

**MORRISON CREEK METROPOLITAN WATER & SANITATION  
DISTRICT**

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**RECORD OF PROCEEDINGS**

The Board of Directors of the Morrison Creek Metropolitan Water and Sanitation District met on Thursday, March 17, 2005 at the offices Sharp, Steinke and Sherman, LLC located in Steamboat Springs at 401 Lincoln Avenue, Steamboat Springs, Colorado for their regularly scheduled meeting.

Present: Ken Burgess, Vice Chairman via telephone  
Jack Fahres  
Ken DePaul, Treasurer  
Tony Borean

Also: Steve Colby, Manager  
Suzie Hawkins, Recording Secretary  
Tom Sharp, Council  
Bea Westwater, President of SPOA  
Chris Wittemyer  
Brian Stahl  
Bill Wernig

-Ken DePaul called the meeting to order at 4:08 p.m.

**Motion:** by Ken Burgess to nominate Ken DePaul to Chair the meeting. Jack Fahres 2<sup>nd</sup>. All in favor

**February Meeting Minutes**

**Motion:** by Jack Fahres to approve the minutes as submitted. Ken Burgess 2<sup>nd</sup>. All in favor.

**Financial Report**

**Motion:** by Jack Fahres to accept the financials as written. Ken Burgess 2<sup>nd</sup>. All in favor.

**Motion:** by Jack Fahres to ratify checks #8997-9032 inclusive. Ken Burgess 2<sup>nd</sup>. All in favor.

-Ken DePaul noted that Ted Allen has resigned as he has sold his lot in Blackhorse.

**Motion:** by Jack Fahres nominating Ken DePaul to be Chairman. Tony Borean 2<sup>nd</sup>. All in favor.

-Ken DePaul nominates Donald Alperti to replace Ted Allen on the Board until the next regularly scheduled election.

**Motion:** by Ken Burgess appoint Donald Alperti to fill the vacant Board position. Jack Fahres 2<sup>nd</sup>. All in favor.

-Discussion regarding the date and time for Board meetings.

**Motion:** by Jack Fahres to change the meeting time to 3:30 p.m. on the third Thursday of the month. The meeting place to remain at the office of Sharp, Steinke & Sherman in Steamboat Springs. Tony Borean 2<sup>nd</sup>. All in favor.

### **Manager's Report**

-Colorado Employers Benefit Trust (CEBT), our health insurance provider, has provided new quotes for rates beginning 7/1/05. The individual rate is increasing to \$415.02/month with Dental staying the same \$26.70 for the PPO I plan. The Family plan is increasing from \$914.71 to \$997.04 with the Dental staying at \$79.98. There is a \$350 deductible on the PP0 I Plan.

**Motion:** by Jack Fahres to continue with the CEBT Insurance. The manager will be permitted to acquire the PP0 I family plan on July 1, 2005. Tony Borean 2<sup>nd</sup>. All in favor.

-The manager is in receipt of an invoice from Routt County for Dust Suppression on Uncompahgre Road for .3 miles from the park entrance to the District gate for \$400. Direction was given for the District Manager to pay the County \$400 for the .3 miles for dust abatement.

-The manager has been taking measures to increase security at the well houses which includes steel bars on the windows. He is also rebuilding the barb wire fence around well 2 which had to be removed during last years drilling. The Board suggested a policy that the Manager is allowed discretionary spending up to \$1000. Tom Sharp

suggested a resolution to this effect. Ken DePaul directed Tom to prepare a resolution for adoption by the Board.

-The package for approval for well 2-R has been submitted to the Colorado Department of Health. YVEA will come in May to look at the electric for well # 10.

-There has been positive improvement at the WWTP. Steve Colby recommended paying the retainage to the contractors. Ken DePaul directed Steve Colby to pay the retainage.

-Steve Colby will be on vacation beginning next Wednesday, March 23, 2005 for one week.

### **Attorney's Report**

-There was an inquiry at the last board meeting by John Eastman on behalf of SPOA concerning the possibility of Morrison Creek Metropolitan Water & Sanitation District taking on the responsibility of trails and open space in Stagecoach. MCMW&SD could begin the process to add other services which would require modification of the service plan. Steamboat II and Tree Haus have added similar services. This process would require a number of months going through County Planning and then going through the County Commissioners for approval. There would be notification to the electors and an election held, then a court order must be obtained. This is a very time consuming process and very expensive. Counsel suggested the Board ask; is this a business proposition the board wants to pursue?

-Bea Westwater gave an update on SPOA. In order to get grant monies for the trails the trails must be kept open to all the public. SPOA will have to ask its membership if they want public trails in order to receive grant money.

-Ken Burgess noted that the MCMW&SD is in the business of water and not in the business of Parks and Recreation. This board should wait until the membership shows they are truly behind this action before proceeding.

