

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

September 13, 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, September 13, 2022.

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

<p>Attendance:</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>Jeff A. Baker, President Karen Morgan, Vice President Dave Wiechman, Secretary Todd Hooks, Treasurer Roger Wendell, Director</p> <p>Also present were:</p> <p>Jeff Tyus, District Manager Dylan Wood, Coaty, Merchant Woods (via teleconference) Sam McKay, District Information Technology Dave McGraw, Fossil Ridge Metro District No. 1 Terry Larson, Fossil Ridge Metro District No. 1 Terry Kenyon, District Engineer (via teleconference) Morna and George Tsarevski, Residents (via teleconference) Ms. Ludmilla, Resident (via teleconference) Dave Garner, former Board Member</p>
<p>Call to Order / Declaration of Quorum:</p>	<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>
<p>Directors &amp; Disclosure Matters:</p>	<p>There were no disclosure matters.</p>
<p>Approval of/Additions to /Deletions from the Agenda</p>	<p>Director Hooks <b>MOVED</b> to adopt the agenda to include all items listed under Director’s Matters that was included on the agenda in the Board Packet. Director Wiechman seconded and upon vote, the motion <b>PASSED</b> unanimously.</p>

<p>Introduction of Guests from Fossil Ridge Metropolitan District #1</p>	<p>Director Baker introduced the guests that were in attendance at the meeting from Fossil Ridge Metropolitan District No. 1 who were Dave McGraw and Terry Larson.</p>
<p>Public Comment:</p>	<p>Tsarevski asked to address the Board regarding their bill. Director Baker indicated this item was on the agenda and asked if they would wait to address their issue during Director Matters.</p> <p>Ludmila indicated she would like an update on the ravine project and all lawsuits. She also thanked the Board for their good work. Director Baker indicated these items were all on the agenda and reports would be provided.</p>
<p>Approval of the Minutes</p> <ul style="list-style-type: none"> <li>a. July 12, 2022, Regular Meeting Minutes</li> <li>b. July 19, 2022, Special Board Meeting Minutes</li> </ul>	<p>Director Baker <b>MOVED</b> to approve the July 12, 2022, regular board meeting minutes and the July 19, 2022, special board meeting minutes. Director Hooks seconded and upon vote, the motion <b>PASSED</b> unanimously.</p> <p>Director Morgan asked for clarification on whether the official District Seal was needed to be attached to all meeting minutes. Mr. Wood indicated that the District Seal was not required on meeting minutes.</p>
<p>District Manager Full Report</p> <ul style="list-style-type: none"> <li>a. Recognition</li> <li>b. Dashboards</li> <li>c. Project Management</li> <li>d. Operations</li> </ul>	<p>Mr. Tyus asked the Board if there was anything in the detailed District Manager's Report that was provided in the Board packet that the Board wished to discuss.</p> <p>The following items were brought forth:</p> <ul style="list-style-type: none"> <li>• Director Baker congratulated District Management on the \$21K savings, which was substantial, and the savings will help on the HVAC buyback.</li> <li>• Director Baker asked for clarification on why the increased number of calls logged. It was reported that due to it being the 3<sup>rd</sup> hottest August of record, much more watering took place which resulted in much higher bills and thus more phone calls.</li> <li>• Director Baker reported to those attending the meeting that not only is the Board tracking expenditures, but also tracking where the District is saving.</li> <li>• Director Morgan requested that Management bring back the Maintenance, Engineering, and</li> </ul>

	<p>Construction Reports. The Maintenance Report detailed the main breaks which was helpful information.</p> <ul style="list-style-type: none"> <li>• Director Morgan asked for a report on the Engineering RFP. Mr. Tyus reported that the RFP is posted on Bidnet</li> </ul>
<p>Capital and Construction Projects</p> <p>a. Sewer Pipe Lining Bear Creek Golf Course</p> <p>b. Collection Sewer Pipe Kipling and Alameda</p> <p>c. Ravines Sewer Line</p> <p>d. Solterra Filing 21</p>	<p>Mr. Tyus reported that the Mr. Kenyon had been doing a great job. He had located the manholes and was making plans to line the manholes.</p> <p>Mr. Kenyon reported the status of the project including he had received submittals from the contractors, the locating of the manholes in Bear Creek Golf Course and Bear Creek Water and Sanitation District, that materials had been ordered, but no report on the timeline from the contractor. He believed that as soon as the product arrived, it would be approximately one month of work on the sewers.</p> <p>The Board asked if the pipes that had been located were being marked and tracer wires installed. Mr. Kenyon indicated that Mr. McKay had been out with him and getting them marked with GPS.</p> <p>Mr. Kenyon reported he had spoken with the project engineer, and they hoped to have the project completed in a couple of days, have their approval or comments, and could advertise for bids. Mr. Kenyon reported that Lakewood will oversee the CDOT process for Kipling and Alameda.</p> <p>Mr. Kenyon reported the package had been submitted and was in the review process with City of Lakewood. Upon the review completion, they will send out for bids. He reported the bid process is usually four to six weeks, and he would reach out to offer to walk the project with any interested contractors. He also mentioned they had surveyed all the manholes to get the easement corrections made.</p> <p>Mr. Kenyon discussed the filing 21 drawings need a signature.</p>

