

MINUTES
NFRWQPA
August 25, 2005

1. Roll Call

The meeting was called to order at 3:00 pm by Chair Gale McGaha Miller at the offices of the Northern Colorado Water Conservancy District. Roll was called and the following members were in attendance:

Jim White – Berthoud
 Gary Behlen – Erie
 Gale McGaha Miller – Ft. Collins
 Tracy Kittell - Greeley
 Jim Landeck – Hudson
 Trudy Peterson – Kersey
 Ed Schemm – Larimer County
 Cindy Titus – Lochbuie
 Steve Adams – Loveland
 Richard Kraemer – Mead
 Michael Friesen – Mead

Jim Wright – Mead
 Bill Haas – Northglenn
 Bob Alberts – Pierce
 Terry Farrill – South Ft. Collins S.D.
 Eric Doering – St. Vrain S.D.
 Ron Witt – Upper Thompson S.D.
 Mike Geile – Weld County
 Trevor Jiricek – Weld County
 Lee Morrison – Weld County
 Pam Smith – Weld County

Also present were Connie O’Neill, Brad Simons, Harvey Deutsch, Chris Paulson, Bill Woods, and Gary Woods.

2. Minutes

Minutes of the July 28, 2005 meeting were considered. Ms. Titus pointed out one correction in the fifth line under item number six. The word “and” should be changed to “an”. Mr. Alberts made a motion to approve the minutes, Mr. White seconded the motion and it passed.

3. Financial Reports

The financial reports for July were reviewed. Ms. O’Neill summarized the reports and indicated that revenue and expenses were within the normal expected monthly range. She pointed out that expenses were slightly higher than in June due to some quarterly expenses. Mr. Landeck made a motion to approve the reports, Mr. Witt seconded the motion and it passed.

4. Resource Colorado Water & Sanitation District – Plan Amendment

Ms. O’Neill introduced the plan amendment request submitted by Resource Colorado Water and Sanitation District. She reviewed the comments received for the application and pointed out that Weld County had submitted an updated comment letter. This letter was sent following the submittal of a Comprehensive Plan Amendment application by the development companies. The letter states that the County would not oppose consideration or approval of the NFRWQPA Plan Amendment provided any such approval is conditioned on the County’s approval of the Comprehensive Plan Amendment.

Ms. O'Neill also discussed suggestions made by both Boxelder Sanitation District and the Town of Hudson. Boxelder Sanitation District had requested that the proposed facility and anticipated discharge point be placed on the service area map. Ms. O'Neill indicated that this would not be consistent with the 2003 Management Plan Update. In addition, the Town of Hudson questioned whether Resource Colorado Water and Sanitation District would qualify as a Management Agency. Ms. O'Neill reviewed the definitions of Management Agencies as listed in the 2003 Management Plan Update and indicated that if the amendment is approved, it would be consistent to list the District as a Management / Operating Agency – Public.

Ms. O'Neill then introduced Mr. Simons and Mr. Deutsch with Resource Colorado Water and Sanitation District and Mr. Paulson with Pioneer Communities. Mr. Simons presented a brief summary of the proposal. He indicated that the District will act as a wholesale district. He outlined the process that the District will be going through with the County for a Comprehensive Plan Amendment.

Mr. Morrison indicated that Pioneer Communities has taken the initial steps to amend the Comprehensive Plan. He indicated that the issues associated with this amendment would best be dealt with during the County's public hearing review process. Mr. Landeck questioned the process for notifying land owners and whether all parties within the service area are willing participants. Mr. Deutsch indicated that it was not the intent to include anyone other than land owned by the developer in the initial service area although they would offer the option to other land owners in the future. There was additional discussion about what land was to be included in the service area. Ms. McGaha Miller asked whether Hudson would have the capacity to serve a development in the area at this time. Mr. Landeck indicated they would not but pointed out that at this point Resource Colorado does not have any capacity as there is no treatment plant yet. Ms. McGaha Miller then asked if Resource Colorado had approached Hudson. Mr. Simons indicated they had not because Hudson is upgradeiant from the development.

