

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

January 10 2023

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, January 10, 2023.

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

Attendance:	<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: Dylan Woods Neil Arney Alex Plotkin William O’Connell Matt Cook Jerry Larson – Fossil Ridge Metro District Dave McGraw – Fossil Ridge Metro District Peter Zawistowski - resident 9 Members of the community</p>
Call to Order / Declaration of Quorum:	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.
Directors & Disclosure Matters:	There were no disclosure matters.
Approval of/Additions to /Deletions from the Agenda	Director Baker MOVED to add a comment prior to Public Comment from Director Morgan. Director Hooks seconded, following discussion

	<p>and upon vote the motion PASSED unanimously.</p> <p>Director Baker MOVED to add an Executive Session for the Federal Litigation. Director Hooks seconded, following discussion and upon vote the motion PASSED unanimously.</p> <p>Director Morgan MOVED to add an Executive Session for the Ravines Bridge. Director Morgan seconded, following discussion and upon vote the motion PASSED unanimously.</p> <p>Director Baker MOVED to add Election Resolution to Legal Matters. Director Wendell seconded, following discussion and upon vote the motion PASSED unanimously.</p>
Statement on Ravines Bridge	<p>Director Morgan read a statement written by her, not voted on by the Board at the time.</p> <ul style="list-style-type: none"> • Board closed the bridges to prevent environmental damage. • If a park bridge collapses and damages the wastewater pipe underneath it • Issues began when City of Lakewood noticed unstable conditions of one bridge and closed in 2019. • Lakewood later determined the bridge was the Districts sole responsibility due to pipes running under • Severe corrosion was found and if the bridge collapses, raw affluent will be released into the Bear Creek drainage system. • Green Mountain will incur charges for the safety of their customers and the environment. • Lakewood has agreed to resume discussions to keep the bridges open.
Public Comment:	<p>Director Baker opened public comments:</p> <ul style="list-style-type: none"> - 9 Members of the community all voiced similar concerns with the closing of the Ravines Bridges. They all want to see the Board to continue to work with the

City of Lakewood to keep the parks and bridges open for the kids in the community to get to school and to have a place to play.

- Alex Plotkin– an amendment to the meeting minutes for the comments he made during the August 9, 2022 meetings were deemed as questions and he is stating they were not questions, they were statements. Director Baker requested the person transcribing the meetings take note and make necessary corrections.
- Peter Zawistowski – resident – shared a list of concerns/requests from the Board including but not limited to information on specific bridges being closed or repaired, who owns the bridges and if Green Mountain doesn't specifically own them then what gives them the right to close any bridges, alternate route suggestions while bridges are closed, reports of environmental impact and cost of said repairs, etc. Director Baker asked for a copy of the questions/statements (statement attached to minutes).
- Dave Garner – Former Board Member – made a statement regarding the Ravine Area in its early stages. He said Lakewood informed him that erosion was a key concern and has since not been addressed by the City of Lakewood.
- Imara – Thanked the public for attending the meeting and addressed Public Comment and its structure. In 2020 the new Board voted to remove Public Comment from each agenda item and restricted them to 1 section in the beginning of the meeting. She believes that the Board is “Cherry Picking” that policy by allowing certain people of their choosing to speak on agenda items but not allowing the residents or constituents to speak freely on said agenda items. She is requesting the

	<p>Board add to next month's agenda a vote on how Public comment will be handled in the future, either by sticking with this very strict new policy or returning to the more popular policy allowing public comment on each agenda item.</p> <ul style="list-style-type: none"> - Bryan Lechner – Resident – Is a bridge engineer and licensed in the State of Colorado. He noticed the damage on the center bridge and agrees that it needs to be closed and repaired as soon as possible. He looked closely at the North bridge and believes it to be in great condition and this is the bridge most of the residents are here to discuss the potential closing of. Believes there should be a study of the impact of closing the bridge on the neighborhood and environment. Would also like to know if Lakewood and Green Mountain do not want to own the bridge, would it be possible for a third party to own the bridge and maintain it? - Neil Arney – Attorney – Here to discuss Fossil Ridge IPA on behalf of Solterra. Solterra has 5 filings that are in process of construction and development. Filings 18 and 20 will need 25 taps but currently has only purchased 7 of them, however, they have completed the certificates of serviceability. Filing 21 is still in the planning stage and been reviewed by Green Mountain and the City of Lakewood. They will need 59 taps to complete that filing. He stated there is no expectation to go above the 1,354 EQRS originally reserved for this project in 2014. <p>Director Baker Closed Public Comment</p>
<p>Approval of the Minutes October 11, 2022 Regular Board Meeting</p>	<p>Director Baker MOVED to approve the October 11, 2022 minutes, Director Morgan seconded, following discussion and upon vote, the motion PASSED unanimously.</p>

