

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

February 8, 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, February 8, 2022.

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

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.  
Terry Kenyon, Merrick Engineering  
Austyn Pantano, District Field Supervisor  
Lane Melott, Centennial Consulting Group

Members of the Public in Attendance

David Wiechman  
Angie Baker  
Rhonda Peters  
Winter Rose

Call to Order / Declaration of Quorum: 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 6:03 p.m.

Directors & Disclosure Matters: None.

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

Approval of/Deletions from the Agenda: None.

Public Comment None.

Approval of the Minutes

- a. Approval of January 11, 2022 Regular Meeting Minutes  
Director Baker **MOVED** to approve the January 11, 2022 regular meeting minutes as submitted by Director Plotkin. Director Garner seconded, and upon vote the motion **PASSED** unanimously.

Maintenance Report

Mr. Pantano noted that the end points are still at a slow pace, he is hoping to have information to report by the end of the month on the issues being faced involving the fixed network.

Mr. Pantano reported that two main breaks typical of ground shifting had occurred with outages of one hour and 15 minutes, respectively.

Mr. Pantano reported that as a precaution they have stepped up the maintenance of fire hydrants. The District follows Denver Water's specifications for maintenance frequency. The crews have performed maintenance on 860 of the 1200 hydrants as of the date of the meeting. He reported that the maintenance will be completed by tomorrow for the hydrants still requiring maintenance.

Mr. Pantano explained that the new communication tower installed at Dunston has a larger base to eliminate issues with high wind. He reported that next week they will decommission the tower at the high school.

Director Baker asked about the nature of fire hydrant maintenance potentially causing the main breaks, and Mr. Pantano explained the distribution main leaks and how hydrant maintenance is performed as well as how the distribution main breaks were caused by land shifting and not hydraulic pressure.

The Board thanked Mr. Pantano for his speedy work.

Director Plotkin asked Mr. Pantano a few questions pertaining to a similar issue in another District. Mr. Pantano explained possible solutions should the issue arise.

Director Plotkin asked for Mr. Pantano to keep an eye out for potential capital improvements that may need to be brought to the Board.

Ms. Buck commented that she is working with Denver Water to have a representative come speak with the Board in a future Executive Session regarding emergency response and preparations.

#### Engineering Matters

Mr. Kenyon Presented:

a. 2021 Capital  
Improvements Projects  
Updates

Mr. Kenyon noted that American West got back to the District and edited the contract as requested to incorporate additional sewer lines that were requested. He mentioned that they had discussed sewer lining projects and described their positive references. Mr. Kenyon stated he also spoke with Bear Creek and recommends finalizing the Award of Contract. He recommended opening a necessary change order concurrently to accommodate the changes to the contract that the Board previously suggested.

Director Plotkin asked Mr. Pantano for his opinion on the matter. Mr. Pantano responded that he was in agreement with the understanding that he has not worked with American West previously.

Mr. Kenyon gave additional context from the references.

Director Morgan clarified that no motion was necessary for action to take place, but the Board gave verbal authorization to proceed.

b. Red Zone Tank Warranty  
– Matergenics Updates

Mr. Kenyon provided context for the conversations he has had with both Coblaco and Mr. Pantano regarding this topic. He noted that Coblaco would like to see the Matergenics report and asked if the Board would consider sharing the report with them.

Mr. Woods noted that Ms. Buck had circulated the report for review to various parties last week. Mr. Woods' position is that after any necessary revisions have been made the report would be in a final stage and could be released for public comment if the Board so chose.

After clarification led by Director Plotkin, it was discussed as to whether this report should be released to a limited audience (Coblaco namely) or released publicly.

Director Morgan noted that this topic was listed for discussion in Executive Session and suggested this be tabled until that time. The Directors were collectively in agreement and the Board moved to the next agenda item.

c. 10700 W Exposition

Mr. Kenyon explained that this is the third time that this topic is being brought before the Board and reminded the Board that it would be discussed next month. He posed a question asked to him by the Developer if the Board would consider an additional Special Board Meeting to discuss this topic at the cost of the Developer.

The Directors asked questions regarding cost of the meetings, and Mr. Kenyon clarified and provided context on the timeline of events.

Director Baker noted that he is not in favor of holding an additional meeting. Director Garner agreed and noted that this should be handled once the new manager is in place.

d. Construction Project  
Status Spreadsheet  
Updates

After asking for any additional feedback, Director Baker moved forward to the next agenda item.

e. Alameda Water and  
Sanitation District

Mr. Kenyon stated that no large changes have occurred. He noted that the most recent information has been uploaded to GIS.

