

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



EXCERPT from DRAFT UNAPPROVED MINUTES WATER COMMISSION

REGULAR MEETING

Nov. 16, 2023, 5:30-7:30 p.m.

Hybrid in person at 222 LaPorte Ave and online via Zoom

The Water Commission advises City Council regarding water, wastewater, and stormwater policy issues such as water rights, planning, acquisition and management, conservation and public education, floodplain regulations, storm drainage, and development criteria. Read more at <https://www.fcgov.com/cityclerk/boards/water>.

ROLL CALL

- *Commissioners Present In Person:* James Bishop, Rick Kahn, John Primsky, Jason Tarry
- *Commissioners Present via Zoom:* Tyler Eldridge, Kent Bruxvoort
- *Commissioners Absent - Excused:* Jordan Radin (Chairperson), Paul Herman (Vice Chairperson), Greg Steed
- *Staff Members Present In Person:* Matt Fater, Katherine Martinez, Jen Dial, Ken Sampley
- *Staff Members Present via Zoom:* Michael Neale
- *Members of the Public:* None

Regular Item

Ordinance Authorizing Intergovernmental Agreement (IGA) Regarding Operation and Maintenance of Boxelder Creek Watershed Dams

Ken Sampley, Director of Stormwater Engineering and Development Review

Mr. Sampley showed maps and provided an overview of the history of the dams (which are owned by North Poudre Irrigation Company) and the City's upcoming participation as one of five entities to sign the agreement regarding operation and maintenance of Boxelder Creek Watershed Dams (B-2, B-3, and B-4) a.k.a. "BCW Dams" or "B-Dams."

The dams – which vary in height up to about 40 feet high - serve as flood control facilities to reduce flood risks to downstream lands. They were originally rated "Low Hazard" because most downstream land was undeveloped. In 2013, the Colorado Dam Safety Division of the State Engineer's Office reviewed the facilities and increased the hazard rating to "High" due to significant development over the past 40 years. As a result, B-Dams 2,3, and 4 do not meet safety and performance standards. Mr. Sampley became concerned and contacted Larimer County and other municipal entities.

Water Commission recommended at its June 20, 2019 meeting that City Council adopt an IGA between the same Boxelder Creek Watershed B-Dams municipal stakeholders to develop an approach for construction of improvements and also for the operations

DRAFT UNAPPROVED MINUTES WATER COMMISSION

REGULAR MEETING

and maintenance of the B-Dams. City Council adopted Resolution 2019-079 and executed the IGA on in July 2019.

Initial costs to design and construct improvements to the B Dams were in the range of \$70 million to meet dam safety requirements. In 2020, the SEO Dam Safety Division updated its Rules and Regulations for Dam Safety and Dam Construction to include a new approach to assess dam safety. This included a Potential Failure Mode Analysis (PFMA) to evaluate and reduce dam safety risk. This process enables the determination of "potential failure modes" and then characterizes the "likelihood" of the failure mode within a risk context.

The PFMA process was used to evaluate Dams B-2, B-3 and B-4 (Dams B-5 and B-6 were not included since they currently meet SEO regulatory requirements). SEH's risk analysis indicated that the B Dams have a "Low" likelihood of failure and a "Level 3" consequence level if the Emergency Action Plans (EAPs) for each Dam were updated and water level monitoring and warning systems were to be installed.

On October 10, 2023, the SEO provided Risk Informed Hydrologic Adequacy Acknowledgment letters for B Dams B-2, B-3 and B-4 stating the hydrologic risk for each dam was acceptably low and satisfactory at this time if the following conditions are met:

1. Install and maintain the early warning systems at the dams, connect them to Larimer County's Emergency Flood Warning System. Provide formal notification to the SEO when the installation is completed and the system is operational;
2. Update and distribute the Emergency Action Plans annually. Include inundation maps for both extreme spillway release in addition to those associated with dam failures; and,
3. Finalize and execute the Operations and Maintenance IGA for the B Dams that clearly designate ownership, responsibility and decision-making authority. Provide the final executed IGA to the SEO

The IGA allocates respective costs to fund the flood warning system as well as the operations and maintenance of the B Dams. Costs are allocated on a percentage basis for impacted communities. Fort Collins' share is 20.7%. City Council previously approved annual funding of \$90K in 2023 and 2024, therefore no additional funding is needed until 2025-2026. .

The Management Committee will be established to implement the agreement and to provide technical and other recommendations. Each entity will designate one

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



DRAFT UNAPPROVED MINUTES WATER COMMISSION

REGULAR MEETING

representative, the committee shall adopt bylaws to facilitate its conduct of business, meet at least annually, provide advice and recommendations to the parties; complete tasks delegated under the IGA; and shall operate by consensus.

Discussion Highlights

Commissioners commented on or inquired about various related topics including capital expenditures; the planned early warning system; whether NPIC irrigates out of these reservoirs; dams became “high hazard” but this doesn’t mean they’re jeopardized structures (Mr. Sampley confirmed this is true); water runs through the dams but is not stored; and the dams are designed to withstand large hydrologic events. Wellington has the most risk; Fort Collins and Larimer County have approximately equal risk, and Timnath has a slightly lower risk. Larimer County will serve as the “Fiscal Manager” as outlined in the IGA.

Commissioner Bruxvoort moved that the Water Commission recommends City Council authorize the City Manager to enter into an agreement between the City of Fort Collins and numerous stakeholders regarding operation and maintenance of Boxelder creek watershed dams as proposed.

Commissioner Primsky seconded the motion.

Discussion on Motion: Fixed date in contract; no sunset date; reevaluation of portions every five years due to future development and county annexations to consider.

Vote on the Motion: it passed unanimously, **6-0**.

Draft minutes will be approved by the Water Commission on Dec. 7, 2023.