

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

February 14, 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, February 14, 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: Jeff Tyus – District Manager Dylan Woods – Attorney</p>
Call to Order / Declaration of Quorum:	<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>
Directors & Disclosure Matters:	<p>There were no disclosure matters.</p>
Approval of/Additions to /Deletions from the Agenda	<p>Director Morgan MOVED to add a brief discussion of disclosure/privileged information to Director's Matters, Director Baker seconded, following discussion, and upon vote, the motion PASSED unanimously.</p> <p>Director Morgan MOVED to add a public update after the Executive Session regarding the Ravines Bridges, Director Baker seconded, following discussion, and upon vote, the motion PASSED unanimously.</p>

Commented [KM1]: Repeat list of pub present

Public Comment:

Director Baker opened Public Comment:

Katy Zawistowski - Homeowner passed out Valentines cards to the Board. She also wanted to show her support with the conversations with Lakewood in keeping the Ravines bridges open for pedestrian use.

Peter Zawistowski – Homeowner - Here advocating to keep the Ravines bridges open for pedestrian use. States that the City of Lakewood is willing to work together to keep the bridges open. The community has formed a committee “Save Ravines Open Space Bridges” that Mr. Zawistowski is one of the representatives. The committee would like the Board to meet with one of its representatives outside of the Board meetings to discuss the matter and would also like to add to the next Board meeting agenda a discussion session with this representative. Mr. Zawistowski also had a response to former Director Dave Garner’s statement from the previous board meeting. He doesn’t believe the people affected by the Ravines barricades are a small few as stated. They currently have 270 petition signatures. He believes spending \$60,000 on barricades for the bridges is wasteful and irresponsible and is not in the best interest of the District’s constituents. Green Mountain stated that only the center bridge needs to be repaired and the other \$40,000 would be to barricade fully functional structures.

Randy Little – Homeowner – Has put in his application for the next election of the Board of Directors.

Matt Bergen – Homeowner – supports his neighbors in keeping the bridges open. He walks his dog over the bridge daily and will be walking his 7-year-old daughter to and from school using these bridges.

Mike – Read the mission statement from the Green Mountain website – he disagrees with the communities comments about keeping the bridges open. He stated that no where in the mission statement does it say that Green

Mountain is responsible for putting a bridge in an open space for people to walk their dogs. 2 years ago, he spoke with an engineer that stated this pipe will stand on its own for another 50 years, there's no emergency. The engineer said you can support the pipe for \$15,000. Green Mountain's job is simply to support the pipe, not spend \$250,000 putting in a foot bridge so someone can walk their dog.

Alex – read a statement about fiduciary responsibility and asks the Board to take it very seriously when it comes to environmental and engineering concerns for the community.

Anastasia Urban –Solterra LLC – they have submitted the remaining applications for certificates of service in filings 18,20 and 21, including corresponding fees. She is requesting Green Mountain take action to approve these remaining taps and if there are any updates that the Board could give them.

Ludmilla – Expressed her condolences to Mr. Baker for his loss. She would also like to address the facts of who maintains the upper portions of the Ravines structures. “Why, after 50 years the City of Lakewood stepped away from their upkeep.” She wants to know why the City of Lakewood has washed their hands of the structures and wants to build a new bridge. She states that this would mean that Green Mountain would be paying for 3 structures plus the cost of the new bridge. She expressed gratitude to Director Morgan for all the research she has done as well as her outreach to the community regarding these bridges.

Director Baker closed Public Comment.

Approval of Minutes:

- a. October 25, 2022, Special Board Meeting Minutes
- b. November 29, 2022, Special Board Meeting Minutes

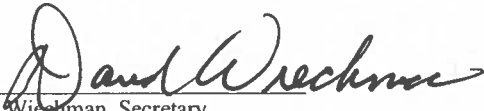
Director Baker MOVED to approve all of the meeting minutes, Director Wiechman stated as Secretary, he has not had the opportunity to review all the meeting minutes and would like

