

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

November 9, 2021

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, November 9, 2021.

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, Vice President  
Alex Plotkin, Secretary  
Karen Morgan, Treasurer  
David Garner, Director  
Todd Hooks, Director

Also present were:

Kristan Buck, Interim District Manager  
Sam R. McKay, District Information Technology  
Jesse Davenport, District Information Technology  
Dillon Woods, Coaty Marchant Woods P.C.  
Austyn Pantano, Field Supervisor  
Doug Pavlich, District Accounting  
Terry Kenyon, Merrick Engineering  
Nikolas Wagner, Centennial Consulting Group

Members of the Public in Attendance

JD Lobue  
Donal Finegan  
Ludmila  
Angie Baker  
David Wiechman  
jjblk

Call to Order / Declaration of Quorum: Director Baker, noting the presence of a quorum of three Directors, called to order the Regular Meeting of the Board of the Green Mountain Water and Sanitation District at 6:03 p.m.

Reading of the Agenda Director Baker read the agenda to the Board.

Directors & Disclosure Matters:

None

Approval of/Deletions from the Agenda:

Director Baker **MOVED** that items e, f, and g be removed in Directors Matters. Director Morgan seconded, upon vote the motion **PASSED** unanimously.

Director Morgan **MOVED** to remove item d from Directors Matters. The motion was seconded by Director Garner and upon vote the motion **PASSED** unanimously.

Public Comment

JD Lobue thanked the Board for the civility of the recent Board meetings.

Approval of the Minutes

a. Approval of October 12, 2021 Regular Meeting Minutes

Director Plotkin **MOVED** to approve the October 12, 2021, regular meeting minutes subject to an addition to the engineering report presented by Mr. Kenyon that gravity driven service is the preferred method, while the lift station method should only be considered a distant second option. Director Baker seconded and upon vote the motion **PASSED** unanimously.

b. Approval of October 26, 2021 Special Meeting Minutes

Director Plotkin **MOVED** to approve the October 26, 2021, special meeting minutes. Director Baker seconded and upon vote the motion **PASSED** unanimously.

Maintenance Report

Mr. Pantano noted that endpoints have been received and change outs are proceeding. There was only one main break in the past month; there were no outstanding issues with that repair.

Engineering Matters

Mr. Kenyon Presented:

a. 2021 Capital Improvements Projects Updates

Mr. Kenyon stated the District moved the bid closing date to November 11<sup>th</sup>. There are mainly three contractors in the Denver area qualified to provide a bid.

b. Red Zone Tank Warranty – Matergenics Updates

Matergenics expected to complete the analysis by the end of October, but the report is not ready. Matergenics is waiting for more laboratory results to be completed. They hope to have the report ready by the next Board meeting.

c. Construction Project Status Spreadsheet Updates

Mr. Kenyon explained the status of construction projects of note on the spreadsheet contained in the Board meeting packet.

d. Alameda Water and Sanitation District

Mr. Kenyon reported they received the 1960's agreements, and these agreements will be reviewed. A recent meeting was held with Alameda Water and Sanitation District where they expressed that Alameda would like to meet with Green Mountain staff and management to discuss the review of the agreements.

Mr. Kenyon reported that there were quite a few homes and commercial properties served within Green Mountain by Alameda. He expressed that more development is desired on several lots in the area.

Mr. Kenyon informed the Board that there were several disputes regarding the service areas as indicated in the previous agreements. It was discussed that new IGAs may need to be put in place and that more information was needed before a determination could be made regarding responsibility and maintenance of service areas.

Mr. Kenyon informed the Board that, as it stands, Alameda can't support some of the requested development.

Director Hooks asked if the properties in question should go to Alameda. Mr. Kenyon mentioned that in some cases, the additional SDFs may not be worth "it" and it might be practical to let the properties go in Alameda District's boundary.

Director Morgan brought up issue with some of the properties getting their water and/or sewer from Bancroft Clover or a mix of Districts. Director Morgan inquired as to why other Districts, besides GMWSD and Alameda are being brought up?

After an exchange as to how a mix of service provisions could be a potential case, Mr. Woods stated that it is easier when "one District includes, while the other excludes."

Director Baker then inquired about the capacity for "that quadrant."

It was then stated that Alameda stated that “no more customers until this is resolved.” However, Alameda will cooperate.

