

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
8:00 A.M. Friday-May 7, 2021

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

DIRECTORS ABSENT: None

STAFF PRESENT: Frank Alfone, General Manager
Cat Smith, Office Administrator
Ed Allbright, Operations Manager
Tom Sharp, General Counsel
(all In-Person)

OTHERS PRESENT: Jim Schneider, VP of Skier Services & Planning and Development,
Steamboat Springs Resort Corporation
Eric Griepentrog, Engineer, Landmark Consultants, Inc.
(both In-Person)

Michelle Carr, Distribution & Collection Manager, City of Steamboat
Springs
Kate Leggett, Eric Smith Architecture
Dave Bower, Legal Counsel, Steamboat Springs Resort Corporation
Ryan Stone, Project Manager, East West Partners
(all via Microsoft Teams)

I. ESTABLISHMENT OF QUORUM AND CALL TO ORDER

Mr. Malia stated that a quorum was present and called the meeting to order at 8:08 A.M.

II. ACKNOWLEDGE PUBLIC

Mr. Malia acknowledged the public participants at the meeting.

III. APPROVAL OF AGENDA FOR MEETING

Mr. Malia asked if there were any changes to the agenda. There were no changes.

MOTION: To approve the agenda.

APPROVED: Vote 5-0

IV. PUBLIC COMMENT

None.

**V. STEAMBOAT SKI AND RESORT CORPORATION (SSRC) PETITION FOR
INCLUSION OF LAND; GREEN HORN RANCH**

- A. Applicant Presentation – Mr. Alfone informed the Board that the final documents and drawings had been submitted by the Steamboat Ski and Resort Corporation. The Inclusion application is deemed complete, and today’s meeting will include a presentation by the applicant, a question-and-answer session, then Board discussion about the request will be held in Executive Session. If a decision is made by the Board to move forward with the Inclusion, a Public Hearing is required that includes advertising in the local newspaper 3 consecutive weeks before the Public Hearing takes place.

On behalf of SSRC, Mr. Schneider gave an overview of the project. In summary, the new Wild Blue Gondola is the new gondola that will be built to service the beginner terrain at the Green Horn Ranch and then continue to the top of the Ski Resort at the Sunshine Peak Area. The Green Horn Ranch location was determined by SSRC planners to be ideal to provide gentle terrain which will cater to beginner skiers enrolled in Ski School or ski lessons. The Green Horn Ranch area is a logical location for the “mid-station” for the gondola and where SSRC intends to construct a “sprung” structure to provide a meeting space, bathrooms, kitchen and cafeteria for its ski school and ski lessons participants. A mid-station gondola terminal building and associated maintenance and storage building will be built there also. At this time, the “sprung structure” currently located at SSRC’s Rendezvous on-mountain facility will be moved to Green Horn Ranch and there will be a warming kitchen and bathrooms constructed and attached to it. Water and sewer service is needed to service these buildings. SSRC has no water source (springs) or associated water rights where this building will be constructed. The intent for the future is to have a bigger and more permanent building at this location. The goal is to have the construction start next summer for the first leg of the gondola (to the Green Horn Ranch from the Base Area) as this is already approved by the United States Forest Service (USFS).

Mr. Griepentrog presented on behalf of SSRC. Since the project area is within the City of SBS limits, and per the City’s Community Development Code (CDC), the associated development at Green Horn Ranch Parcel requires connecting to municipal water and sewer. SSRC must also provide enough water volume and pressure for fire protection at the planned buildings. The main goal this summer is to start on-site grading, complete the engineering for water and sewer services and obtain approval for the fire protection requirements, all needed to obtain the grading permit. For fire suppression and potable water delivery, the location of the buildings (above the engineered and hydraulic maximum service elevation of the District), will require a privately maintained (SSRC) system that will most likely include a water tank, pumps, backflow protection, water meter and other associated infrastructure to service the buildings with both potable water and adequate fire-flow protection. The system could be like what currently exists at the Four Points on-mountain facility. The final design and engineered plan report must be submitted to the District for review and approval before water is provided by the District to the new system.

