

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

March 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, March 14, 2023.

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

Attendance:	A Regular meeting of the District was scheduled in compliance with the laws of the State of Colorado, with the following directors in attendance: Jeff A. Baker, President Karen Morgan, Vice President Dave Wiechman, Secretary Todd Hooks, Treasurer Roger Wendell, Director Also present were: Jeff Tyus – District Manager Dylan Woods – Attorney Chris Robins Kathrine Drumound Jessica Bonnie Alex John Henderson Kathy & Peter Zawistowski
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 Morgan MOVED to add approval of the minutes from the January 10th, 23 rd and 31 st 2023 meetings. Director Baker seconded, following discussion, and upon vote the motion PASSED unanimously.

Public Comment:

Director Baker opened Public Comment:

Chris Robins – His family uses the Ravines bridges on a daily basis. Wanted to show his support to keep them open.

Kathrine Drummond – Her family walks the Ravines bridges twice a day. She stated that taking away those bridges would really change her family's everyday life. She is concerned about her children's safety, and she likes that her children get to experience nature so close to home.

Jessica Bonnie – Is concerned about the Ravines bridges and states they are very important to their community.

Alex – Wanted to give credit to Director Morgan who originally brought up the agenda items 9c. Stated that he was chastised by the Board the last time changing the by-laws was brought up and wants to the Board to really take their time and listen to the public's comments. Alex also addressed the Timmon's lawsuit against the District and would like to see the Board consider a malpractice lawsuit against the former District Counsel.

John Henderson – Wanted to show support for agenda item 9c. He highlighted the significance of getting a service plan amendment against extra territorial service, before considering intergovernmental agreements or other measures to provide extra territorial service. He stated, for a District to provide services outside of its boundaries, it must be stated in the service plan.

Katy Zawistowski – Here to show support in keeping the Ravines Bridges open, and also wanted to ask the Board a couple of questions she had emailed about but never got an adequate response to. 1. Why is the Board continuing to pursue barricading the bridges and wasting more money if they are serious about negotiating with the City of Lakewood? Why does this process

need to be a speedy thing? 2. Why didn't the Board let the residents know what was going on. The Board has stated that this issue has been going on for years, however, the residents didn't know anything about it and she feels the Board is speeding up on this trying to close the bridges as quickly as possible. Mrs. Zawistowski also requested that if a person emails the Board that someone kindly respond to it.

Peter Zawistowski – Agrees that getting a response from his emails is inadequate. He is also requesting that Green Mountain post to the website the items below before each board meeting:

1. Total costs for repairs to the middle bridge repairs, including engineering cost with Merrick. With this disclosure also state how these expenditures were in the best interest of the constituents.
2. Disclose documentation that shows that Green Mountain owns the bridge structures. If this cannot be supplied, state your reasoning to barricade the 2 bridges that are 100% structurally sound noted by the Board. State reasons for barricading now and not when this was first brought up 4 years ago.
3. Explain why Green Mountain has been involved in such high amounts of litigation cases over the last 5 years.

Director Baker closed Public Comment.

Approval of Minutes:

- a. October 25, 2022, Special Board Meeting Minutes
- b. November 29, 2022, Special Board Meeting Minutes
- c. December 13, 2022, Regular Board Meeting Minutes
- d. December 15, 2022, Special Board Meeting Minutes
- e. January 10, 2023 Regular Board Meeting Minutes

Director Morgan MOVED to approve all previous meeting minutes. Director Baker seconded, following discussion and upon vote, the motion PASSED unanimously.

