

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

March 8, 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, March 8, 2022.

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
Alex Plotkin, Secretary
Todd Hooks, Treasurer
David Garner, Director

Also present were:

Kristan Buck, Interim District Manager
Jeff Tyus, District Manager
Sam R. McKay, District Information Technology
Jesse Davenport, District Information Technology
Dylan Woods, Coaty Marchant Woods P.C.
Sue Blair, Community Resource Services
Nikolas Wagner, Centennial Consulting Group
Austyn Pantano, District Field Supervisor
Terry Kenyon, Merrick Engineering
Brett Blank, America Homes

Members of the Public in Attendance

Ludmila
David Wiechman
Mark Harvey
Nathan Davis
Imara
Angie Baker

Call to Order / Declaration of
Quorum:

Director Baker, noting the presence of a quorum of all Directors, called to order the Special Meeting of the Board of the Green Mountain Water and Sanitation District at 6:00 p.m.

Reading of the Agenda	Director Baker read the agenda to the Board.
Directors & Disclosure Matters:	None.
Approval of/Deletions from the Agenda:	None.
Public Comment	David Wiechman had a comment. He asked the Board to reconsider the system development fee to help support needed future infrastructure repairs. He suggested that the system development fee be increased due to rising costs and inflation.
Approval of Minutes	
a. February 3, 2022 Special Meeting Minutes	Director Baker MOVED to approve the February 3, 2022 Special Meeting Minutes. Director Plotkin seconded, and upon vote the motion PASSED unanimously.
b. February 8, 2022 Regular Meeting Minutes	Director Baker MOVED to approve the February 8, 2022 Regular Meeting Minutes. Director Hooks seconded, and upon vote the motion PASSED unanimously.
Election Update	<p>Sue Blair of Community Resource Services certified the ballot on the previous Friday. There was 1 candidate for a 1-year term, and there were 5 candidates for 3-year terms. It will be a mail ballot election, and mail ballots will be mailed out between April 11 and April 18. The notice of election will be published by April 13. Property and UOCAVA homeowners lists have been ordered from the clerk and recorder's office. Sue's office is using ESMS equipment to count the election votes. The unofficial results should be ready on election day, May 3.</p> <p>Director Baker introduced Jeff Tyus as the new District Manager.</p>
Maintenance Report	<p>Mr. Pantano presented:</p> <p>The Badger cellular endpoints being installed are having some minor issues due to cell service in service limited areas. They are waiting for new units to come in to replace older 3G units.</p> <p>The multiple service units are back ordered due to chip shortage, and they are currently only replacing units that have had batteries that died.</p>

Hydrants and fire hydrant parts are four to six months behind on being delivered.

Due to supply shortages, only mandatory repairs are being completed.

There were only a couple water main breaks that resulted in zero hours of delivery interruptions and presented minor pressure reduction for a short period.

The initial communication tower repair quote was over \$8,000 and would have required twelve hours to tear down. Mr. Pantano informed the Board that this seemed too high a cost, and they were able to rent the equipment and complete the work within a couple of hours. The rough estimate for the work indicates that they are only \$10,000 over the insurance estimate for coverage.

Engineering Matters

Terri Kenyon reported:

- a. Capital Improvement Project Updates
They have been working with American West on negotiations of bid prices, and the negotiations are going well. The entire pricing has not been completed, and he recommended that the Board hold back on awarding the contract until the contract pricing has been finalized for the bypass pumping.
- b. Red Zone Tank
A few more samples are going to be taken for additional testing. A final decision and timeline to be determined by midweek this week on beginning the work in order to remove the lining.
- c. 10700 W Exposition
The developer received Denver Water's approval of the water utility plans. The plans were the same, but the approval had expired. The sewer along Kipling is not flowing at full capacity, and the directors want to maintain it under .70 of pipe depth capacity. City of Denver uses a .80 pipe depth standard for capacity. The District's pipes are currently at 0.77 depth capacity and would be at .81 depth capacity including the 29 home development at 10700 W Exposition, which would be .01 over the design criteria as set by City of Denver and well above the District's proposed standard. This increase in capacity is due to the addition of 29 new units added on W Exposition.