Mr. Kenyon noted that Mr. Woods has been working on a memo and deferred conversation to Mr. Woods.

Mr. Woods reported that he had prepared a memorandum at the Board's request and hoped to present it at this meeting, however there are some outstanding revisions from Ms. Buck and Mr. Kenyon that he felt were necessary to complete the memo.

f. Ravine Sewer Crossing

Mr. Kenyon mentioned that after receiving two proposals, while they were close, King Surveyors has received the go-ahead to proceed with the process.

He noted that, as requested, the preliminary designs have been completed for the alternate routing. This design is not yet finalized. He noted that the preliminary plan and profile, proposals of possible options, as well as the cost estimate were included in their Board Packets. He continued to explain the layout of the area and the challenges it poses.

Ms. Morgan spoke to the materials provided and asked Mr. Kenyon for clarification on the undulating ground challenges.

Mr. Kenyon noted that there were options presented, but there are not many practical solutions. Director Morgan clarified her question to ask if the ongoing erosion of the site would continue.

Mr. Kenyon explained that he does not believe the erosion will continue because of the work that would be completed on the site and the drainage features that would be added to counteract this.

Mr. Woods reported that he has spoken to the Lakewood City Attorney and has confirmed they are willing to put up signs, noting all past attempts at signage had been removed, but they are open to the District's proposals and are willing to work with the Board.

Director Garner asked if the City has received or could receive the preliminary designs. Mr. Woods noted that they have not shared the plans but has no objection to sharing them.

Mr. Kenyon spoke to the City's ongoing cooperation efforts and agreed with sharing the plans.

Ms. Buck asked Mr. Pantano to discuss the maintenance concerns regarding this topic.

Mr. Pantano noted that the current location is easy for him to maintain and explained how maintenance would occur.

Director Baker spoke about the issues related to maintenance. Mr. Pantano advised that decommissioning the bridge is the best option. Director Hooks asked if the City has interest in the structures? Mr. Kenyon stated that they do not.

Mr. Kenyon clarified what they mean by “barriers” regarding this project. The Board discussed the barriers and provided suggestions. Mr. Kenyon was invited by the Board to join the planned Executive Session.

Mr. Kenyon spoke about the necessary monitoring needed and reported that he has spoken with Ted Miller and Associates whom he recommends for monitoring. He asked for the Board’s approval to request cost estimates for monitoring. Director Plotkin clarified the variables being assessed in this monitoring. Mr. Kenyon described the data available for monitoring.

Director Morgan asked for clarification on an invoice regarding a specific address. Mr. Kenyon explained that this was for a meter placement with existing utilities and described the difficult scenarios that have been explored. He also explained that while this was a fairly typical cost, this is also a reimbursable cost from the Developer.

Director Hooks asked for clarification on how the reimbursement process from Developers works and Mr. Kenyon clarified.

#### Financial Matters

- a. January 2022/February 2022 Daily/Monthly Operation Expenses & Capital Expenditures  
Ms. Buck asked for questions. Director Hooks **MOVED** to approve the January 2022/February 2022 Daily/Monthly Operation Expenses & Capital Expenditures Report. Director Baker seconded, and upon vote the motion **PASSED** unanimously.
- b. January 2022 Unaudited Financial and Investment Report  
Director Baker asked for questions. Director Hooks **MOVED** to approve the January 2022 Unaudited Financial and Investment Report as presented. Director Baker seconded, and upon vote the motion **PASSED** unanimously.

#### District Manager Report

Ms. Buck Presented:

- a. Employee Accomplishments and Compliments  
Ms. Buck congratulated staff with anniversaries that occurred within the last month. She noted that the collective tenure of staff is currently 213 years with an average tenure of 10 and a half years. She noted that a compliment was received regarding the District not using robot callers.
- b. Office HVAC Project Update  
Ms. Buck noted that the submittals have all been approved for this project and equipment is being ordered. Construction will begin the week of March 14<sup>th</sup> and commented that there should be no impact to staff.
- c. CDM Smith Wastewater Master Plan Review  
Ms. Buck reported that contract execution is concluded, and that file transfer should be complete next week.
- d. Property Insurance Schedules / Liability Coverage  
Ms. Buck discussed the sewer spans that are not listed on the property schedule for insurance but added that these items are currently covered with respect to liability coverage. She noted that she has included this in an email to the Board and asked if the Board would like to continue with this process. The Board has not fully reviewed these documents yet, but Director Plotkin asked for Mr. Pantano to comment on the necessity of these additions. Mr. Pantano provided context.  
  