Ms. McGaha Miller then asked what alternatives had been looked at and if they had developed a utility plan. Mr. Simons indicated they had not done that yet. Mr. Landeck then stated that he felt the application was premature and jumping ahead of the public input process. Ms. McGaha Miller asked why the District chose to request the 208 Plan Amendment first. Mr. Simons indicated that they would be required to show that services are reasonably attainable in order to request a Comprehensive Plan Amendment with the County. Mr. Schemm stated that he also felt the request was premature because the Association would have no planning document to base the approval on. There was then discussion of the number of agencies that currently have approved utility plans. Mr. Deutsch indicated that the District could not satisfy the County process without the 208 Agency approval. Ms. McGaha Miller then asked what action the NFRWQPA would need to take to satisfy the County. Mr. Morrison indicated that conditional approval would be satisfactory however, some formal action from the Board indicating the direction they intend to go may be sufficient. Mr. Landeck asked if the NFRWQPA could consider this after the Planning Commission has made a recommendation. Mr. Morrison indicated that without some type of approval from NFRWQPA it may not get to the Planning Commission.

Mr. Adams asked if there was a service plan with financial estimates that could be provided to the Board for review. There was then discussion of the land area that is included in the District boundary and the land area included in the 208 service area. Mr. Deutsch explained why the district boundaries were set up in this fashion. Mr. Paulson explained that Weld County gave approval to a wholesale district and any delivery districts will also need approval from the County.

There was then discussion about what initial approval would be needed at this time by NFRWQPA. Mr. Alberts indicated that if the property is owned completely by the developers, then there should not be an issue with the approval. Ms. McGaha Miller questioned the ownership of the land included in the 208 service area as indicated by the proposed map. Mr. Simons indicated that the proposed map shows general boundaries. There are some properties within the general boundaries that are not owned by the developers. The map that was provided as part of the proposal was not at the level of detail to show these properties. Ms. McGaha Miller verified that the District was requesting only land that is under their or the developers' ownership be included in the service area. Mr. Farrill indicated that there are no contiguous requirements of a special district. Ms. McGaha Miller indicated that any plan amendment would need to define a service area which only applied to property that the District and Pioneer Communities owned, it would need to be conditioned on the Weld County Comprehensive Plan amendment, and would need to demonstrate the ability of the District to provide service with greater practicality than any other provider. Mr. Simons indicated that much of that information would be included in the consolidation review. Mr. Adams also requested more information on a metro district's ability to develop a service area and on the cost estimate. Mr. Kittell asked what would happen if the District dissolved. Mr. Schemm indicated that the Association has been in a position of approving service areas prematurely in the past, and would want to reserve the right to choose a better alternative in the future if that were a possibility. Mr. Morrison indicated that Weld County would concur with the list of conditions outlined but also define the boundary as the wholesale service area. Ms. McGaha Miller indicated that at the point the District proposes a plant; the Association will want to see agreements with the retail service providers. Mr. Simons agreed to get the Association an electronic copy of the service plan for distribution. Mr. Adams also requested a map depicting the Metro District area as well as the proposed 208 service boundary.

5. Other Business

A. WQCC Report: Ms. O'Neill reported that at the August meeting the Commission approved revisions to Regulation 84 "Reclaimed Domestic Wastewater Control Regulation", and Regulation 61 "Colorado Discharge Permit System Regulations" as proposed by the Division and the Joint Reuse Committee. Ms. McGaha Miller outlined how these regulations affected the City of Ft. Collins. Ms. O'Neill also reported that the Commission approved the 2005 Supplement to the Colorado Non-Point Source Management Program. Ms. O'Neill also gave some background information on the new Division Director, Steve Gunderson.

6. Adjournment

There being no further business the meeting was adjourned at 4:25 p.m.