<p>November 8, 2022 Regular Board Meeting</p>	<p>Director Baker MOVED to approve the November 8, 2022 minutes, Director Morgan seconded, following discussion and upon vote, the motion PASSED unanimously.</p>
<p>Executive Session Executive Session pursuant to §24-6-402(4)(b) and/or §24-6402(4)(e), C.R.S. for the purpose of receiving legal advice regarding:</p> <ul style="list-style-type: none"> a. Federal Litigation (Move to begin Meeting) 	<p>Director Morgan MOVED to include former Director Plotkin, Director Wendell seconded, following discussion and upon vote the Board agreed to include former Director Plotkin.</p> <p>Director Morgan MOVED to open Executive Session pursuant to §24-6-402(4)(b) and/or §24-6402(4)(e), C.R.S. for the purpose of receiving legal advice regarding: Federal Litigation, Director Hooks seconded, following discussion and upon vote the Board entered executive session at 6:54 p.m. until 7:32 p.m.</p>
<p>District Manager Full Report</p> <ul style="list-style-type: none"> a. Recognition b. Dashboards c. Maintenance Report d. Project Management – HDR Engineering/ Finance & Funding Options e. Operations 	<p>HDR summarized their presentation regarding what funding options/programs that are available for projects:</p> <ul style="list-style-type: none"> - Bipartisan Infrastructure Law – New unprecedented amount invested for Nation’s water infrastructure. \$50 Million already dedicated to Colorado, the district would get a percentage of that determined by the State of Colorado. - COVID Relief Fund – Doesn’t apply to this situation. - EPA Program – Federal Credit Program like a student loan program. It allows the District to borrow the money at Treasury Rates with payment deferment of 5 years after completion. - Congressional <p>Director Morgan would like to see a main break report to add to the GIS to have the data to see if there was a possibility to predict problem areas.</p>
<p>Capital and Construction Projects</p> <ul style="list-style-type: none"> a. Construction Report Spreadsheet b. Sewer Pipe Lining Bear Creek Golf Course 	<p>Construction Report</p> <p>Bear Creek Golf Course – Currently having materials shortage issues with no update on ETA.</p>

<p>c. Collection Sewer Pipe Kipling</p> <p>d. Ravines Open Space Crossings</p> <p>e. West Kentucky Ave</p> <p>f. Tamarisk Lift Station Redundancy</p>	<p>Kipling & Alameda – No ETA on start of this project.</p> <p>Ravines Open Space Crossings – Fox 31 is looking for a statement from the Board about this project. Originally these structures were pipe hangers, with the help from City of Lakewood they were turned into bridges. Director Morgan’s statement read previously will be forwarded to Fox 31 after reviewed by Mr. Woods.</p> <p>West Kentucky Ave – Nothing new to report.</p> <p>Lift Station – Nothing new to report.</p>
<p>Financial Matters</p>	
<p>a. December 2022/January 2023 Daily/Monthly Operation Expenses & Capital Expenditures</p> <p>b. December 2022 Unaudited Financial and Investment Report</p> <p><i>Raw</i> c. Sign PERA Engagement Letter</p>	<p>Director Hooks MOVED to approve the December 2022/January 2023 Daily/Monthly Operation Expenses & Capital Expenditures as presented. Director Wendell seconded, following discussion and upon vote the motion PASSED unanimously.</p> <p>Director Hooks MOVED to approve the December 2022 Unaudited Financial & Investment Report as presented. Director Wendell seconded, following discussion and upon vote the motion PASSED unanimously.</p> <p>Not currently ready for signature, will be picked up at the next meeting.</p>
<p>Directors Matters</p>	
<p>a. Newsletter</p> <p>b. Lobbyist Discussion</p> <p>c. Lean Kaizen Special Meetings on January 31, 2023</p>	<p>Nothing new to report</p> <p>Search to find a Lobbyist is not going well at this time, Director Baker and Director Morgan agree that this matter should be put on hold.</p> <p>Still on track for the meeting on January 31, 2023.</p>

