

MINUTES
NFRWQPA December 13, 2007 Meeting

1. Roll Call

The meeting was called to order at 3:01 p.m. by Terry Farrill at the Northern Colorado Water Conservancy District offices. Roll was called and the following members were in attendance:

Tony Huerta - Berthoud

Jim Wright - Mead

Jon Mays – Erie

Karl Heil - Northglenn

Cort Nickel – Ft. Lupton

Rob Fleck – St. Vrain SD

Dennis Schump – Greeley

John Holdren - Severance

David Andre – Kodak-CO Div

Terry Farrill– South Ft. Collins SD

Ed Schemm – Larimer County

John Jordan - Timnath

Cindy Titus – Lochbuie

Jeff Hodge – Upper Thompson SD

Steve Adams - Loveland

Wayne Ramey – Weld County Tri-Area SD

Dan Dean - Mead

Fred Meine – Mead

Also present were Connie O’Neill, Manager for the Association, Stephanie Stewart, Merlin Maass Gary Woods, Ronda Sandquist, and Ted Bendelow.

2. Minutes

Minutes of the October 25, 2007 meeting were considered. Mr. Meine made a motion to approve the minutes. Mr. Mays seconded the motion and it passed with Mr. Schemm abstaining.

3. Financial Report

Ms. O’Neill summarized the October financial report. She indicated that the November report will be considered at the next meeting. Mr. Farrill made a motion to approve the financial report. Mr. Ramey seconded the motion and it passed.

4. Decision Item: Hidden View Estate

Ms. O’Neill indicated that Hidden View Estates Home Owners Association had submitted a Utility Plan for review and consideration by the NFRWQPA. She indicated that there are 25-30 homes associated with the facility and they are currently on community septic systems that are failing. The Utility Plan Review Committee has reviewed the plan and met with representatives from the Home Owners Association. Mr. Farrill stated that it was a great Utility Plan and that the Committee recommended unconditional approval without comment. Mr. Schemm said this is a Larimer County project. He stated that they are going to have to find grant money and form a local improvement district for financing and will hopefully be back sometime next year with a site application. Mr. Mays made a motion to approve the Utility Plan. Mr. Holdren seconded the motion and it passed

5. Information Item: Membership update

Ms. O’Neill indicated that the Association had received notifications from both the City of Thornton and Larimer County that they will not be renewing their membership in 2008. As a result, the membership will drop to a total of 40 members beginning in January. She indicated that she wanted to make the members aware of this for two reasons. First, the change will affect the dues that will be included in the 2008 budget, which will be on the agenda in January. Second, the number of representatives required for a quorum will change. There will be 40 total members with 33 representative votes resulting in 10 voting members required for a quorum.

6. 2007 Update – Areawide Water Quality Management Plan:

Ms. O’Neill stated that the draft amendments for the 2007 Update to the Areawide Water Quality Management Plan had been posted in October on the Association’s website for review. This started a 60 day comment period for the amendments. A summary of the proposed amendments and comments received had been included with the agenda. Additional comments had been received from East I-25 Sanitation District and the Town of Mead since the agenda and summary were posted. Ms. O’Neill then went through the amendments and comments by section and gave a brief overview of the changes for those sections. She reminded everyone that this was a review session only with no decision today.

Ms. O'Neill first reviewed the Introduction section. She indicated that the only change to the version posted in October was the addition of Brighton as a Land-Use Management Agency and as a Wastewater Management/Operating Agency. The next section she addressed was Water Quality Concerns. She indicated that this section had not been updated in quite a while. During the 60 day comment program Ms. O'Neill received comments from Big Dry Creek Watershed Association regarding the proposal of a temporary modification. There were also corrections from Big Dry Creek Watershed Association, Barr Lake and Milton Reservoir Watershed. A revised version of this section had been posted on the website. Similarly the Watershed Initiatives had not been updated in a number of years. Ms. O'Neill also received minor corrections from Big Dry Creek Watershed and the Barr Lake and Milton Reservoir Watershed Association for this section. A revised version of this section had also been posted on the website. The next section reviewed was for Non-Point Source. Ms. O'Neill indicated that there were no proposed changes for this section since the version that was posted in October.

