

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

July 11, 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, July 11, 2023.

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

<p><b>Attendance:</b></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>David Garner, Vice President Todd Hooks, Treasurer Dave Wiechman, Secretary Roger J. Wendell, Director</p> <p>Absent and excused: Karen Morgan, President</p> <p>Also present were: Jeff Tyus – District Manager Dylan Woods – Attorney Bruce O’Donnell – Fed Center Scott Caldwell Alex Plotkin Randy Little Imara Ludmilla</p>
<p><b>Call to Order / Declaration of Quorum:</b></p>	<p>Director Garner, noting the presence of a quorum of all Directors, called to the Regular Meeting of the Board of the Green Mountain Water and Sanitation District to Order at 6:00 p.m.</p>
<p><b>Directors &amp; Disclosure Matters:</b></p>	<p>There were no disclosure matters.</p>
<p><b>Approval of/Additions to /Deletions from the Agenda</b></p>	<p>The Board noted no additions to the agenda.</p>
<p><b>Public Comment:</b></p>	<p>Director Garner opened the public comment portion of the agenda:</p>

Alex Plotkin – It is his understanding that an application for a Metro District from Mike Radell has gone before the city. He is curious if the Green Mountain Water and Sanitation District will be doing anything about their name being in that application. He stated his belief that the District works for their constituents rather than any developer or City. His second concern was regarding the Federal Center. He read section 5.6.4 from the District’s Rules and Regulations to the Board regarding “Will Serve Letters” and suggested the Board and their Legal Counsel peruse this section of the Rules and Regulations.

Scott Caldwell – Noted that Lincoln Property Company has recently purchased 59 acres at the Federal Center Station. He wanted to introduce himself and stated they were excited to work with Green Mountain.

Imara– Agreed with Mr. Plotkin in his stance regarding “Will Serve Letters”. She wanted to add that any extra territorial service with Lightner Property being developed by Cardel – named Indigo, means that the District is “getting back in bed” with people who have no problem suing the District and costing hundreds of thousands of dollars over the years. She stated that their service plan involves being tied with Fossil Ridge Metro District which Green Mountain Water and Sanitation is still in Legal conversations with. In regards to the Federal Center property and Mr. Caldwell, she does not believe that any Green Mountain staff member should have to work in, around or on toxic soils.

Ludmilla – Agrees with everything that was said by Ms. Imara and Mr. Plotkin. She also wanted to add that Green Mountain Water and Sanitation District should make sure that the City of Lakewood is responsible for the maintenance. They noted their opinion that it is not the District’s bridge, but rather the

	<p>structure underneath that is District’s responsibility.</p> <p>Randy Little – Wanted to comment on the Federal Center. He stated that the pollution on this property has been well documented by the EPA and he wants to know who will be liable if the water and sewer lines become contaminated with that pollution.</p> <p>Jill Holsten – Noted that she is concerned about the Federal Center property being developed. She is doing her own research into the pollution on that property. She showed a picture of repairs being done at that property and noted that the workers were in full hazmat suits. She thinks a study should be done before moving forward.</p> <p>Director Garner then closed Public Comment hearing no other comments.</p>
<p><b>Approval of Minutes</b></p> <ul style="list-style-type: none"> <li>a. May 9, 2023, Regular Meeting</li> <li>b. May 18, 2023, Special Meeting</li> </ul>	<p>Director Wiechman would like to wait to approve the May 9, 2023, meeting minutes until the requested changes have been made. The Board agreed and the approval of the May 9, 2023 Regular Meeting Minutes was tabled to a later meeting.</p> <p>Director Hooks MOVED to approve the May 18, 2023; Special Meeting Minutes as presented. Director Garner seconded, following discussion and upon vote, the motion PASSED unanimously.</p>
<p><b>Accessibility Compliance</b></p>	<p>Jesse Davenport presented. Accessibility Compliance is required by State Law by July of 2024. Mr. Davenport wants the input of the Board on the cost and autonomy they’d like him to run with and how involved the Board wants to be in this process with the new software. He stated that everything on District website must be ADA compliant, including any documents posted. Mr. Davenport would like to see the staff tackle this task first before</p>

	<p>trying to switch to new software. Mr. Davenport will noted that he will report to the Board once a quarter about the progress, unless there is something major the Board needs to know about at an earlier time.</p>
<p><b>Financial Matters</b></p> <ul style="list-style-type: none"> <li>a. June 2023/July 2023 Daily/Monthly Operation Expenses &amp; Capital Expenditures</li> <li>b. June 2023 Unaudited Financial &amp; Investment Report</li> </ul>	<p>Director Hooks MOVED to Approve the June 2023/July 2023 Daily/Monthly Operation Expenses &amp; Capital Expenditures and the June 2023 Unaudited Financial &amp; Investment Report. Director Wendell seconded, following discussion and upon vote, the motion was PASSED unanimously.</p>
<p><b>District Engineer Report</b></p> <ul style="list-style-type: none"> <li>a. Project Construction Report Spreadsheet</li> <li>b. Maintenance and Operations Report</li> <li>c. Access roads and City of Lakewood coordination</li> <li>d. Proposed TOD at Fed Center</li> </ul>	<p>The video and audio from 00:49:36 to 00:51:35 was lost and minutes are unavailable for this portion of the meeting.</p> <ul style="list-style-type: none"> <li>• Atlantic waterline replacement project - Plans are still being reviewed.</li> <li>• Kipling project is completed, except for some of the paperwork.</li> <li>• One line break was reported over the weekend. The City of Lakewood reached out to report it to Green Mountain.</li> <li>• TOD engineers have been doing utility locates and surveying. TOD has provided flow demand, so the modeling can be done.</li> </ul> <p>Director Garner MOVED to allow the Interim District Engineer to work with one of the District's approved engineering firms to present an engineer analysis of the Lincoln Properties and authorized Mr. Wood to do a Legal Analysis as well. Director Hooks seconded, following discussion and upon vote, the motion PASSED unanimously.</p>