	<p>The Federal government used to use Green Mountain owned property as a live artillery fire site. They are requesting access to this land to run tests and look for unfired live ammunition. Director Baker and Mr. Woods both signed off on granting access.</p> <p>Privileged information from Executive Sessions, planning stages and communications from Attorney has been leaked. Director Morgan believes this is not the first time it has happened, and they need to put a stop to it.</p>
<p>Legal Matters</p> <p>a. Election Resolution</p> <p>b. IGA Fossil Ridge</p>	<p>Annual Resolution, which determines Meeting dates and times, directs contract services to do their jobs to comply with the Compliance requirements for Special Districts and an Election Resolution for the upcoming election in May. Mr. Woods explained how to nominate yourself for a seat on the Board. Director Baker MOVED to adopt both the Annual Resolution and the Election Resolution for 2023, Director Wendell seconded, following discussion and upon vote the motion PASSED unanimously.</p> <p>Mr. Woods stated he doesn't have any comments at this time in open session and suggested they proceed to Executive session.</p>
<p>Executive Session Executive Session pursuant to §24-6-402(4)(b) and/or §24-6402(4)(e), C.R.S. for the purpose of receiving legal advice regarding:</p> <p>b. IGA Fossil Ridge</p>	<p>Director Baker MOVED to open Executive Session pursuant to §24-6-402(4)(b) and/or §24-6402(4)(e), C.R.S. for the purpose of receiving legal advice regarding: IGA Fossil Ridge, Director Wendell seconded, following discussion and upon vote, the motion PASSED unanimously. The Board entered executive session at 9:02 p.m. until 10:25 p.m.</p>
<p>Executive Session Executive Session pursuant to §24-6-402(4)(b) and/or §24-6402(4)(e), C.R.S. for the purpose of receiving legal advice regarding:</p> <p>c. Ravines Bridges</p>	<p>Director Baker MOVED to open Executive Session pursuant to §24-6-402(4)(b) and/or §24-6402(4)(e), C.R.S. for the purpose of receiving legal advice regarding: Ravines Bridges, Director Hooks seconded, following discussion and upon vote, the motion PASSED</p>

	unanimously. The Board entered executive session at 10: 27 p.m. until 11:08 p.m.
New Business – Notifications for Next Board Meeting a.	No new business at this time.
Adjourn	Director Baker MOVED to adjourn the meeting. Director Hooks seconded the motion, following discussion and upon vote motion PASSED by unanimous consent, and the meeting was adjourned at 11:12 p.m.



David Wiechman, Secretary

Green Mountain Water and Sanitation District (GMWSD) Board Meeting Public Comments

Tuesday January 10, 2023

6PM

Peter Zawistowski and Family

Green Mountain Resident (Our home backs to this open space)

Subject: City of Lakewood Ravines Open Space Bridge Closures

Attention

Jeff Baker: President Board of Directors, Green Mountain Water and Sanitation District (GMWSD)

Karen Morgan: Vice President Board of Directors, GMWSD

• I am here with my wife and son to publicly state our concern for the three bridge closers in Ravines Open Space ○ Our family uses these bridges every day to commute to school (Our son attends Deviny Elementary), as well as to enjoy and explore the open space our home backs to

• There are three bridges in question. We request that GMWSD provide clarity on which of the three structures they are speaking of for all future communication. "Bridge" singular has used at times, and later "Bridges" plural has used causing confusion. ○ Please provide a map as I have done in my email sent to Jeff Baker (among others) on Monday January 9th, 2023 at 3:44PM to define each structure allowing for proper communication ■ The subject of this email was "Ravines Open Space Bridge Closures"

• In our opinion, all three bridges are of equal importance for pedestrian use. Closing any one of the three would greatly impact the usability of the open space both for commuting to school, and for recreation ○ All three bridges should remain open for public pedestrian use.

• Who owns the bridge structures GMWSD, or the City of Lakewood? ○ Mrs. Morgan stated that "There are no ownership documents"

○ Mrs. Morgan also stated that "The developer gifted the pipes to the district" ■ Is there documentation proving this? • If so, please provide these for public access

○ It stated on the signs posted at each bridge that GMWSD owns the structures

○ Which is it, GMWSD owns the bridges, or they do not?

○ Does GMWSD have the authority to close bridges if there is no clear ownership?

• Can you please state the exact dates in which each sign noting closure were installed?

• Mrs. Morgan stated that "GMWSD is ready to pay full cost for bridge repairs to avoid catastrophe. However, this necessitates closing bridges since we are not a park service." ○ Can you please clarify what this means? ■ What type of catastrophe?

■ What do these repairs entail, and for which bridges?

■ Why would fixing the bridges necessitate closing them?

• Mrs. Morgan. You stated "A cost-sharing agreement would allow the bridge to remain in operation for both pedestrians and sewer service. However, that option has not been accepted" ○ Can you please clarify why you use the word "bridge" singular vs "bridges" plural? ■ Which bridge are you referring to?

■ Are the other bridges not being considered for pedestrian use?

○ Can you please elaborate on these attempts with the City of Lakewood?

• Can you please describe, if any, what studies have been performed on the usage of these bridges within the community? ○ For example, how many people used these bridges each day prior to their closing?

○ How many people use these bridges to commute to school?

- Is GMWSD required legally to perform an Environmental Impact Statement (EIS) for each of the three bridges in question, prior to closure?
- Can you please describe the specific actions taken to communicate these bridge closures and now barrier additions to the community? ○ Have these bridge closures/barriers been communicated to the Jefferson County School District?
- Have these bridge closures/barriers been communicated to Devinny Elementary or Dunstan Middle School?
- Can you please explain how the addition of barriers to the bridges will create a safer environment for the public and children? ○ We would argue that this will do the opposite. People will inherently find an alternate route, that will likely be less safe.
- Can you please describe the barrier designs in detail including material type and dimensions ○ We are concerned that any barrier will be an eyesore for the community ruining the beautiful open space that we love, and purposely have chosen to live by.
- Looking at the 2023 GMWSD Budget ○ \$125,000 is allocated for “Access Barriers for 3 crossings”
- \$450,000 is allocated for “Ravine Bridge Stabilization” ▪ Does this cover all three bridges?
- Does this include provisions for pedestrian use?
- Can you please share with us the cost study performed to fully maintain the three bridges including their original pedestrian use capacity ▪ What is this delta compared to the \$575,000 noted above?
- Hiring of a Lobbyist is in in the 2023 budget. Is this position related to the Ravine Bridges?
- Can you please state the total cost to purchase and implement the 6 closure signs, ie 2 for each of Bridge 1, Bridge 2, and Bridge 3?
- Can you please describe any effort that has been performed by GMWSD or the City of Lakewood to gain public opinion on the closure of these bridges?
- Can you please describe what detours are recommended during these bridge closures, and where this information can be publicly found?
- Mrs. Morgan. You stated that “since we are a water district, not a park, we cannot assume park functions” ○ We’d argue that a Utility and a Park are not mutually exclusive. GMWSD owns utility that is located within a park, that serves two purposes: Utility and pedestrian use.
- There are many examples of this. Take Bear Creek Reservoir for example.
- Does GMWSD or the City of Lakewood consider any of the three bridges to have been for pedestrian use at any point in time?

Appendix

The signs posted at each bridge state the following:

“This structure is owned by Green Mountain Water & Sanitation District. It is designed and suitable for only conveyance of wastewater. Any other use, including pedestrian use is unlawful and unauthorized by statute and shall be treated as trespassing.”