

**MINUTES**  
**EXECUTIVE COMMITTEE – NFRWQPA**  
**MAY 22, 2007**

**1. Determination of a Quorum**

The meeting was called to order by Chair Ed Schemm at 8:35 a.m. Executive Committee members present were: Ed Schemm, Jeff Hodge, Cindy Titus, Earl Smith, and Terry Farrill. Also present were Connie O’Neill, Manager for the Association, from Boxelder Sanitation District: Ravi Srivastava (General Manager), Pat Mathena (Assistant Manager), Rick Zier (counsel), and Fred Walker (Chairman, Board of Directors), Property owners and developers in Boxelder's 208 Area: Tom Dougherty (Teal Creek development), Fred Boekel (Wildwing Development), Jim Martell & Rich Dvorak (attorney and engineer, respectively, for the joint entity involving Teal Creek and Wildwing), John Giuliano (part owner of North Timnath Properties project), Steve Carrier of Saddler Ridge Metro. District and its engineer, Jeff Couch, and property owner R. Kint Glover.

**2. Approval of Minutes**

Minutes of the January 12, 2007 meeting were considered. Ms. O’Neill pointed out a few typographical corrections to the minutes as well as the addition of Mr. Adams to the Committee members present. Mr. Farrill made a motion to approve the minutes. Mr. Smith seconded the motion and it was approved.

**3. Long Range Planning – Boxelder Sanitation District**

Mr. Schemm started the discussion of long range planning for the Boxelder Sanitation District by thanking the District representatives and other interested parties for attending the meeting. Mr. Schemm then outlined the roles and responsibilities of the Association. He indicated that the NFRWQPA has been designated by the Governor as the 208 agency for Larimer and Weld Counties. As such, the NFRWQPA develops plans for wastewater service to the area and uses plans from the individual entities to do that. Mr. Schemm then identified some of the reasons for requesting the meeting which include: concerns voiced to the NFRWQPA from the public; a request to consider a new site application for the Teal Creek lift station in a different location than previously planned; the request from Saddler Ridge District to build a separate treatment plant; and capacity and treatment challenges facing the Boxelder treatment plant. Mr. Farrill then pointed out that the NFRWQPA is a recommending agency to the state and that part of our role is to help facilitate long range planning for the region.

Mr. Srivastava presented a letter (dated 21 May 2007) from the District to NFRWQPA, which contained information regarding the previously stated issues and expanded upon them. He stated that the Drake interceptor had been substantially completed in December 2006, and preliminary acceptance given January 2007. As the developer’s contractor began another phase of the interceptor, a problem was found in the pipe installed under I-25 during the previous phase. The District is now in the process of working with the builder and the engineer’s insurance agency to correct the problem. The District’s Board met last week and committed to fixing the problem no later than the end of 2007.

Mr. Srivastava then discussed the Saddler Arena property. The property petitioned for inclusion into the District in 2001 and was very aware that they were approximately 8 miles from the nearest sewer line. The expectation was that the planned Wild Teal pump station would develop first and Saddler Arena could gravity flow to the pump station. Several factors (e.g. Saddler annexed into Severance, need for expeditious sewer) lead the property owners to look for other alternatives and a petition for exclusion was submitted in April 2007. A public hearing on the petition for exclusion was held on May 10, 2007 and continued to May 17, 2007 at which time the property owners were granted conditional exclusion from the District. Mr. Zier added there

were three main items of the conditional exclusion: 1) Saddler Ridge Metro District service plan amendment to authorize sewer service, 2) 208 service area approval for joint service area, and 3) Intergovernmental agreement of which one term would give Boxelder the option of acquiring the proposed Saddler wastewater facility and collection system after 10 years. He also added that the Saddler property owners had approached the Boxelder Board in October of 2006 and received approval to explore other options for service to their property.

