

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

April 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, April 11, 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 Katie & Peter Zawistowski Rich Olver – Lakewood City Council Barbara Franks – Lakewood City Council Imara Ludmila
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.
Directors & Disclosure Matters:	There were no disclosure matters.
Approval of/Additions to /Deletions from the Agenda	None.
Public Comment:	Director Baker opened Public Comment:

	<p>Having heard no comments from the public, Director Baker closed Public Comment.</p>
<p>Discussion of ravine bridge negotiations with Lakewood City Council</p>	<p>Council Member Olver stated that Lakewood city council doesn't have a lot of authority here, however, this issue has gone on for long enough. It was originally brought to his attention when he was running for City Council in June of 2021. He would like to come to a resolution with Green Mountain, and in doing so he will make a motion at the next City Council meeting to try to get this resolved. Council Member Olver stated that the Council members have not been updated by the City of Lakewood as far as negotiations with Green Mountain.</p> <p>Director Bake stated that the Board has gotten push back from Lakewood for the last four years, after Lakewood brought the issue to Green Mountain's attention. Director Baker stated that Lakewood deflected all responsibility to Green Mountain, however, that cannot happen because Green Mountain Water and Sanitation does not do bridges or parks. What originally started out as a sewer pipe on a hanger was turned into a bridge and he believes that each side needs to carry the load of repairing these structures. Director Bake reiterated that Green Mountain cannot and will not be in the bridge business. He wants Lakewood to cover the bridge as it is owned by the City, and it resides in the City's park.</p> <p>Director Hooks spoke about a letter written in 2004 from the City of Lakewood Engineer to Green Mountain that stated the City of Lakewood owns all the bridges and they were on the City's asset list at that time, however, today they are no longer on that asset list.</p>

Director Baker pointed out that the City Council members had been invited to attend this meeting 3 weeks prior, however, only one member attended. Peter Zawistowski asked the Board for more notice of these meetings to be better prepared. Mr. Tyus explained the Title 13 laws and stated that this information can be found on the District website.

Council Member Franks from Lakewood City Council would like to see a written counter proposal from Green Mountain, stating that Green Mountain has turned down two previous proposals from the City. Council Member Olver asked the Board, “who do you want to own these structures? Lakewood or Green Mountain.” To answer this question, Imara made a statement that Green Mountain cannot own, operate, manage, or maintain recreational bridges as it is not their charter. She also stated that these “bridges” were never meant for pedestrian use. They were built as pipe hangers for sewer pipes.

Mr. Zawistowski replied to her statement saying that he doesn’t believe there is any way to prove that they were not meant for pedestrian use and the City of Lakewood is stating the opposite.

Ludmila commented on the subject stating that Green Mountain has an easement and there should not be a lease or lease fees involved.

Director Morgan stated that this meeting was never intended to hammer out an agreement. Director Baker closed this agenda item.

Approval of Meeting Minutes

February 14, 2023, regular board meeting minutes
March 14, 2023, regular board meeting minutes
January 10, 2023, regular board meeting minutes
January 23, 2023, regular board meeting minutes
January 31, 2023, regular board meeting minutes

Director Baker MOVED to approval all meeting minutes. Director Hooks seconded, following discussion and upon vote, the motion PASSED unanimously.

<p>District Manager Report</p> <ul style="list-style-type: none"> a. Full Report <ul style="list-style-type: none"> i. Recognition ii. Dashboards iii. Maintenance Report iv. Project Management v. Operations 	<p>Mr. Tyus recognized the staff for acting quickly and implementing procedures to address the fire in their district a couple of weeks ago. Mr. Tyus updated the Board with the snowpack totals this year.</p>
<p>Capital and Construction Projects</p> <p>Project Construction Report Spreadsheet</p> <ul style="list-style-type: none"> i. Fed center property update ii. Sewer Pipe Lining Bear Creek Golf Course iii. Collection Sewer Pipe Kipling iv. RFP Ravines Structure 	<p>Mr. Tyus has sent a copy of the agreement as well as exhibit D of the agreement to a representative of the developer. This document was shared with the Board and dates back to 2007. The agreement states that the District has no responsibility to pay for anything on their development site. The developer is responsible for all of the water and sewer on their site and may have to pay for increased capacity outside of the site. Rules and regulations, standards, and procedures for the District were also sent to the representative. Mr. Woods stated that the agreement was amended in 2014 as exhibit B, which the developer should have but suggested that Mr. Tyus check to make sure they have access to that document.</p> <p>Bear Creek pipeline is going smoothly and on track.</p> <p>Kipling sewer project is on hold, City of Lakewood is holding this project up.</p> <p>Barricades for Ravines structures are still being fabricated and should be done soon. There is a bid out for the center structure.</p>