Ms. Buck described the damage to the communications tower at the high school. She is working with the staff to acquire a list of all towers and has submitted the list to the CSD Insurance Pool for a quote and will submit this to the Board for consideration once received. Additional conversation ensued regarding this topic. Director Baker asked for Mr. Pantano to investigate the original installation contract for any workmanship clauses that may exist.
- e. Employee Handbook:  
Ms. Buck reported that as of January 1, 2022, accrued paid time off must be paid out if it cannot be rolled over. She informed the Board that this new language has been updated in the handbook as presented to the Board for approval. Director Garner **MOVED** to approve the recommended changes and additions to the handbook. Director Plotkin seconded, and upon vote the motion **PASSED** unanimously.

Director's Matters

- a. District Manager Selection  
Director Baker began the discussion and asked each Director to provide a final vote for District Manager.

Director Garner discussed his choice for Ms. Dudley. Director Morgan discussed her selection criteria and acknowledged her choice for Ms. Dudley. Director Hooks discussed his choice for Mr. Tyus. Director Plotkin discussed his position on the matter but did not provide a selection

After discussion, Director Baker **MOVED** to approve Ms. Dudley as the District Manager. Director Garner seconded. Upon vote, Directors Garner and Morgan voted in favor with Directors Plotkin, Hooks, and Baker against. The motion did **NOT PASS**.

Director Baker **MOVED** to approve Mr. Tyus as the District Manager. Director Hooks seconded. Upon vote, Directors Plotkin, Hooks, and Baker voted in favor with Directors Garner and Morgan opposed. The motion **PASSED** to hire Mr. Tyus as the District Manager.

Discussion ensued regarding the decision. Ms. Buck recommends that the Board appoint a Director to contact Mr. Tyus and negotiate terms of the offer.

Director Baker **MOVED** to appoint Director Hooks to make the offer and negotiation terms with Mr. Tyus. Director Morgan seconded. Following discussion, upon vote, the motion **PASSED** unanimously.

b. Raftelis Rate Study  
Update

Ms. Buck reported that the committee has been appointed and noted that she is meeting with Raftelis on February 9<sup>th</sup>, 2022, to discuss the variables before the Special Meeting of the Board.

c. System Development  
Fees Committee

The Board discussed the timeline for receiving information.

d. Newsletter

Director Plotkin discussed the newsletter. He proposed that a link to the letter be included in the next billing cycle and asked that the newsletter be posted to the website. No motion is necessary.

The Board provided notes to Director Plotkin regarding the newsletter. Mr. Woods and Director Garner will review this letter and work with the IT department to post it to the website. Director Morgan suggests that Director Plotkin be the contact listed as the author; the Board agreed.



Legal Matters

Mr. Woods Presented:

Mr. Woods reported that he will circulate the final draft memorandum regarding the Alameda Water IGA. He noted that the litigation update email has not been sent, but there are no substantial updates for the Board.

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

Mr. Woods recommended to the Board to enter into executive session per §24-6-402(4)(d), C.R.S. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning employment of a District Manager and subsequently enter into executive session per §24-6-402(4)(d), C.R.S. for the purpose of conferencing with an attorney to receive legal advice regarding the red zone tank warranty issue.

- A. Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning employment of a District Manager.
- B. Tank Warranty Issue

Director Garner **MOVED** to enter executive session per §24-6-402(4)(d), C.R.S. to discuss matters listed under items A and B of Agenda item 12 at 8:00 pm. Director Plotkin seconded and upon vote the motion **PASSED** unanimously.

The executive session was concluded at 8:57 pm.

Director Morgan **MOVED** to release the Matergenics report to Coblaco for the purposes of review and to continue with a second opinion that will review the contextual material. Director Baker seconded and upon vote the motion **PASSED** unanimously.

New Business – Notifications for Next Board Meeting

Director Morgan expressed concern regarding the new hiring of the District Manager which included the possibility for supplemental engineering support. The Board discussed and Mr. Woods and Ms. Buck provided context. This topic will be discussed at the March Regular Meeting of the Board.

The Board discussed creating an onboarding committee for the new manager. Directors Morgan and Baker will meet first with the new manager.

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 9:06 p.m.



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Alex Plotkin, Secretary