**Motion:** by Ken Burgess to table this issue until further information is received from SPOA. Jack 2<sup>nd</sup>. Pass

-Melinda Sherman has been working with John Eastman on an agreement to allow use of the District's LIDAR data by the SPOA.

John Eastman does not believe SPOA will be willing to indemnify the District for the \$23,000 value if the information is obtained by unauthorized parties. The Board asked Tom and Melinda to try to find a way to protect the District which is acceptable to the SPOA.

-The manager has asked council to begin work to correct the well permit for well 2 to show the location as has been determined by recent GPS measurements taken by Skidge Moon. The old information on the original permit is in error. This is important so the permit for the recently drilled well 2r can be amended to be a replacement well, thus maintaining the priority date of the original well # 2. Counsel recommended doing the same for wells 3 & 8 for which GPS data was also obtained. The Board directed counsel to proceed.

### **Old Business**

-Bill Wernig who owns lot 74 in Blackhorse I and has commenced construction of a home on the lot is requesting that the Board authorize the creation of a special tap fee area which would allow for possible partial reimbursement to him for construction of water & sewer mainlines to serve his lot and lots 72, 73 & 75 Blackhorse I. The owners of the other lots have previously been notified that the Board would discuss this special charge at last months meeting. We received comment from the Stitts who own lots 72 & 73.

**Motion:** by Jack Fahres to approve the creation of this special area according to the terms of the commitment letter (attached) previously sent to Mr. Wernig.

-The manager asked for clarification of the collection of the standard tap fees on this lot. The Board has previously authorized the issuance of a building permit for the lot if Mr. Wernig posts collateral for the construction of the lines. District policy does not allow prepayment of tap fees on lots which do not have service; however tap fees are typically collected prior to issuance of a building permit.

**Motion:** by Jack Fahres, that because of the unusual circumstances (collateral is being posted and a foundation only permit already being issued for this lot) that the District make an exception to its policy and collect the tap fees at the time of building permit sign-off on this lot only. Tony Borean 2<sup>nd</sup>. All in favor.

## New Business

-Chris Wittemyer was present to discuss his proposed Stagecoach Marketplace project and request Commitment of Service by the District.

The proposal is a PUD for 2 commercial lots at the corner of Schussmark Trails and CR 212. One lot will be developed into a marketplace with a gas station & general store etc. The proposal has received conceptual approval from county planning. The Districts tap fee policy was discussed. Mr. Wittemyer has tap fee credit by virtue of submittal of contribution certificates on this property which can be applied towards the calculated tap fees for the marketplace at the current value of \$7000 each. There will be no cash refund by the District for overpayment of tap fees by submittal of the prepaid single family tap fees. The District has adopted a point system for calculating the tap fees on commercial development. Concern for the gas station and the Districts wells was discussed. The District has not adopted a well head protection plan. The manager explained that the District had looked at doing a well head protection plan but several hydrogeologists had advised that due to the confined nature of the aquifer a vulnerability assessment would be more appropriate. The engineers are proposing extending the sewer line to the project from the last manhole in Coyote Run. It is not clear that the District has an appropriate easement for this manhole. It was noted that other options exist for extending the sewer main to the project.

**Motion:** by Jack Fahres to authorize the issuance of a commitment letter for Stagecoach Marketplace for the plan as presented using the standard language with the following two additions:

1. If the proponents wish to use the last manhole in Coyote Run, they must obtain an acceptable easement for the District from the owners of Lot 1 in Coyote Run.
2. If the District adopts a Wellhead Protection Plan in the future This development will be subject to its provisions.

Tony Borean 2<sup>nd</sup>. All in favor.

-Brian Stahl, Neighborhoods at Young's Peak. On May 19<sup>th</sup> Mr. Stahl will go before the county for preliminary plans and plat approval. The project will have two miles of trails and a 16 acre park. There will be no lift station and one pressure reducing valve for 25 duplexes and 87 single family homes. Mr. Stahl has 18 contribution certificates for prepaid taps on Meadowgreen MF lots #7 and #8 plus 3 additional prepaid taps on lot 8 for a total of 21.

These prepaid taps must be applied to lots which fall in whole or part within the boundaries of the originally platted lots 8 & 9. The preliminary plans received by the District show water and sewer service to the residential lots only. Service to other areas such as open space and parks was discussed. Consideration of service to these areas will be on a case by case basis after submittal of complete plans by the proponents.

**Motion:** by Jack Fahres approving the issue of a Commitment Letter to Neighborhood Young's Peak Subdivision development utilizing the standard language with the following additions:

1. The commitment is for the single family and duplex residential lots only. Service to other areas will require further review and issuance of separate commitment letters.
2. Prepaid taps must be applied in the appropriate areas
3. Adherence to any well head protection plan adopted by the District in the future.

Tony Borean 2<sup>nd</sup>. All in favor.

**Motion:** by Tony Borean at 7:25 p.m. to adjourn. Jack Fahres 2<sup>nd</sup>. All in favor.