Mr. Kenyon reported that a subdivision of 29 homes went through the development approval process and the project is ready for construction. The initial development approval had expired. The formal process for sewer and water plan review needs to be followed and completed again for formal approval.

Director Plotkin inquired when the Tap Fees are collected. Mr. Kenyon informed the Board that it is “at the time of each unit’s construction.”

#### Financial Matters

- a. October 2021/November 2021 Daily/Monthly Operation Expenses & Capital Expenditures  
Director Plotkin asked if legal expenses were current regarding the October 2021/November 2021 Daily/Monthly Operation Expenses & Capital Expenditures. Mr. Pavlich informed the Board that they were. Director Baker **MOVED** to approve the reports as presented. Director Plotkin seconded and upon vote the motion **PASSED** unanimously.
- b. October 2021 Unaudited Financial & Investment Report  
There were no questions from the Board regarding the October 2021 Unaudited Financial & Investment Reports. Director Baker **MOVED** to approve the reports as presented. Director Plotkin seconded and upon vote the motion **PASSED** unanimously.
- c. Update Bank Signers  
Mr. Pavlich requested to update the Bank Signers to include Directors Garner and Hooks. Director Morgan **MOVED** to add Director Garner and Director Hooks to the Bank Signer form. Director Plotkin seconded and upon vote the motion **PASSED** unanimously.
- d. Discuss and Consider PO for Mini-excavator  
Ms. Buck informed the Board the cost of the mini-excavator is included in the 2022 budget for consideration by the Board. The PO places the District in queue for equipment next year, pending approval of the budget which is scheduled for December’s meeting. No penalty is incurred if the purchase does not go through. The Board requested more information on future equipment orders. Director Garner **MOVED** to approve the PO for the mini-excavator as presented by staff. Director

Morgan seconded and upon vote the motion **PASSED** unanimously.

e. Discussion and Updates to Draft 2022 Budget

Mr. Pavlich presented updates to the Draft 2022 Budget. Director Hooks inquired about current CD investments and on how improvements could be made to investment profits. Mr. Pavlich informed that current CD interest rates are lower and that he would distribute the investment policy for review.

Director Garner asked about election expenses and if other firms had provided bids for running the election. Ms. Buck informed the Board that other bids may not be forthcoming due to the size and needs of the District. The Board directed Ms. Buck to search for alternatives for election services and to get an estimate from Ms. Blair for a polling place election.

The Board discussed District employee compensation and factors related to pay increases. Ms. Buck discussed the evaluation process and recommendations provided to the Board.

Some of the Board members expressed that they have previously asked for a standardized performance evaluation process.

Director Plotkin inquired about the status of capital improvement projects and expenditures. Mrs. Buck and the Board discussed the capital improvements schedule and the projects that have carried over from previous years.

District Managers Report

Ms. Buck Presented:

a. Employee Accomplishments and Compliments

Ms. Buck reported there have been customer compliments for improved customer services, including emails, cookies, and verbal compliments for the staff. Mrs. Buck recognized the veterans on their staff for their service.

b. Emergency Response Plan

The plan was received on the day of the meeting and will be ready for presentation at the next Board meeting. The District will need to certify to EPA by the end of the year that the plan was completed.

c. Office HVAC Project RFP

Office HVAC radon mitigation work was completed last week. Mr. Davenport reported that radon levels have been lowering over time since the mitigation work was completed.

- d. Raftelis Rate Study      Ms. Buck updated the Board she has a meeting scheduled with Raftelis the day after the Board meeting to discuss the study. Data from staff is ready to transfer.
  
- e. Discuss and Consider      Ms. Buck will seek other proposals for election services.  
Election Services  
Proposal
  
- f. Discuss and Consider      The Board discussed the proposal from Centennial Consulting  
CCG Proposal                      Group for taking minutes. Director Plotkin **MOVED** to  
approve the proposal from Centennial Consulting Group for  
taking minutes. Director Hooks seconded and upon vote the  
motion **PASSED** unanimously.
  
- g. Discuss and Consider      Ms. Buck reported the Low Income Household Water  
Low Income                      Assistance Program (LIHWAP) was submitted to counsel and  
Household Water                the Board for review. Counsel made no revisions. Director  
Assistance Program              Hooks **MOVED** to approve the LIHWAP agreement. Director  
(LIHWAP) Agreement            Garner seconded and upon vote the motion **PASSED**  
unanimously.

