



Remote Meeting Instructions for the March 17, 2021, Water & Sewer Board Meeting:

In order to comply with all health orders and State guidelines to stop the spread of the COVID-19 Coronavirus, **no physical location, including the City Council Chambers, will be set up for viewing or participating in this Water & Sewer Board meeting.**

You can view this Meeting by following the instructions below to watch the YouTube live stream. By utilizing this option to view the meeting, you will not be able to provide live input during the meeting. To provide live input, see the "In real time" instructions near the bottom of this page.

- From your laptop or computer, click the following link or enter it manually into your Web Browser: (<https://www.youtube.com/user/CityofGreeley>)
- Clicking the link above will take you to the City of Greeley's YouTube Channel.
- Once there, you will be able to view the meeting!

Citizen input and public comment for items appearing on this agenda as public hearings/quasi-judicial are valuable and welcome!

Anyone interested in participating and sharing public comments have a few of options:

Via email? – Submit to Ettie.arnold@greeleygov.com

All comments submitted this way will be read into the record at the appropriate points during this meeting in real time. Comments can be submitted up to and throughout this meeting.

Via traditional Mail? - Address to the Water & Sewer Department's Office, 1001 11th Avenue, Attn: Shannon Metcalf, Greeley, CO 80631

All written comments must be received no later than the day of the meeting. Again, written comments received by mail will also be read into the record in real time.

In real time? – <https://greeleygov.zoom.us/j/87504569427>

Clicking the link above will give you access to the live meeting where you will become a virtual audience member and be able to speak under Citizen Input on items not already on the agenda or during a scheduled public hearing.

Please visit the City's website at <http://greeleygov.com/government/b-c/boards-and-commissions/water-and-sewer> to view and download the contents of the March 17th Water & Sewer Board Meeting. You are also welcome to call the Water & Sewer Department at 970-350-9801 with any special needs or questions that you may have.

WATER & SEWER BOARD AGENDA

Wednesday March 17, 2021
2:00 p.m.

MEETING WILL BE LIVE STREAMED ON YOUTUBE.COM DUE TO CITY CLOSURES

RELATED TO COVID-19 Public Comments, please use:

<https://greeleygov.zoom.us/j/87504569427>

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 Amendment No. 1 to the Memorandum of Understanding Regarding Water Quality Monitoring in Northern Colorado

End of Consent Agenda

5. Welcome New Employees
6. Approve First Amendment to the Addendum Agreement between Greeley and Loveland Irrigation Company and the City of Greeley
7. 4th Quarter 2020 CIP Update
8. Legal Report
9. Executive Session
 - For the purpose of providing the Board legal advice on the Petitions to amend the City Charter and the Referendum to challenge Council’s passing of the Ordinance to Amend Ch. 14 of the Greeley Municipal Code



If, to effectively and fully participate in this meeting, you require an auxiliary aid or other assistance related to a disability, please contact Shannon Metcalf at 970-350-9818.

- Water Market Update

10. Director's Report

- Preview of April Agenda
- Terry Ranch Communications Summary

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



If, to effectively and fully participate in this meeting, you require an auxiliary aid or other assistance related to a disability, please contact Shannon Metcalf at 970-350-9818.

**City of Greeley
Water and Sewer Board
Minutes of February 17, 2021
Regular Board Meeting**

Chairman Harold Evans called the Water and Sewer Board meeting to order at 2:00 p.m. on Wednesday, February 17, 2021. Due to City Closures related to COVID-19, this meeting was held remotely and was aired via live stream for public viewing at <https://www.youtube.com/user/CityofGreeley>.

1. Roll Call

The Clerk called the roll and those present included:

Board Members:

Chairman Harold Evans, Vice Chairman Mick Todd, Fred Otis, Bob Ruyle, Tony Miller, Joe Murphy, Manuel Sisneros, Mayor Gates, Roy Otto, and John Karner

Water and Sewer Department Staff:

Director Sean Chambers, Deputy Director Water Resources Adam Jokerst, Deputy Director of Operations Nina Cudahy, Utility Finance Manager Erik Dial, Water Resources Manager Jen Petrzelka, Rates and Budget Analyst Kalen Myers, Special Projects Engineer Mary Gearhart, Office Manager Shannon Metcalf and Senior Administrative Specialist Ettie Arnold

Legal Counsel:

Counsel to Water & Sewer Board Attorney Carolyn Burr, Environmental and Water Resources Attorney Jerrae Swanson, Environmental and Water Resources Attorney Dan Biwer, Environmental and Water Resources Attorney Aaron Goldman

Other Guests:

Cortney Brand of Leonard Rice Engineering, Samantha Kepley of Brown and Caldwell, Jason Assouline of Carollo Engineers, Christopher Wolf of Daniel B. Stevens and Associates and Dr. Patrick Longmire

2. Approval of Minutes

Mr. Miller made motion, seconded by Mr. Otis, to approve the January 20, 2021 Water and Sewer Board meeting minutes. The motion carried 7-0.

3. Approval of and/or Additions to Agenda

There were no changes to the agenda.

4. Welcome New Employees

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

5. Public Comments

Ms. Arnold read a letter of support for the Terry Ranch Project submitted by the Home Builders Association of Northern Colorado.

6. Approve the Amended and Restated Master Purchase, Sale and Raw Water Credit Administration Agreement for Terry Ranch Water Rights and Storage

Mr. Jokerst explained that in June 2020, Greeley entered into the Master Purchase, Sale and Raw Water Credit Administration Agreement for the purchase of groundwater rights and associated water storage underlying the Terry Grazing Association Ranch in northwest Weld County. Since that time, staff and internal and external legal counsel have identified certain minor revisions to Master Agreement they wish to adopt prior to the closing. The amendments do not substantively change the structure, deal terms, or obligations of either Greeley or Wingfoot. A summary of the amendments are as follows:

1. Changed the timeline for conveyance of the Access Easement to the Terry Grazing Association lands. Instead of including the Access Easement in the tenancy in common and periodically assigned along with the Water Rights, all of Wingfoot's rights, title, and interest in the Access Easement will be conveyed to Greeley at closing.
2. Clarified the rights of a third-party assigned the Put Option under the Master Agreement. Wingfoot intends to assign the Put Option to an affiliated third-party and use said third-party to borrow against Put Option Credits placed in escrow in order to fund the initial \$25 million payment to Greeley at Closing. This change allows the transfer of certain rights under Article 11 of the Master Agreement and the Credit Escrow from the third-party to an indenture trustee, to secure the lender's interest under Article 11 of the Master Agreement and the Credit Escrow.
3. Changed the date that Greeley must exercise the Call Option from July 1st of each year to June 8th to allow additional time for the third-party and the indenture trustee to determine whether or not the Put Option should be exercised.

4. Clarified the process for issuance and assignment of the Escrowed Credits at closing given Wingfoot's anticipated assignment of the Call Option at or shortly after closing.
5. Made clear that the rights and obligations under the Master Agreement have vested in the parties
6. Corrected typos, formatting, and other minor inconsistencies.

Mr. Jokerst explained that the exhibits to the Master Agreement will be revised to comport with the amended and restated Master Agreement if approved.

Vice-Chairman Todd made motion, seconded by Mr. Otis to approve the Amended and Restated Master Purchase, Sale and Raw Water Credit Administration Agreement, effective as of June 23, 2020, and to authorize the Director, or his designee, to amend the exhibits consistent therewith and to make minor amendments to the agreement, including but not limited to, contract deadline extensions. The motion carried 7-0.

7. Approve a Resolution Authorizing Closing for Terry Ranch Water Rights and Storage and Recommend the Same to City Council

Mr. Chambers introduced Mr. Jokerst along with Mr. Brand, Ms. Kepley, Mr. Assouline, Mr. Wolfe and Dr. Longmire. Collectively, they explained that in June 2020, Greeley entered into a Master Purchase, Sale and Raw Water Credit Administration Agreement with Wingfoot Water Resources, LLC for acquisition of groundwater rights and associated water storage underlying the Terry Grazing Association Ranch in northwest Weld County. Since that time, staff and consultants have undertaken extensive inspection and diligence activities to confirm the water resources offered in this purchase are safe and reliable. They provided a summary findings of the diligence and inspection studies conducted over the past eight months, results of peer reviews by third-party experts, and final recommendations of staff and consultants.

The inspection studies showed the following:

- The Terry Ranch groundwater can safely and reliably be used as a new potable water supply source for the City of Greeley.
- The Upper Laramie Aquifer underlying Terry Ranch is suitable for injection and storage of surface water.
- Acting as a drought supply, the Terry Ranch Project can supplement Greeley's surface water supply system and meet projected 2065 water demands.
- Quality of Terry Ranch groundwater is high. It contains low-levels of naturally occurring uranium, but the uranium can be removed below detection with ion exchange treatment.
- No adverse water quality reactions are expected by blending Terry Ranch water with Greeley's existing treated water sources.

- Introduction of Terry Ranch water into Greeley's existing water supply system is not anticipated to cause corrosion to or release of metals from distribution system piping.
- The risk of contamination to the Upper Laramie Aquifer is at present very low.
- The Terry Ranch Project requires pumping and treatment, the operational costs of which will be higher than Greeley's existing water treatment and conveyance systems. However, the higher operational costs are vastly outweighed by lower capital costs.
- The expected cost to Greeley of building the Terry Ranch Project infrastructure for the 2065 planning horizon is \$256 million in escalated, 2020 dollars.
- Additional testing and monitoring is recommended to refine design, costs, operations, and treatment processes.
- No fatal flaws were identified in due diligence.

Greeley hired third-party engineering firms to independently peer-review the due diligence and study data. The peer reviewers generally concurred with the diligence efforts and did not identify any fatal flaws.

Vice-Chairman Todd made motion, seconded by Mr. Ruyle to Approve a Resolution Authorizing Closing for Terry Ranch Water Rights and Storage and Recommend the Same to City Council. The motion carried 7-0.

