

MINUTES
NFRWQPA
September 22, 2005

1. Roll Call

The meeting was called to order at 3:15 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:

Tony Huerta – Berthoud
 Gale McGaha Miller – Ft. Collins
 Tracy Kittell – Greeley
 Jim Landeck – Hudson
 Ed Schemm – Larimer County
 Cindy Titus – Lochbuie
 Larry Wyeno – Longmont

Larry Ketcham – Milliken
 Nicole Seltzer – NCWCD
 Bob Alberts – Pierce
 Tim Gaines – Timnath
 Mike Geile – Weld County
 Lee Morrison – Weld County

Also present were Connie O’Neill, Brad Simons, Chris Paulson, Tom Bishop, Darlene Sisneros, and Harvey Deutsch.

2. Minutes

Minutes of the August 25, 2005 meeting were considered. Mr. Schemm made a motion to approve the minutes, Mr. Kittell seconded the motion and it passed.

3. Financial Reports

The financial reports for August were considered. Because several members did not have copies of the August reports, Ms. McGaha Miller suggested coming back to this agenda item later in the meeting. Copies of the financial reports were made and distributed.

4. Resource Colorado Water and Sanitation District – Plan Amendment

Ms. O’Neill presented a summary of the discussion of this item from the August meeting. She also presented a summary of the attachments that were sent along with the agenda packet and pointed out a correction to the map on section 14. She then reviewed the public meeting process for this agenda item. Mr. Simons then gave a summary of the plan amendment request and the comments received. He reviewed the property to be included in the service area and presented a map delineating the area. Mr. Deutsch gave an overview of the water project for Resource Colorado. They have obtained the rights to export water from an area near Prospect Valley for municipal purposes. This is the location of the initial District boundary. As part of the District’s approval with Weld County, they committed to use part of the water in Weld County. As a result of this commitment, they began to look for a place to use this water. They are now in the process of requesting a Comprehensive Plan Amendment with Weld County for the area they would like to develop. This is the area that they are requesting a plan amendment for. As a part of the development plan, a portion of the water from the municipal discharge will go back into agricultural use. The approval of the plan amendment would allow them to move forward in the public hearing process of the Comprehensive Plan amendment.

Ms. Sisneros explained the function and abilities of the District as outlined by the Service Plan. Mr. Bishop then explained the cost estimates and bonding for the District. Ms. McGaha Miller

then asked for any questions from the general public. Hearing none, Ms. McGaha Miller opened up the discussion to questions and comments for the Board. Mr. Landeck questioned the location of the initial service area and the language in the Service Plan that would allow for services to be provided in a different location. Ms. McGaha Miller reviewed the conditions that were discussed in the August meeting. Mr. Morrison explained that further action will be required by Weld County to either approve a retail district in the area or amend the existing Service Plan to allow for that. He stated that it was not the intent of Weld County to limit the service to the initial District boundaries. Ms. O'Neill suggested that the inclusion of a condition that would require a Utility Plan may help to address some of the issues in the future.

Ms. McGaha Miller then summarized the two conditions that had been suggested. Mr. Simons stated that Resource Colorado would not be opposed to those conditions. Mr. Schemm stated that we may want to include the condition that if Weld County does not approve the Comp. Plan that we reconsider this amendment. Mr. Landeck questioned whether zoning density changes may also require a reconsideration of the amendment. Ms. McGaha Miller stated that all we are considering approving at this time is the service area. Mr. Paulson stated that they have got to be able to show that they can provide urban services before the County will consider the Comprehensive Plan amendment. Mr. Simons also added that the densities included in the NFRWQPA request are the same as the densities included in the Comprehensive Plan amendment request. Mr. Wyeno requested clarification on the public notification / hearing process. Mr. Morrison indicated that the applicants will include a broader notification than just the land area included in the amendment request. Mr. Wyeno then questioned how this amendment may affect the land use in the surrounding area. Mr. Morrison indicated that the effect on the use of the surrounding areas would be a consideration. Mr. Wyeno then questions the necessity for a decision of this Board at this time. Mr. Morrison explained that without the NFRWQPA approval in order to demonstrate the availability of services, the Comprehensive Plan amendment request may never get past the Planning Department. Mr. Paulson indicated that the Planning Department has indicated that the NFRWQPA approval is necessary in order to move forward.