Director's Matters

- a. Election of Officers      Mr. Woods informed the Board the President position needed  
to be filled. He recommended the Board approve a new Board  
position slate. Director Plotkin **MOVED** to elect Board  
members to new office positions. Director Garner seconded  
and upon vote the motion **PASSED** unanimously.
  
- Director Plotkin nominated Director Baker for president. Upon  
vote Director Baker was elected president unanimously.
  
- Director Baker nominated Director Morgan for vice president.  
Upon vote Director Morgan was elected V.P. unanimously.
  
- Director Baker nominated Director Hooks for treasurer. Upon  
vote Director Hooks was elected treasurer unanimously.
  
- Director Baker nominated Director Plotkin for secretary. Upon  
vote Director Plotkin was elected secretary unanimously.
  
- Director Baker **MOVED** to elect Board members to the new  
office positions as noted above. Director Garner seconded and  
upon vote the motion **PASSED** unanimously.

- b. District Manager Replacement
  - i. Discuss and Consider District Manager Recruitment Profile
 

The Board discussed the recruitment of a new manager for the District.

Director Baker **MOVED** to post notice of the RFP for a new District Manager including the salary range as recommended by Ms. Buck, to set a deadline for resumes to be submitted by December 8, 2021, and a TBD date for acceptance. Director Garner seconded and upon vote the motion **PASSED** unanimously.
  - ii. Hiring Process
 

The Board discussed the recruitment process and desired profile for hiring a new District manager. Ms. Buck will provide the Board with a process guide for review.
  
- c. Discuss and Consider Proposal from CDM Smith for WW Master Plan Review
 

Ms. Buck informed the Board that CDM Smith is anticipating a fee range from \$15,000 to \$20,000 for service. Following discussion, the Board authorized Ms. Buck to accept CDM Smith's proposal if it falls within the previously approved budget for the line-item expense.

It was discussed at to how prior to 2020 the last time such work was completed was in 1998.

Legal Matters

Mr. Woods Presented:

- a. Wording of Agenda Items
 

In the past, wording of agenda items has been superfluous. He recommended the phrasing could be simplified.
  
- b. Pending and Upcoming Legal Matters Affecting the Affairs of the District
 

New directors' oaths and bonds were filed with the County. Ms. Buck handled the filings with DOLA.

The issue with the pipe running under the bridge has resurfaced, and he has reached out to Lakewood to discuss a resolution. The Board discussed easements in the area and possible solutions. Mr. Woods informed the Board he would reach out to Lakewood and inform them the District does not want to proceed with any work until a survey is completed.

Director Morgan mentioned how Lakewood is actually including the paths leading over the bridges with pipes under them as a part of Lakewood's trail system. Director Morgan

then mentioned that there are issues with Lakewood throughout the District.

The Icenogle issue is dependent on the Big Sky litigation which is with the appellate court. If future action is needed, Mr. Woods will advise the Board.

Mr. Woods then informed the Board that 2 USB flash drives have been delivered from Timmins Law Firm.

## 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 conferencing with an attorney to receive legal advice

- i. District Cybersecurity

Mr. Woods recommended the Board enter into executive session per §24-6-402(4)(d), C.R.S. for the purpose of discussing District infrastructure related to cybersecurity.

Director Garner **MOVED** to enter into executive session per §24-6-402(4)(d), C.R.S. to discuss matters related to District infrastructure related to cybersecurity at 10:29 pm. Director Plotkin seconded and upon vote the motion **PASSED** unanimously.

The executive session was concluded at 11:10 pm.

- ii. Legal Advice Regarding Pending Attorney Malpractice Suit

Mr. Woods recommended the Board enter into executive session per §24-6-402(4)(b), C.R.S. to receive legal advice regarding pending attorney malpractice suit.

Director Garner **MOVED** to enter into executive session per §24-6-402(4)(b), C.R.S. to receive legal advice regarding pending attorney malpractice suit at 11:12 pm. Director Hooks seconded and upon vote the motion **PASSED** unanimously.

The executive session was concluded at 11:51 pm. No record was kept of this executive session, per certification of Attorney Woods that the contents were privileged attorney-client communications.

## New Business – Notifications for Next Board Meeting

Discuss content and distribution of a newsletter to District constituents.

## Adjourn:

Director Baker **MOVED** to adjourn the meeting. Director Hooks seconded the motion. The motion **PASSED** by unanimous consent, and the meeting was adjourned at 11:55 p.m.



*Alex Plotkin*

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Alex Plotkin, Secretary