<p>c. December 13, 2022, Regular Board Meeting Minutes d. December 15, 2022, Special Board Meeting Minutes</p>	<p>to wait until the next meeting to approve them. Director Baker WITHDREW his original motion.</p>
<p>District Manager Report</p>	<p>Mr. Tyus wanted to thank Austyn for all of his work, he has put in his notice and will be moving to another company.</p> <p>Project management – is working on capital for a new generator along with backup batteries.</p> <p>They are testing new a camera for sewer systems and cleaning tanks for drinking water to keep in compliance and be ready for peak demand.</p>
<p>Capital and Construction Projects</p>	<p>Project Construction Report Spreadsheet</p>
<p>i. Sewer Pipe Lining Bear Creek Golf Course ii. Collection Sewer Pipe Kipling iii. Ravines Water and Sewer Barricades</p>	<p>On schedule and should be completed by the end of March.</p> <p>Need to have Xcel relocate a 6” gas line, that should be done the second week of March.</p> <p>Barricades are looking at being fabricated. The continuing issue for the last three years has been how to support the center crossing. Still in the design stages. Director Baker MOVED to ban Merrick from doing any future engineering or design for the District going forward, Director Hooks seconded, following discussion and upon a vote, the motion PASSED unanimously.</p> <p>Director Morgan MOVED to find a new engineer to design the pipe trestle as originally voted on in May of 2022, Director Baker seconded, following discussion and upon vote, the motion PASSED unanimously.</p> <p>Director Morgan MOVED to have the Board review and approve design stages at 30%, 60% and 90%, Director Baker seconded, following</p>

<p>iv. Replacement Sewer Line West Kentucky Ave</p>	<p>discussion and upon vote, the motion PASSED unanimously.</p> <p>JVA Engineering did the modeling for the replacement of a 12" line with a 15" line to be under capacity. The Board discussed the priority of this project and will be reaching out JVA to run their model against the Atlantic project to see which project is more urgent. This will be discussed again at the next meeting.</p>
<p>Financial Matters</p> <p>a. January 2023-February 2023 Daily/Monthly Operation Expenses & Capital Expenditures</p> <p>b. January 2022 Unaudited Financial & Investment Report</p>	<p>Director Hooks MOVED to accept the January 2023-February 2023 Daily/Monthly Operation Expenses & Capital Expenditures and the January 2022 Unaudited Financial & Investment Report. Director Wendell seconded, following discussion and upon vote, the motion PASSED unanimously.</p>
<p>Directors Matters</p> <p>a. Legislative Committee Update</p> <p>b. Privileged Information</p>	<p>There are two main bills Green Mountain has positions on, both are based off Metro Districts and how districts make money. Director Morgan and Director Wendell have both been working with the lobbyist and participating in testimony down at the State Capital. The Board will look at the documents presented by Director Morgan and the bills that pertain to Green Mountain and register their comments/opinions directly with the Legislative Committee.</p> <p>As previously mentioned, Director Morgan had evidence of privileged information being leaked. She investigated and was able to put a name to the person leaking information. Director Morgan stated it is important to not dismiss this incident and recommends turning it over to legal counsel to follow up with the individual and issue a warning.</p>
<p>Legal Matters (Dylan Woods, Title 32 Attorney for the District)</p>	<p>Mr. Woods updated the Board with current election information. The deadline for self-nomination is February 24th, end of business. As of now it looks like this will be a Contested</p>

	<p>Election. Mr. Woods reminded the Board that the Election Resolution presumes a contested election and funds have been allocated in the budget for said election.</p>
<p>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:</p> <p>Negotiations regarding red zone tank pre-litigation mediation</p>	<p>Director Baker MOVED to enter Executive Session regarding the red zone take pre-litigation mediation. Director Wendell seconded. Following discussion and upon vote, the motion PASSED unanimously. The Board entered Executive session at 7:44 p.m.</p> <p>Executive session concluded at 8:44 p.m.</p>
<p>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:</p> <p>Big Sky appellate litigation and status report</p>	<p>Director Baker MOVED to enter Executive Session regarding the Big Sky appellate litigation. Director Wendell seconded. Following discussion and upon vote, the motion PASSED unanimously. The Board entered Executive session at 8:45 p.m.</p> <p>Executive session concluded at 9:35 p.m.</p>
<p>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:</p> <p>Ravines Structures</p>	<p>Director Wendell MOVED to enter Executive session regarding the Ravines Structures. Director Hooks seconded. Following discussion and upon vote, the motion PASSED unanimously. The Board entered Executive session at 9:36 p.m.</p> <p>Executive session concluded at 10:25 p.m.</p> <p>Mr. Woods recapped, what he could say, from the Executive session. Mr. Woods stated that he has had conversations with the counsel for the City of Lakewood for the past 2 years now. These conversation for the most part have been cordial, for the last few months these conversations have really turned less cordial. He stated that the City of Lakewood has taken a very strong position with respect to potential trespass for the lines that Green Mountain owns, may possibly lie outside the legal description of the easement the district has and they will be within their rights to force the district to move</p>

	those lines to conform with the legal description.
New Business – Notifications for Next Board Meeting	Director Morgan would like an update from the Financial Committee. Director Weichman would like to add “Super Majority” for extra territorial matters. Mr. Woods will reach out the DEO for an election update for the March meeting.
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 10:45 p.m.



David Weichman, Secretary