8. Approve a Resolution Rescinding Prior Water & Sewer Board Resolutions Concerning Dedication of Raw Water for City Services

Mr. Jokerst explained that the City requires that developers dedicate certain water rights or make cash payments to the City in order to receive City water service. Raw Water Dedication policies are primarily located in the City of Greeley Municipal Code Chapter 6, Title 14, but are also contained in several resolutions of the Greeley Water & Sewer Board. The Water & Sewer Department desires to consolidate all policies into Municipal Code to provide developers and staff a single point of reference. In addition, consolidation ensures adequate public notice of future Raw Water Dedication policy changes pursuant to the Master Purchase, Sale and Raw Water Credit Administration Agreement for the purchase of groundwater rights, groundwater storage, and appurtenances contemplated by the Terry Ranch Project.

Revisions to Municipal Code concerning Raw Water Dedication policies will incorporate Water & Sewer Board Resolution 14, 2014; Resolution 2, 2016; Resolution 1, 2019; and Resolution 3, 2020. Once incorporated in Municipal Code, the listed Water & Sewer Board Resolutions must be rescinded so as to not duplicate Raw Water Dedication Requirements. In addition to consolidation, the City Council ordinance makes three revisions to Greeley's Raw Water Dedication policies. The first revision is necessitated by the Terry Ranch Master Agreement. The Master Agreement creates Raw Water Credits redeemable to meet Greeley's Raw Water Dedication requirements. A code

revision is required to allow dedication of Credits and is a condition of closing on the Terry Ranch Project. The second revision codifies graduated raw water requirements for landscaping associated with commercial and multi-family developments, and third clarifies that Raw Water Dedication for large parcel, single family developments is only required for the developed portion of the lot.

Mr. Miller made motion, seconded by Vice-Chairman Todd to Approve a Resolution Rescinding Prior Water & Sewer Board Resolutions Concerning Dedication of Raw Water for City Services. The motion carried 7-0.

9. Approve Colorado Water Conservation Board Water Delivery Agreement

Ms. Petrzelka explained that since 2014, a subcommittee of the Poudre River Runs through It Group has been working to develop an innovative way to increase flows in the Poudre River through an Instream Flow Augmentation Plan. Through the coordination and cooperation of the City of Greeley, City of Fort Collins, City of Thornton, Northern Water, CO Water Trust, Colorado Water Conservation Board and the Colorado Parks and Wildlife, the dedication of initial seed water rights for the Plan was approved by the CWCB at their January Board meeting. Use of water rights in the Instream Flow Augmentation plan requires a Water Delivery Agreement with the CWCB, which agreement defines the terms and conditions by which the water rights will be used by the CWCB in the Plan. The proposed Water Delivery Agreement allows Greeley to identify an amount to be used in the Plan year to year.

Vice-Chairman Todd made motion, seconded by Mr. Miller to Approve the Colorado Water Conservation Board Water Delivery Agreement. The motion carried 7-0.

10. 2020 Year End Water & Sewer Enterprise Financial Report

Ms. Myers presented the year-end summary of water and sewer revenues and operating expenditures. Water rate revenue was up 18% over budgeted targets due to a hot, dry summer. Similarly, sewer rate revenue came in 4% over budget. Plant investment fee revenue for both water and sewer fell well below budgeted targets, down 57% from 2019 for water and -56% for sewer due to a sharp decrease in development activity from COVID-19. Overall, 2020 water revenues were up 7% over 2019 totals while 2020 sewer revenues were down 8% from last year.

11. Legal Report

Carolyn Burr of Welborn, Sullivan, Meck & Tooley provided this month's legal report to the Board.

Statements of Opposition: Based on review of the December, 2020 Water Court Resume, Ms. Burr reported that staff and water counsel recommend that the Board authorize filing statements of opposition in the following cases:

- a. **Case number 20CW3208**, Application of HF2M, Inc. for water rights, change of water rights, plan for augmentation, and appropriative rights of exchange on the Cache la Poudre River. The claims are for the Montava West/East Wellfield: 900 gpm conditional, Seaworth Augmentation Pond No. 2: 140 af (filled via Taylor and Gill Ditch: 13.81 cfs & Seaworth River Diversion: 5.0 cfs). The applicant is seeking water rights to supply potable water to a 1,000 acre development east of Fort Collins. There are several different components to this application.
- b. **Case number 20CW3213**, Applicant of TH Ranch for conditional surface, storage and groundwater rights, change of water right, request to renew irrigation of lands previously removed from irrigation, appropriation of return flows, and for approval of plan for augmentation on the South Platte River. The claims are for the TH 17 Ranch River Pump (5,000 gpm conditional), Helton Reservoir (99.75 acre-feet conditional), TH Ranch River Well (950 gpm conditional), and change one share of Lower Latham Ditch stock. Additionally, the applicant is seeking to renew irrigation of lands previously removed from irrigation via a dry-up covenant. Greeley should get involved to insure a change in use will not affect the call regime on the South Platte River and/or Greeley's current operations.
- c. **Case number 20CW3215**, Application of BennT Creek Regional Water Authority and SP Regional Water Company, LLC; Town Bennett and Todd Creek Village Metropolitan District for conditional surface water rights and water storage rights on the South Platte river. The claims are for SP Diversions: 200 cfs cumulative, conditional; GB-1 Reservoir: 9,520 af, conditional; Beaver Creek Surface Reservoir: 80,900 af, conditional; Sand Arroyo Reservoir: 22,400 af, conditional; Bennet Reservoir: 300 af, conditional; Signal Reservoir No. 3: 1,970 af, conditional; Signal Reservoir No. 4: 4,824 af, conditional; Mann Lakes Reservoir: 3,741 af, conditional; Beaver Creek Porosity Reservoir: 81,216 af, conditional.

Mr. Miller made a motion, seconded by Vice-Chairman Todd, that the Board authorize the filing of statements of opposition in Case No. 20CW3208, Case No. 20CW3213 and Case No. 20CW3215, for staff and legal counsel to seek resolution of issues raised by these cases consistent with Water and Sewer Board Resolution No. 3 (2015). The motion carried 7-0.

12. Director's Report

Mr. Chambers reported on the following items:

- Windy Gap Firing Storage Project, appeal of the recent Federal District Court Order
- City Charter Petitions

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

There were no additional items brought before the Board and added to the agenda.

Chairman Evans adjourned the meeting at 5:25 p.m.

Harold Evans, Chairman

Shannon Metcalf, Office Manager

WATER & SEWER BOARD AGENDA MARCH 17, 2021

ENCLOSURE X NO ENCLOSURE

ITEM NUMBER: 4

TITLE: APPROVE AMENDMENT NO. 1 TO THE
MEMORANDUM OF UNDERSTANDING
REGARDING WATER QUALITY
MONITORING IN NORTHERN COLORADO

RECOMMENDATION: APPROVE AMENDMENT AND DELEGATE
AUTHORITY TO STAFF TO EXECUTE
FUTURE AMENDMENTS

ADDITIONAL INFORMATION:

The Memorandum of Understanding Regarding Water Quality Monitoring in Northern Colorado (Compounds of Emerging Concern Monitoring Program), which was approved by the Water and Sewer Board in August 2020 (“MOU”), governs a collaborative effort among Northern Water and several northern Colorado municipalities to monitor the occurrence and concentration of a select list of compounds of emerging concern in northern Colorado drinking water supplies. Greeley’s contribution to the program in 2020 was approximately \$14,000. This amendment to the MOU clarifies the manner in which costs are budgeted, allocated to, and paid by the various partners to the project.

Recommended action: Staff recommends that the Board approve the enclosed Amendment No. 1 to Memorandum of Understanding Regarding Water Quality Monitoring in Northern Colorado (Compounds of Emerging Concern Monitoring Program), and delegate authority to the Director of Water and Sewer to approve future amendments to the MOU.

AMENDMENT NO. 1
TO
MEMORANDUM OF UNDERSTANDING REGARDING
WATER QUALITY MONITORING IN NORTHERN COLORADO
(Compounds of Emerging Concern Monitoring Program)

GENERAL

This Amendment No. 1 amends the Memorandum of Understanding Regarding Water Quality Monitoring in Northern Colorado (Compounds of Emerging Concern Monitoring Program) dated _____ (the "CEC MOU") between the following Parties, which are listed in no particular order:

- Northern Colorado Water Conservancy District, a quasi-municipal entity and political subdivision of the State of Colorado ("Northern Water");
- City of Boulder, a municipal corporation ("Boulder");
- City and County of Broomfield, a municipal corporation and county of the State of Colorado ("Broomfield");
- City of Fort Collins, a municipal corporation ("Fort Collins");
- City of Greeley, a municipal corporation ("Greeley");
- City of Longmont, a municipal corporation ("Longmont");
- City of Loveland, a municipal corporation ("Loveland"); and
- Town of Estes Park, a municipal corporation ("Estes Park").

All provisions of the CEC MOU not specifically modified in this Amendment No. 1 shall remain in full force and effect in accordance with their terms.

DESCRIPTION OF CHANGES

The CEC MOU is modified as described below.

I. CEC MOU, Paragraph 10. COSTS. This paragraph is revoked and modified in its entirety to read as follows:

10. COSTS. Annual costs for each Party will be budgeted in the Annual Operating Plan. In even numbered years, the Party or Parties responsible for each study site, as set forth in the Annual Operating Plan for each Operating Year, shall be responsible for all costs associated with their respective study site. In odd numbered years, the costs of projects in the Annual Operating Plan will be divided among the Parties as agreed upon in the Annual Operating Plan. In both even and odd years, invoices will be generated in arrears by Northern Water before September 30th. Invoices will include all actual costs incurred by Northern Water throughout the Operating Year. Payment is to be received by Northern Water no later than October 31st.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 on the following pages.