	<p>The Board members in attendance from Fossil Ridge Metropolitan District brought forth information that the Solterra Filing 21 was in fact townhomes and not single-family homes and that their District also has authority. The Board members were thanked for attending the meeting and bringing this information forth.</p> <p>Following discussion, it was determined that both Districts have authority in this issue, and it would be prudent to pause and clean up any documentation that may need to be updated to keep everything in order. Director Morgan requested that if signatures were needed, to please provide the documentation a few weeks in advance for the Board and legal counsel to review. The complete drawing need to be sent out to the GMWSD board and the Fossil Ridge board.</p>
<p>Financial Matters</p> <p>a. August and September 2022 Daily/Monthly Operation Expenses and Capital Expenditures</p> <p>b. August 2022 Unaudited Financial and Investment Report</p>	<p>The Board discussed landscape repair, ice machine repair, trash pump emergency repair, and asked to have a report in the upcoming month on the return on investment of the Solar Garden.</p> <p>Following discussion, Director Hooks <b>MOVED</b> to approve the August 2022 / September 2022 Daily/Monthly Operation Expenses &amp; Capital Expenditures as presented. Director Wendell seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>Director Hooks <b>MOVED</b> to approve the August 2022 Unaudited Financial &amp; Investment Report as presented. Director Wendell seconded and upon vote the motion <b>PASSED</b> unanimously.</p>
<p>Directors Matters</p> <p>a. Customer Water Bill</p>	<p>Director Wendell reported that a customer was concerned about a leak issue within the District that had possibly elevated their bi-monthly water bill. He indicated that he did not know if there was anything that could be done, nor was he prepared to make any specific recommendations. The owner was invited to address the Board.</p> <p>Ms. Tsarevski reported that the District had alerted them of a possible leak and high volume of water use over two days,</p>

but they have no irrigation system, no swamp cooler, no air conditioner, and nothing that was leaking with investigated. Additionally, the leak was determined that it had just gone away with no changes. Additionally, she reported that they had not changed any habits, but over the past 3 years their usage has continued to increase, and they were looking for advice on what could be done to eliminate their increased usage when no habits had changed.

Following discussion, Director Hooks **MOVED** to reduce the homeowner's water bill by the delta amount of 167 gallons of water per hour for the forty-eight hours. Director Wendell seconded and upon vote the motion **PASSED** unanimously.

The Board also directed Management to replace the meter at the home to see if a replacement of the water meter shows any reduction in the month-to-month water usage moving forward. The District Management would be in touch to schedule the replacement and they would be without water during the repair.

Director Morgan requested a report showing how often owners were asking for a reduction in water fees due to leaks in the past, and to develop a policy to address homeowner autopayments being kept on file and being billed following their move-out.

b. Old Business and New Business Titles in Agenda

Director Wiechman brought forth information that the meeting agendas did not conform with the direction from the Bylaws.

Following discussion, Director Wiechman **MOVED** to modify the Board meeting agendas to more closely conform with the requirements of the District Bylaws, Section Eight – Conduct of Business, Subpart C – Order of Business. Director Baker seconded. The vote was Wiechman and Wendell in favor and Baker, Morgan and Hooks opposed. Motion failed.

c. Vote on Using Community Resource Services of Colorado for 2023 Election

Mr. Tyus reported that this was placed on the agenda for discussion and consideration due to the upcoming budget.

Following discussion, Director Hooks **MOVED** to hire Community Resource Services of Colorado for the 2023

<p>d. Federal Center Station Developer GSA</p>	<p>upcoming Director election. Director Bakerl seconded and upon vote the motion <b>PASSED</b> unanimously.</p>
<p>a. Presentation Legal and Merrick</p>	<p>This agenda item was tabled to the next Board Meeting.</p>
<p>e. Lobbyist</p>	<p>Director Morgan had no updates to provide at this time. Director Baker provided an overview for those in attendance at the meeting that the Board approved hiring a lobbyist to support the interests of the Green Mountain Water and Sanitation District and that they are looking to get a coalition of Districts to work together on this project.</p>
<p>f. Letter for Lobbyist Support</p>	<p>Mr. Woods indicated that he drafted a letter to send to the possible Districts and received comments back from two of the Directors. His understanding was that he would draft the letter for distribution and that Mr. Tyus would distribute it to a group of Districts on behalf of Green Mountain Water and Sanitation District. It was confirmed that this was the expectation. Mr. Tyus indicated the letter had not yet been distributed.</p>
<p>g. Denver Water Committee Update</p>	<p>Director Baker reported that he and Director Morgan were the committee that was working with Denver Water on specific water issues, and that they would be attending the Denver Water breakfast on the 20<sup>th</sup> of September. They would provide an update to the Board with any significant issues or findings.</p>
<p>h. Colorado Family Medical Leave Insurance FAML I</p>	<p>Mr. Tyus reported that the turbine meters that were installed to the Denver Water system are reading significantly lower than Green Mountain Water's meters, so management had contacted Denver Water to look at getting them properly calibrated.</p> <p>Mr. Woods reported the requirements for FAML I and the opt out options available for governmental entities.</p> <p>Following discussion, Director Hooks <b>MOVED</b> that the District opt out of contributing to the Family Medical Leave Insurance and let the employees opt in if they wish to participate. Director Wendell seconded and upon vote the motion <b>PASSED</b> unanimously.</p>