<p>f. January 23, 2023 Special Board Meeting Minutes</p> <p>g. January 31, 2023 Special Board Meeting Minutes</p>	
<p>District Manager Report</p> <p>a. Full Report</p> <ul style="list-style-type: none"> i. Recognition ii. Dashboards iii. Maintenance Report iv. Project Management v. Operations 	<p>Director Baker thought they did a great job with the Mississippi line break. He said it was handled quickly and with minimal impact for the Monday morning commute.</p> <p>Nothing else was reported.</p>
<p>Capital and Construction Projects</p> <p>Project Construction Report Spreadsheet</p> <ul style="list-style-type: none"> i. Sewer Pipe Lining Bear Creek Golf Course ii. Collection Sewer Pipe Kipling iii. Trestle for pipes in Ravines iv. Replacement Water Line Pipe Atlantic 	<p>Has been moved from the end of March to May because of the extreme cold weather we have been experiencing.</p> <p>Xcel hired a contractor to move the line which is supposed to happen next week. Then they will proceed with construction to move the existing line past Kipling to Alameda.</p> <p>Barricades are still in fabrication stages. They pulled the old documentation for the design of the trestle, and they are in the process of bidding the design for the trestle.</p> <p>JVA has reviewed the previous design and will send a memo on the cost to replace the Atlantic water line.</p>
<p>Financial Matters</p> <ul style="list-style-type: none"> a. February 2023/March 2023 Daily/Monthly Operation Expenses & Capital Expenditures b. February 2022 Unaudited Financial & Investment Report 	<p>Director Hooks MOVED to approve the February 2023/March 2023 Daily/Monthly Operation Expenses & Capital Expenditures and the February 2022 Unaudited Financial & Investment Report. Director Baker seconded, following discussion and upon vote, the motion was PASSED unanimously.</p>

Directors Matters

a. Legislative Committee Update

Director Wendell stated that they were taking a “common sense” approach to the new legislature and working closely with CLS on all the new bills that pertain to Metro Districts. Director Morgan reported that they haven’t taken any further stances at this time. Director Morgan would like the Board to consider revising their contract in the fall before the next legislative session, so the Board can be more involved and have their strategy nailed down. Director Bake suggested evaluating it in August before budget season to afford the necessary costs to cover increasing their contract with CLS. Director Wendell is concerned that they are putting a lot of time and money into this but thinks there may be little return on this in the future for the District.

b. MOU City of Lakewood Ravines Open Space

Green Mountain has sent a proposal to the City of Lakewood, they have returned with two counterproposals. Copies of both have been handed out to the public attendees and will be posted on the website. The counterproposals will be discussed in Executive session.

c. Amendment to By-laws Section 8, Conduct of Business, Subsection B to require a supermajority vote of 4 directors in matters of new extra-territorial service after January 15, 2023.

Following discussion, no action was taken on this issue and will be brought up in future meetings.

Legal Matters (Dylan Woods, Title 32 Attorney for the District)

a. Election

The election is contested with 3 candidates for 2 positions available. Director Morgan and Director Hooks have submitted their self-nomination forms as well as Randy Little.

<p>b. Young v. GMWSD</p>	<p>This matter has been settled by the insurer. The cost of defending the litigation was going to be greater than the settlement amount.</p>
<p>c. Other legal matters</p>	<p>The Auditor requested Mr. Woods provide the Board with the exposure letter. Mr. Woods stated that the Board has the same liabilities they had last year except for Young vs. Green Mountain.</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>Fossil Ridge appellate litigation and status report</p>	<p>Director Baker MOVED to enter Executive Session regarding the Fossil Ridge appellate litigation and status report. Director Hooks seconded. Following discussion and upon vote, the motion PASSED unanimously. The Board entered Executive session at 8:00 p.m.</p> <p>Executive session concluded at 8:33 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>Update regarding red zone tank pre-litigation mediation.</p>	<p>Director Hooks MOVED to enter Executive Session regarding the red zone tank pre-litigation mediation. Director Wendell seconded. Following discussion and upon vote, the motion PASSED unanimously. The Board entered Executive session at 8:34 p.m.</p> <p>Executive session concluded at 9:06 p.m.</p> <p>Director Morgan MOVED to pursue litigation against all parties on the Red Zone tank matter and pursue a claim on the bond. Director Baker seconded, following discussion and upon vote the motion PASSED unanimously.</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 fence permits</p>	<p>Director Hooks MOVED to enter Executive session regarding the Ravines fence permits. Director Weichman seconded. Following discussion and upon vote, the motion PASSED unanimously. The Board entered Executive session at 9:12 p.m.</p> <p>Executive session concluded at 9:48 p.m.</p>

New Business – Notifications for Next Board Meeting	Director Morgan wants to know if the Board has a wildfire plan in place, and if so a status update.
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 9:52 p.m.



David Wiechman, Secretary