

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

March 22, 2022

A Special 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 22, 2022.

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

Attendance: A special 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 (Teleconference)
Todd Hooks, Treasurer
David Garner, Director

Also present were:

Sam R. McKay, District Information Technology
Jesse Davenport, District Information Technology
Dylan Woods, Coaty Marchant Woods P.C.
Jeff Tyus, District Manager
Brett Blank, America Homes

Members of the Public in Attendance:
None

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 6:02 p.m.

Directors & Disclosure Matters: None.

Approval of/Deletions from the Agenda: The Board discussed the addition of a conversation regarding the District Engineer position. Director Garner **MOVED** to add this discussion to the agenda after agenda item 10. Director Baker seconded, and upon vote, the motion **PASSED** unanimously.

Public Comment

Brett Blank with American Homes spoke briefly, but it was determined that the topic he was wishing to comment on would be addressed later in the meeting.

American West Notice of Award

Mr. Tyus informed the Board that data is still being collected in regard to bypass pumping and informed the Board that he will have the report ready for their next meeting.

10700 West Exposition

Director Garner **MOVED** that it is the policy of Green Mountain Water and Sanitation District that our wastewater capacity flow of .7 is in effect as the District Policy, at which level we would consider taking action to improve the flow to below .7 through either Capital Improvements or other means. Further, when new development is planned or anticipated to impact the .7 level, the Board will work with Developers or new users to ensure “within limits” waste flow flows from the District to Metro Water Recovery. The Developers should anticipate that this will be a cost-sharing activity. Director Plotkin seconded the Motion, and discussion ensued. Director Plotkin spoke about the age of the infrastructure and the need to protect this infrastructure. Director Morgan agreed and provided additional comments. Director Plotkin reiterated that the infrastructure needs should be addressed prior to capacity being met and discussed the need to have limits and boundaries set to ensure that rules are not bent. Director Baker agreed and discussed the interest of the Board to have these standards set. Additional conversation continued.

Mr. Woods clarified the motion being made by Director Garner. Mr. Woods proposed that the motion be changed to allow staff to draft a policy reflecting the Board’s intention to correct infrastructure exceeding .7 flow. Following discussion and upon a vote, the revised motion **PASSED** unanimously.

Mr. Woods clarified that the Board will need to approve the policy once drafted and it will then be included in the Rules and Regulations.

a. Collection Line Assessment

The Board discussed the Power Point and did not view in the meeting.

b. Cost Allocation for
Kipling Sewer Line
Segment Replacement

The Board discussed with the Developer, Mr. Blank. Mr. Tyus informed the Board that bids are in process of procedure. The Board discussed the cost-sharing agreement, and it was requested by the Developer that the Board allow the development to begin installing water and sewer infrastructure while the agreement is pending. Director Plotkin asked Mr. Woods to provide any reasons why the District could not allow this. Mr. Woods clarified that as long as the agreement is made with the understanding that the developer cannot tie into the District lines until the agreement has been made, the Board could proceed. Mr. Woods suggested that an agreement could be met that allows the onsite development to be approved with the condition that acceptance and performance of an upsizing agreement on terms to be developed would be completed before connection to the District is granted.

Following Discussion, Director Garner **MOVED** to have a committee formed of two Board members and staff members to work with the Developer and develop an agreement as soon as possible. Director Morgan seconded and upon vote, the motion **PASSED** unanimously.

Director Morgan **MOVED** to approve the Development plans with the condition that the development not connect to the District infrastructure until the agreement on cost-sharing has been approved. Director Baker seconded and upon vote, the motion **PASSED** unanimously. Director Baker will sign the agreement pending edits to be made in conjunction with language to be provided by Mr. Woods.

District Manager Transition

The Board asked Mr. Tyus to provide an update on the transition and provide a timeline regarding releasing the Interim Manager from her services.

Mr. Tyus spoke to his process of transitioning with Ms. Buck. The Board directed Mr. Tyus to continue setting policies with the Interim Manager, and to close out her time with the District as quickly as possible, but instructed Mr. Tyus to continue to use her services as a contractor, as needed, moving forward.

Legal Matters

Mr. Woods Presented:

Mr. Woods reported on the non-privileged portion of Legal Matters. Mr. Woods spoke to two emails the Board had received.

Executive Session

- a. Executive Session pursuant to §24-6-402(4)(d) and §24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice regarding Big Sky litigation and the 10700 Exposition Committee.

Director Baker **MOVED** to enter into executive session per §24-6-402(4)(d), C.R.S. for the purpose of receiving legal advice regarding Big Sky litigation and the 10700 Exposition Committee. Director Garner seconded and upon vote the motion **PASSED** unanimously.

The executive session was concluded at 8:20 pm.

District Engineer

Mr. Tyus informed the Board that he had collected information pertaining to the hiring of this position. He discussed the pros and cons including the current demand for engineers which has dramatically increased the cost of hiring.

Mr. Tyus proposed the role being a “Project Manager” position to accommodate a lower cost.

Director Baker discussed the expectation of the position. Director Plotkin inquired about the level of expertise needed from the prospective employee. Additional discussion continued.

Mr. Tyus provided additional context. The Board Members provided past experience in this and other fields in regard to the pricing of employment for skilled engineers.

Mr. Tyus will provide a presentation to the Board regarding pricing and duties that would be expected. The Board discussed the potential of the role being part-time. Mr. Tyus stated that research of the position will be made. The Board discussed further and agreed that this is to be a high-level full-time position. Mr. Tyus noted that hiring a high-level engineer also would incur costs in the additional software needs that would be created.

The Board discussed the minimum need for an Engineer II with a Professional Engineering License and they expressed interest in exploring cost-sharing options with other neighboring Districts.

Mr. Tyus will prepare a job description for the role and explore posting. Director Baker requested that Mr. Tyus also check with other Districts about sharing an engineer.

New Business – Notifications for
Next Board Meeting

The Board discussed adding the following topics to the next meeting agenda: The American West Lining, Creation of Policy, Bids for line replacement, and the District Engineer Position.

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 9:51 p.m.



Alex Plotkin, Secretary