

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

April 13, 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, April 13, 2021.

~~This document is an edited version of the audio recording of the District Board meeting. The audio recording shall be the official record of the District Board meeting proceedings. Such audio recording is available on the District website.~~

A.P.  
B.M.

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:

Adrienne L. Hanagan, President – Virtual Attendance  
Jeff A. Baker, Vice President – Virtual Attendance  
Alex Plotkin, Secretary – Virtual Attendance  
Karen Morgan, Treasurer – Virtual Attendance  
Rhonda Peters, Director – Virtual Attendance

Also, present were:

Greg Kropkowski, District Manager  
Sam R. McKay  
Jesse Davenport  
Terry Kenyon, Merrick & Company  
Jo Deziel Timmins, Deziel Timmins LLC, District Legal Counsel

Also, in Attendance from the Public:

Brenda Bronson  
Lynn Judson  
Katie's iPad

Christopher Arlen  
Carol Baum

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

Directors &  
Disclosure Matters: None.

Approval of/Deletions  
from the Agenda: Director Plotkin **MOVED** that the Public Comments be restricted to the Public Comments section. Director Baker seconds. After a brief

discussion, Directors Plotkin, Baker, Morgan and Peters voted in favor. Director Hanagan voted no. The Motion passes.

Director Baker **MOVED** to make an addition to the agenda after the Approval of Minutes to have a discussion on the March 30 meeting held by Director Hanagan. Director Plotkin seconds. The motion passed by unanimous consent.

Director Plotkin **MOVED** to make an addition to the agenda under Legal Matters to discuss Response to CDN's request for attorney client work product documents. Director Baker seconds. The motion passed by unanimous consent.

**Public Comment:**

Members of the public members of the public wishing to address the board during the public comment period are asked to indicate the agenda item number or public comment period next to their name on the sign-in sheet. Members of the public will then be recognized by the Board as each agenda item is undertaken.

Christopher Arlen states that he is concerned about the appearance and divided loyalties among the Board of Directors, along with the open hostility for the simplest items on the agenda. He stated that he had attended two Community meetings recently and that the Community wants to know more about what is going on in their name and on their behalf. Mr. Arlen asks Director Morgan to resign.

Lynn Judson stated that she supports Director Morgan. Feels it is premature to discuss whether they want an IGA and does not want the District to take on any unnecessary risks and doesn't feel it is in the best interest to negotiate the Big Sky lawsuit, wants to continue the legal case.

Brenda Bronson requested Director Morgan to resign. She stated that she had attended the Community Meeting on Saturday and appreciated how clear, short and informative it was.

Carol Baum stated that out of the 3 options presented, would like to continue with the Court case. She is concerned with costs associated with inclusion and requests a breakdown.

Kathe's iPad Kathe stated that she is concerned about Director Plotkin's outward hostility and his request to restrict the public comments. She feels that Director Plotkin and Director Morgan don't want to hear from the public.

**Approval of Minutes:**

- a. Approval of March 9, 2021, Regular Meeting Minutes

New Business: Director Hanagan had a Zoom meeting with Andrew Mendell, the principal of CDN Red Rocks and Charles Norton on Monday, April 12. Director Hanagan gave a recap of the meeting. There was a discussion by the Directors in response to Director Hanagan's meeting.

Other Matters: None

Adjourn: Director Hanagan **MOVED** to adjourn the meeting. Director Baker seconded the Motion. The Motion passed by unanimous consent, and the meeting was adjourned at 10:23 p.m.



Adrienne L. Hanagan, President



Jeffrey A. Baker, Vice President



Alex Plotkin, Secretary



Karen Morgan, Treasurer



Rhonda Peters, Director

Directors Matters:

- a. Discussion and Approval of the “Resolution Regarding Communication With District Employees”

Mr. Kropkowski stated that this resolution was drafted based on a discussion in the February 16, Special Meeting.

Director Baker **MOVED** to approve the Resolution Regarding Communication With District Employees. Director Plotkin seconded. There was a brief discussion. Directors Baker, Plotkin and Morgan voted yes. Director Hanagan voted no and Director Peters abstained due to concerns in the wording of the Resolution. The motion passed.

- b. Discussion – Planning April Board Virtual Meeting On Public Outreach Making Use of Survey posted on District website.