[Remainder of Page Left Blank Intentionally]

NORTHERN COLORADO WATER CONSERVANCY DISTRICT, a quasi-municipal entity and political subdivision of the State of Colorado

By: _____ Date: _____
General Manager

CITY OF BOULDER, a municipal corporation

By: _____
City Manager

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney's Office

**CITY OF AND COUNTY OF BROOMFIELD, a municipal corporation and county of the
State of Colorado**

By: _____ Date: _____
Mayor

ATTEST:

By: _____
City and County Clerk

APPROVED AS TO FORM:

By: _____
City & County Attorney

CITY OF FORT COLLINS, a municipal corporation

By: _____
Darin A. Atteberry, City Manager

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney's Office

CITY OF GREELEY, a municipal corporation

By: _____
City Manager

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney's Office

CITY OF LONGMONT
a Municipal Corporation

MAYOR

ATTEST:

CITY CLERK

DATE

State of Colorado)
) ss:
County of Boulder)

I attest that the foregoing instrument was acknowledged before me this _____ day of _____, 2020, by _____ as the Mayor of the City of Longmont.

Witness my hand and official seal.

City Clerk, Notary Public

My commission expires _____. .

APPROVED AS TO FORM:

ASSISTANT CITY ATTORNEY

DATE

PROOFREAD

DATE

APPROVED AS TO FORM AND SUBSTANCE:

DEPUTY CITY MANAGER

DATE

APPROVED AS TO INSURANCE PROVISIONS:

RISK MANAGER

DATE

CITY OF LOVELAND, a municipal corporation

By: _____
City Manager

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney's Office

TOWN OF ESTES PARK, a municipal corporation

By: _____
Travis Machalek, Town Administrator

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney's Office

WATER & SEWER BOARD AGENDA MARCH 17, 2021

ENCLOSURE _____

NO ENCLOSURE X

ITEM NUMBER: 5

TITLE: WELCOME NEW EMPLOYEES

RECOMMENDATION:

ADDITIONAL INFORMATION:

WATER & SEWER BOARD AGENDA MARCH 17, 2021

ENCLOSURE X NO ENCLOSURE

ITEM NUMBER: 6

TITLE: APPROVE FIRST AMENDMENT TO THE
 ADDENDUM AGREEMENT BETWEEN
 GREELEY AND LOVELAND IRRIGATION
 COMPANY AND THE CITY OF GREELEY

RECOMMENDATION: APPROVE FIRST AMENDMENT TO THE
 ADDEENDUM AGREEMENT

ADDITIONAL INFORMATION:

This item is an amendment (“Amendment”) to a 1982 agreement (“Addendum Agreement”) between the City of Greeley (“City”) and the Greeley and Loveland Irrigation Company (“Company”). The Addendum Agreement modified previous agreements between the City and Company allowing for the construction of the City’s Boyd Water Treatment Plant and associated transmission infrastructure. The Addendum Agreement allowed the City to store 5,000 acre-feet of C-BT water in Lake Loveland. In 2018, Northern Colorado Water Conservancy District (“Northern”) changed its accounting rules for C-BT to prohibit booking-over C-BT. As a result, this Amendment would only commit the City to store 2,000 C-BT Units, at a storage rate of fourteen dollars per acre-foot (\$14/af) for the 2021 water year, with a maximum annual increase thereafter of three percent (3%).

Staff recommends approval of this Amendment.

FIRST AMENDMENT TO ADDENDUM AGREEMENT BETWEEN THE GREELEY AND
LOVELAND IRRIGATION COMPANY AND THE CITY OF GREELEY

This amendment is made and entered into as of _____, 20__ (“First Amendment”), by and between the Greeley and Loveland Irrigation Company, a Colorado mutual ditch company, whose address is 808 23rd Avenue, Greeley, CO 80634 (“Company”), and the City of Greeley, a Colorado home rule municipality, whose address is 1001 11th Avenue, 2nd Floor, Greeley, Colorado 80631 (“City”), (Company and City are referred to collectively as “Parties”) for the purpose of amending the Addendum Agreement between the Company and City, dated June 1st, 1982.

WHEREAS, on June 30, 1961, the Parties entered into an agreement (“Basic Agreement”), attached hereto as Exhibit A, concerning among other things, use of some Company facilities in connection with expansion of the City’s municipal water system; and

WHEREAS, on November 4, 1963, the Parties entered into an agreement (“Operational Agreement”), attached hereto as Exhibit B, concerning City’s municipal water system, whereby water is delivered to the City at Lake Loveland for use in its municipal water filtration plants and then for delivery to users under the City’s water system; and

WHEREAS, on June 1, 1982, the Parties entered into an agreement (“Addendum Agreement”), attached hereto as Exhibit C, concerning the operational use and delivery of water by the Company to the City and certain compensating factors to be paid by the City to the Company; and

WHEREAS, as a result of the Northern Colorado Water Conservancy District’s Colorado-Big Thompson Project Water Tracking Rule, the City is no longer able to commit to store Colorado-Big Thompson Project Units or Windy Gap Project Units in Lake Loveland in the same amounts as previously committed and stored under the Addendum Agreement.

NOW THEREFORE, in consideration of the foregoing recitals, the Parties agree as follows:

1. Paragraph 2 of the Addendum Agreement is hereby amended to read as follows:

The City shall be charged with use of water which is allocated to it through the Company system in the following priorities and order:

- (a) The Loveland and Greeley Reservoir (Lake Loveland),
- (b) The Seven Lakes Reservoir Company,
- (c) The Greeley and Loveland Irrigation Company (Boyd Lake dividend water),
- (d) As many Units of Northern Colorado Water Conservancy District Water (“C-BT Units”) or Northern Colorado Water Conservancy District, Municipal Subdistrict Water (“WG Units”), as the City can reasonably

commit in a year, but no less than 2,000 C-BT Units, which the City shall commit annually to be delivered to the Company from works of Northern Colorado Water Conservancy District on order of Company. In no event shall the City be obligated to store more than 5,000 C-BT or WG Units, total, under this Subparagraph 2(d). This amount of water can be used by City from time to time during the year. For the 2021 Water Year, the City shall pay fourteen dollars (\$14.00) per acre-foot of measured C-BT diverted into storage. Each successive Water Year, the Company at its discretion may increase the storage rate by a maximum of three percent (3%). A Water Year shall run from November 1 to October 31 of the following year. Greeley and the Company shall be jointly responsible for tracking the number of C-BT Units diverted into storage per Water Year.

If it is desirable or necessary for the City to use the additional C-BT or WG Units, it may do so out of the above priority.

2. Paragraph 5 of the Addendum Agreement is hereby amended to read as follows:

The City shall pay all assessments required by the various companies as a shareholder, the same as other shareholders. Carrying charges and storage rates on the amounts of C-BT and WG Units committed under Paragraph 2(d) shall be paid on or before April 1st of each year.

3. Paragraph 6 of the Addendum Agreement is hereby amended to read as follows:

It is understood that future needs of both parties could change resulting in additional agreements or modifications of this Agreement. Before the commencement of the 2031 Water Year, and every ten (10) years thereafter, the Parties resolve to evaluate the three percent (3%) annual storage rate increase provision in Paragraph 2 and consider the propriety of entering into another amendment concerning the same.

4. All other terms and conditions of the Addendum Agreement, Operational Agreement, and Basic Agreement shall continue in full force and effect except as specifically amended herein.

THE CITY OF GREELEY, COLORADO,
a Colorado municipal corporation,

By: _____
Roy H. Otto, City Manager

By: _____
Harold Evans, Water & Sewer Board
Chairman

APPROVED AS TO LEGAL FORM:

By: _____
Doug Marek, City Attorney

AS TO AVAILABILITY OF FUNDS:

By: _____
John Karner, Director of Finance

**GREELEY AND LOVELAND IRRIGATION COMPANY,
a Colorado mutual ditch company**

By: 
President

ATTEST:

By: 
Secretary/Treasurer

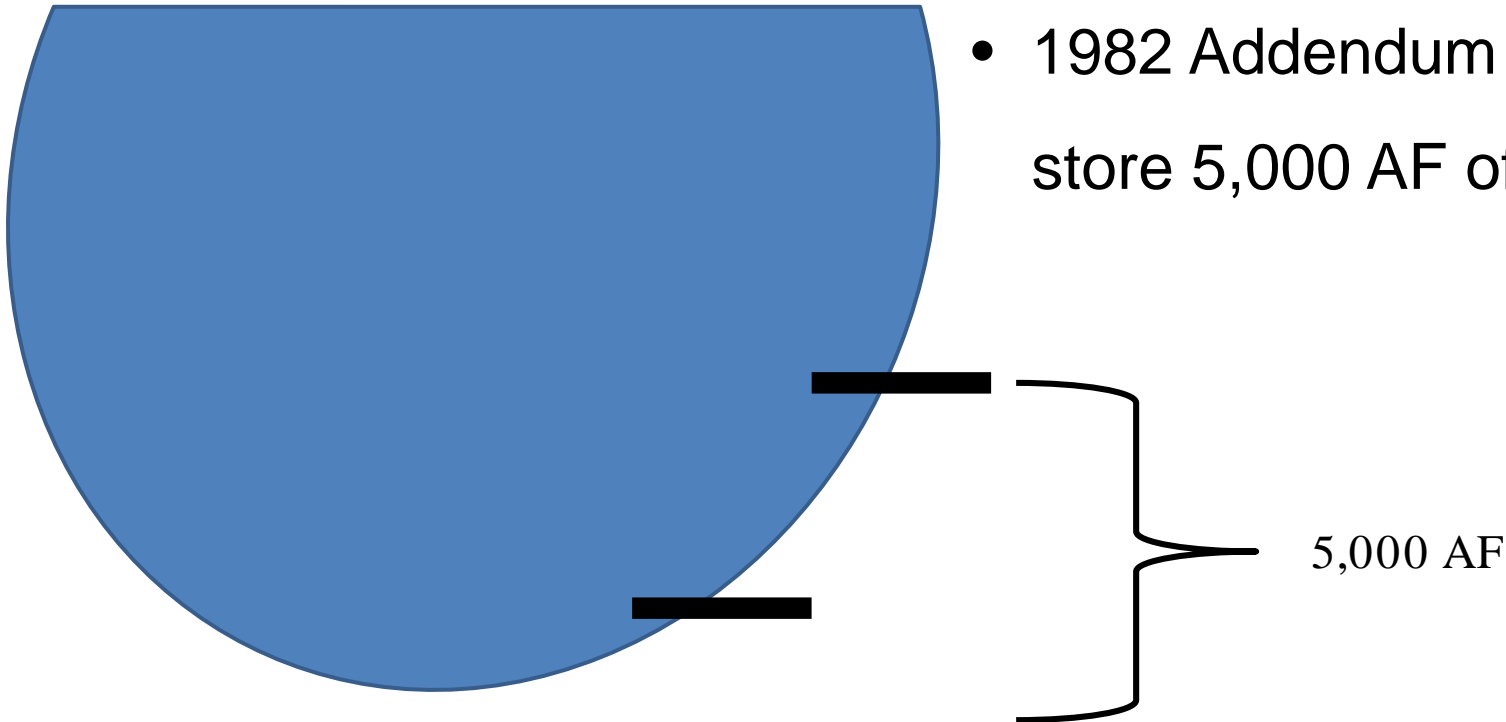
FIRST AMENDMENT TO ADDENDUM AGREEMENT BETWEEN THE GREELEY AND LOVELAND IRRIGATION COMPANY AND THE CITY OF GREELEY

