

**AGENDA ITEM SUMMARY**  
**FORT COLLINS WASTEWATER**  
**ENTERPRISE**

**ITEM NUMBER: 3**

**DATE: February 7, 2006**

**STAFF: Jim Hibbard**  
**Roger Buffington**

**SUBJECT**

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Resolution No. 001, Authorizing an Intergovernmental Agreement Between the City of Fort Collins, the Grove Metropolitan Districts Numbers 1 through 3 and the City of Fort Collins Wastewater Enterprise for the Provision of Wastewater Treatment Services by the City's Wastewater Utility.

**RECOMMENDATION**

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Staff recommends adoption of the Resolution.

**FINANCIAL IMPACT**

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The agreement requires the Districts pay a wastewater plant investment fee and monthly service charges for wastewater service based on a cost of service study.

**EXECUTIVE SUMMARY**

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City of Fort Collins Resolution 2005-018 authorized the City Manager to negotiate an agreement with new development near the town of LaPorte for the provision of wastewater treatment services by the City's Wastewater Utility. With Resolution 2006-013, City Council has authorized an intergovernmental agreement between the City and the Grove Metropolitan Districts Numbers 1 through 3 for the provision of wastewater treatment services. The agreement has been written to include the City's Wastewater Enterprise as a party solely for the purpose of making the Enterprise responsible for any multiple fiscal year obligations embodied in the agreement.

**BACKGROUND**

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In January 2004, Larimer County adopted the LaPorte Area Plan. Portions of the LaPorte Area Plan include approximately 2000 dwelling units shown to develop at urban level densities. These densities will necessitate service from a public sewer system.

Staff believed it was important for the City to provide wastewater treatment service to reduce the potential of new wastewater treatment facilities upstream from Fort Collins and to protect water quality in the Poudre River.

After discussion in late 2004 and early 2005, City Council adopted Resolution 2005-018, designating an Approved Service Area and directing City staff to proceed with a number of tasks, including the following:

- Cooperate with interested parties in the formation of a special district for the collection of wastewater, and
- Negotiate an agreement for the provision of wastewater treatment services by the City's Wastewater Utility and present the proposed agreement to City Council for approval.

Property owners have been successful with the formation of The Grove Metropolitan Districts Numbers 1 through 3. The Districts provide the means for constructing and financing public improvements to serve The Grove development located within the Districts' boundaries as contemplated in their Service Plan and to serve such additional areas in the Laporte area as may in the future be added to the Districts' service territory. The Grove development will be located on 70 acres that constitute a portion of the Approved Service Area.

Staff has negotiated a proposed intergovernmental agreement with the Districts, a copy of which is on file in the office of the City Clerk. The Districts will provide for the construction and financing of the capital improvements as well as the ownership, operation and maintenance of the sanitary sewer collection system as deemed necessary for the phased growth of the Districts. The City will provide wastewater treatment services and programs associated with treatment such as laboratory services and the industrial pre-treatment program.

The City used the services of Red Oak Consulting, a firm that recently completed a review of utility plant investment fees, to determine the portion of the City's wastewater plant investment fee and monthly service charge attributable to the Districts. Red Oak recommended a plant investment fee of \$6.00 per gallon per day of capacity. The recommended monthly service fee is \$1.362 per 1000 gallons. The numbers are approximately 72% and 79% of our standard rates respectively, due to the facilities and services included in our standard rates that are not attributable to the Districts.

The City Code provides that the Wastewater Enterprise may enter into contracts relating to the wastewater system.

**RESOLUTION NO. 001  
OF THE BOARD OF THE CITY OF FORT COLLINS WATER UTILITY ENTERPRISE  
AUTHORIZING THE PRESIDENT OF THE BOARD  
TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT  
WITH THE GROVE METROPOLITAN DISTRICTS NUMBERS 1 THROUGH 3  
AND THE CITY OF FORT COLLINS  
FOR THE PROVISION OF WASTEWATER TREATMENT SERVICES  
BY THE CITY'S WASTEWATER UTILITY**

WHEREAS, Larimer County has recently adopted the 2004 Laporte Area Plan, which establishes general planning and zoning standards for the unincorporated area of Larimer County northwest of Fort Collins generally referred to as "Laporte", which is outside of the City limits and outside of the City's approved Growth Management Area ("GMA"); and

WHEREAS, the adoption of the Laporte Area Plan, which identifies areas for possible future development that will require the provision of public wastewater services, has generated substantial interest in and discussion of the source of public wastewater collection and treatment services for that future development; and

WHEREAS, among the alternatives under discussion is the formation of one or more new special districts to provide wastewater collection and treatment services, most likely through the development of small package treatment plants; and

WHEREAS, the City of Fort Collins provides water service and wastewater collection and treatment services to certain properties in the Laporte area as a result of prior agreements with the Laporte Water and Sanitation District and pursuant to existing individual out-of-city service agreements; and

WHEREAS, applicable City Plan policies discourage the extension of City utility services in a manner that may encourage development on the edges of the City's GMA, except when special benefits will accrue to the City for providing such services; and

WHEREAS, because of Laporte's position upstream of Fort Collins on the Poudre River, the development of the Laporte area and the treatment in Laporte of wastewater from such development has raised concerns regarding potential water quality impacts upon the Poudre River, the residents of Fort Collins and the City's wastewater treatment facilities; and

WHEREAS, on March 1, 2005, the City Council adopted Resolution 2005-018, approving an Approved Service Area in Laporte so as to allow the City to provide utility services in that area, and authorizing the City Manager to arrange for and negotiate agreements related to the provision of wastewater treatment services in the Approved Service Area; and

WHEREAS, several developers planning developments in the Laporte area have formed three metropolitan districts to provide wastewater services, along with other public improvements and services, for a planned development known as The Grove; and

WHEREAS, the new districts, named The Grove Metropolitan Districts Numbers 1 through 3 (the "Grove Districts"), have been planned and established with the expectation of acquiring wastewater treatment services from the City, thus eliminating the water quality impact concerns noted above; and

WHEREAS, based on the Council's prior policy direction, staff has negotiated an intergovernmental agreement with the Grove Districts under which the City would provide wastewater treatment services in exchange for payment of certain fees, rates and other charges by the Grove Districts, together with other terms, conditions and requirements; and

WHEREAS, the terms and conditions for provision of said wastewater treatment services, and for payment for fees, rates and other charges by the Districts in exchange for said services are set forth in the Intergovernmental Agreement for Wastewater Treatment Services," dated January 30, 2006, a copy of which is on file in the Office of the City Clerk for public inspection and is incorporated herein by this reference (the "Agreement"); and

WHEREAS, City Code Section 26-209( c) authorizes the Wastewater Enterprise to enter into contracts relating to the wastewater system in the manner in which city contracts may be entered into.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE CITY OF FORT COLLINS WATER UTILITY ENTERPRISE that the Board hereby approves the Agreement and authorizes the President of the Board to execute the Agreement on behalf of the Water Utility Enterprise, in substantially the form of Agreement on file in the Office of the City Clerk, subject to such modifications, amendments or additions thereto as may be determined by the City Manager, in consultation with the City Attorney, to be necessary or appropriate to protect the interests of the City.

Passed and adopted at a meeting of the Board of the City of Fort Collins Water Utility Enterprise this 7th day of February, A.D. 2006.

CITY OF FORT COLLINS, COLORADO,  
WATER UTILITY ENTERPRISE

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Mayor, Ex-Officio President

ATTEST:

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City Clerk, Ex-Officio Secretary