i. Fossil Ridge IGA

Mr. Woods indicated that a Resolution would also need to be approved and submitted to the Secretary of State. Mr. Woods provided an overview of the Fossil Ridge IGA. He indicated that in general terms the fifteen-year reservation of capacity portion of the agreement is coming up on January 15, 2023.

In broad terms the agreement called for 1,727 EQRS to be reserved for service from Fossil Ridge Metro District through Green Mountain Water and Sanitation to Metro Waste.

Last reported 1269 EQRS presently being served in Fossil Ridge, leaving 458 EQRS being reserved but not being served.

Mr. Woods provided the Board with what all options both Districts had based on the IGA.

Mr. Larsen of Fossil Ridge Metro District reported that there would still be a need for additional EQRS for Solterra Filings 19-21 that had not yet been figured into the number reported as being served.

There was discussion regarding the options for the IGA moving forward. Fossil Ridge was asked to provide any possible changes/suggestions they have for the IGA be known to help simplify the negotiation process.

j. Future Tap Fee Increases Based on Building Material Inflation

The Board discussed how to consider future tap fee increases based on the CPI. There was discussion of how to go about obtaining these numbers and what to base the increases and algorithms on. There was discussion regarding surcharges or inclusion fees vs. system development fees and regular rates for use of infrastructure. Conversation was had on how the District can calculate the amount to charge for tap fees. There was conversation regarding the master plan, capacity levels, future development, and how to best solve this problem moving forward and who can help the District get to these numbers. There was further discussion regarding the need for a future development plan to help get to those numbers.

It was determined that a special meeting should be scheduled for September 29<sup>th</sup> to get some companies in that

	<p>can hear the needs from the Board and determine whether they can help and what the timeline and costs would be.</p>
<p>Legal Matters</p> <p>a. Cost Sharing AWH</p> <p>b. Litigation Update</p>	<p>Mr. Woods reported that the revisions for the proposed cost sharing agreements had been sent to the attorney. There were two pending matters being 1) not to exceed provision for the oversizing project which Mr. Woods believes is dependent on the bids coming in and whether they are reasonable and 2) they have asked for an escrow process for their payments. Both items that required further revision were not originally asked for in the initial negotiations.</p> <p>Mr. Woods had no updates in the last month regarding litigation. He did provide a status of all litigation below due to the request during public comment:</p> <ul style="list-style-type: none"> <li>• Young vs. GMWSD - District Insurance Counsel is handling that case. It was reported that in ? weeks the case will be returned to the jurisdiction of the trial court for the hearing. Mr. Woods will pass any information along to the Board as to when the hearing will be scheduled.</li> <li>• Big Sky Appeal – Reported that it’s fully briefed, and Mr. Gessler is intending to request oral argument. Likely a decision would not be until this time next year (2023).</li> <li>• Big Sky Trial Case – Bill of Costs matter has been resolved and no action at the trial court</li> <li>• Federal Litigation – All pending motions to dismiss on various legal theories have been handed off to a recently appointed magistrate judge for ruling and is currently stayed while those motions are waiting to be ruled on.</li> </ul>
<p>Executive Session</p> <p>a. Executive Session pursuant to §24-6-402(4)(b) and/or §24-6-402(4)(e), C.R.S. for negotiation purposes regarding the Cost Sharing AWH case</p>	<p>Director Baker <b>MOVED</b> to enter into executive session at 9:09 p.m. pursuant to §24-6-402(4)(b), C.R.S. for discussing legal strategy on the Cost Sharing AWH. Director Hooks seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>The executive session was concluded at 9:16 p.m.</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 Young vs. Green Mountain Water and Sanitation District litigation</p>	<p>Director Baker <b>MOVED</b> to enter into executive session at 9:16 p.m. pursuant to §24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice on the Young residents. Director Hooks seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>The executive session was concluded at 9:30 p.m.</p>
<p>New Business – Notifications for Next Board Meeting</p>	<p>Director Morgan mentioned that with the budget meeting approaching she suggested discussing capacity upgrade and working on a resource assessment study for water. She suggested that at the next meeting there be a motion for placeholders in the budget for lobbyist, resource assessment, and thinking about projects for next year.</p>
<p>Adjourn</p>	<p>Director Baker <b>MOVED</b> to adjourn the meeting. Director Hooks seconded the motion. The motion <b>PASSED</b> by unanimous consent, and the meeting was adjourned at 9:45 p.m.</p>

  
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 David Wiechman, Secretary