Jen Petrzelka, Water Resources Operations Manager
March 17, 2021



Background

- 1961 Basic Agreement, 1963 Operational Agreement, and 1982 Addendum Agreement regarding Greeley's use of GLIC facilities
- 1982 Addendum Agreement permitted the City to store 5,000 AF of CBT for use at Boyd WTP



Background

- If Lake Loveland filled, CBT would be recolored “Lake Loveland”
- In 2018, Northern Colorado Water Conservancy District changed their rules
- Stored CBT can no longer be “booked-over”
- So, Greeley can no longer store 5,000 AF in Lake Loveland



First Amendment to Addendum Agreement

%3 increase

2,000 AF

\$14 /AF



Recommendation

- Staff recommends Board approval



WATER & SEWER BOARD AGENDA MARCH 17, 2021

ENCLOSURE X NO ENCLOSURE

ITEM NUMBER: 7

TITLE: 4th QUARTER 2020 CIP UPDATE

RECOMMENDATION: INFORMATION ONLY

ADDITIONAL INFORMATION:

Staff will provide an update.

2020 CIP Update

Water & Sewer Board
March 17, 2021



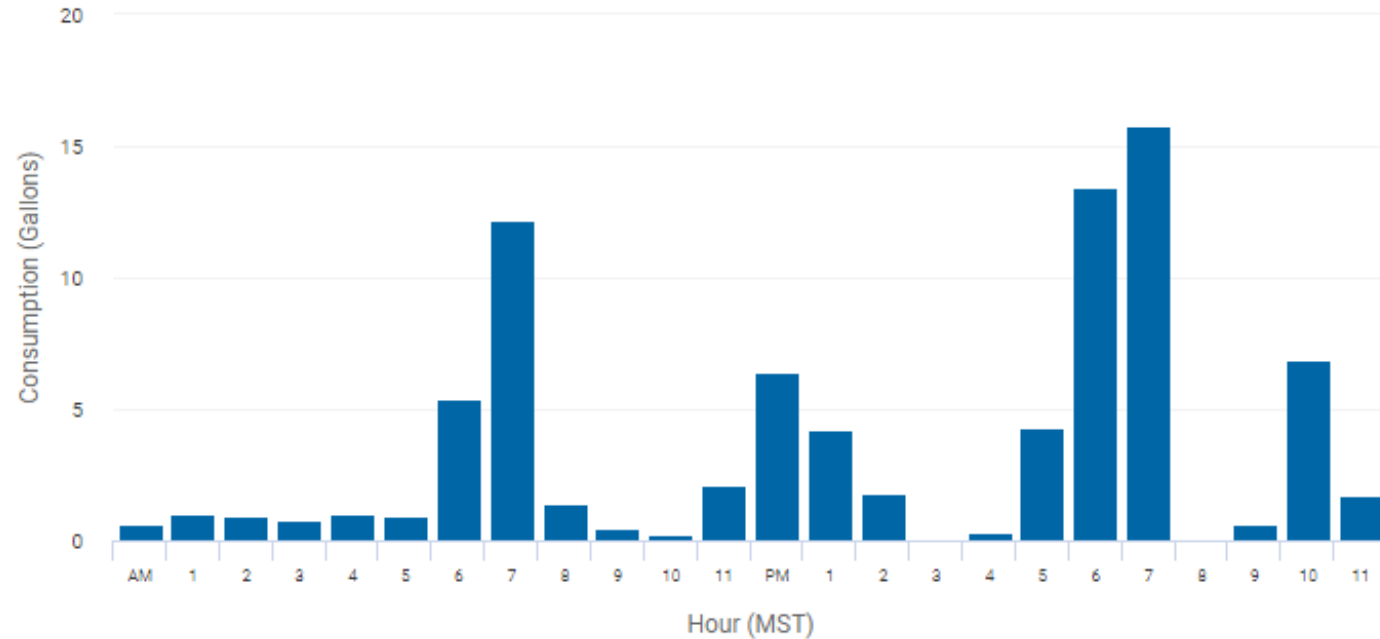
Bellvue Needs Assessment



Water Capital Replacement Fund TOTAL BUDGET: \$25,543,891



Advanced Metering Infrastructure

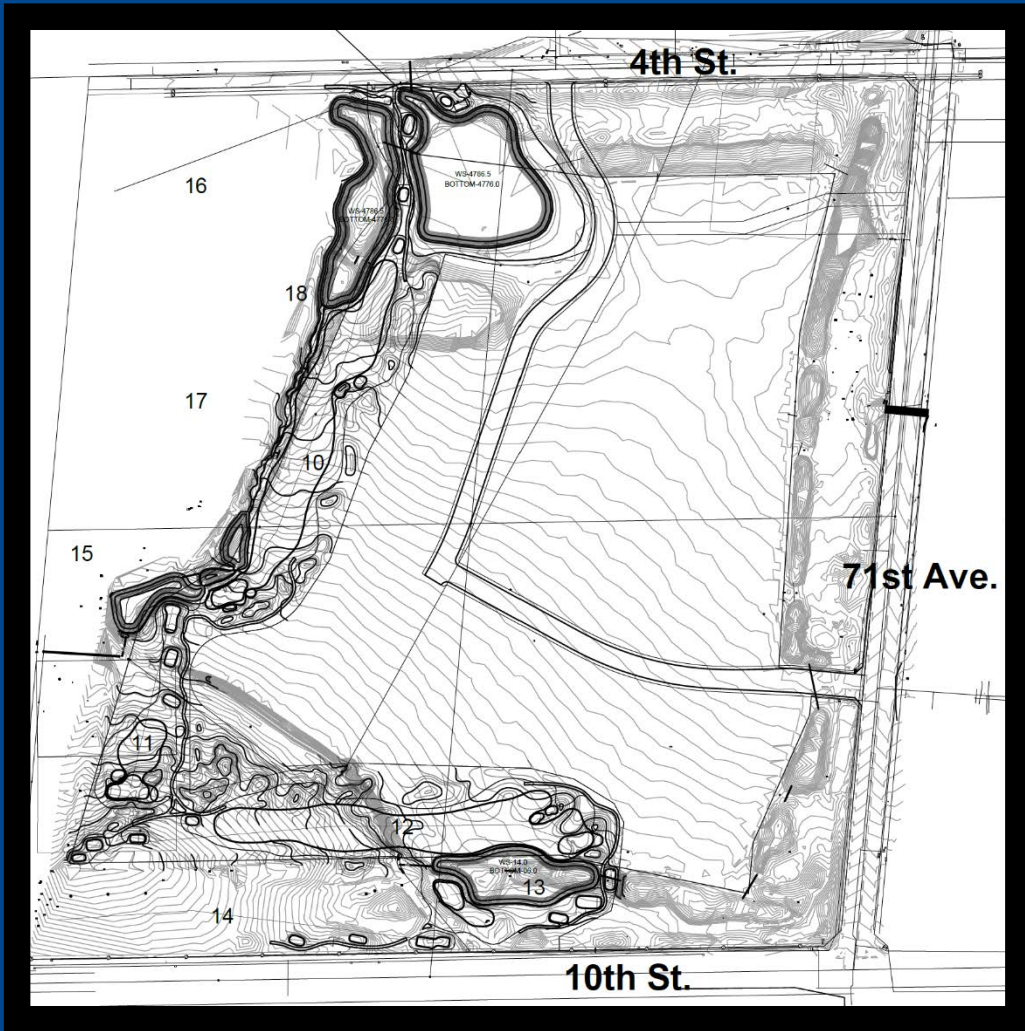