<p><b>Director's Matters</b></p> <p>a. Updated BOD photo for website</p> <p>b. District Manager search update</p> <p>c. Hiring Committee Discussion</p>	<p>It was agreed that each Board Member will provide a photo for the website, rather than schedule someone to come out and take photos for the website.</p> <p>It was noted that all resumes will be shared with the Board Members via SharePoint, each Board Member will be able to pick their top 5 applicants.</p> <p>Director Hooks MOVED to place a deadline of July 19, 2023, at midnight, to accept applications. Director Wendell MOVED to amend the Motion moving the deadline to July 21, 2023, at midnight. Director Wiechman seconded the amended Motion, following discussion and upon vote the motion PASSED unanimously.</p>
<p><b>Legal Matters</b></p>	<p>Mr. Woods asked for the Board to select representatives to attend the hearing regarding Fossil Ridge Litigation, now that Green Mountain has been added as a party. Mr. Wood stated that all Board Members would be able to attend, as there would be no Official District Business conducted outside of a Public Hearing. Director Garner suggested he and Director Morgan attend.</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 receiving legal advice regarding:</b></p> <p>a. Big Sky</p>	<p>Director Garner MOVED to switch 11d. with 11a and add 11f. Federal Center property discussion. Director Hooks seconded, following discussion and upon vote the motion PASSED unanimously.</p> <p>Director Hooks MOVED to enter into 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 Big Sky. Director Garner seconded, and upon vote the motion PASSED unanimously.</p>

	<p>The Board went into Executive Session at 7:11 p.m.</p> <p>Executive Session concluded at 7:50 p.m.</p> <p>The audio was lost from 2<sup>nd</sup> recording from 00:00:23 to 00:4:17 and minutes are unavailable for this portion of the meeting.</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 receiving legal advice regarding:</b></p> <p>b. Ravine Bridge</p>	<p>Director Garner MOVED to go into 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 Ravine Bridge. Director Hooks seconded, following discussion and upon vote the motion PASSED unanimously.</p> <p>The Board entered into Executive Session at 7:55 p.m.</p> <p>Executive Session concluded at 7:50 p.m.</p> <p>The audio was lost again from 00:04:39 to 00:05:10 and minutes are unavailable for this portion of the meeting.</p> <p>Mr. Woods presented the new proposal from the City of Lakewood to the Board for consideration. Director Wiechman MOVED to accept the proposal jointly crafted and approving Mr. Wood’s joint drafting of a formal agreement with the City of Lakewood. Director Hooks seconded, following discussion and upon vote the motion PASSED unanimously with Director Garner abstaining.</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 receiving legal advice regarding:</b></p> <p>c. Red Zone Tank</p>	<p>Director Hooks MOVED to go into 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 Red Zone Tank. Director Wiechman seconded,</p>

	<p>following discussion and upon vote the motion PASSED unanimously.</p> <p>The Board entered into Executive Session at 8:24 p.m.</p> <p>Executive Session concluded at 8:26 p.m.</p> <p>Mr. Woods presented the settlement agreement regarding the Red Zone Tank contractual issues. It was noted that Coblaco would pay Green Mountain \$100,000.00 and in exchange Green Mountain would forgo its litigation against Coblaco and would assign any potential litigation claims against any other involved parties to Coblaco. Mr. Woods strongly recommends accepting this offer.</p> <p>Director Hooks MOVED to accept the agreement and authorize Mr. Woods to formalize this offer with a contractual agreement. Director Wiechman seconded, following discussion and upon vote the motion PASSED unanimously.</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 receiving legal advice regarding:</b></p> <p>d. Fossil Ridge</p>	<p>Director Garner MOVED to go into 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 Fossil Ridge. Director Hooks seconded, following discussion and upon vote the motion PASSED unanimously.</p> <p>The Board went into Executive session at 8:28 p.m.</p> <p>Executive Session concluded at 8:43 p.m.</p> <p>Director Hooks MOVED to accept the Second Draft of the GMWSD Statement of Position regarding Indigo Metropolitan District, publish the statement to the website and provide it any appropriate authority having jurisdiction. Director Wiechman</p>

	seconded, following discussion and upon vote the motion PASSED unanimously.
<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 receiving legal advice regarding:</b></p> <p>a. Federal Center Property Development</p>	<p>Director Hooks MOVED to go into 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 Federal Center Property Development. Director Wendell seconded, following discussion and upon vote the motion PASSED unanimously.</p> <p>The Board entered into Executive Session at 8:46 p.m.</p> <p>Executive Session concluded at 9:19 p.m.</p> <p>No Audio was available for 6<sup>th</sup> recording</p>
<b>New Business – Notifications for Next Board Meeting</b>	
<b>Adjourn</b>	Could not hear the audio on the last recording.

  
 David Wiechman, Secretary