<p>v. RFP Replacement Water Line Pipe Atlantic</p> <p>vi. “Horseshoe” property update</p>	<p>The bid states that this structure is only to support the pipe to match the easement. JVA recommended sending this out to bid for project management as they don’t have the time for that. Once a project manager is secured, construction bids can take place.</p>
<p>Financial Matters</p> <p>a. March 2023/April 2023 Daily/Monthly Operation Expenses & Capital Expenditures</p> <p>b. March 2023 Unaudited Financial & Investment Report</p>	<p>Director Hooks MOVED to approve the March 2023/April 2023 Daily/Monthly Operation Expenses & Capital Expenditures and the March 2023 Unaudited Financial & Investment Report. Director Wendell seconded, following discussion and upon vote, the motion was PASSED unanimously.</p>
<p>Directors Matters</p> <ul style="list-style-type: none"> • Legislative Committee Update • Amendment to By-laws Section 8, Conduct of Business, Subsection B to require a super majority vote of 4 directors in matters of new extra-territorial service after January 15, 2023 	<p>Director Wendell withdrew from the Legislative committee and Director Morgan asked for other volunteers. Director Morgan said there wasn’t much to report.</p> <p>Director Baker MOVED to accept the Amendment to By-laws Section 8, Conduct of Business, Subsection B to require a super majority vote of 4 directors in matters of new extra-territorial service after January 15, 2023. Director Wendell seconded. Directed Morgan MOVED to amend amendment to strike the date from the title, Director Baker seconded, following discussion and upon vote, the motion was PASSED four (4) to one (1), with Wendell dissenting, to add such</p>

<ul style="list-style-type: none"> • Financial study for infrastructure replacement • Discussion of board vacancy 	<p>language to the bylaws after language was further drafted by legal counsel. Director Morgan believes a third-party company, that has the full financial, needs to do a full study and capital improvement plan before they can take the next steps. Director Baker MOVED to authorize HDR to move forward with the bipartisan infrastructure bill, Director Hooks seconded, following discussion and upon vote the motion PASSED four (4) to one (1), with Morgan dissenting.</p> <p>Director Baker announced that as of April 25, 2023, he will no longer be a resident of the Green Mountain Water and Sanitation district, which opens his seat on the Board.</p>
<p>Legal Matters (Dylan Woods, Title 32 Attorney for the District)</p> <p>a. Election</p>	<p>Ballots will be going out by CRS as the DEO of the contested election.</p> <p>As a general litigation update, the District was sued by former council Jo Timmons in Federal District Court for alleging various civil rights violations. The lawsuit against the District was dismissed and the deadline for appeal has passed. The Board and District may still have to participate in the litigation between Jo Timmons and John Henderson as it does pertain to District matters.</p> <p>Director Morgan MOVED to announce the anticipated Board vacancy on the District website to accept possible replacements, and interviews will be conducted at the regular meeting. Possible candidates will need to submit a maximum of 200 words and be interviewed by the Board on April 28, 2023, the Board will vote on this at the May 9, 2023 meeting. Director Baker seconded, following discussion and upon vote the motion PASSED unanimously.</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:

- a. Big Sky Case
- b. Timmins case
- c. Ravine bridge

Additional discussion resulting from Executive Session

Director Baker MOVED to enter Executive Session regarding the Big Sky Case, Timmins Case and Ravines Bridge Case. Director Hooks seconded. Following discussion and upon vote, the motion PASSED unanimously. The Board entered Executive session at 8:31 p.m.

Executive session concluded at 9:46 p.m.

Director Hooks MOVED to the Board us the Hawthorn firm to represent them in the Big Sky case. Director Baker seconded, following discussion and upon vote the motion PASSED unanimously.

Director Morgan MOVED to pass on the written response to the City of Lakewood's proposal. Director Baker seconded, following discussion and upon vote the motion PASSED unanimously.

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:

Personnel Matters: Jeff Tyus

Director Baker MOVED to enter Executive Session regarding personnel matters, Jeff Tyus. Director Morgan seconded. Following discussion and upon vote, the motion PASSED unanimously. As this is a discussion regarding personnel, at Mr. Tyus' request this will be an open session.

Director Morgan asked for an update on the Ravines Bridges and is concerned that Merrick is still being used after the Board specifically banned them.

Mr. Tyus reported that Merrick was banned by the Board for the design portion of the bridges. Josh has been working directly with the City of Lakewood to push the permits through. He will phase Merrick out.

On a separate issue, Director Morgan asked My Tyus why he only sent documents to the Federal Center

	<p>developer, rather than an explanation of the potential problems and costs the districts was already aware of.</p> <p>Mr. Tyus expressed that the questions asked by the developer in an email, were answered in a directed message with the legal documents and rules and regulations, that can also be found on the District website. Director Morgan asked why he did not relay how information that he preciously shared from GSA and RTD would impact development. He told the Board that he would not speak for GSA or RTD and is being fully transparent in effort to avoid lawsuits. Director Morgan requested Mr. Tyus write a statement in his own explanation to reply to these emails and Mr. Tyus felt that is a slippery slope that he should avoid. Mr. Woods stated that other districts use the engineer for conversations with the developer, but it was part of the hiring process with Mr. Tyus that he was hired to handle these public facing duties, and that such conversations are standard practice.</p>
<p>New Business – Notifications for Next Board Meeting</p>	<p>New Language for the Super Majority Resolution.</p>
<p>Adjourn</p>	<p>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 10:17 p.m.</p>


 David Wiechman, Secretary