Water Capital Replacement Fund
USBR WaterSmart Grant Funds

TOTAL BUDGET: \$7,076,538
TOTAL BUDGET: \$1,486,538



Boomerang Golf Course Water Efficiency Improvements



Water Capital Replacement Fund

TOTAL BUDGET: \$4,704,950



Nitrification Project Phase II



Sewer Capital Replacement Fund

TOTAL BUDGET: \$35,482,679



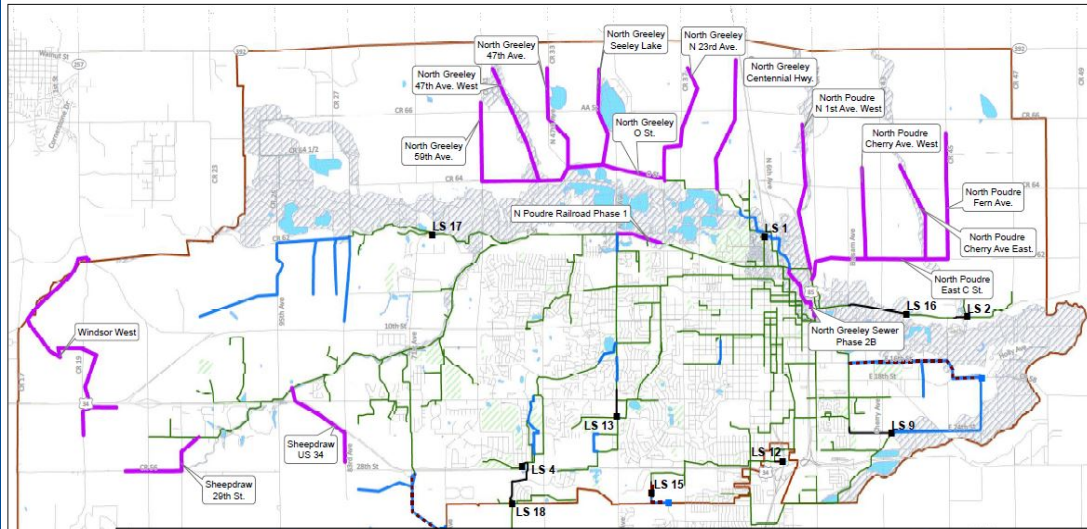
35th Ave Utility Improvement



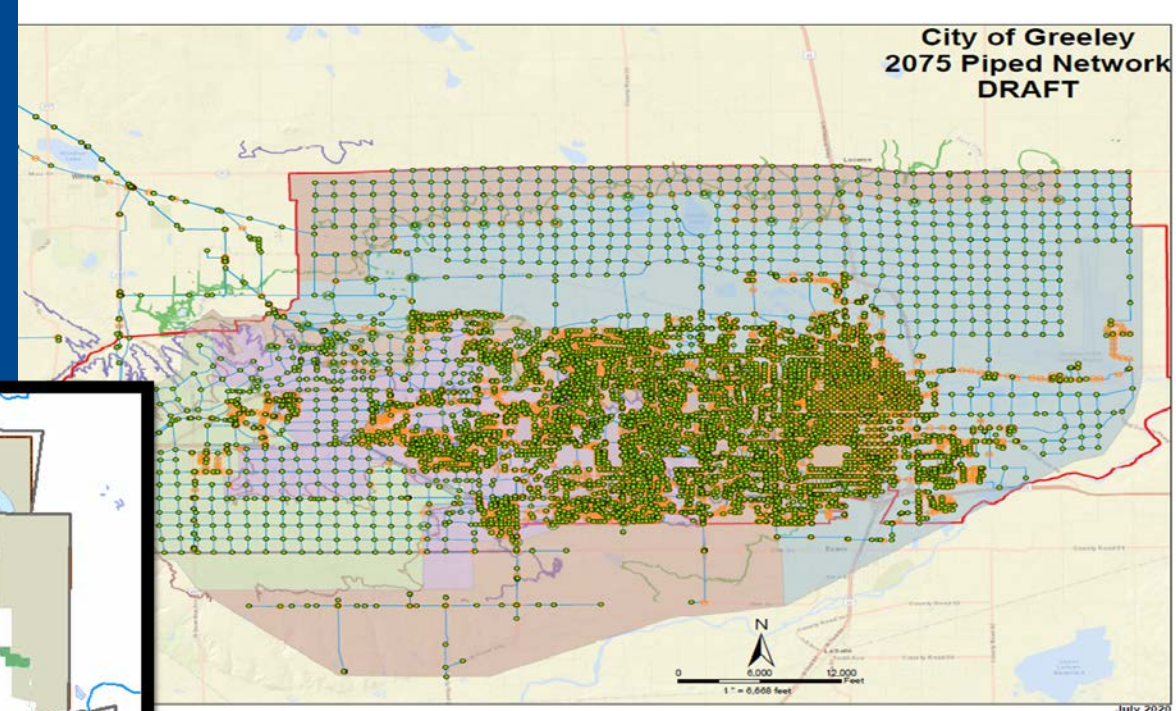
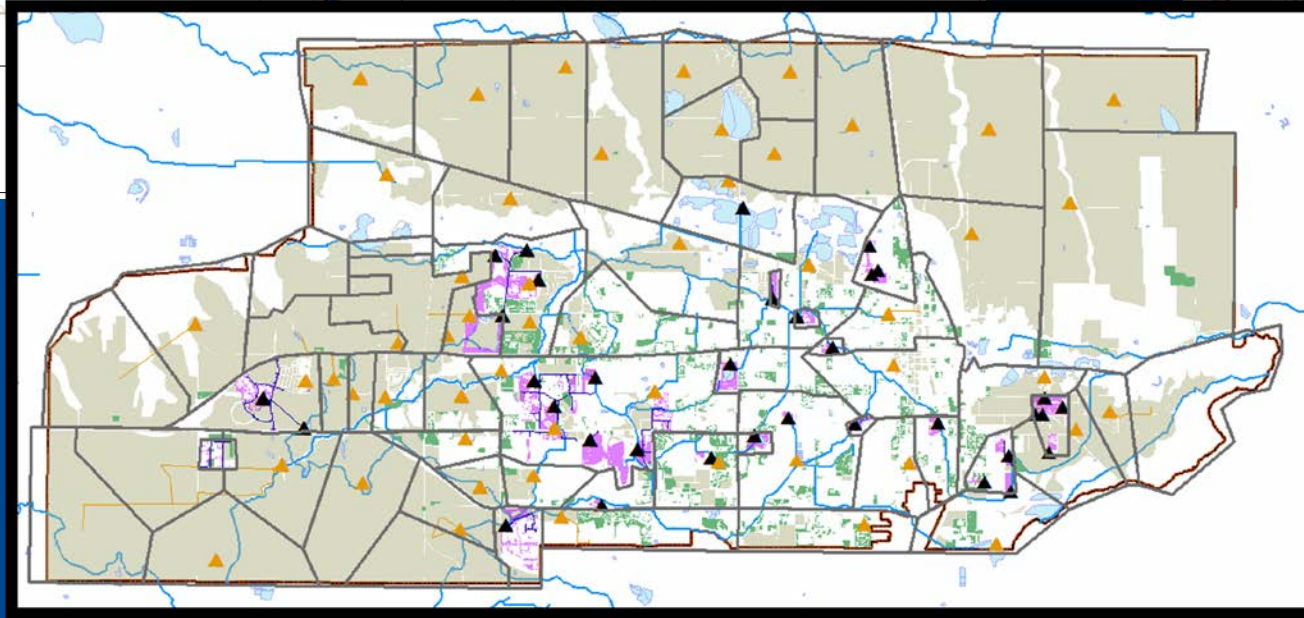
Sewer Capital Replacement & Water Capital Replacement Funds

TOTAL BUDGET: \$3,400,000

Sanitary Sewer, Non-Potable, Distribution Master Plan Update



City of Greeley
CDM Smith
December 18, 2020



Sewer Capital Replacement, Water Construction & Water Capital Replacement Funds

TOTAL BUDGET: \$1,826,309

Lift Station #13 Rehabilitation



Sewer Capital Replacement Funds

TOTAL BUDGET: \$340,000

Poudre Ponds Slurry Wall & Flood Protection Structure



Water Construction Funds

TOTAL BUDGET: \$3,950,000

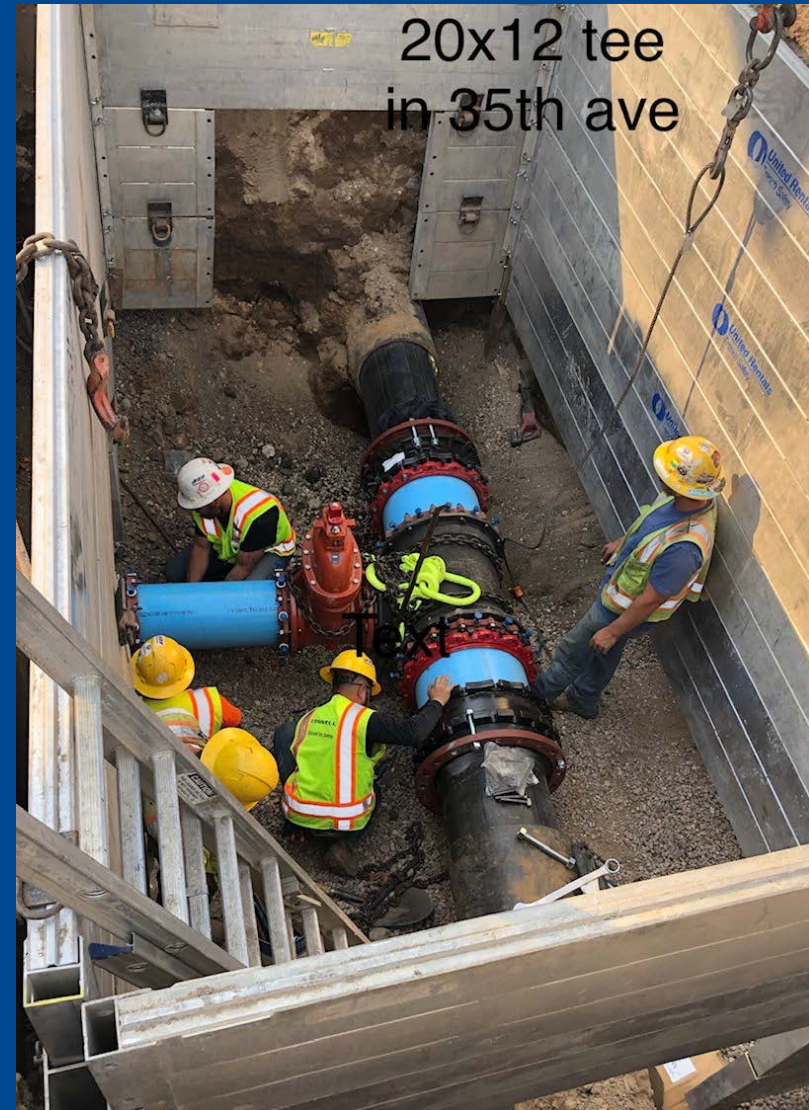
I-25 Expansion & Transmission Relocation



Water Capital Replacement Funds (CDOT Funds)