Ms. O'Neill then moved on to the Basins and Data Sheet section. She indicated that she had received information to update the Cache la Poudre Basin section and two data sheets. Both the Glacier View Meadows and High Peak Camp data sheets were updated and the City of Greeley submitted update information for the City's sections in the Cache la Poudre Basin. The revised versions of these sections had been posted on the website. Ms. O'Neill then moved to a presentation of the service area boundary maps with proposed map changes. She indicated that only those maps with proposed changes had been posted on the website with the update information. She presented proposed maps and gave a summary of each of the proposed changes and comments received on the changes which included:

- Boxelder: Originally in October, no changes to the service area were proposed however, comments were submitted by the District requesting the removal of an area referred to as the Filipponi property from the Boxelder service area. That property is located just south of Timnath. The property is being proposed as undesignated at this time. The map has been revised and posted on the website.
- Brighton: No comments have been received on this proposed change since the map was posted in October.
- Ft. Collins: The City provided comments on the map that was originally posted in October which included the addition of some area on the west side of the boundary, the addition of some area on the north/central side of the boundary, and the conversion of some additional areas from Ft. Collins to South Ft. Collins Sanitation District. A revised map which includes these changes has been posted on the website.
- Ft. Lupton: The original proposal from the Town expanded the area to the east. Lochbuie submitted comments opposed to that expansion. Ft. Lupton has since agreed to hold off on the expansion until their Utility Plan is completed and Hudson has had an opportunity to clarify their plans. The proposed service area map for the town of Ft. Lupton has been revised and posted on the website.
- Greeley: The original request was a joint proposal with the Town of Windsor. No comments have been received on this proposed change since the map was posted in October.
- Johnstown: No comments have been received on this proposed change since the map was posted in October.
- LaSalle: No comments have been received on this proposed change since the map was posted in October.
- Loveland: No comments have been received on this proposed change since the map was posted in October.

- Mead: Originally in October, no changes to the service area were proposed however, comments have been submitted requesting changes to this boundary from the East I-25 Sanitation District. East I-25 has proposed changes that would remove an area from Mead and move it to an East I-25 Sanitation District boundary. Mr. Meine had questions regarding the comments and was asked to hold his questions until the end of the presentation.
- St. Vrain Sanitation District: No comments have been received on this proposed change since the map was posted in October.
- Severance: No comments have been received on this proposed change since the map was posted in October.
- South Ft. Collins Sanitation District: One change was made to this map since the version posted in October. The change added a small area previously included in the City of Ft. Collins. That map has been revised and is on the website.
- Windsor: The original request was a joint proposal with the City of Greeley. No comments have been received on this proposed change since the map was posted in October.

Ms. O'Neill then stated that she was not aware of any outstanding issues on any of the proposed boundary changes with the exception of Mead / East I-25 Sanitation District issues. Since these comments were only recently received and there has not been time to really study them, Ms. O'Neill suggested that any in-depth discussion at this time was not appropriate. She suggested that at the January public hearing the Association utilize the service area conflict guidance that was recently established as part of the Utility Plan Guidance document. She had talked to both parties about this approach and planned to proceed with this unless directed differently from the membership.

Mr. Schemm said they would not spend a lot of time on the issue today. The two parties getting together and working this out is probably not realistic and if they can't then it will force us to use that guidance. He stated that he would allow a comment period, but asked that parties keep their comments short. Mr. Meine stated that this has been going on for a long time with lawsuits and attorney fees, the same thing over and over which is just a delay. Mr. Schemm stated that the court has ruled on this issue and we are going to have to live with that and it would be best to work together for the best solution.

Mr. Bendelow questioned what area was being requested for East I-25 Sanitation District's area. Ms. O'Neill stated that she felt the most recent map was included in their submittal. Mr. Bendelow then questioned whether the East I-25 Sanitation District would need to follow the plan amendment process to change a 208 boundary. Mr. Schemm answered yes, to change the boundary they have to follow the process. Mr. Bendelow then referenced the letter from Weld County. In the letter Weld County states that they are the Managing Agency for the East I-25 area. He indicated that the Town of Mead does not agree that Weld County is the Management Agency for Mead's 208 area and that this is a larger issue than just the Town of Mead. Mr. Schemm asked who had land use authority for the area. Mr. Bendelow then read the Land Use Management Agency responsibilities and indicated that Mead is the designated Land Use Management Agency to deal with its urban service and urban growth area.

Ms. Stewart, President of East I-25 Sanitation District, stated that the District was legally formed by the eight property owners. She indicated that the District has objected to letting the amendment go forward as proposed. She indicated that none of the properties have annexed into the Town of Mead and all are within unincorporated Weld County. She also stated that Weld County supports the East I-25 Sanitation District proposal. She also added that St. Vrain Sanitation District is willing to provide service to the East I-25 Sanitation District. Mr. Schemm question why comments were submitted two

days before when the comment period started 60 days ago. Ms. O'Neill asked about the time line for completing a utility plan. Ms. Sandquist said the utility plan would be a joint plan with St. Vrain Sanitation District submitted at the time the infrastructure is needed. Ms. Stewart stated that the District can't proceed with entitlement until they have a wastewater resolution. She indicated that there has been sketch plan approval on 800 acres.

Mr. Farrill then asked for clarification about whether we were addressing comments or considering a plan amendment. Mr. Schemm stated that we were accepting comments. After discussion about the information that had been submitted, Mr. Farrill questioned whether the original plan amendment and boundary request from 2005 was still valid. Ms. Sandquist said the original boundary was 1,300 acres but was reduced. She indicated that the original request was tabled and no action was taken. Ms. Sandquist then asked for clarification as to whether this issue will be considered at the January hearing or whether it will be considered at a separate time or hearing. Ms. O'Neill indicated that she felt the question on the table was whether the District needed to submit a plan amendment. Mr. Bendelow stated that this was the question he had originally posed. Ms. Stewart indicated that they have followed the direction they had been given from Ms. O'Neill.

Mr. Schemm questioned whether this board would be asked to approve a 208 boundary suggestion which would be changed in a couple of years. Mr. Mays stated that there is not a utility plan from East I-25 Sanitation District and questioned the need for one prior to the consideration. Mr. Farrill said he felt there needs to be a new plan amendment submitted because the boundaries have changed and that amendment could go through the conflict resolution if needed. He also noted the East I-25 Sanitation District's objection to the Mead 208 boundary. Ms. Sandquist stated that simply tabling the issue to see if it will get resolved itself will not work. Mr. Woods stated how he felt the Association should proceed with the issue. Mr. Schemm stated he felt the amendment should be resubmitted and that the Association would have to take that the issue into consideration at next months hearing.

Mr. Adams questioned whether the two year old submittal was valid. He also questioned whether a utility plan will be required from the East I-25 Sanitation District if we are to consider this in January. There were additional discussions regarding what submittal process would be appropriate. Mr. Woods then stated that a utility plan would basically be St. Vrain Sanitation District's utility plan and said that it would be unfair for the East I-25 District to be delayed waiting for the St. Vrain utility plan to be completed. Mr. Schemm stated that we will need a utility plan that addresses the lift station and trunk line which will provide service from St. Vrain Sanitation District. He also stated that NFRWQPA needs St. Vrain's assurance that they will and can serve that amount of waste. Mr. Woods stated that the NFRWQPA will have to hear the debate at some time and they simply want their day to present that to the board. Ms. Titus questioned whether the tabled amendment could be considered without a 60 day comment period or would it be necessary to start a 60 day comment period now. Mr. Farrill stated that tabling an item should not exempt you from current requirements. Mr. Ramey asked if the Executive Committee could review the issue and come up with a plan to proceed. Ms. Webb stated that it was a unique situation that could not be decided today. Mr. Holdren stated that East I-25 had filed an objection to Meads current boundary which is what we need to consider in January not their new proposal. Mr. Schemm said we need to take the other request under advisement. Ms. Stewart questioned whether or not the plan amendment is ready for public hearing. Mr. Bendelow stated that he felt a number of items needed to be submitted as required by the plan amendment process. Mr. Schemm said they have received the objection and will move forward to next month. He also stated that the Executive Board will decide on whether the conflict resolution process will be used. Mr. Bendelow asked that the record of today's meeting be maintained.

7. Other Business

- A. Water Quality Control Commission – Ms. O’Neill stated that the main item of interest for the region at the November meeting was an Administrative Action Hearing regarding the Pikes Peak Council of Government’s 208 plan. The proposal being requested was a change to the 208 plan against consolidation which the Division was opposed to. The Commission ruled in favor of the Pikes Peak Council of Government’s request. She stated that the main item of interest at the December meeting was the Temporary Modifications Rule Making Hearing. This year they considered a request from Big Dry Creek Watershed Association to propose a site specific seasonally based selenium standard. This was based on analysis conducted by the Big Dry Creek Watershed Association and supported by the Division. The Commission approved this request.
- B. Mr. Mays stated that the Colorado Department of Public Health and Environment sponsored a meeting of the Colorado Water and Wastewater Response Network and encouraged everyone to take a look at their website information.
- C. Mr. Schemm asked if anyone would be interested in serving on the Executive Board and if so asked them to contact him or Mr. Farrill.

8. Adjourn

There being no further business, the meeting was adjourned at 4:32 p.m.