

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF
GREEN MOUNTAIN WATER AND SANITATION DISTRICT

July 12, 2022

A Regular Meeting of the Board of Directors (the “Board”) of the Green Mountain Water and Sanitation District, (the “District”) was held at 6:00 p.m. on Tuesday, June 12, 2022.

The audio recording of this meeting is available on the District’s website.

<p>Attendance:</p>	<p>A regular meeting of the District was scheduled in compliance with the laws of the State of Colorado, with the following directors in attendance:</p> <p>Jeff A. Baker, President Karen Morgan, Vice President Dave Wiechman, Secretary Todd Hooks, Treasurer Roger Wendell, Director</p> <p>Also present were:</p> <p>Jeff Tyus, District Manager Jesse Davenport, District Information Technology Sam R. McKay, District Information Technology Dylan Woods, Coaty Marchant Woods P.C. Dave Gardner, former Board Member Imara Ludmila Alex John Henderson David Huskins</p>
<p>Call to Order / Declaration of Quorum:</p>	<p>Director Baker, noting the presence of a quorum of all Directors, called to order the Regular Meeting of the Board of the Green Mountain Water and Sanitation District at 6:00 p.m.</p>
<p>Directors & Disclosure Matters:</p>	<p>There were no disclosure matters.</p>
<p>Approval of/Additions to /Deletions from the Agenda:</p>	<p>Director Baker MOVED to add an executive session agenda item for the discussion of the Lakewood Morrison IGA. Director Wiechman seconded, and upon vote, the motion PASSED unanimously.</p>

Public Comment

Mr. Gardner reported that he was able to speak with the Lakewood City Attorney after their meeting on July 11, 2022, who indicated he had nothing to report regarding the Big Sky Litigation and that his sole purpose was to execute the charter to reduce litigation for the City of Lakewood. Mr. Gardner asked the City Attorney if he had contacted the Board, staff, or legal counsel and the response was he didn't know why it would even matter.

Ms. Imara thanked the Board and Director Baker for their attendance at the Lakewood City meeting and staying on top of the situation. She indicated that there were concerns regarding the City Council meeting and an imbalanced IGA. She indicated that she and many of the District's constituents support the board continuing to see this issue through and being prepared for the next stage(s) of this issue.

Ms. Ludmila commented that she is proud of how the GMW&S Board handled themselves at the Lakewood City council Meeting on July 11th. She indicated she was tired of City Council thinking that they can be above the law. She reported that they did not have a first reading or a second reading on this initiative. It was all an executive session and made this a unilateral agreement and did not bring it up to the constituents. Ms. Ludmila is asked if the City Council can do something like an eminent domain and require the Board/District to follow suit?

Mr. Alex also commented on the July 11th City Council meeting stating the GMW&S Board acted like true professionals "and the city attorney's presentation was an appalling example of fact omission and overall felt like a formality just to shop the new IGA with Morrison. He also suggested that the Mr. Woods review the recording from the City Council Meeting and that the GMW&S Board take action to protect the District and its constituents.

Director Wiechman stated that it had been reported by a GMW&S District constituent that the City Council appeared to be having a closed-door meeting prior to the meeting being called to order on July 11th and that it was possible that the meeting was in violation of the open meetings rules.

<p>Approval of the Minutes</p> <p>a. June 14, 2022, Regular Meeting Minutes</p>	<p>Director Baker MOVED to approve the June 14, 2022; regular board meeting minutes as presented. Director Hooks seconded and upon vote, the motion PASSED unanimously.</p>
<p>District Manager Report</p> <p>a. Full Report</p> <p>i. Recognition</p> <p>ii. Dashboards</p> <p>iii. Contract Management</p>	<p>Mr. Tyus and the staff thanked the Board for their attendance and for taking care of the community and expressed that the staff supports them 100%. He recognized the District for 700' of sewer pipe located on Kipling and Alameda that was over capacity. They were able run cameras to discover 8" line could be run. He reported that the District saved an estimate of \$50,000 with this project.</p> <p>Customer service is representing the District quickly and handling 1200+ contacts per month and keeping response time down. Customers are responding with positive feedback.</p> <p>The water dashboard shows saving over \$15,000 and 2 million gallons in water during the 1st 3 weeks of June. He thanked the staff for gathering this data from the Badger Meter system. The staff was also able to trouble shoot issues quickly as they arise. The Board asked if there was a way to measure loss and flow per branch in the system.</p> <p>The asset care branch shows loss water, maintenance of fire hydrants, miles of line that had been camera'd and cleaned, and the number of locates that had been requested over the prior month. There was discussion on whether the District could capture the water that is wasted during flushing the system and used in the District vs. it going into the storm sewer.</p> <p>Mr. Tyus reported on the different contracts that the staff has been dealing with such as computer networking and website development, and they are holding the contractors accountable for quality control and quality assurance. He reported on the field team and the inspectors they deal with, Denver Water and quality of the water, the sewer line being run to Bear Creek Golf Course, the aging condition of the</p>