Mr. Srivastava then discussed the Teal Creek lift station and force main and why it was “being relocated”. He provided the background of the Teal Creek and Wild Wing property: location of the 4 Wild Teal properties (general area of Highway 14 and County Line Road); owners approached the district in 1998 at which time development was under Larimer County and Weld County land use rural densities (1 DU per 2.29 ac); 2 pump stations were planned – the first one closer to Teal Creek (interim) had a site application (which expired Jan. 2007), and was to be installed for the immediate needs in the area, and then as the Wild Wing properties and other development occurred, the first pump station would be removed when the second (or ultimate) pump station was built towards the arm of Timnath Reservoir which will take wastewater wholly and entirely from the basin to the plant. Because of changes in land use densities that the Town of Timnath is bringing to the area, which are changing quarterly to semi annually, the properties have abandoned their plans to develop in Larimer County and are now developing in the Town of Timnath with substantially higher densities. As a result, the ultimate pump station is being pursued; TST is in the process of doing preliminary engineering for the lift station and will submit the site application

Mr. Farrill sought clarification on the proposed pumping and in-line storage until the line under I-25 could be fixed and that Boxelder has a resolution that it will fix it by December 2007. Mr. Srivastava affirmed that was correct and stated that the developer of Serrtoga Falls wanted an interim solution to satisfy the Town of Timnath that sewer service could be brought into existence so that the developer could get building permits. Ms. Mathena added that the district plans to have the line fixed prior to the need but this plan would provide a temporary solution, if needed. Mr. Farrill cautioned the district on this plan and referenced a similar situation with the Berthoud Serenity Ridge plant.

Mr. Farrill was intrigued on the plant options listed on Exhibit 2 (May 17, 2007 letter from Bridle Hill Development Co., LLC) of the District’s letter regarding a second plant with an option listed in the Saddler property’s exclusion agreement regarding Boxelder taking over the proposed Saddler wastewater facility. Mr. Farrill asked what would happen if Boxelder said no? Mr. Zier stated Saddler Ridge would continue to operate it, as they would have in the preceding years. Mr. Carrier indicated the Metro district would be responsible for its plant, would operate it on a contract basis, and that the wastewater facility would be a revenue generating entity and that it would be an option for Boxelder to take over that plant, otherwise they will continue operating.

Mr. Farrill stated he had concerns about the proposed joint situation and the overlapping issues and concerns from a planning perspective. Mr. Carrier indicated that the joint area would be a small defined area and was driven by Severance’s Growth Management Area which had crept west and Severance wants to provide wastewater service to their GMA. He indicated that the representatives of the proposed Saddler wastewater facility are working on a Utility Plan for the facility that will be submitted to NFRWQPA for review. Ms. Mathena added Severance requested Saddler, if excluded from Boxelder, to provide service to its GMA and a joint service area would allow property owners within that area to have a choice for service and be able to

determine which alternative was more economically feasible for them. Mr. Zier stated that Severance wasn't going to grant approval unless Boxelder and Carrier's group agreed to look at a larger area to be served. This solution was supported by all three entities, per Mr. Carrier. Mr. Zier pointed out that these sections are right on the eastern edge of Boxelder and the western edge of the Severance GMA. Mr. Schemm stated that normally topography dictates the best solution and aids in sizing facilities appropriately. He indicated that this points out the need for a master or utility plan from both the Saddler facility as well as Boxelder so that the issues could be worked out and there is not a need for an overlap area. Mr. Carrier indicated that a Utility Plan for the Saddler facility will be submitted soon. He also added that there is a ridge that would allow some properties to flow either way and that they have concluded that a joint area is the best approach and it has been endorsed by Severance. Mr. Srivastava added that since some of the properties can flow either way, timing and economics then come into play in determining service. Mr. Schemm questioned the ability to accurately plan and size facilities with this approach. Mr. Srivastava stated that they have dealt with this situation north of Timnath and in Severance where land use densities change on a 6 month basis, which is one of the hazards associated with sewer planning. Mr. Carrier pointed out that the area in question is so small that it would not change the design for interceptors or plant of either entity and that the Utility Plan should support that. Mr. Farrill stated that the NFRWQPA needs to be able to look at plans from both entities. Mr. Carrier stated that the Saddler developers could not afford to wait on Boxelder for a plan. Mr. Farrill reiterated the need for both entities to submit a plan if a joint area is being considered. He then stated that he had seen this in the past with South District and areas in Loveland that as the two entities grew together although either could serve, it became obvious who should really serve and it naturally evolved and the master plans of those utilities were covered on either side. Mr. Carrier thought the same thing would happen here and that it would become self-evident who should serve. Mr. Farrill wondered if there would be legal issue with the Metro District providing overlapping service boundaries. Mr. Zier responded that it would not be overlapping Title 32 districts but rather overlapping 208 boundaries. Mr. Carrier pointed out that it is a positive thing that three public entities are all in agreement on a solution that Saddler was charged with after meeting with Connie a couple of weeks ago at which time she provided guidelines and expected them to get a solution. Mr. Carrier feels they have done that.

Mr. Srivastava stated that Boxelder staff had met with the NFRWQPA Utility Plan Committee earlier in the year. Boxelder stated at that time that they were waiting on 2 things of substance from the state: the rule making hearing (March 2007) and some sense of permit renewal conditions. Boxelder met with state staff in March 2007, working with Dr. Bill Lewis on modeling requested by Eric Oppelt of the state (provided earlier this month), and Boxelder was told they could see the permit in summer 2007, but no guarantee of that timeline. Mr. Srivastava stated Boxelder's desire to have a draft framework of the compliance schedule from Mr. Oppelt and Ms. Lynn Kimball (Division permit writer) prior to completing a Utility Plan in order to include that compliance schedule in the Plan. He indicated that once the District has the compliance schedule they plan to hire a consultant to complete the Utility Plan.

Mr. Hodge then questioned the funding source for the Saddler plant. Mr. Carrier indicated that it would be a combination and that information would be included in their Utility Plan.

Ms. O'Neill then stated that she felt there was now an issue that the Utility Plan Committee was not aware of at the time of their meeting with Boxelder and that was the upcoming need to consider a site application for the new Teal Creek lift station. She questioned how Boxelder would address planning for that lift station in the site application. Mr. Srivastava indicated they would size the station using a phased approach which is a common approach to address varying

absorption rates. Ms. O'Neill then asked about the interceptor and/or force main alignment and how justifications for those would be provided. Mr. Srivastava discussed the ongoing work with Wild Teal developers and their engineers, the District's master plan (although it is not a utility plan), the siting and phasing of the lift station to serve the basin, and where the District plans to locate the lines (some in the PRPA alignment) and the potential for force main lines to convert to gravity lines. This will be a part of the site application. Ms. O'Neill expressed a need to look at the long range plan for the area as well as the immediate plan and stated that there may be a way, in lieu of having a utility plan in place, for everyone to have the information at the time decisions are made.

Mr. Schemm then asked if Boxelder had a cost share or a pay back program. Mr. Srivastava indicated they do not cost share but they do have a pay back program. Mr. Schemm indicated a concern with installing force main lines then replacing them. Mr. Srivastava says part of this is in response to the market and the cost of installing the force main vs gravity line. Mr. Dougherty indicated that he felt the plan from Boxelder was a progressive solution, considered the timeline of absorption needs, and discussed how the developers have worked with the District on a viable solution. Mr. Dougherty commented on the changing land use conditions and the positive workability and agility of Boxelder to respond to the changing needs of the developers. Mr. Schemm stated that he agreed with the reasoning but that the Association would need to see data in a plan to support it, to the extent possible.

