

MINUTES
NFRWQPA EXECUTIVE COMMITTEE
AUGUST 9, 2005

1. Determination of a Quorum

The meeting was called to order by Chair, Gale McGaha Miller at 2:00 p.m. Executive Committee members present were Gale McGaha Miller, Ron Witt, Earl Smith, Ed Schemm, Ken Rutt, and Steve Adams. Also present were Connie O'Neill, Manager for the Association, Jim Wright, Gary Woods, Ronda Sandquist, and Mike Freisen. A determination of a quorum was made and the meeting continued.

2. Approval of Minutes

Minutes of the June 23, 2005 meeting were reviewed and Mr. Witt made a motion to approve the minutes. Mr. Schemm seconded the motion and it passed.

3. Dues Structure

Ms. O'Neill reviewed the information she collected from polling the non-populations based members regarding their current population estimates. Based on that information, the only District that would have a higher dues rate if they were charged on a per capita basis would be St. Vrain Sanitation District. She also reviewed some dues structure information pulled from the Association's past minutes. The Committee then instructed Ms. O'Neill to follow up with St. Vrain Sanitation District about the possibility of a dues increase in 2007.

4. Policy on Plan Amendments

Ms. O'Neill presented information regarding how the Association handled the Low Point WWTP application prior to that District formation. She also presented information from Denver Regional Council of Governments (DRCOG) and Pikes Peak Council of Governments (COG) indicating that both agencies do not allow for a service areas without a treatment facility. She also indicated that the state agreed with this approach.

Mr. Wright presented a letter from the Town of Mead which included comments and concerns regarding the formation of the proposed East I-25 Sanitation District. Mr. Wright indicated that Mead had spent much time in planning for service to this area. The Town does not feel that the proposed District has done a complete cost analysis as per the state policy. Ms. McGaha Miller stated that the item the Committee is considering today is whether the Association should consider a plan amendment prior to a district formation, not a specific decision on the East I-25 District.

Ms. Sandquist presented information from the proposed East I-25 Sanitation District. She indicated that the District felt that the plan amendment was the first step in the process. She indicated that DRCOG has set precedence by approving these types of plan amendments prior to a district being fully formed. Mr. Woods indicated that the proponents for the District are looking for conditional approval of a plan amendment. The conditions may include such things as receiving final District approval and an IGA with St. Vrain Sanitation District.

Mr. Freisen asked whether the Executive Committee decided what items are listed on the Association's meeting agenda. Ms. McGaha Miller stated that this had not been an issue in the past. Mr. Freisen said this is a larger issue about whether something is ripe to be put on the agenda and that the Town has serious objections to the proposal. Mr. Freisen also handed out a map of the proposed District. Mr. Schemm stated that the decision to approve the District is up to the courts. Ms. Schemm also questioned what river segments the two facilities would discharge to. Ms. McGaha Miller stated that the Association needs to be mindful of the precedence that will be set with the East I-25 application. Mr. Smith stated that he would not want the Association to get dragged into the middle of a land use dispute. Ms. O'Neill stated that there are two issues to discuss. The first is whether to consider an application from a district that has not been formed yet and the second being whether to consider a service area for an entity that does not have a treatment facility. Ms. McGaha Miller discussed how service area boundary issues have been handled in the past and indicated that the Association really tries to get the entities to work things out on their own prior to coming to the Association for a decision.

Mr. Adams stated that our policy has been to request that entities try to work out overlapping boundaries issues prior to coming to the Association. The policy discussion should be at what point the Association steps in to try and work something out. Also, how much weight does the Association give to a developing agency versus an existing entity. Mr. Schemm questioned St. Vrain Sanitation District's policy on not accepting a personal property request for acceptance into the District. Ms. McGaha Miller stated that it would work better for the Association if we were dealing with the treatment entities. Mr. Schemm then stated that he would be reluctant to make a decision until the County and the courts have both approved the district. Mr. Woods then clarified what property was being requested for the 208 boundary. He stated that he felt Mead had an unreasonable condition by requiring the property to annex in order to receive service.

Mr. Schemm stated that before he would consider what service area the property should be in, he would want to see some of the draft documents including an IGA that would allow for expansion of service to other areas outside of the initial district. Mr. Friesen indicated that the proposed District has not made any formal annexation request to the Town. Mr. Schemm then indicated that he felt the Association should wait until the court has made a decision. Mr. Smith agreed with Mr. Schemm. Ms. O'Neill also stated that at the time the Association considers the application, we may want to consider the service area as part of the St. Vrain Sanitation District as opposed to a stand alone service area. Mr. Witt stated that he agreed. Mr. Adams then questioned whether the applicants could bypass our process and go to the state. He also questioned whether the Association should have legal council present since this issue has developed into a legal matter between the proposed District and Mead. Mr. Smith suggested getting a copy of the DRCOG service area policy. Mr. Rutt suggested that it would be best to have a draft policy prior to discussing the matter further. Given the discussion, the Committee decided that they would prefer not to have the East I-25 proposal on the August meeting agenda. Ms. O'Neill agreed to talk with the East I-25 representative to work out a more appropriate time for the Association to consider the item.

5. Policy on Requesting IGAs

Ms. McGaha Miller stated that IGAs are one way of assuring that services are provided. Mr. Schemm stated that in the Johnstown and Berthoud case the two entities did have the option of appealing the Associations decision to the Division or the Commission. Ms. O'Neill stated that she had discussed the concept of an IGA with the state, Pikes Peak COG, and DRCOG. All of the agencies agreed with our interpretation of the regulations relating to the use of an IGA. She also discussed the additional information from reviewing the meeting tapes of the December 2004 meeting. Mr. Smith stated that he supported the IGA and felt that it worked out in this case and may help to keep us out of land disputes in the future. Mr. Witt stated that he felt we have every right to request an IGA to assure services. In addition, the state chose to support our request.

6. Manager Review

Mr. Schemm made a motion for the Committee to go into Executive session. Mr. Adams seconded the motion and it passes. Following the Executive session Ms. McGaha Miller stated that the Committee requested that she meet with the Ms. O'Neill in a separate meeting to review the Manager's goals and accomplishment. She also stated that the Committee approved a 5% salary increase effective at the beginning of August. Ms. McGaha Miller also stated that the Association may need to have a more formal policy regarding public input at Executive Committee meetings. In addition, a more formal policy may need to be developed regarding what items are listed on meeting agendas.

7. Other Business

Ms. O'Neill presented some information that she received from the state regarding the 604(b) grant money and the level of funding that may be available in 2006. She also requested that the Committee submit any suggestion that they might have for 604(b) work projects. Ms. O'Neill also stated that she would be attending a meeting at the state regarding follow up to Senate Bill 276. Mr. Adams then questioned whether the state would be supporting the revolving fund loan program in 2006. Ms. O'Neill also stated that the Association's Accountant has suggested that we conduct an audit at the end of 2005.

8. Adjournment

There being no further business, the meeting was adjourned at 4:18 p.m.