Jesse Davenport stated that he would be the moderator for the April 20<sup>th</sup> Public meeting and Director Hanagan, as President would be in charge of keeping the decorum of the meeting. The Directors discussed rules on how to run the April 20 meeting for the Public. The Directors agreed to have each Director give a two-three minute statement at the beginning of the meeting.

Executive Session:

- a. Executive Session pursuant to Section 24-6-402(4)(b) and/or Section 24-6-402(4)(e), C.R.S. for the purpose of conferencing with an attorney to receive legal advice regarding:
- b. Ravine Bridge – Sewer Discussion
- c. Litigation
  - i. Status of Litigation relating to Big Sky Notice filed in Your Hub
  - ii. Status of Big Sky No. 1 v. GMWSD alleging breach of IGA
  - iii. Status of CDN Litigation
  - iv. Status of Stream Realty Litigation
  - v. Status of Cardel Homes Litigation
  - vi. Status of Three Dinos Litigation

Executive Session was not held.

Director Hanagan **MOVED** to liquidate the First Western Trust Bank CD and move into the sea safe pool. Director Baker seconds. There was a short discussion. Directors Plotkin, Baker, Hanagan and Peters vote in favor. Director Morgan votes no as she would rather renew the CD. The motion passes.

Engineering Matters: Presented by Terry Kenyon, Merrick & Company

- a. 2021 Capital Improvements Project Updates
  - i. 2021 Water & Sewer Improvements
  - ii. 2019 Tank Warranty Inspection – There is a separation of the topcoat from the primer coat in the tank. Recommends engaging a specialty firm to the forensic analysis. Director Baker asked for estimates to present to the Board for approval. Mr. Kenyon answered questions.
- b. Master Plan Updates –
  - i. Water Master Plan – was posted to the OneDrive for review. Mr. Kenyon answered questions. Mr. Kropkowski stated that he had asked CGRS to review the plan as a second set of eyes. The report should be available by next month's meeting.
- c. Construction Project Status Spreadsheet Updates

District Manager Report:

Presented by Greg Kropkowski.

- a. COVID Report - status update provided
- b. Employee Accomplishments and Compliments
- c. Upcoming Sanitary Survey Inspection – CDHE: Water Quality Control Division – no issues expected

- a. Summary of Current Litigation Regarding Big Sky IGA.

Ms. Deziel Timmins stated that she would give a presentation of the status at the April 20 meeting.

- b. Request by CDN for attorney work product

Director Plotkin asked Ms. Deziel Timmins to request an extension of time to deliver the documents requested. Ms. Deziel Timmins stated she would ask for the extension.

b. Approval of March 16, 2021, Special Meeting Minutes

Director Hanagan **MOVED** to not approve the March 9, 2021, Regular Meeting Minutes and the March 16, 2021, Special Meeting Minutes. Director Baker seconds. The Motion is passed unanimously.

c. Approval of March 30, 2021, Special Meeting Minutes

Director Hanagan **MOVED** to approve the March 30, 2021, Special Meeting Minutes. There was a discussion regarding the Special District Act and the requirements to call a meeting. No vote was taken. Director Hanagan stated that these minutes would be part of the record for review.

Director Baker requested to discuss the March 30, 2021, meeting and reads a statement. A discussion followed.

Maintenance Report: Presented by Mr. Greg Kropkowski

Stated that there wasn't a lot to report. There were some disruptions to the supply chains due to COVID and two main breaks in March.

Financial Matters: Presented by Mr. Greg Kropkowski

a. March 2021/April 2021 Daily/Monthly Operation Expenses & Capital Expenditures

b. March 2021 Unaudited Financial & Investment Reports

Director Plotkin **MOVED** to approve the March 2021/April 2021 Daily/Monthly Operation Expenses & Capital Expenditures with the Legal Fees and Expenses being separated from said expenses. Director Baker seconded. A discussion followed. Director Plotkin withdrew his Motion. Director Baker withdrew is second.

Director Hanagan **MOVED** to approve the March 2021/April 2021 Daily/Monthly Operation Expenses & Capital Expenditures and March 2021 Unaudited Financial & Investment Reports. Director Peters seconds. Directors Hanagan, Peters and Baker voted yes. Directors Plotkin and Morgan voted no due to objections of the Legal Expenses. The motion passed.

c. First Western Trust Bank – 5 Year CD Maturing April 14, 2021

The staff recommends liquidated the CD and move to sea safe.