Mr. Schemm indicated that the NFRWQPA would need good data to consider the lift station. He suggested that a mini utility plan for the lift station would be appropriate. He indicated a preference for it to be submitted prior to the site application and that the Utility Plan Committee reviews it. Mr. Zier stated that there are still things needed from the state for the Utility Plan and given the changing environment it does not make sense to create a plan just for the sake of creating a plan. Mr. Schemm stated that what he was suggesting was a 201 facility plan strictly for the lift station, not the whole district utility plan. He indicated a lot of data is needed to consider the lift station. Mr. Farrill commented that he had a concern with Boxelder stating they could not plan because there is so much growth and change. He stated that all utilities along the Front Range are dealing with that. He stated that a lot of good information has been presented and it is better to consider the regional concept.

Mr. Couch then pointed out developer's frustration due to the lack of a master plan and over sizing policy from Boxelder. He indicated that this has resulted in a lack of direction and developers all planning on their own. Mr. Boekel rebutted Mr. Couch's statement stating that they are not frustrated; in fact they feel fortunate as they have been involved in the planning process and feel they have arrived at the best solution for the area. There isn't any frustration with Boxelder. Mr. Dougherty stated he wanted to be forceful in his rebuttal of Mr. Couch's statements. Mr. Srivastava strongly disagreed with Mr. Couch and stated the reason that Saddle Ridge did not succeed in Boxelder was due to economics (capital costs it could not sustain and being 8 miles away from sewer) and timeline not lack of master planning.

Mr. Glover presented his proposal for a gravity line at a standard depth (12'-15') to serve the area and force main to serve the topographically challenged areas and stated that he would be a willing participant in the gravity line. Mr. Schemm pointed out that the NFRWQPA does not negotiate between land owners and Districts. Mr. Zier asked that Mr. Glover's comments be limited to stating his concerns rather than posing questions for the District to answer. Mr. Schemm agreed and asked Mr. Glover to present any additional concerns that he had related to master planning. Mr. Glover expressed a concern that economics is what is driving the use of a

force main in the area instead of a gravity line. He questioned what the cost differences were and if those costs justified the decision. Mr. Schemm stated that the Association does not have those estimates and suggested that he discuss the specifics with Boxelder. Mr. Glover suggested that there would be options for gravity service in the area, and not at a 40' depth. Mr. Srivastava disagreed with the feasibility of those options. Mr. Schemm pointed out that this discussion underscores the need for a plan. Ms. Titus stated that engineering data is needed to evaluate the options being discussed and that it does not make sense to argue them without having that information presented in a plan. Mr. Srivastava stated that the District would be happy to provide that plan to the Utility Plan Committee and asked if they should follow the standard guideline and checklist. Mr. Farrill indicated that they should follow the Utility Plan checklist. Mr. Glover pointed out that he had recently submitted revised plans to Boxelder.

Mr. Walker then stated that he felt that the meeting was premature. He stated that the landscape in the area is changing daily. He stated that it is difficult for Boxelder to come to the NFRWQPA with anything concrete because of the changes. He also stated that it took Boxelder staff much time to address things that they were not ready to address and that it was not a wise use of funds. He requested additional outreach from the Manager of NFRWQPA in the future. Mr. Schemm pointed out that the NFRWQPA could perhaps wait for clearer numbers if the District wasn't coming to the Association asking for approvals. Mr. Schemm stated that it was out of concern that he called the meeting. Mr. Schemm stated that there is a lot of history with the District and that he felt the meeting would help to clear a path for a better working relationship in the future. Ms. O'Neill reiterated that the NFRWQPA may have been able to wait on planning information if they were not being asked by the District to consider a site application in the very near future. Mr. Srivastava indicated that they will work with Mr. Farrill on a checklist to satisfy the site application needs.

**4. Other Business**

Mr. Schemm then asked if there was any other business. Seeing none, he thanked the District and the other parties for attending the meeting.

**5. Adjourn**

There being no further business, the meeting was adjourned at 10:47 a.m.