

SOUTH FORT COLLINS SANITATION DISTRICT

RESOLUTION NO. 2019-08-01

OVERLAPPING DISTRICT CONSENT RESOLUTION

WHEREAS, Section 32-1-107(2), C.R.S., provides that no special district may be organized wholly or partly within an existing special district providing the same service; and

WHEREAS, Section 32-1-107(3)(b)(IV), C.R.S., provides that a new overlapping special district may be authorized to provide the same service as the existing special district if, among other requirements, the Board of Directors of the existing special district consents to the new special district providing the same service; and

WHEREAS, the boundaries of the East Fossil Creek Ranch Metropolitan District Nos. 1-2, within the City of Windsor, Larimer County, Colorado (the “**Metro Districts**”) overlap the boundaries of the South Fort Collins Sanitation District (the “**Sanitation District**”); and

WHEREAS, the Metro Districts’ activities are limited to those referenced in their Service Plan dated October 8, 2015 (the “**Service Plan**”); specifically, as regards sanitation services, the financing, construction and maintenance of sanitation improvements (the “**Improvements**”) within their boundaries, subject to the Sanitation District’s overlap consent; and

WHEREAS, the Sanitation District provides sanitation services within its service area; and

WHEREAS, the Metro Districts desire the consent of the Sanitation District to allow the Metro Districts to construct, install and finance the Improvements for sanitation services, subject to the conditions set forth herein; and

WHEREAS, it is believed that the construction and installation of such Improvements will not duplicate or interfere with any other improvements or facilities already constructed or now planned to be constructed within the Sanitation District; and

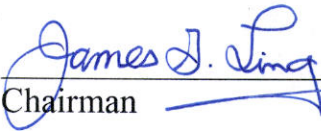
WHEREAS, the Sanitation District consents to the construction, installation and financing of the Improvements by the Metro Districts as described in their Service Plan and the overlapping services to be provided by the Metro Districts, subject to the conditions set forth herein.

NOW, THEREFORE, be it resolved by the board of directors of the South Fort Collins Sanitation District:

The above findings and recitals are resolved and incorporated herein as if set forth in full. Pursuant to Section 32-1-107(3)(b)(IV), C.R.S., the Sanitation District hereby consents to the Metro Districts' authority to plan, design, acquire, construct, install and finance the Improvements, provided that in no event shall the Metro Districts operate a sanitary sewer system or provide sanitation services, including disposal and treatment activities, without the prior written consent and approval of the Sanitation District to be set forth in an intergovernmental agreement related to such sanitation services.

RESOLVED this 14th day of August, 2019.

**SOUTH FORT COLLINS
SANITATION DISTRICT**

By: 
Chairman

Attest:


Secretary

RECORD OF PROCEEDINGS

MINUTES

SOUTH FORT COLLINS SANITATION DISTRICT

JULY 10, 2019

The Regular Meeting of the South Fort Collins Sanitation District was held on July 10, 2019 at 9:00 a.m., at 2560 E. County Road 32, Fort Collins, CO 80528.

1. Roll Call

Present: Directors: Wayne Irelan, James Stewart, James Ling, Gary Young and Ernie Brown

Excused Absence:

Others Present: Chris Matkins, District Manager; Amanda Proctor, District Controller; Eric Bailey, Plant Superintendent; Chris Pletcher, Contract District Engineer; Dave Haughey, Pretreatment Coordinator; Jon Marshall, Rebecca Spears, RB&B Architects; Esther Vincent and Judy Billica of Northern Water

2. Reading of the Minutes

The Minutes of the Regular Meeting of June 12, 2019 were read and approved.

3. Public Comments

None

4. Architectural Master Plan proposal by Jon Marshall and RB&B

Jon Marshall introduced the Board to Rebecca Spears with RB&B Architects. Jon will be working with Rebecca to complete the Architectural Master Plan for the District Administration Building. Rebecca went through the proposal and answered questions from the Board.

Chris Matkins proposed that the District pay for 33% of the study, and FCLWD will pay the remainder. There were no Board objections.

5. Petition of Inclusion for 4.294 Acres of Land

Chris Pletcher introduced the petition of inclusion to the Board and discussed the process of the petition. After Board discussion, it was:

**Moved by Director Irelan and seconded by Director Young to schedule a public hearing for the petition at the next regularly scheduled meeting.
Motion carried 5-0**

6. Further Resolution for Sewer-Only Multifamily Monthly Service Charge Rebate Program

Amanda Proctor presented the resolution to rebate monthly charges for sewer only multifamily projects. After discussion, it was:

**Moved by Director Stewart and seconded
by Director Brown to accept the
Resolution as presented.
Motion carried 5-0**

7. 2019 EPA Audit Results and Response

Dave Haughey presented a summary of the EPA's final recommendation letter. Dave stated that the District's response will be sent to the EPA soon. Also, the EPA has requested six-month status reports through 2020 regarding the recommendations in their letter.

Dave stated that the EPA's recommendation letter is broken into three priorities. Dave went through the priorities with the Board and the time commitment involved with each.

Lastly, Chris stated that the revised rules and regulations for the District will need Board approval after they are drafted and reviewed by legal counsel.

8. Technology Park Fees and Charges

Amanda stated that in the Technology park area, off of Harmony, there are five buildings which have not paid tap fees nor monthly service charges. The error was found by the Operations Department during routine visual inspections of the service area.

She stated that the District provides the sewer service to this area and the City of Fort Collins provides the water service.

The District is currently working with the City of Fort Collins to notify customers, back bill fees and rates, and have the City refund what they collected back to customers.

Amanda stated that she will update the Board if these fees and rates have collection issues.

9. NISP Mitigation partnering Opportunity

Esther Vincent, Northern Water, stated that as part of the NISP water project, there are several mitigation efforts that must be done. She went through a presentation of nitrogen and phosphorus levels throughout the Poudre River. Esther then went through several ideas that Northern Water has in regard to decreasing these levels.

The Board stated that they would like to continue discussions on ways to partner.

10. Manager's Update

A. Plant Operations Report – Eric Bailey

Eric Bailey's (Plant Superintendent) written report was submitted to the Board for review and included in the Board packet.

B. General Information – Chris Matkins

Chris informed the Board that there may be a member of the public who may come to the meeting regarding an IGA for overlap of services. Chris stated that this item was not ready for Board approval; therefore, it was never placed on the agenda.

The presentation with the floodplain administrator and Steamboat Partners was delayed due to the floodplain administrator's conflicting schedule. This item will be on the agenda for August.

Both the City of Fort Collins and the City of Loveland are working on installing their fiber optic lines. Due to this, there will be an increase in utility locates. The District will hire contractors or a temp employee to ensure the locates are done timely. Also, this may lead to more repairs due to boring of fiber lines that may impact collection lines.

Chris stated that he hired a temp part-time person to aid him with special projects that he needs done. He anticipates this employee only working with the District for about four months.

With the IT projects, two of the three phases are complete. The third phase is underway and should be completed by the end of August.

Chris received a request from the City of Fort Collins to provide a tour of facilities and service area for city counselors who are within our District boundaries. This will be a great opportunity for networking. When the date and time is established, the Board will be notified and encouraged to attend.

The District has received a large amount of complaints regarding Duck Lake. The great news is that the WildRock contract just started and WildRock has been helpful in crafting the information regarding who to contact for odor complaints at the City of Fort Collins.

Chris informed the Board of his vacation schedule over the next month.

Chris stated that FCLWD started a water leak detection program about ten months ago. The program has received great feedback from our customers.

Chris also reminded the Board of the upcoming SDA annual conference, September 17-20.

C. *Financial Statements*

Financial Statements prepared by District Controller, Amanda Proctor, were included in the Board's packet.

D. *Tap Purchases*

The Manager reported that 21 taps were sold for the month of June with revenues totaling \$170,500. For the year, 120 taps have been sold with revenues totaling \$920,700.

11. *Other Business*

Director Stewart informed the Board about the Hageman meeting that he attended with Chris. He stated that Hageman seemed interested in continuing discussions and may be interested in taking the Class A solids for free or paying for them. Director Stewart stated that he will continue the discussions.

12. *Disbursements*

The Manager presented disbursements for June 2019 in the amount of \$1,402,869.24. After discussion, it was:

**Moved by Director Irelan and seconded
by Director Brown to approve the
disbursements for June 2019.
*Motion carried 5-0***

13. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 11:15 PM.

AM

Respectfully,

/s/ James D. Lima

/s/ Clair Pittman

Date Approved

8/14/19