The Board discussed several items needed to decide about the Inclusion request. One point discussed was whether to, or not, size the utility infrastructure for a full build out scenario as opposed to the initial building that is currently planned. At this time, SSRC is not planning any other buildings at the site but may return in the future with a larger development, particularly a permanent building to replace the sprung structure. There is an option to not “include” the area within the District Boundary and create a new Out of District Services Agreement (Agreement). As noted above, and within either path the Board is considering (Inclusion or new Agreement) an engineered and stamped report, detailing the water and wastewater collection utility plans must be prepared and submitted to staff and meet District specifications. The District must ensure that the infrastructure that is proposed above the service elevation would have the proper pressures and functionality to provide adequate potable water supply and fire flow protection to satisfy City of SBS Fire Protection District requirements. Per the submittal at this meeting, the number of fixtures has changed (less fixtures) from the original submission to the District on April 9th, 2021 however, since all buildings are now sited above the service elevation, the need to satisfy the water volume and pressure requirements is critical.

Other items the District must consider include coordinating with City Council as their approval of the Inclusion, or approval of an Out of District Services Agreement is required and the already-installed sewer service line that services the existing Bashor Bathrooms must be videoed and inspected to confirm the size and condition of the line prior to tapping into to it for the new buildings.

VI. REPORT OF GENERAL COUNSEL

- A. Executive Session with Tom Sharp, legal counsel under C.R.S 24-6-402(4) (b) and (e-I) to receive legal advice on specific legal questions and determining positions relative to matters in negotiation regarding the SSRC Petition for Inclusion of Land; Green Horn Ranch. The mere presence or participation of an attorney at an executive session of a local politic body is not sufficient to satisfy the requirements of this subsection (4) (b) and (e-I).

Prior to moving into Executive Session, participants announced that would participate in the Executive Session and approved by the Board include District staff members Frank Alfone, Cat Smith, and Ed Allbright and for a designated portion of the Executive Session, Michelle Carr of the City of SBS.

MOTION: To adjourn the Regular Meeting and go into Executive Session at approximately 9:15AM under C.R.S 24-6-402(4) (b) and (e-I) to receive legal advice on specific legal questions and determining positions relative to matters in negotiation regarding the SSRC Petition for Inclusion of Land; Green Horn Ranch.

The mere presence or participation of an attorney at an executive session of a local politic body is not sufficient to satisfy the requirements of this subsection (4) (b) and (e-I).

APPROVED: Vote 5-0

MOTION: To come out of Executive Session and reconvene the Regular Meeting at 10:37 AM with no action having been taken.

APPROVED: Vote 5-0

With respect to the applicants request to include the Green Horn Ranch lands within the District Boundary, Chairman Malia informed the applicant that the Board's preferred option is to create a new or modify the existing Out of District Services Agreement as opposed to moving forward with the Inclusion Petition.

The Board directed Mr. Alfone to work with Counsel Sharp to draft a new or modified Out of District Services Agreement and create a list of District requirements i.e., new or enhancements to existing water and wastewater collection infrastructure or other items that will be conditions for approval by the Board of the new Agreement.

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

None

IX. ADJOURN

The next Board meeting is May 21st, 2021 at 8:00 A.M.

There being no further business, the meeting was adjourned at 10:53AM.

Respectfully submitted,

Frank Alfone, Secretary/General Manager

STATEMENT FROM ATTORNEY REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned Thomas R. Sharp hereby attests, pursuant to CRS Section 24-6-402 (4) (b) and (e-I), that the executive session that was not recorded because, in his opinion, his participation in answering legal questions and discussion of negotiations constituted a privileged attorney-client communication.

Thomas R. Sharp, Counsel

Date:

STATEMENT FROM CHAIR OF EXECUTIVE SESSION REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned chairperson hereby attests, pursuant to CRS Section 24-6-402 (4)(b) and (e-I), that the executive session was not recorded and were confined to the topics authorized for discussion in an executive session pursuant to subsection (4) of CRS Section 24-6-402.

Gavin Malia, President and Chair

Date: