving future opportunities on the site that has a strategic location just east of the city's wastewater treatment and reclamation facility.

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The PSA provides for a diligence period, and an environmental assessment has been evaluated and found satisfactory. The PSA provides that W&S and CPRD split the purchase price and both entities have budgeted for the acquisition of this site. Review of record documents and other pre-closing diligence is ongoing.

The GURA Board unanimously approved the Purchase and Sale Agreement on Oct. 9, with the intent to divestment of the property known as the Toe Piece for the benefit of the City under its Water & Sewer and Culture, Parks and Recreation Departments.

Mr. Miller moved that the Board approve the enclosed Purchase and Sale Agreement with Greeley Urban Renewal Authority, and delegate authority to the Director of Water and Sewer or his designee to make minor amendments to the documents, including, but not limited to, corrections to property descriptions and contract extensions, and to undertake all necessary and appropriate action to close on the transaction. Vice Chairman Todd seconded the motion. The motion carried 7-0.

Cole Gustafson left the meeting at 3:06 pm.

Board member Otis returned to the meeting at 3:14 pm.

8. Review and Recommend to Council Backflow Cross Connection Program Ordinance

Rebecca Andrus presented on Section 20-191 of the Greeley Municipal Code, which City Staff is recommending be revised to better conform to the revisions to 11.39 adopted by CDPHE in October 2023.

Vice Chairman Todd moved that the Board recommend City Council adopt revisions to the Municipal Code concerning the regulation of cross connections and backflow prevention in the form of the ordinance enclosed. Ms. Witt-Brown seconded the motion. The motion carried 7-0.

9. Bi-Annual CIP Report

Staff provided an update on some CIP projects that are in progress or completed since the last Bi-Annual CIP Report. The CIP projects discussed included:

- Terry Ranch Water pipeline construction project
- Non-potable expansion project with discussion Westgate non-potable pump station
- Suburban Ditch Non-Potable Supply
- Advanced Metering Infrastructure
- 20th St Transmission Line Break
- SCADA Master Plan
- Lead service line inventory and replacement project
- Distribution Water Main Replacement
- Bellvue WTP Rehab

- North Greeley Sewer Phase 2
- WTRF General Rehab

10. Multi Family Sewer PIF Update

Virgil Pierce presented to the Board that in 2024, the city implemented a new graduated fee structure for residential Water Plant Investment Fees (PIF) that accounted for varying impacts to the water system due to lot size. One of the issues identified when discussing these changes with the Water and Sewer Board was an inconsistency with how the Sewer PIF was being computed for multi-family housing structures in the city. Multi-family structures that have one sewer tap for the building pay a lower Sewer PIF than the aggregated units would if they were individually tapped. Raftelis, Greeley's rate and fee consultant, has completed an analysis of the sewer impact of some recent multi-family housing built in the city over the last four years. Their analysis supports a proposal to change the Sewer PIF computation for multi-family housing structures to be based on the number of dwelling units downstream from the water meter rather than the meter size.

The proposed change removes the financial disincentive to individually tap the housing units and is simple to compute:

The Sewer PIF for multi-family housing structures with 6 or fewer units downstream from the meter will be the number of dwelling units multiplied by 75% of the ¾" tap PIF from the regular PIF schedule; for multi-family housing structures with more than 6 units downstream from the meter it will be the number of dwelling units multiplied by 50% of the ¾" tap PIF from the regular PIF schedule. The Sewer PIF will be the same for individually tapped multi-family buildings and those with a single tap.

If the board is in favor of the change, it will be included in the 2025 Rate and Fee Resolution presented for the board's approval in December 2024.

Jerrae Swanson and Cort Nickel left the meeting at 4:08 pm.

11. Legal Report

Carolyn Burr, outside counsel for the Greeley Water & Sewer Board presented this month's Legal Report.

Based on Counsel and staff's review of the May 2024 Water Division 1 Resume, staff and water counsel recommend that the Water and Sewer Board authorize filing statements of opposition by the end of October 2024 to the following water court application:

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Case No. 24CW3119: The Ogilvy Augmentation Company filed an application to add the 8th Street Gravel Pit as a well to its augmentation plan originally decreed in Case No. 03CW150. Out of priority depletions attributable to the 8th Street Pit occur in a reach on the Poudre where Greeley has numerous interests, including exchanges and return flow replacement obligations. We recommend that Greeley file a statement of opposition in this case to ensure that augmentation of the 8th Street Pit is sufficient to prevent injury to Greeley's water rights.

Mr. Murphy moved that the Board authorize filing a statement of opposition in Case Nos. 24CW3119 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 passed 7-0.

Patrick Turn left the meeting at 4:34 pm.

12. Director's Report

The Director, Sean Chambers provided the Board with a summary update of some current activities and opportunities to participate in water community events and education.

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

No other business was brought before the Board.

14. Adjournment

The meeting ended at 4:43 p.m.

DocuSigned by:
Harold Evans
9A5B721D1A2F5416
Harold Evans, Chairman

Signed by:
Brian K McBroom
B-FAA4F0C53A946A
Brian McBroom, Board Secretary

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Brian K McBroom

Brian.McBroom@greeleygov.com

City Manager

City of Greeley

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Brian K McBroom

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Jerrae Swanson jerrae.swanson@greeleygov.com Deputy City Attorney Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Accepted: 3/18/2022 8:52:41 AM ID: 57093554-7533-4f3d-9353-f3f5eab6f731	COPIED	Sent: 6/26/2026 1:45:11 PM
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/25/2026 1:58:22 PM
Certified Delivered	Security Checked	6/26/2026 1:44:46 PM
Signing Complete	Security Checked	6/26/2026 1:45:08 PM
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Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
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