TOTAL BUDGET: \$3,550,000

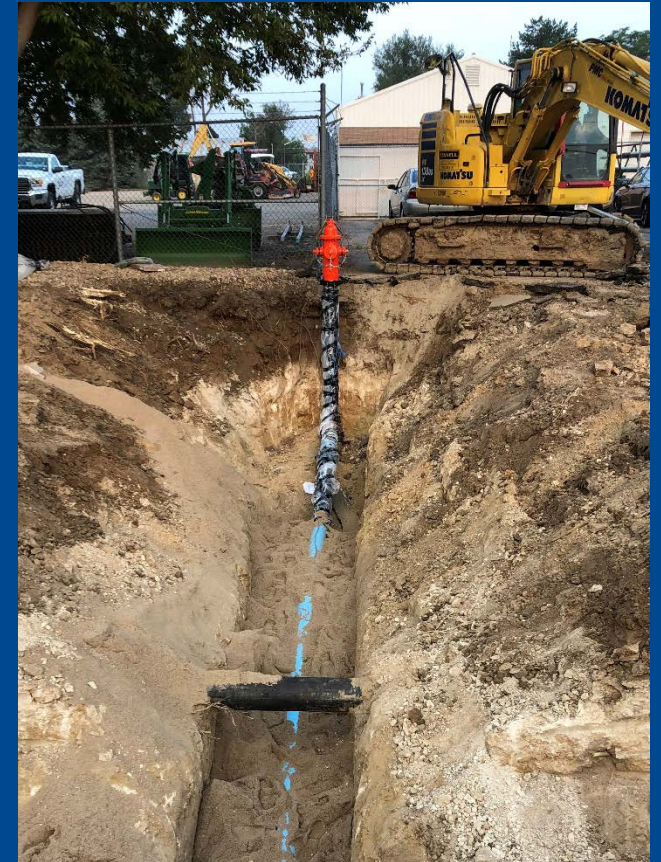
Transmission System Rehabilitation



TOTAL BUDGET: \$4,169,000

Water Capital Replacement Funds

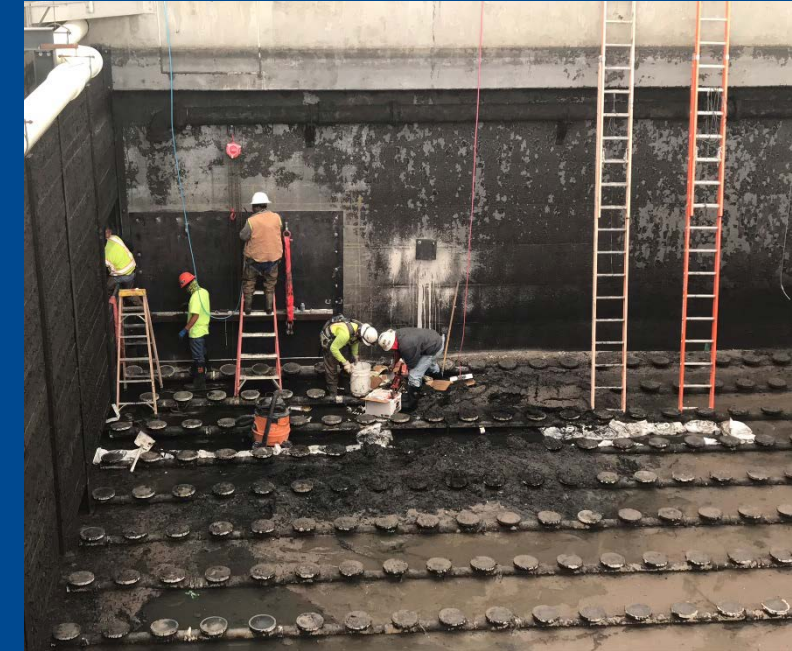
Water Distribution Rehabilitation - 4th St Waterline Replacement



Water Capital Replacement Funds

TOTAL BUDGET: \$1,368,000

WTRF General Rehabilitation



Sewer Capital Replacement Funds

TOTAL BUDGET: \$731,200

ELCO & North Weld Interconnect



Water Capital Funds (Split with ELCO, North Weld, & Greeley)

TOTAL BUDGET: \$541,922



Thank You!
Questions?



WATER & SEWER BOARD AGENDA MARCH 17, 2021

ENCLOSURE X NO ENCLOSURE

ITEM NUMBER: 8

TITLE: LEGAL REPORT

RECOMMENDATION:

ADDITIONAL INFORMATION:

Legal Report
Greeley Water and Sewer Board Meeting
March 17, 2021

Statements of Opposition: Based on our review of the January, 2021 Water Court Resume, staff and water counsel do not recommend that the Water and Sewer Board file statements of opposition to any water court applications that would be due in the month of March, 2021.

WATER & SEWER BOARD AGENDA MARCH 17, 2021

ENCLOSURE _____ NO ENCLOSURE X

ITEM NUMBER: 9

TITLE: EXECUTIVE SESSION

RECOMMENDATION:

ADDITIONAL INFORMATION:

- For the purpose of providing the Board legal advice on the Petitions to amend the City Charter and the Referendum to challenge Council's passing of the Ordinance to Amend Ch. 14 of the Greeley Municipal Code
- Petition for Proposed Amendment to the City of Greeley Home Rule Charter Section 17-9, Procedures for Sale of Water and/or Water Supply and Treatment
- Petition for Proposed Amendment to the City of Greeley Home Rule Charter Section 17-10 Procedures for Acquisition and Provision of Ground Water and/or Recycles Wastewater
- Referendum Petition – Ordinance No. 10, 2021 Amending Ch. 6, Title 14 of the Municipal Code of the City of Greeley (Concerning the dedication of water rights for city water service)
- Water Market Update

City of Greeley, Colorado
OFFICE OF THE CITY CLERK
1000 10th Street
Greeley, CO 80631
Phone 970-350-9740 **Fax** 970-350-9828
www.greeleygov.com



STATE OF COLORADO)	
)	
COUNTY OF WELD)	SS. CERTIFICATE
)	
CITY OF GREELEY)	

I, Anissa N. Hollingshead, City Clerk of the City of Greeley, Colorado, do hereby certify that the attached is a REFERENDUM PETITION SECTION form approved by the Office of the City Clerk, and said form complies with Section 2.02.210 Form of Petition Sections of the Greeley Code of Ordinances.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the City of Greeley this 8th day of March, 2021.

Anissa N. Hollingshead, City Clerk

CITY
SEAL

Petition Section No. _____

Referendum Petition

To the City Council of the City of Greeley, Colorado:

The undersigned registered electors of the City of Greeley, Colorado, hereby petition that the City Council repeal the ordinance set forth hereafter in its entirety or place the matter on the ballot at a special election.

The summary of the ordinance as set by the City Clerk of the City of Greeley, Colorado, is as follows:

If this referendum passes, Ordinance No. 10, 2021 would be repealed. Ordinance No. 10, 2021 amends Chapter 6, Title 14 of the Greeley Municipal Code relating to the dedication of raw water for city water service to consolidate all existing raw water dedication policies into the Municipal Code and to revise those provisions in three areas: 1) allow dedication of Raw Water Credits, 2) codify graduated raw water requirements for landscaping associated with commercial and multi-family developments, and 3) clarify that Raw Water Dedication for large parcel single family developments is required for the developed portion of the lot.

The submission clause and title which form the ballot question to be submitted to the registered electors of the City of Greeley are as follows:

Shall Ordinance No. 10, 2021 be repealed, which ordinance would amend Chapter 6, Title 14 of the Greeley Municipal Code relating to the dedication of raw water for city water service in order to consolidate all existing raw water dedication policies into the Code and revising those provisions in three areas, to include: 1) allowing dedication of Raw Water Credits; 2) codifying graduated raw water requirements for landscaping associated with commercial and multi-family developments; and 3) clarifying that Raw Water Dedication for large parcel single family developments is required for the developed portion of the lot?

YES_____
NO_____

PETITION REPRESENTATIVES:

- (1) Mary Gauthiere, 2157 Buena Vista Drive, Greeley, CO 80634
- (2) Molly Holloway, 6608 W 3rd Street, #59, Greeley, CO 80634

CITY OF GREELEY, COLORADO
ORDINANCE NO. 10, 2021

**AN ORDINANCE AMENDING CHAPTER 6, TITLE 14 OF THE MUNICIPAL CODE OF THE CITY OF GREELEY
(CONCERNING THE DEDICATION OF WATER RIGHTS FOR CITY WATER SERVICE)**

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, *inter alia*, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board ("Board") to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, Section 17-4(c) of the Greeley City Charter and Section 14.04.110 of the Greeley Municipal Code authorize the Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, Chapter 14.06 (Water Service) of the Greeley Municipal Code sets forth various requirements for initiating water service from the City; and

WHEREAS, the Board has established by resolution certain raw water dedication requirements for water service that include, but are not limited to, specifying water rights suitable for potable and non-potable use within the City's water system, the yield of a water right, and landscape dedication requirements ("Raw Water Dedication Policy"); and

WHEREAS, the City, acting by and through its Water Enterprise, previously entered into a Master Purchase, Sale and Raw Water Credit Administration Agreement (Terry Ranch), dated June 23, 2020, with Wingfoot Water Resources, a Colorado limited liability company, for the purchase and sale of water rights and related property rights ("Agreement"); and

WHEREAS, the Agreement obligates the City to issue and accept certain raw water dedication credits and to incorporate the Raw Water Dedication Policy into Chapter 14.06 of the Greeley Municipal Code; and

WHEREAS, on January 20, 2021, Water and Sewer staff presented a near final version of the proposed amendments, attached hereto as Appendix A; and

WHEREAS, Water and Sewer staff recommends that City Council adopt the proposed amendments in satisfaction of the Agreement and to consolidate the Raw Water Dedication Policy within Chapter 14.06 of the Greeley Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. That part (b) of Section 14.06.040 contained in Chapter 14.06, Water Service, be amended to read as shown on Appendix A, attached hereto and incorporated herein.

Section 2. That Section 14.06.050 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 3. That Section 14.06.060 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 4. That Section 14.06.070 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 5. That Section 14.06.080 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 6. That part (c) of Section 14.06.110 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 7. That Section 14.06.130 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 8. That Section 14.06.170 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 9. That Section 14.06.180 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 10. That Section 14.06.190 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 11. That Chapter 14.06 of the Greeley Municipal Code be amended by adding thereto a new Section 14.06.240 to read as shown on Appendix A.

Section 12. Except as explicitly modified on Exhibit A, all other provisions of Title 14 of the Greeley Municipal Code shall remain in full force and effect.