<p>iv. Operations</p>	<p>system, critical location and processes, and being prepared with the Rules and Regulations for setting the District up for the future for additional buildout and compliance.</p> <p>Director Baker commented that the Union to Alameda rehab was noted as a critical item on the list. He reported that City of Lakewood is having a meeting regarding the additional being added to the Union line and they need to know the capacity of the connection to that line before attending the upcoming meeting.</p> <p>Director Morgan asked for clarification of what lines were being rehabbed vs. replaced. She referred to lines that were shown as over capacity based on the engineering reports and the District's responsibility to replace those lines. Mr. Tyus responded that these lines are slated to be addressed in the 2023 Master Plan and the particular line Director Morgan was referring to was slated as rehab to be determined and could be upgraded to replacing instead at that time. Director Morgan also asked for clarification between the Infrastructure Replacement Projects and Capital Improvement Projects accounts to they may be tracked accordingly and the District having the ability to assess system development fees. She indicated that these plans needed to be separated immediately to best be able to react to new development. There was further discussion regarding the benefits and necessity of separating the two project funds so that there are triggers in place that allow development fees.</p> <p>Mr. Tyus also indicated that the District applies for grants for improvements on aging infrastructure when they are available.</p> <p>Director Morgan requested clarification on the current engineering firms that the District Manager was working with, who holds and maintains the master plan, and how to issue this work moving forward.</p> <p>Mr. Tyus reported on the backflow device testing that is done and the notice that all residents of GMW&S received from Denver Water.</p>
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Capital and Construction Projects

a. Sewer Pipe Lining
Bear Creek Golf Course

Mr. Tyus reported that they were scheduling a pre-construction kickoff meeting regarding the lining of the Bear Creek Golf Course sewer pipe that is scheduled for 2 weeks out.

b. Collection Sewer Pipe
Kipling

Mr. Tyus reported that an estimate had been received for the work on the collection sewer pipe on Kipling, and the estimate has been provided to the developer.

There was further discussion regarding how to handle the engineering for the district, how to effectively work on a development plan when the District does not have the data needed in real time, and how to maintain and work from a master plan if the District does not own the software and data. Director Morgan indicated that as updates are done the system Merrick or whoever is handling the engineering should update the Master Plan.

Following discussion, Director Baker **MOVED** to put together a statement of work and go out to bid for a 3-year contract for a capacity manager for the Green Mountain Water's capacities and development reviews and ongoing updates to the plan. Director Morgan seconded and upon vote, the motion **PASSED** unanimously.

Financial Matters

a. June 2022/July 2022
Daily/Monthly Operation
Expenses & Capital
Expenditures

Following discussion, Director Hooks **MOVED** to approve the June 2022 / July 2022 Daily/Monthly Operation Expenses & Capital Expenditures as presented. Director Wiechman seconded and upon vote the motion **PASSED** unanimously.

b. June 2022 Unaudited
Financial & Investment
Report

Director Hooks **MOVED** to approve the May 2022 Unaudited Financial & Investment Report as presented. Director Wiechman seconded and upon vote the motion **PASSED** unanimously.

Director's Matters

a. HR Consulting update

Mr. Tyus reported that he forwarded the Human Resources consulting bids from a variety of firms to the Board. The Board discussed scheduling a special meeting to have the consulting companies come and provide a presentation on their services to include help with annual performance reviews and raises. Mr. Woods indicated that the Board should consider a company that can best handle the legal aspects of HR such as equal pay act and maternity leave changes that will be going into effect the first of the year. Director Morgan asked that everyone have questions ready for the meeting with the consultants as she would like to make sure that the District engages a firm that achieves the goals that it originally was looking for which were evaluating job scopes, verifying pay rates, and right sizing. Mr. Tyus was directed to arrange to have the firms provide a 15-minute presentation and allow 15-minutes for questions.

b. 10700 West Expo Update

Mr. Tyus reported that the quote was provided to the Developer and the board for this project. Mr. Woods provided background on this project. Director Morgan indicated she had attended the meeting and wanted to thank former Director Turner for his negotiation work on this issue.

Mr. Gardner indicated that during the negotiation meeting, their Board seems to have agreed on a minimum 50% reimbursement on the original amount, and they only had one item in the agreement that needed to be changed and seems to be ready to sign. It was noted that any further information should be handled in executive session.

Director Morgan asked for an update on the movement of the Kipling line. Mr. Tyus responded that a full diagram would be provided for the line going from an 8" line to a 21" line, He also reported that due to eliminating a stretch of 8" line, the 21" line would absorb the capacity and would take care of the capacity problem.


c. Legislation updates and lobbyist discussion

Director Morgan reported that since there was interest at the previous Board Meeting for looking into a lobbyist for the District, she did provide information to the Board for consideration and asked if the Board had questions. The Board directed Mr. Woods to send out a memo to

