

MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
MOUNT WERNER WATER & SANITATION DISTRICT  
HELD AT THE FISH CREEK WATER FILTRATION PLANT  
STEAMBOAT SPRINGS, CO 80487  
1:00 P.M. Friday-March 24<sup>th</sup>, 2023

DIRECTORS PRESENT: John Shively, Alan Koermer, Wade Gebhardt, Don White, Gavin Malia  
(in-person)

DIRECTORS ABSENT: None

STAFF PRESENT: Frank Alfone, General Manager  
Tyler Gilman, Operations Manager  
Cat Smith, Business Manager

OTHERS PRESENT: Tom Sharp, General Counsel (via Microsoft Teams)  
Michelle Carr, Distribution & Collection Manager, City of Steamboat Springs  
(via Microsoft Teams)  
Mitch Clark, Snow Country Nursery

**I. ESTABLISHMENT OF QUORUM AND CALL TO ORDER**

Director Malia stated that a quorum was present and called the meeting to order at 1:13 P.M.

**II. ACKNOWLEDGE PUBLIC**

**III. APPROVAL OF AGENDA FOR MEETING**

Director Malia asked if there were any changes to the agenda. Mr. Alfone requested that the Board discuss the Encroachment License Agreement with Mr. Clark. This item will be included as part of item #3.

MOTION: To approve the agenda with the addition of the Encroachment License Agreement discussion.

APPROVED: Vote 5-0

**IV. PUBLIC COMMENT**

None

**V. UNFINISHED BUSINESS**

A. Snow Country Nursery

1. Consider Amended and Restated Resolution Regarding Out-Of-District Sewer Service

Mr. Alfone and Counsel Sharp revised the resolution. The changes were sent to the Board and to Mr. Magill and Mr. Clark. Mr. Magill and Mr. Clark did not provide any comments. They did confirm that the approval they received at the County level for the PUD included two dwelling units, one of which is called a secondary

dwelling unit so that language was added into the resolution. The other item that was confirmed was to ensure there was only one (1) onsite wastewater treatment system in place on the properties (for the A-frame) This was confirmed by the Environmental Health Department Manager at Routt County. Counsel Sharp mentioned that many parts of the resolution are incorporated into the Out of District Service Agreement and the resolution is the start of the process to authorize the preparation of the Out of District Service Agreement. The resolution allows the District and applicant to go to the City to request approval for the Out of District Service Agreement, from there the agreement will be drafted if City Council approves it.

MOTION: To approve the restated and amended resolution regarding the Out-Of-District Sewer Service with Snow Country Nursery.

APPROVED: Vote 5-0

## 2. Consider Motion Regarding Grant of Sewer Service Line Easement

MOTION: The Board approves the grant to Back Atcha, LLC, of a perpetual easement within a 15-foot wide strip of land adjoining the south boundary of Lot 1, Willow Green Subdivision Exemption according to the Willow Green Subdivision Exemption plat as recorded at File No. 12955 and Reception No. 540130, Routt County property records, for solely the purpose of the installation, construction, repair, maintenance and reconstruction of a portion of the New Snow Country Sewer Service Line, such easement to be granted contemporaneously with mutual execution of the out-of-district service agreement between the District and Back Atcha, LLC, and Snow Country Nursery; the Board further approves the form of such easement as recommended by the General Manager and as attached to the minutes of this meeting, with such non-substantive changes in such form as may be agreed upon by the General Manager and Batch Atcha, LLC.

APPROVED: Vote 5-0

## 3. Encroachment License Agreement

In 2017, Mr. Clark approached the Board about utilizing a portion of District land, allowing him to “square off” his nursery trees inventory, mainly to make it look more professional and to give him some extra space for trees. There is no impact to District land and or the operation of the Infiltration Gallery X. The encroachment license was granted in 2017 before Infiltration Gallery X was installed and now that the Infiltration Gallery X is installed, Mr. Alfone doesn’t see any issues continuing the license for another 5 years. Mr. Alfone asked the Board to consider extending the term for another 5 years and worked with Counsel Sharp to edit the agreement to include the updated legal name of Mr. Clark’s company, change termination dates and other miscellaneous edits. There is a revocable contingency clause within the agreement in which the agreement can be revoked with 30 days’ notice.