Section 13. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

INTRODUCED on February 16, 2021.

PASSED AND ADOPTED, SIGNED AND APPROVED on March 3, 2021.

[CITY SEAL]

Attest:

Anissa N. Hollingshead
City Clerk

John D. Gates
Mayor

Appendix A

Section 1. Section 14.06.040 contained in Chapter 14.06, Water Service, shall be amended to update part (b) to read as follows:

14.06.040 - Taps required; service line extensions prohibited.

- (a) Each detached single-family residential building, multi-family residential building, and non-residential building shall be served by a minimum of one (1) separate water tap and service line. Buildings with mixed residential and non-residential uses shall be served by separate water taps for the residential and non-residential components of the development.
- (b) A separate and additional landscape irrigation tap and service line shall be required for all non-residential buildings and multi-family residential buildings with more than four (4) units within the City limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels). The Director of Water and Sewer has the authority to grant a variance to the landscape irrigation tap requirement in this Section upon a written finding that the subject property can be served by a single tap due to minimal landscaping irrigation demand.
- (c) It is unlawful for a person or entity to extend a service line to serve any other buildings, lots or premises contrary to the requirements of this Section. Notwithstanding the foregoing, the Director of Water and Sewer has the discretionary authority to grant variances when appropriate for accessory uses on the same property or an adjoining lot.
- (d) A prohibited service line extension that was installed prior to September 1, 2019, may remain in effect so long as it does not create a sanitation, public health or public nuisance problem. If, in the discretion of the Director of Water and Sewer, a prohibited service line extension creates a sanitation, public health or public nuisance problem, the subject property owner(s) shall separate the compound tap at their own expense.
- (e) The owner of a property to which a new water service line is installed after the associated separation of a compound tap shall be required to pay all fees applicable to the initiation of water service to the subject property, including, without limitation, the costs required to install another water tap and service line. Plant investment fees that would otherwise be due and payable for a new water service line installed pursuant to this Section shall be waived upon a written finding of the Director of Water and Sewer that there will be no increase in water service to the subject property.
- (f) The use of a common service line by abutting property owners shall not alter the maintenance responsibility of the users of the common service line. The common service shall not constitute a public responsibility and the Director of Water and Sewer shall not perform

maintenance or repair on the separate or combined service lines that may serve abutting properties.

Section 2. Section 14.06.050 of the above-entitled ordinance shall be amended to read as follows:

14.06.050 - Water rights dedication; amounts and criteria.

(a) All applicants for water service within the City limits shall (i) dedicate to the City, as a prerequisite to and as part of the consideration for City water service to the subject property, water rights, if any, that the City, in its sole discretion, can use in its potable water supply system or non-potable irrigation system and (ii) if the applicant cannot satisfy the raw water dedication requirements through the dedication of water rights, shall furnish to the City a cash-in-lieu fee (or satisfy the same pursuant to Section 14.06.050(e)) to fulfill all or the remainder of the dedication requirement associated with a request for water service as a prerequisite to and as part of the consideration for City water service to the subject property. All water rights approved for dedication shall be conveyed to the City on or before the date the final plat for the development is approved. All cash-in-lieu fees shall be due and payable to the City no later than the date on which the building permit is issued.

(b) The City has determined (i) that the water rights represented by shares of stock in the Greeley & Loveland Irrigation Company and the Seven Lakes Reservoir Company, and rights in the Loveland and Greeley Reservoir Company (Lake Loveland) can be used within its potable water supply system and non-potable irrigation system and (ii) that the water rights represented by units of Colorado-Big Thompson Project Water can be used within its potable water supply system. The water rights represented by shares of stock in the Greeley Irrigation Company can only be used within non-potable irrigation systems. Therefore, the City will accept such water rights only in satisfaction of the raw water dedication requirements associated with non-potable water service on property historically irrigated by the subject water rights. The City shall use the following yield values to determine the amount of raw water transferred by an applicant toward the satisfaction of any raw water dedication requirement:

<u>Company</u>	<u>Yield/Share</u>
<u>The Greeley & Loveland Irrigation Company</u>	<u>8 acre feet/share</u>
<u>The Seven Lakes Reservoir Company</u>	<u>8 acre feet/share</u>
<u>The Loveland And Greeley Reservoir Company (Lake Loveland)</u>	<u>20 acre feet/right</u>
<u>Colorado-Big Thompson Project Water (C-Bt)</u>	<u>0.75 acre feet/unit</u>
<u>Greeley Irrigation Company (Greeley No. 3 Canal)</u>	<u>10.3 acre feet/share</u>

Except for water rights represented by units of Colorado-Big Thompson Project Water, the City will not accept the dedication of any water rights under Section 14.06.050(b) for use within its potable water supply system or non-potable irrigation system unless the Director of Water and Sewer determines that the subject water rights meet the requisite criteria under Colorado law for conversion of the water to municipal use by the City, including, without limitation, sustained historical consumptive use. Such water rights shall also meet the criteria for dedication of water rights to the

~~City set forth by resolution of the Water and Sewer Board. The transfer of water rights approved for dedication to the City shall be made by the applicant for water service no later than the date on which a final plat for the development is approved. that: (i) the water rights have a history of use on the property being developed; (ii) the property being developed was historically and consistently irrigated under the ditch system from which such water rights are being dedicated; (iii) the owner and all lienholders of the property being developed execute a restrictive covenant in a form acceptable to the City requiring the cessation of irrigation on the historically irrigated property with the subject water rights except under conditions authorized by the City; and (iv) the applicant provides any documents and materials reasonably required by the City to ensure consistency with any prior decrees, including but not limited to, decrees adjudicating changes of the Greeley & Loveland Irrigation Company, the Seven Lakes Reservoir Company, the Loveland and Greeley Reservoir Company (Lake Loveland), and the Greeley Irrigation Company water rights.~~

(d) An applicant for water service may request that the City accept or permit the use of (i) water rights other than the water rights identified in Section 14.06.050(b) or (ii) water rights that do not satisfy the requirements of Section 14.06.050(c) in partial satisfaction or reduction of the applicant's raw water dedication requirement. The City, in its sole discretion, may accept or permit the use of such water rights based on certain terms and conditions set by the Director of Water and Sewer but only in partial satisfaction or reduction of the raw water dedication requirement associated with non-potable water service on property that has been historically irrigated by the subject water rights.

(e) On or before December 31, 2099, an applicant for water service, who is also the registered owner of a certificate issued by the department to evidence one (1) or more raw water dedication credits, may redeem such credit(s) in whole or in part (but only in whole numbers) toward the satisfaction of any cash-in-lieu fee obligation associated with the applicant's request for water service in accordance with Sections 14.06.060, 14.06.070, 14.06.080, and 14.06.110. One (1) raw water dedication credit represents the equivalent of, but not an interest in, one (1) acre-foot of raw water that an applicant would otherwise have to satisfy by furnishing to the City a cash-in-lieu fee.

~~(e)(f)~~ Applicants for water service to single-family residential and multi-family residential developments with four (4) units or less within the City limits shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the City any applicable cash-in-lieu fee in accordance with Section 14.06.060 in the amount of three (3) acre-feet per acre, or fraction thereof, of property to which water service will be provided. Streets, rights-of-way, driveways, sidewalks, outbuildings, and any other part of the property that has been or will be developed shall be included in the calculation of the total gross acreage of the property, regardless of whether such areas have been dedicated to public use. The City may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area is legally prohibited by plat or deed.

~~(d)(g)~~ Applicants for water service to non-residential and multi-family residential developments with more than four (4) units within the City limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the City the applicable cash-in-lieu fee in accordance with Section 14.06.070 in the amount of the water service demand for the subject development. The water service demand for non-residential and large multi-family residential developments shall be determined by multiplying the total units proposed by the applicant by the average unit use, as set forth in the business category and water use table

below. The water service demand for industrial developments and commercial developments of a type not specifically identified in the business category and water use table below shall be determined by the Director of Water and Sewer on a case-by-case basis, utilizing the projected volume of total water use by the subject development.

<i>Business Category and Water Use</i>		
<i>Category</i>	<i>Units</i>	<i>Average Unit Use (Gallons Per Unit Per Year)</i>
Auto Service and Repair	SF	12
Car Wash	Bay	1,350,000
Childcare	SF	47
Church	SF	4.5
Grocery Store	SF	20
Gas Station Without Car Wash	SF	93
Hospital	SF	21
Hotel/Motel	Room	30,300
Medical Office	SF	25
Multi-Family Residential (Greater than 4 units)	Unit	35,500
Office	SF	14
Recreation With Pool	SF	122
Recreation Without Pool	SF	25
Restaurant (Outdoor Seating Areas 50%)	SF	188
Retail	SF	16
School	SF	11
Warehouse	SF	5
Industrial and Other Commercial	Demand determined on case-by-case basis	

(h) Applicants for water service to non-residential and multi-family residential developments with more than four (4) units within the City limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), for which a separate and additional landscape irrigation tap and service line is required in accordance with section 14.06.040, shall also dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the City the applicable cash-in-lieu fee in accordance with section 14.06.070 in the amount of the landscape irrigation demand for the subject development. Landscape irrigation demand shall be determined based on (i) the total gross acreage of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table below. landscape plans with more than seventy-five percent (75%) high water use vegetation are

assumed to be entirely high water use and shall be calculated as such. streets, rights-of-way, driveways, sidewalks, outbuildings and any other part of the property that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. the City may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.

<u>Landscape Water Use</u>	
<u>Water Use</u>	<u>Dedication Requirement</u>
<u>High water use (>14 gals/sf annual use)</u>	<u>Three (3) acre-feet/acre</u>
<u>Medium water use (10-14 gal/sf annual use)</u>	<u>Two and one-third (2.33) acre-feet/acre</u>
<u>Low water use (<10 gals/sf annual use)</u>	<u>One and two-thirds (1.67) acre-feet/acre.</u>
<u>No irrigation</u>	<u>No raw water requirement for landscape</u>

Section 3. Section 14.06.060 of the above-entitled ordinance shall be amended to read as follows:

14.06.060 - Cash in lieu of raw water required; single-family and small multi-family residential.

