

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

June 8, 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, June 8, 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.

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
Karen Morgan, Treasurer – Virtual Attendance
Rhonda Peters, Director – Virtual Attendance

Also, present were:

Greg Kropkowski, District Manager
Sam R. McKay
Jesse Davenport
Doug Pavlich, Financial Specialist
Terry Kenyon, Merrick & Company
Jo Deziel Timmins, Deziel Timmins LLC, District Legal Counsel
Debbie Crady, Crady, Puca & Associates
Melinda Northrup, Centennial Consulting Group

Also, in Attendance from the Public:

Kathe Odenwaller	Angie Baker
David Wiechman	Quit Morgan
Linnea Hauser	Brenda Bronson
Lynn Judson	Christopher Arlen
Dave	Jjblk
John’s IPad	Rita Bertolli
Deborah Romero	Imara
Joan Poston	Carol Baum
Hank Brumley	Kerry’s iPhone
Phone Caller 9302	Heide & Bernie Barthel

Call to Order /
Declaration of
Quorum:

Director Hanagan, noting the excused absence of Director Plotkin and the presence of a quorum, 4 Directors, 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:

Director Baker stated that he was served papers June 7, 2021, on behalf of Green Mountain Water and Sanitation District and that a response was required within 21 days. Ms. Timmins requested that a copy of the documents be sent to her office for review.

Approval of/Deletions
from the Agenda:

Director Morgan asked that the DEO Contract regarding the Recall Election be added to the Agenda. Director Hanagan stated that any questions regarding this matter should not be a part of the Agenda and that District resources should not be used for the benefit of any individual Board Member. If there are any questions on this matter they should be directed to Ms. Blair. Director Morgan was insistent that this item needed to be discussed and approved for payment. Ms. Timmins instructed Director Morgan that any discussion of this matter violates the Open Meetings Act since it is not part of the Agenda. Furthermore, she also stated that there should not be any discussion regarding the Recall Election. Additionally, Ms. Timmins stated that any actions and payment of the DEO contract falls under the Special District Act and that it is statutorily mandated. Director Peters asked Ms. Timmins to clarify. Ms. Deziel Timmins confirmed that if something is mandated by the court, it is not necessary for the Board to vote as this action is required under law and the District is required to pay the contract.

Public Comment:

Rita Bertolli: Stated that she is concerned about the hiring of the law firm Coaty Marchant Woods, P.C. and feels that the Board is putting the District at risk. She described that On Friday June 4, the citizens of Green Mountain filed an open meetings law complaint against the three Directors under recall. It is the position of the citizens that the hiring of a new counsel by the Directors is in violation of the Open Meetings Law and that the RFP process was not long enough and that this will be a matter of court action. She further stated that the RFP process was closed prior to the deadline and that another firm had submitted an RFP that wasn't acknowledged.

Imara: She stated that concerns on the poor judgment, lack of intelligent rational decision making and the last-minute changes to the agenda are reasons why the three Directors are being recalled. She asked that those Directors step down if they care about the District and further stated that over 400 constituents in less than a week are in agreement that they need to step down.

Linnea Hauser: Stated her dismay and sadness that some in the community are taking great lengths to intimidate people that are working hard for the best interest of the District. Rather than intimidate, we need to support and ask how we can help to resolve the complex issue.

Deborah Romero: Requested that the May 25, 2021, minutes not be approved as they didn't correctly reflect her comments and asked if they could be changed. She also requested that there be more substance included in the minutes and that the Public have a chance to review before the Board approved. Additionally, she would like to know if the Board makes changes before submitted for approval.

Brenda Bronson: Stated that she hoped the law firm that had submitted their RFP was aware of how the Board is treating their current counsel. Also wanted to state to the prospective firm that you would represent the District and not the individual Directors. Ms. Bronson expressed concern that there are no published minutes since January 10, 2021.

Kathe Odenwaller: Ms. Odenwaller looked at the website and only found Budgets. She is looking for the Treasurer Report and/or Financial Report.

Christopher Arlen: Stated concern regarding the RFP Process and that only one firm had submitted a proposal and asked if an interview had been conducted with the firm. Mr. Arlen thanked Mr. Davenport for what he does and his professional demeanor and wishes that members of the Board would do the same.

Lynn Judson: Appreciates that the Board is trying to do their job and requests unity and respect for Board Members, Ms. Timmins and all issues concerning the District.

Approval of Minutes: Approval of May 25, 2021, Special Meeting Minutes
Director Baker recommended that the Board look into the concerns that Deborah Romero had concerning the May 25, 2021, minutes. After discussion, the Board concurred, and this item was tabled for a future meeting.

Maintenance Report: Mr. Kropkowski presented on behalf of Austyn Pantano. Mr. Kropkowski stated that there had been no main breaks this month. Director Hanagan asked about the water leak at Mississippi & Union. Director Baker stated that he believed it to be ground water as there had been several checks for chlorine and none was found.

Financial Matters: Presented by Doug Pavlich

- a. May 2021/June 2021 Daily/Monthly Operation Expenses & Capital Expenditures
- b. May 2021 Unaudited Financial & Investment Reports

Doug Pavlich presented. Director Morgan thanked Mr. Pavlich for the monthly reports and stated that smaller communities would have a Treasurer Report. Mr. Kropkowski requested a motion to approve the expenses.

Director Hanagan **MOVED** to approve the expenses and Director Baker seconded the Motion. Directors Hanagan, Baker and Peters voted in favor with Director Morgan opposing. The Motion passed 3-1.

- c. Auditor's Report.

Debbie Crady presented and Mr. Kropkowski asked the Board to approve.

Director Hanagan **MOVED** to approve the Auditor's Report. Director Baker seconded. The Motion passed by unanimous consent.

Engineering Matters: Presented by Terry Kenyon.

- a. 2021 Capital Improvements Project Updates – Hope to have meetings with the staff in June to go through the plan.
- b. Red Zone Tank Warranty - Three proposals have been received and he would be meeting with the staff to discuss. Director Morgan asked if there were any deadlines and Mr. Kenyon confirmed that there were not.
- c. Construction Project Status – Mr. Kenyon provided an update on 66 Van Gordon and 470 S. Garrison. He noted that the easements are ready for execution on 66 Van Goren. Mr. Kropkowski stated he would obtain signatures. Director Morgan stated that 66 S. Van Gordon is a major growth (363 new Taps) and could be a potential problem in the future.
- d. Water Master Plan Review Report from CGRS – Mr. Kenyon stated that the overall analysis was correct, the only note was that they were conservative with the numbers.

District Manager
Report:

Presented by Greg Kropkowski.

- a. Employee Accomplishments and Compliments – 2 new employees.
- b. Risk & Resilience Progress. Director Morgan stated that the Risk and Resilience Assessment Summary looked good and asked if the staff was recommending that the Board do anything immediately. Director Peters inquired about the CoWARN system. Mr. Kropkowski stated that the staff would review the mitigation options and present to the Board for next year's Budget.
- c. Update on HVAC – they are working with 3 contractors to obtain bids and one will be on site next week to review the issues.
- d. American Rescue Plan Fiscal Recovery. Mr. Kropkowski stated that they had started the process to apply for funds.

Legal Matters:

Summary of Current Litigation Regarding Big Sky IGA.

Ms. Timmins reported that there was not much to update. They are currently working on their briefing documents and will forward to the Board once complete.

Directors Matters:

- a. Update on Ravine Sewer.

Director Peters stated that there was no update on the discussion with Lakewood since this topic had been put on hold previously. Director Peters suggested picking up again with the City of Lakewood to discuss bridge repair, and the management of the stormwater runoff/Erosion Plan, with the support of legal counsel.

Director Morgan **MOVED** to have Mr. Kropkowski make a phone call to Ross Williams. Director Baker seconded. Following a lengthy discussion, Directors Baker and Morgan voted in favor, with Directors Hanagan and Peters opposing. The Motion did not pass.

- b. Discussion of Board's Intent For Meeting Methodology.

The Board discussed the pros and cons of In-Person, Remote and Hybrid meetings.

Director Hanagan **MOVED** to have the next Board meeting be done as a Hybrid Meeting. Director Baker seconded the Motion. Directors Hanagan, Baker and Peters voted in favor. Director Morgan opposed. The Motion passed 3-1.

c. Discussion of submission to RFP of Coaty Marchant Woods, P.C.

Mr. Kropkowski stated that another firm had submitted a proposal on Friday, June 4 and that he had overlooked the submittal and did not circulate to the Board Members until today, Tuesday June 8th. The Board had a discussion to extend the RFP process and to post the RFP to the Colorado State Bar for \$350.00.

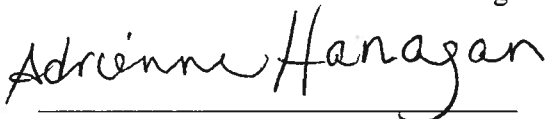
Director Morgan **MOVED** to re-post the RFP until Monday, June 14th. Director Baker seconded the Motion. Directors Morgan and Baker were in favor. Director Peters abstained as she stated she didn't vote on the RFP Process previously. Director Hanagan also abstained stating she didn't agree with replacing the current counsel, Deziel Timmins, LLC and the RFP Process. The Motion did not pass.

Executive Session: None.

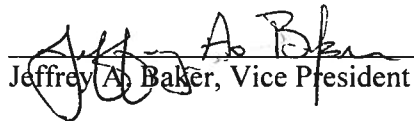
Other Matters: A Special Meeting was designated to be held on June 15, 2021, in order to discuss the legal action for the documents that Director Baker had received. Director Baker also asked that the RFP's received be added to the Agenda. This Special Meeting will be conducted as a Hybrid meeting.

Director Morgan stated that they need to review the Water and Wastewater Master Plans by August. Would also like the Regular Meeting Agenda to include a discussion on the CORA requests. She is writing a new proposed resolution process for the new IGA's and Will Serve Letters. Director Morgan will forward a list of items to Mr. Kropkowski so that he can include them on the Agenda for the next Regular Meeting.

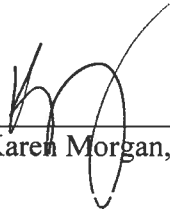
Adjourn: Director Hanagan **MOVED** to adjourn the meeting. Director Baker seconded the Motion. The Motion passed by unanimous consent, and the meeting was adjourned at 9:59 p.m.



Adrienne L. Hanagan, President



Jeffrey A. Baker, Vice President



Karen Morgan, Treasurer



Rhonda Peters, Director



Alex Plotkin, Secretary