The Board discussed with Mr. Kenyon what could be done to help reduce the flow depth within the pipes. The Board expressed the desire to bring the level back down to .70 of capacity. Mr. Kenyon reminded the Board that the pipes over the .80 of capacity only involves an area on Kipling where there are still clay pipes. The Board still desires to have this loading reduced in this area.

Mr. Blank, the developer, expressed that his company is building the new homes on W Exposition, and he attended the meeting to answer questions. Mr. Blank informed the Board that America Homes purchased the property in 2018, and the current utility design is according to plans previously submitted and approved by the District, and they did not change any utilities and infrastructure design since that time.

Director Morgan inquired into the possibility of cost sharing of pipe replacement. Mr. Tyus recommended that District staff could use various methods to gather data to help determine what may be the issue causing the higher loading within the pipes on Kipling. The Board directed management to take another reading of the pipe loading during a weekday morning to gather more information during a time of high demand.

Mr. Kenyon provided that he has received an estimate from Ted Miller Associates, a flow meter company, for three months of flow monitoring at a cost of \$35,000. This estimate would be to analyze six or seven sites that have been determined as problematic, but the scope could be adjusted to a number of sites to be determined by the Board.

Director Baker **MOVED** to authorize up to \$35,000 for Ted Miller Associates to utilize flow meters to gather flow data within affected areas. Director Plotkin seconded the motion. Following discussion, and upon vote the motion was **NOT PASSED** unanimously.

Director Morgan **MOVED** to request bids for the pipe replacement project. Director Hooks seconded, and upon vote the motion **PASSED** unanimously.

Mr. Kenyon informed that there has been no change to the Construction Project Status Spreadsheet.

d. Construction Project
Status Spreadsheet

- e. Alameda Water and Sanitation District
- The District staff has been doing a lot of work to review the agreement and existing services to clarify our understanding of the IGA, and they have been doing a good job.
- Mr. Woods informed the Board that if they get a development that would use the 135 available taps, the District would possibly need to negotiate with the Alameda Water and Sanitation District for the taps. Mr. Kenyon informed the Board that sewer collection mains in the Alameda Water and Sanitation District would need to be upsized prior to the District using the 135 taps.
- The Board noted that they could take the Alameda item off of the agenda.
- f. Ravine Sewer Crossing
- Mr. Kenyon informed the Board that he had nothing further to add regarding the sewer crossing at this time. The Board requested that Mr. Kenyon get Mr. Tyus caught up on this item.
- Mr. Woods recommended that signs and barriers should go up around the crossing to warn people away from using the crossings.
- The Board directed Mr. Kenyon to get estimates for barricades to block access of the crossing.

Financial Matters

- a. February 2022/March 2022 Daily/Monthly Operation Expenses & Capital Expenditures
- Ms. Buck asked for questions. Director Hooks **MOVED** to approve the February 2022/March 2022 Daily/Monthly Operation Expenses & Capital Expenditures. Director Baker seconded, and upon vote the motion **PASSED** unanimously.
- b. February 2022 Unaudited Financial & Investment Report
- Director Hooks **MOVED** to approve the February 2022 Unaudited Financial and Investment Report as presented. Director Baker seconded, and upon vote following discussion, the motion **PASSED** unanimously.
- Director Morgan expressed interest on pursuing further investments. The Board desired to see what other options are available to the District for investment purposes to be reviewed at a later date.
- c. System Development Fees
- Director Baker **MOVED** to increase the tap fees for water and sewer taps to \$7,101.62 and \$4,169.76 respectively. Director

Plotkin seconded. Following discussion, upon vote the motion **PASSED** with four in favor and one against .

d. Resolution Regarding Rates and Fees

Ms. Buck informed the Board that the resolution was in the packet for signatures. Once signed, it will be posted to the District site.

District Manager Report

Ms. Buck Presented:

a. Employee Accomplishments and Compliments

Ms. Buck congratulated staff for performing a commendable job as per received compliments for field staff.

Ms. Buck acknowledged Cody Knapp and Cameron Simms for their 1-year service to the District. She acknowledged Luke Andryuzick for his 4 years of service; however, Luke had recently tendered his resignation.

Director's Matters

Director Plotkin informed the Board that he received an email from Brakten AI, and he forwarded to Director Baker, Sam, Jesse, and Dylan to examine it for validity.

Director Baker informed the Board that he received an email from a Big Sky plaintiff, and he expressed he was not comfortable with the email and did not reply. He forwarded the email to legal for review.

Mr. Woods informed the Board that the District could engage with other parties if the Board so chose to pursue that avenue, however, it was not necessary. He recommended that the safest avenue was to leave the discussions to the attorneys.

a. District Staff Engineer

Director Morgan presented that she reviewed previous engineering invoices, and that she is looking into hiring an engineer to be on the District's staff. She informed the Board that the amount paid to Merrick engineering would cover the cost of hiring a full-time staff engineer.

Mr. Tyus informed the Board that with a full-time engineer in the staff, it would most likely reduce the cost going to Merrick Engineering by fifty percent due to the history and knowledge held with Mr. Kenyon. He imagined that the engineer that would be hired by the District would be an entry level position, and that costs paid to Merrick Engineering would be reduced

greatly, but not fully negated. He suggested that the next step would be to create and approve the job description.

Director Baker requested that Director Morgan work with Mr. Tyus to put together the job description and salary range for consideration at a future meeting.

Legal Matters

Mr. Woods Presented:

a. Legislative Advocacy

Mr. Woods informed the Board on pending legislation regarding the Local Government Committee, SDA legislation, and suggested the possibility of hiring a lobbyist firm even though lobbyists are not widely used by districts in general. He also informed the Board on other options for outreach such as sending a letter on the District's position or having coffee with Ann Terry to discuss positions.

Director Morgan inquired as to the cost of hiring a lobbyist. Mr. Woods suggested looking into what lobbyists represent other special districts to determine an estimated cost. Director Morgan suggested to have Mr. Woods look into finding a lobbyist to represent the District.

b. Malpractice Litigation

Mr. Woods updated the Board that he submitted a formal complaint with counsel. He is awaiting a response regarding the complaint. Mr. Woods does not feel strongly that the malpractice suit should be prosecuted. He feels that there is no harm in allowing it to continue as it only costs \$150 per year to keep the case open and pending. Allowing it to lapse voluntarily is the other option, but the District will lose the opportunity for recovery.

The primary circumstance for prosecution is if the appellate court sends back the litigation, the matter is tried, and the matter is decided against the District.

Mr. Woods spoke with Scott about the litigation documents update. Scott requested an extension of time. The extension time has been extended to Tuesday, March 29. Scott will be ready by Tuesday, March 22 to present to the Board. Mr. Woods recommended the Board schedule a special meeting for Tuesday, March 22.

Executive Session

None.

New Business

Director Baker recommended a special meeting for Tuesday, March 22, 2022, at 6 p.m. Mr. Woods recommended that an executive session be included for the special meeting for Scott's presentation.

Director Baker requested the next regular meeting to have an agenda item for Director Morgan to present on information gathered for a staff engineer.

Director Morgan inquired regarding the CDM Smith report and asked Ms. Buck for an update. Ms. Buck informed the Board that they had a short meeting on the previous day to review the current status of the report. She informed the Board that this could be on the next regular meeting agenda.

Director Morgan requested an agenda item be added for opening a discussion with Denver Water regarding contract terms and water rates.

Adjourn:

Director Baker **MOVED** to adjourn the meeting. Director Garner seconded the motion. The motion **PASSED** by unanimous consent, and the meeting was adjourned at 9:18 p.m.



Alex Plotkin, Secretary