Ms. McGaha Miller then referred to the minutes of the August meeting and indicated what conditions of approval would be necessary including defining the area limited to properties that the applicant owned, on a Comprehensive Plan amendment, and on the ability to provide service with greater practicality than another provider. Also that the Association would want to reserve the right to choose a better alternative in the future if that becomes a possibility and that the district is defined as a wholesale district. Mr. Landeck then asked if a resolution could be passed in place of a plan amendment approval. Ms. O'Neill stated that a resolution may imply more approval by the Association than what the amendment is considering.

Mr. Schemm stated that this is the first time the Association has been asked to make a service area designation prior to densities be determined by the governing municipality or county. He then made a motion to approve the service area and Management / Operating Agency designation subject to Weld County's approval of the Comprehensive Plan Amendment and the submittal of a Utility Plan. The plan would delineate the densities, loading, financing, and ability to serve, and would be submitted prior to the consideration of a site application. Mr. Kittell seconded the motion. Mr. Schemm then requested a friendly amendment to his motion to include the condition that if Weld County does not approve the Comprehensive Plan Amendment, the NFRWQPA would reconsider its approval. Mr. Kittell agreed with the addition to the motion.

Ms. McGaha Miller clarified that the service area will include lands owned by Pioneer Communities and Resource Colorado as described in the map presented by the applicants. Ms. McGaha Miller then asked for a show of hands for those in favor of the motion. The motion passed by a vote of eight to two. There was then discussion about whether there were sufficient members present to represent a quorum. Ms. O'Neill was instructed to follow up and determine whether the vote would stand or whether the item would need to be reconsidered at the next meeting.

(Note: Following the meeting it was determined that there was a quorum present. However, two of the votes cast were invalid because they represented non-voting members. The decision will stand by a vote of seven to one.)

5. Financial Report

Ms. McGaha Miller then asked the members to return to the financial reports for August. Copies of the report were handed out to the members present. Mr. Geile made a motion to approve the financial reports. Mr. Schemm seconded the motion and it passed. Ms. McGaha Miller then asked that the minutes reflect that side conversions will not be tolerated by this organization.

6. Town of Lochbuie – Site Application

Ms. O'Neill summarized the site application submitted by the Town to increase the existing plant from 1.0 mgd to 2.0 mgd. The NFRWQPA had originally considered the phased Lochbuie facility in May of 2001. Mr. Schemm stated that this facility had been previously considered by the Board and made a motion to approve the application. Mr. Geile seconded the motion. Mr. Landeck asked what the capacity of the existing plant was. Ms. Titus indicated that the existing plant has a 1.0 mgd capacity. Ms. McGaha Miller then called for a vote and the application was approved unanimously.

7. Other Business

- A. Ms. O'Neill indicated that there was not a Water Quality Control Commission report this month as the Commission held their annual retreat in September.
- B. Ms. O'Neill reported that the 303(d) "For Sure" list from the state was included with the agenda packet. She indicated that there were several segments in Larimer and Weld County on the list and that the final report should be available on the state's web site in October. There was then some discussion about the cause of the impairments.
- C. Ms. O'Neill presented some options for the Association's meeting dates in October, November, and December. It was decided that the October meeting date will be changed due to the South Platte Forum and will be held on November 3, meeting location to be announced. There will not be an additional meeting in November and the December meeting will be held on the 15th at the Northern Colorado Water Conservancy District Office.

8. Adjournment

There being no further business the meeting was adjourned at 4:40 p.m.