

WATER & SEWER BOARD AGENDA

Wednesday, May 15, 2019
2:00 p.m.

GREELEY CITY CENTER
1001 11TH Avenue
Greeley, CO 80631

1. Roll Call: _____ Chairman Harold Evans _____ Vice Chairman Mick Todd
 _____ Mr. Bob Ruyle _____ Mr. Fred Otis
 _____ Mr. Joe Murphy _____ Mr. Tony Miller
 _____ Mr. Manuel Sisneros _____ Mayor John Gates
 _____ Mr. Roy Otto _____ Mrs. Renee Wheeler
2. Approval of Minutes
3. Approval of and/or Additions to Agenda

Consent Agenda

The Consent Agenda is a meeting management tool to allow the Board to handle several routine items with one action.

The Board or staff may request an item to be “pulled” off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

4. Approve Kodak Agreement

End of Consent Agenda

5. Any Pulled Items from Consent Agenda
6. Welcome New Employees
7. Annual Growth & Development Report
8. Annual Water Budget Update
9. Executive Session
 1. RAS Update and Legal Advice
10. Legal Report



If, to effectively and fully participate in this meeting, you require an auxiliary aid or other assistance related to a disability, please contact Ettie Arnold at 970-350-9812.

Staff recommended adoption of the enclosed resolution, that being a recommendation of the Water and Sewer Board that the City Council once again remove the three-day-per-week watering restrictions for the duration of the 2019 irrigation season for inside the City single-family residential customers who are on water budget rates, to allow staff and counsel time to finalize the necessary Code revisions to make this change permanent.

Mr. Ruyle moved, seconded by Mr. Miller, to adopt the resolution regarding Water Restrictions for Customers on Water Budget Rates. The motion carried 7-0.

12. Presentation of 2020 Preliminary Budget

Staff reviewed with the Water and Sewer Board the department's activities in 2018, the goals for 2019, and objectives of the 2020 budget. Mr. Chambers discussed the proposed changes to the operations budget, which included three new positions, an ongoing increase in funding to maintain city owned farms, and one-time expenditures for additional vehicles. The proposed capital program focuses on the expansion of the non-potable system and includes significant new investment at the Water Pollution Control Facility (WPCF) in response to the recently completed WPCF Master Plan. The preliminary estimated rate increases are between 6% and 8%. The Board concurred with the general budget goals staff presented and asked staff to proceed with budget development.

Environmental and Water Resources Attorney, Dan Biwer joined the meeting, following his attendance of the Colorado Senate Ag Committee, at 2:35 p.m.

13. Water Court Update

Ms. Petrzelka updated the Board on the current status of Greeley's Water Court cases, including statements of opposition and cases where Greeley is the applicant or will soon be filing an application for change of water rights, and provided a summary of the Water Resources Division's legal costs.

14. Executive Session

Shannon Metcalf left the meeting at 3:20.

Mr. Chambers identified the following topics for discussion:

1. Matters related to Milton Seaman Water Supply Project
2. Matters related to Thornton proposed NDA agreement concerning infrastructure
3. Matters related to Taylor and Gill Ditch Company agreement

Chairman Evans moved, seconded by Mick Todd, to hold an executive session to address the following matters as provided by C.R.S. §24-6-402(4)(b)(e) and Greeley Municipal Code 2.04.020(2)(5).

1. To receive advice from their attorney and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators on matters related to the Milton Seaman Water Supply Project.
2. To receive advice from their attorney and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators on matters related to the Bilateral, Non-Disclosure Agreement between the City of Greeley and the City of Thornton.
3. To receive advice from their attorney and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators on matters related to the Right of First Refusal Agreement, Dated December 19th, 2014, between the City of Greeley and the Taylor & Gill Ditch Company.

The motion carried 7-0.

Present during the executive session were:

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Robert Ruyle, Manual Sisneros, Tony Miller, Joe Murphy, Renee Wheeler, City Manager Roy Otto, Director Sean Chambers, Deputy Director Water Resources Adam Jokerst, Environmental and Water Resources Attorney Jerree Swanson, Environmental and Water Resources Attorney Dan Biwer, Environmental and Water Resources Attorney Aaron Goldman, Water and Sewer Board Counsel Carolyn Burr, and Senior Administrative Assistant Ettie Arnold

Consultant Paul Weiss, Consultant Doug Jeavons, Brown & Caldwell Consultants, Shanna Yepez and Brenda Stansbury, Outside Counsel Zach Miller

The executive session began at 3:24 p.m. Portions of this executive session were unrecorded because the discussion constituted attorney-client privileged communication.

Renee Wheeler left the meeting at 3:31pm.

Erik Dial, Doug Jeavons, Zach Miller, Shanna Yepez, Brenda Stansbury, Mary Gearhart, and Paul Weiss left the meeting at 4:35.

Mary Gearhart returned to the meeting at 4:45 pm.

The Executive Session ended at 5:03 p.m. and the regular meeting resumed.

15. Review and Recommend City Council approve the Bilateral, Non-Disclosure Agreement between the City of Greeley and the City of Thornton

The City of Thornton seeks to engage the City of Greeley in preliminary discussions related to the conveyance options for the Thornton Water Project (“TWP”). The TWP is a proposed pipeline in Larimer and Weld Counties that would deliver water previously purchased from the Water Supply and Storage Company to the City of Thornton. Recently, Thornton’s 1041 application to Larimer County was denied. Thornton has expressed interest in exploring use of capacity in Greeley’s existing transmission pipelines for the TWP. Greeley is open to such conversation provided that benefits to Greeley’s ratepayers and to the Poudre River can be ensured. Prior to engaging in potential negotiations with Thornton, staff recommends the City authorize a bilateral non-disclosure agreement.

Vice Chairman Todd moved, seconded by Mr. Miller, to recommend City Council approve the Bilateral, Non-Disclosure Agreement between the City of Greeley and the City of Thornton, including any minor revisions made by counsel prior to City Council approval. The motion carried 6-0. Mr. Ruyle stepped out of the meeting momentarily.

16. Legal Report

Staff and counsel did not recommend that the City file any statements of opposition to the applications published in the February 2019 Water Division 1 resume.

Case Update

- a. **17CW3020: Greeley/Leprino Application:** Greeley has stipulated with Bijou Irrigation Company & Irrigation District. The only remaining opposer is Central Colorado Water Conservancy District. Greeley’s attorneys will consult with the City’s co-applicant, Leprino, and will update the Board at the May meeting. The next status conference with the Judge will be May 28th.

17. Director’s Report

Mr. Chambers gave a report on the following items:

- Leprino Tour

18. Such Other Business That May be Brought Before the Board and Added to This Agenda by Motion of the Board