	<p>neighboring Districts to see if they would have a need or desire form a coalition with a lobbyist. Director Baker believes that based on what the Board is perceiving from issues it is dealing with, he believes that a lobbyist may be necessary.</p> <p>Director Baker MOVED to authorize Mr. Woods to create a letter and work with Mr. Tyus to send to the adjoining Water and Sanitation Districts to develop a coalition to hire a lobbyist to sit on the state legislation. Director Morgan seconded and following discussion, upon vote the motion PASSED unanimously.</p> <p>The Board recognized Mr. Henderson who indicated that he believed the Board is on the right track in looking at a lobbyist. He reported on the number of Metro Districts and Water Districts in Colorado, the number of Districts that are developer related Districts that are in the state, and what the focus of SDA was. He indicated the Board would be well served having someone that is looking out for the District's interests. He indicated he would be happy to share the pros and cons for having a coalition or a lobbyist if the Board wished to have him share this information at a later date.</p>
<p>d. Repeal of Statement Regarding Expected Levels of Decorum</p>	<p>Director Morgan provided background on the Resolution to repeal regarding the statement and expected levels of decorum. Following discussion, Director Morgan MOVED to repeal the previous statement on the expected levels of conduct. Director Baker seconded. Upon further discussion Director Wiechman requested this vote be tabled until the next meeting, and there was no second. Following the call to vote on the original motion, the motion PASSED with four (4) votes in favor and one (1) vote against by Director Wiechman..</p>
<p>e. Denver Water committee update</p>	<p>Director Morgan reported that there were no updates on this agenda item.</p> <p>Director Baker reported that Denver Water District is hosting a breakfast in September, and he invited any Board Members interested to attend and to carpool if possible to be sustainable.</p> <p>At 8:25 p.m. the Board took a short break and would reconvene the meeting at 8:35 p.m.</p>

<p>Legal Matters</p> <p>a. Red Zone Tank</p>	<p>Mr. Woods reported that he received a response letter from Jefferson County regarding the letter that was sent on behalf of the district pertaining to the election issues. The Board requested the response letter be posted on the District's website so that constituents would be aware that the ballot issues were not a result of error from the District or the District's Election Official, but at the County Clerk level. Mr. Tyus was directed to take the above action.</p> <p>Mr. Woods reported that a response had been received from Coblaco to Merrick. Mr. Tyus was directed to send the response email from Terry with Mr. Woods office to the Board. It was reported the contract called for moisture testing and that testing was not completed. It has been confirmed that the moisture testing was not performed. The Board requested that the District Manager use this situation as a model for future projects and require signature signoffs on all contract items.</p> <p>Mr. Woods reported that Mr. Gessler had received an email from counsel for Cardel Homes asking if they could address the Board to renegotiate an agreement on service. Mr. Woods had been instructed that no response to the letter was the best course of action. It was further noted that if any entity wishes to address the Board, they are free to do so during public comment at a Meeting.</p>
<p>Executive Session</p> <p>a. Executive Session pursuant to §24-6-402(4)(b) and/or §24-6-402(4)(e), C.R.S. for the purpose of receiving legal advice regarding Negotiation 10700 West Exposition Ave Development</p> <p>b. Executive Session pursuant to §24-6-402(4)(b) and/or §24-6-402(4)(e), C.R.S. for the purpose of Specialized details of security arrangements or</p>	<p>It was determined that an executive session was not necessary for the 10700 West Exposition Avenue Development.</p> <p>Director Baker MOVED to enter into executive session at 8:43 p.m. pursuant to §24-6-402(4)(b), C.R.S. for the purpose of discussing specialized details of security arrangements or investigations; to inform the Board of ongoing information technology security arrangements and protection of customer information. Director Hooks seconded and upon vote the motion PASSED unanimously.</p>

<p>investigations; to inform the Board of ongoing information technology security arrangements and protection of customer information</p> <p>c. Executive Session pursuant to §24-6-402(4)(b) and/or §24-6-402(4)(e), C.R.S. for the purpose of discussing the Lakewood IGA</p>	<p>The executive session was concluded at 9:05 p.m.</p> <p>Director Baker MOVED to enter into executive session at 9:06 p.m. pursuant to §24-6-402(4)(b) and/or §24-6-402(4)(e), C.R.S. for the purpose receiving legal advice regarding the Lakewood IGA. Director Hooks seconded and upon vote the motion PASSED unanimously.</p> <p>The executive session was concluded at 10:03 p.m.</p>
<p>New Business – Notifications for Next Board Meeting</p>	<p>Director Baker asked that an agenda item be added for the next meeting under Legal Matters to discuss the Fossil Ridge IGA and provide updates and possible executive session for the same.</p> <p>Director Baker proposed the Board hold a special meeting for the purposes of gathering information from the Human Resource companies that the district has reached out to on one (1) week from the date of this meeting. This would be an information only special meeting for this agenda item only and open to the public.</p> <p>Mr. Henderson was asked to reach out to director Morgan to relay coalition information . Mr. Henderson agreed to do so.</p>
<p>Adjourn:</p>	<p>Director Baker MOVED to adjourn the meeting. Director Wiechman seconded the motion. The motion PASSED by unanimous consent, and the meeting was adjourned at 10:07 p.m.</p>


 David ~~Weichman~~, Secretary
 Wiechman