MOTION: To approve the Encroachment License Agreement as drafted for a five-year term

APPROVED: Vote 5-0

B. There was no unfinished business discussed.

## **VI. NEW BUSINESS**

A. Mr. Alfone updated the Board on the Ski Time Square Turnaround Project delay. Ski Corp has not granted temporary or permanent easements needed for construction. The City Council met on March 21<sup>st</sup> and directed staff to continue negotiations with Ski Corp. At the Council meeting, Jim Schneider on behalf of Ski Corp stated they were close to an agreement on the easements.

Phase 2b – at the last meeting the Board discussed the possibility of using Moltz Construction for 2b. Mr. Alfone received confirmation that they are interested and key personnel from 2a, Justin the Project Engineer and Joe the Construction Forman would be on this project as well. The District will meet with Moltz on April 6<sup>th</sup> and begin work for procurement of materials and developing the 60% estimate. We hope to have the estimate by the May 19<sup>th</sup> Board meeting. With Moltz Construction on board along with two key subcontractors, Triangle Electric and Browns Hill Engineering, the District feels confident this is the right direction to proceed with 2b, as opposed to bidding it out.

Over the past several years, the Yampa Valley Sustainability Council has been working on a re-tree initiative in which they plant trees along the Yampa River for Yampa River water shade. They are interested in planting trees on the east side of the river on District land at the Yampa Meadows Parcel. When the District signed the purchase agreement with adjacent landowner Ed MacArthur (seller), there are certain restrictions on what could be built on the District land regarding structures and buildings, Mr. Alfone is going to review this condition and make sure there's nothing prohibiting the trees from being planted plus approval may be needed from Mr. MacArthur per that document. The District also acquired certain water rights for the ditch that runs through the property and part of the tree planting proposal would be that they would use District water and water rights in that ditch to water the trees. The goal of the re-tree initiative is to shade the river and they will be planting a couple hundred cotton woods. The District would need to provide temporary access for YVSC to access the land to plant them and for periodic maintenance. A question was posed if the trees would impede on any proposed trail. The District would have to ensure the area where planting equipment is mobilized would be revegetated. The equipment being used is small so the impact should be minimal. Mr. Alfone will provide an update at the May 19<sup>th</sup> meeting and planting would be in the Fall.

For the Mid-Valley plat process (Yampa Valley Housing Authority parcel), the YVHA went in front of the Planning Commission and City Council and were able to obtain approval on their initial plat. They now have a second plat to complete and gain approval and then go through the development application process. They are on an expedited review process and hope to have all approvals by end of May. Director Shively mentioned that the intersection of Pine Grove and Highway 40 will have to be re-aligned during this development project and money was originally set aside to fix the intersection many years ago.

Mr. Gilman and Mr. Alfone met with Jacob's Engineering about design improvements at the Lift Station. They have done several City projects regarding wastewater treatment upgrades and lift station improvements. In the Wastewater Collection Facilities Master Plan, the lift station is on the list for recommended projects for improvements and upgrades. We had an introductory meeting with Jacob's Engineering, and they will put together a scope and work/fee development for upgrades to the facility. The lift station was originally built in 1971, thus the instrumentation, controls and electrical infrastructure needs upgraded, emergency storage is out of compliance per CDPHE, and other various items need to be addressed. Jacob's Engineering intends to provide a proposal and Mr. Alfone will bring this information to the May 19<sup>th</sup> Board meeting to review and request Board approval to start initial preliminary design and determine upgrades that should be completed. Mr. Alfone will also ask the Board for a re-allocation of funds that are in the 2023 budget for the Ski Time Square Turnaround project to the Lift Station project. 2023 funds were budgeted for Lift Station design, but additional funding (reallocation) may be required based on the fee amount.

## **VII. ADJOURN**

The next Regular Board meeting Date is May 19, 2023, at 8:00 A.M.

There being no further business, the meeting was adjourned at 1:47 P.M.

Respectfully submitted,

Frank Alfone, Secretary/General Manager