(a) Any applicant for water service to single-family residential and multi-family residential developments with four (4) units or less within the City limits that cannot satisfy the requirements of Section 14.06.050 ~~in full~~ through the dedication of water rights shall furnish to the City a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(b) The cash-in-lieu fee for single-family residential and multi-family residential developments with four (4) units or less shall be set by resolution of the Water and Sewer Board and calculated as the cash equivalent of three (3) acre-feet of water per acre, or fraction thereof, of property to which water service will be provided, using the fair market value of water per acre-foot.

Section 4. Section 14.06.070 of the above-entitled ordinance shall be amended to read as follows:

14.06.070 - Cash in lieu of raw water required; non-residential and large multi-family residential.

(a) Any applicant for water service to non-residential and multi-family residential developments with more than four (4) units within the City limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), that cannot satisfy the requirements of Section 14.06.050 ~~in full~~ through the dedication of water rights

shall furnish to the City a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(b) The cash-in-lieu fee for non-residential and large multi-family residential developments shall be set by resolution of the Water and Sewer Board and calculated by multiplying the water service demand for the subject property, as determined in accordance with Section 14.06.050(~~de~~) above, and the landscape irrigation demand, as determined in accordance with section 14.06.050(h), by the fair market value of water per acre-foot.

Section 5. Section 14.06.080 of the above-entitled ordinance shall be amended to read as follows:

14.06.080 - Exception for large parcel single-family residential.

(a) The water rights dedication and cash-in-lieu fee requirements set forth in Sections 14.06.050 through 14.06.070 shall not apply to applications for domestic water service to a large parcel single-family residential development, defined as a parcels parcel, of land property exceeding one (1) acre that contain only one (1) single-family residence. Any application for water service to such a parcel through a tap larger than three quarters of an inch (¾") in diameter is not considered domestic, and therefore ineligible for the exception in this Section.

(b) All applicants for large parcel single family residential water service pursuant to this Section shall dedicate to the City raw water in the amount of three (3) acre feet per three quarter inch (¾") domestic tap, as a prerequisite to, and as a part of the consideration for, City water service to the subject property. All applicants for water service to a large parcel single-family residential development shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the City the applicable cash-in-lieu fee in accordance with section 14.06.080(c) in the amount of the water service demand for the subject development. The water service demand for large parcel single-family residential developments shall be determined by (i) the total gross acreage, or fraction thereof, of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table in section 14.06.050(h) above. Landscape plans with more than seventy-five percent (75%) high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights-of-way, driveways, sidewalks, outbuildings and any other part of the property that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The City may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.

(c) Any applicant for large parcel single-family residential water service pursuant to this Section that cannot satisfy the requirement of Section 14.06.080(b) ~~in full~~ through the dedication of water rights shall furnish to the City a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(d) The cash-in-lieu fee for large parcel single-family residential water service pursuant to this Section shall be set by resolution of the Water and Sewer Board and calculated as the cash

equivalent of ~~three (3) acre-feet of water per three-quarter inch (3/4") domestic tap~~, the calculated water service demand using the fair market value of water per acre-foot.

Section 6. Section 14.06.110 of the above-entitled ordinance shall be amended to read as follows:

14.06.110 - Raw water surcharge and supplemental cash in lieu of raw water; exception.

- (a) A non-residential or large multi-family residential customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment, as set forth in its service commitment agreement.
- (b) Non-residential and large multi-family residential customers who initiated water service prior to the enactment of the ordinance codified in this Section and have not executed a service commitment agreement shall be entitled to an annual allotment in accordance with the raw water dedicated or cash in lieu of raw water it paid upon initiation of service. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.
- (c) Large parcel single-family residential customers shall be entitled to an annual allotment ~~of three (3) acre-feet per three-quarter inch (3/4") domestic tap~~ equal to the water service demand calculated in accordance with Section 14.06.080. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.
- (d) The raw water surcharge applicable to customers pursuant to this Section shall be set by resolution of the Water and Sewer Board. Any customer whose metered water use in a calendar year exceeds its annual allotment may also furnish to the City a separate supplemental cash-in-lieu fee to increase its annual allotment. Any such supplemental cash-in-lieu fee shall be calculated using the fair market value of water per acre-foot, as set by the Water and Sewer Board and in place when the raw water surcharge payment is due and payable, and shall result in a corresponding increase to the annual allotment for that customer, whether as determined in accordance with this Section or as set forth in its service commitment agreement.
- (e) Any non-residential, large multi-family residential, or large parcel single-family residential customer who initiates or modifies its water service after the enactment of the ordinance codified in this Section and whose metered water use in a calendar year exceeds the annual allotment set forth in its service commitment agreement in any two (2) consecutive calendar years shall be required to pay a supplemental cash-in-lieu fee to increase its annual allotment, as described in Section 14.06.110(d) above.
- (f) Any customer whose metered water use during its first full calendar year of water service exceeds its annual allotment shall be exempt from the raw water surcharge and supplemental cash-in-lieu fee requirements of this Section for that first year only.

Section 7. Section 14.06.130 of the above-entitled ordinance shall be amended to read as follows:

14.06.130 - Plant investment fees for water service; inside and outside the City.

(a) All applicants for water service, whether inside or outside the City limits, shall furnish to the City a water plant investment fee based on the diameter of the tap as a prerequisite to, and as a part of the consideration for, City water service to the subject property. The water plant investment fee shall be the minimum amount set by resolution of the Water and Sewer Board, unless subsequently increased by resolution of the City Council. The diameter of a service line water tap installed for fire suppression purposes shall not be considered when calculating plant investment fees due pursuant to this Section.

(b) Upon approval of the Director of Water and Sewer, plant investment fees may be based on the volume of a customer's annual allotment rather than the diameter of ~~its~~the tap. When the Director of Water and Sewer authorizes a plant investment fee based on ~~size of service~~the volume of a customer's annual allotment, then the schedule of tap fees set by resolution of the Water and Sewer Board shall be applied in accordance with the size of service line.

Section 8. Section 14.06.170 of the above-entitled ordinance shall be amended to read as follows:

14.06.170 - Water service outside the City limits.

The Director of Water and Sewer may consider applications for extraterritorial water service from persons or entities located outside the City limits. Any such extraterritorial water service authorized shall be contingent upon receipt by the City of written consent to the service from the jurisdiction in which the extraterritorial customer is located, if so required. Any person or entity granted such extraterritorial water service shall agree to ~~transfer~~comply with this Chapter 14.06 when a request for City water is made, at no cost to the City, ~~certain water rights, including Northern Colorado Water Conservancy District allotments, irrigation water and carriage rights of such water, to the City~~ before receiving water service from the City.

Section 9. Section 14.06.180 of the above-entitled ordinance shall be amended to read as follows:

14.06.180 - Transfer of water rights upon annexation.

Any petitioners requesting annexation of their ~~land and property~~land and property to the City shall agree, as a prerequisite to receiving approval of such annexation and on behalf of themselves and all successors in interest to the ~~land and property~~land and property to be annexed, to ~~transfer~~comply with this Chapter 14.06 at no cost to the City, ~~water rights, including Northern Colorado Water Conservancy District allotments, irrigation water and carriage rights upon subdividing and/or requesting domestic water service to the City, before receiving the approval of the annexation.~~

Section 10. Section 14.06.190 of the above-entitled ordinance shall be amended to read as follows:

14.06.190 - Special agreements approved by City Council.

The provisions of this Chapter 14.06 shall not preclude the City Council from approving special agreements with applicants for water service ~~regarding~~modifying the requirements for development within the City, provided that such agreements are approved by ordinance.

Section 11. Chapter 14.06 of the Greeley Municipal Code shall be amended by adding thereto a new Section 14.06.240 to read as follows:

14.06.240 – Public Hearing; Scheduling.

If the City Council introduces and approves on first reading an ordinance to either (i) amend Sections 14.06.050 through 14.06.120, Sections 14.06.170 through 14.06.190, or this Section 14.06.240 or (ii) approve a special agreement in accordance with Section 14.06.190, then the City Council shall schedule the public hearing and final approval to take place no sooner than twenty-eight (28) days thereafter. The City Council shall provide notice of the public hearing and final approval by publishing the proposed ordinance along with the day, hour, and place as required by the City Charter.

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SUMMARY OF ORDINANCE BEING REFERRED:

If this referendum passes, Ordinance No. 10, 2021 would be repealed. Ordinance No. 10, 2021 amends Chapter 6, Title 14 of the Greeley Municipal Code relating to the dedication of raw water for city water service to consolidate all existing raw water dedication policies into the Municipal Code and to revise those provisions in three areas: 1) allow dedication of Raw Water Credits, 2) codify graduated raw water requirements for landscaping associated with commercial and multi-family developments, and 3) clarify that Raw Water Dedication for large parcel single family developments is required for the developed portion of the lot.

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Affidavit of Circulator

I, _____, affirm that I have read and understand the laws governing the circulation of petitions; that I am at least eighteen (18) years of age at the time this petition section was circulated and signed by the listed electors; I personally circulated the attached petition section; that each signature thereon was affixed in my presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of my knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector; and that I have not paid or will not in the future pay and I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

Printed Name of Circulator

Circulator's Signature

Circulator's Residence Address (Street name & number, City)

Date Signed by Circulator

[illegible]

Subscribed and sworn to before me this _____ day of _____, 2021.

(S E A L)

Notary Public

My commission expires_____

WATER & SEWER BOARD AGENDA MARCH 17, 2021

ENCLOSURE _____ NO ENCLOSURE X

ITEM NUMBER: 10

TITLE: DIRECTOR'S REPORT

RECOMMENDATION:

ADDITIONAL INFORMATION:

- Terry Ranch Communications Summary
- Preview of April Agenda

WATER & SEWER BOARD AGENDA MARCH 17, 2021

ENCLOSURE _____

NO ENCLOSURE X

ITEM NUMBER: 12

TITLE: SUCH OTHER BUSINESS AS NECESSARY

RECOMMENDATION:

ADDITIONAL INFORMATION: