

**MINUTES**  
**NFRWQPA**  
**February 23, 2006**

**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:

Randy Siddens – Boxelder S.D.	Cindy Titus – Lochbuie
Anthony Tuca – Broomfield	Larry Wyeno – Longmont
Gary Behlen - Erie	Rod Hamilton – Loveland
Jim Duell – Estes Park S.D.	Mike Friesen - Mead
Earl Smith – Evans	Larry Ketcham – Milliken
Gale McGaha Miller – Ft. Collins	Karl Heil – Northglenn
Carol Webb – Ft. Collins	Terry Farrill – South Ft. Collins S.D.
Bob Alberts – Fox Acers & Pierce	Eric Doering – St. Vrain S.D.
Tracy Kittell – Greeley	David Brand – Upper Thompson S.D.
Suzanne Bassinger – Greeley	Mike Geile – Weld County
Sam Boone - Greeley	Wayne Ramey – Weld County Tri- Area S.D.
David Pusey – Kodak	Dennis Wagner – Windsor
Ed Schemm – Larimer County	

Also present were Connie O’Neill, Ronda Sandquist, John Koenig, Gary Woods, Brad Simons, Jim Wright, Wayne Lorenz, and Dick Leffler.

**2. Minutes**

Minutes of the January 26, 2006 meeting were considered. Mr. Farrill made a motion to approve the minutes, Mr. Ramey seconded the motion and it passed.

**3. Financial Report**

Ms. O’Neill summarized the January 2006 financial reports. Mr. Ramey made a motion to accept the financial reports, Mr. Geile seconded the motion and it passed.

**4. Update Item – Site Application – CSU Ag. Research, Development & Education Campus**

Ms. O’Neill summarized a site application received from Colorado State University for the Agriculture Research, Development and Education Campus. She indicated that the application was a request to deactivate the NPDES permit for the system that had been installed in 2000. The Conference Center on the Campus has not had the use that was expected therefore, the University has proposed to deactivate the 5,000 septic tank. This would result in a smaller system only permitted by the County. Larimer County had previously reviewed and approved the application. The Association found the application to be consistent with the Areawide Water Quality Management Plan and had no additional concerns. A letter was submitted to the Division recommending approval of the application.

**5. Public Hearing – 2005 Update – Areawide Water Quality Management Plan**

Ms. O’Neill summarized how the public hearing process would work. She then presented a summary of the information to be considered for the 2005 Update to the

Areawide Water Quality Management Plan. She indicated that the most recent version of the update information had been posted on the Association's website. This included the Introduction, Designation of Management Agencies, Basin Language, data sheets for major, minor, and industrial entities, and service area maps for the areas which have had changes. As part of the update, changes to 14 service area boundaries are being considered. Ms. O'Neill presented those areas and gave a brief description of each which included areas for:

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|-------------------------------|--|
| a. Brighton                   | i. Kersey                                      |
| b. Dacono Sanitation District | j. Lochbuie                                    |
| c. Evans                      | k. Severance                                   |
| d. Ft. Collins                | l. St. Vrain Sanitation District               |
| e. Greeley                    | m. Weld County Tri-Area<br>Sanitation District |
| f. Hudson                     | n. Windsor                                     |
| g. Johnstown                  |  |
| h. Keenesburg                 |  |

The handout titled "Comments – 2005 Update – Areawide Water Quality Management Plan" included proposed changes that had been received since that version was posted on the website. She indicated that the first page of the handout included corrections and additions to the posted information. She did not feel this information would be controversial and would therefore recommend that it be included with the information presented for the update.

She then presented comments that had been received by the members since the information had been posted to the website. These comments reflect issues which have not been resolved and were outlined on page two of the handout. Ms. O'Neill then summarized the first issue which was raised by the Town of Mead regarding the proposed expansion of the St. Vrain Sanitation District service area east of the Town's current service area. Ms. O'Neill presented a regional map of the area. Ms. McGaha Miller asked for a clarification on St. Vrain's Sanitation District's current boundary.

Ms. O'Neill then summarized the second issue which involves property that is within the area that Windsor had proposed to expand its service area to include. Since that initial request both the Town of Windsor and the property owners have requested that the property not be included in Windsor's area. As a result of these discussions, the City of Greeley is considering adding this property to their service area however a decision has not been made on that.

Ms. O'Neill then indicated that in addition to the member comments, the Association had received public comments as well. Two letters were received from Ronda Sandquist, Legal Counsel for the East I-25 Sanitation District. The first letter was a request to include language in the update pertaining to the service area policy. Ms. O'Neill also presented her recommendation on this issue and indicated that she felt this would be premature to consider at this point. The second request was to consider removing the properties owned by the East I-25 organizers for the Mead service area or alternatively, show that property as disputed.

Ms. McGaha Miller then asked for comments from the public. Ms. Sandquist then summarized the first request outlined in her letter dated February 17, 2006, regarding the service area policy. Ms. Sandquist stated that having the proposed language included in the plan would set the stage for moving forward on a service area policy. Mr. Geile asked how this would work with an annexation agreement. Mr. Friesen questioned the definition of overlap. Mr. Farrill asked for clarification on the public comment process. Mr. Friesen stated that he was concerned that Mead is being characterized as Mead overlapping another entity. Ms. McGaha Miller asked about the existing overlapping area. Ms. O'Neill indicated that there were two existing overlapping areas. Ms. McGaha Miller then asked if the Association would like to make a decision on this topic before moving on with other public comment. The Association was in favor of this so Ms. McGaha Miller asked for additional questions or comments. Mr. Farrill questioned the overlap concept. Ms. Sandquist indicated it would be potential overlap of two service providers. Mr. Farrill indicated that there is not currently an overlap and felt it was not appropriate to consider language for something that doesn't exist. Mr. Koenig stated that the situation he is involved with outside of Windsor would be an example of this type of overlap issue. Ms. McGaha Miller explained options and how the Association has dealt with these issues in the past. Mr. Doering made a motion to accept staff recommendation on this issue, which would be that it is premature to consider this language as part of the update. This request should be considered as part of the larger discussion on service area boundaries and the Association's overall service area policy. Mr. Alberts seconded the motion. Mr. Schemm pointed out that the Association would have the right to make a change to boundaries if they feel it is necessary. Ms. McGaha Miller then called for a vote by a show of hands and the motion was approved unanimously.

Ms. Sandquist then summarized the second request outlined in her letter dated February 22, 2006. She indicated that the organizers of East I-25 Sanitation District do not want to be shown as part of the Mead service area boundary. Mr. Geile then asked to be excluded from the discussion of this subject. Mr. Schemm asked if the property was in the city limits of Mead, if the District had formed yet, and if the property owners planned to join the district. Ms. Sandquist indicated that the property was not in the city limits of Mead, that the district had not been formed yet, and that the property owners would be a part of the district. Mr. Schemm stated that when this happens, it will resolve the issue. The court's decision will determine whether a district is established. Mr. Doering stated that he felt it would be best to wait until the District exists. Mr. Friesen indicated there are additional concerns with the District's proposal. Mr. Doering made a motion that the letter be received as information only. Mr. Alberts seconded the motion and it passed with the Town of Mead abstaining.

Mr. Schemm then made a motion not to take any action on this issue at this particular time, pending the outcome of the formation of the district. At that time both or either parties could come back to the Association for discussion. Mr. Brand seconded the motion and it passed with the Town of Mead abstaining. Mr. Geile then returned to the meeting.

Ms. McGaha Miller then asked for questions or comments on the proposed changes as outlined in the handout. Mr. Alberts indicated that the capacity for Boulder Valley Poultry was incorrect and he would submit corrected figures. There were no other issues with the proposed changes.

Ms. McGaha Miller then moved to a discussion of the unresolved issues outlined in the member comments. The first issue was the service area boundary to the east of Mead's boundary that is proposed to be included in the boundary for St. Vrain Sanitation District. Mr. Doering stated that St. Vrain feels they can serve the area. Mr. Schemm verified that this area, proposed to be added to St. Vrain's area, does not include the contested East I-25 area. Mr. Schemm also verified that St. Vrain could serve the area by gravity. Mr. Alberts questioned whether decisions in this area should be held until development begins in the area. Ms. McGaha Miller stated that there has to be a balance between speculation and long range planning. Mr. Friesen then explained some of the topography of the area. He felt that without looking closer at St. Vrain's studies, the inclusion of the area would be premature. Ms. McGaha Miller asked if property owners had contacted either entity regarding service. Mr. Friesen indicated there had been requests to Mead. Mr. Schemm asked if the two entities have tried to resolve the issue. Mr. Doering indicated that there had been ongoing discussion a happening between the two entities but they have not had direct discussions on this issue. Mr. Schemm then made a motion not to take action on this area. If a property owner requests service the Association will then deal with the issue. In the mean time, the two parties should try to resolve the issue. There were some questions about the motion and Mr. Schemm then withdrew the motion. He then made a second motion to not take action on any service area north of Weld County Road 32 at this time. Mr. Duell seconded the motion and it was approved with both Mead and St. Vrain Sanitation District abstaining from the vote.

There was then discussion regarding the Weld County Tri-Area Sanitation District and Dacono Sanitation District. Mr. Ramey indicated that as per an agreement between the entities, Tri-Area was opposed to any service area being added to the Dacono Sanitation District boundary north of Highway 52. Ms. O'Neill summarized the discussion she had with both of the entities. Ms. McGaha Miller stated that she would be uncomfortable taking action on the Dacono Sanitation District area without an opportunity to discuss the issue with the District and that this issue should come back to the Association next month for discussion.

Ms. McGaha Miller then moved the discussion to the second unresolved issue outlined in the member comments regarding the service area for the Town of Windsor. Mr. Kittell indicated that the City of Greeley has not made a decision about the possibility of adding the property to Greeley's service area. Ms. O'Neill pointed out that there are two issues. The first is whether to exclude the property from Windsor's area and the second is whether to include it in Greeley's area. She indicated that there has not be a request by Greeley for the inclusion of the property as of yet. Mr. Wagner indicated that the property was outside of the growth management area for Windsor and they did not

intend to serve it. Mr. Schemm asked for justification as to why Windsor would not serve the area as they seem to be the most logical provider. Mr. Wagner again stated it is outside the growth management area. Ms. McGaha Miller stated that it appears we are getting back to service being used as a growth management tool. Mr. Koenig explained the process they are going through for development of the property. He expressed that they would like to be removed from the Windsor area so it does not hold them up from building their own plant if necessary. Mr. Geile excused himself from the discussions on this topic. Mr. Kittell suggested that the Association postpone a decision until Greeley has made a decision on the area. Mr. Farrill made a motion to table this item until next months meeting to give Greeley an opportunity to consider the area. Mr. Brand seconded the motion and it was approved.

Mr. Ramey again mentioned his concern with postponing action on the Dacono Sanitation District service area given the existing agreement between the two Districts. Mr. Schemm stated that he would be concerned with taking action on something that was contradictory to what had been advertised by the Association. There also may be public comment submitted on a revised area. Mr. Schemm then made a motion to table the issue until next month. Mr. Geile seconded the motion and it passed with one descending vote.

Ms. McGaha Miller then moved the discussion to all the uncontested items for consideration. Ms. O'Neill summarized the items for consideration including:

- Introduction (posted on website)
- Designation of Management Agencies (posted on website)
- Basin language (posted on website)
- Maps (posted on website)
- Proposed changes on page 1 on the handout "Comment – 2005 Update – Areawide Water Quality Management Plan"

She indicated that it would not include the items that have been tabled as per the previous motions. Ms. McGaha Miller also pointed out that the maps would include the change to the St. Vrain boundary as per the previous motion. Mr. Schemm asked for a list of exceptions that would not be considered at this time. Ms. O'Neill stated that it would include the service area boundaries for Dacono Sanitation District, Greeley, Weld County Tri-Area, and Windsor. Mr. Schemm then asked for a list of the uncontested boundaries that would be ready for consideration. Ms. O'Neill listed: Brighton, Evans, Ft. Collins, Hudson, Johnstown, Keenesburg, Kersey, Lochbuie, and Severance. Mr. Schemm then made a motion to accept all the uncontested items for the update. Mr. Geile seconded the motion and it passed. Mr. Friesen then made a motion to continue the public hearing until the March 23, 2006 meeting. Mr. Smith seconded the motion and it passed.

## **6. Board Position**

Ms. McGaha Miller announced that she will be stepping down as Chair of the Association due to a change in her employment. Ms. O'Neill presented a recommendation from the Executive Committee to fill the Board positions as follows:

Chair: Ed Schemm  
Vice Chair: Steve Adams  
Secretary / Treasurer: Terry Farrill

This would result in one open board position. Mr. Farrill stated that Mr. Adams had discussed a change to that recommendation and would like to stay as Secretary Treasurer and recommend Terry Farrill as the Vice Chair. Mr. Ramey made a motion to approve Mr. Schemm as the Chair, Mr. Farrill as the Vice Chair and Mr. Adams remain as Secretary/Treasurer. Mr. Brand seconded the motion. Mr. Geile thanked Ms. McGaha Miller on behalf of the Association for her service. The motion was then approved. Mr. Farrill asked for volunteers to fill the vacant Board position. Mr. Albers volunteered as a nominee. Mr. Farrill stated that any other volunteers should contact a Board member and a decision will be made a next months meeting. Mr. Schemm questioned if there was a segment of the membership that was not represented on the Board.

7. **Other Business**

- A. Water Quality Control Commission: Ms. O'Neill summarized the Commission hearing in February for the 303(d) list. During this hearing it was decided to list Horsetooth Reservoir. Ms. McGaha Miller also pointed out the number of segments listed for selenium.
- B. Comment – Weld County Proposed 1041 Regulations: Ms. O'Neill stated that the Associations comments would be going to Weld County the next day.
- C. Other Business: Mr. Pusey questioned how to move forward on the selenium issue. Ms. McGaha Miller gave some history of the issue. Mr. Schemm suggested forming a subcommittee to look at the issue and asked that the subject be included for discussion on next months meeting agenda. Mr. Pusey also asked that the Association check with other 208 agencies to determine their position on the issue.

8. **Adjourn**

There being no further business the meeting was adjourned at 5:10 p.m.