

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

AUGUST 9, 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, August 9, 2022.

The audio recording of this meeting is available on the District’s website.

<p>Attendance:</p>	<p>A regular meeting of the District was scheduled in compliance with the laws of the State of Colorado, with the following directors in attendance:</p> <p>Jeff A. Baker, President Karen Morgan, Vice President Dave Wiechman, Secretary Todd Hooks, Treasurer Roger Wendell, Director</p> <p>Also present were:</p> <p>Katie Gill, City of Morrison Dylan Woods, Coaty Marchant Woods P.C. Alex Plotkin, Resident Terry Kenyon, District Engineer Jeff Tyus, District Manager</p>
<p>Call to Order / Declaration of Quorum:</p>	<p>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 6:00 p.m.</p>
<p>Directors &amp; Disclosure Matters:</p>	<p>There were no disclosure matters.</p>
<p>Approval of/Additions to /Deletions from the Agenda:</p>	<p>Director Baker <b>MOVED</b> to add the following items to the Agenda.</p> <ul style="list-style-type: none"> <li>- Open discussion with Katie Gill after Public Comment</li> <li>- Facility Infrastructure Condition Assessment under Director Matters (Subset e)</li> <li>- Big Sky Motion to dismiss under item C in Legal Matters</li> <li>- Fossil Ridge IGA under item D in Legal Matters</li> </ul>

	<p>Director Hooks seconded and upon vote, the motion <b>PASSED</b> unanimously.</p>
<p>Public Comment</p>	<p>Mr. Plotkin requested that his public comment be read directly into the minutes and is as follows:</p> <p>“A former city council member, who is now one of the directors, sent out an email claiming that he had joined the GMWSD board to heal some sort of a division resulting from prior accusations and a recall. Here’s the thing - the Board was functioning just fine, before this individual joined the Board. Three board members (with the overriding support of the community), stood in the way of allowing the District to be bullied by Big Sky and other parties. Instead of supporting those three directors, the former council member ran against one of them in the recall in the fall of 2021 and lost, 3 to 1. Speaking of Big Sky... The same individual launched into a drawn out boast about their previous experience in the government. They then talked about how important it is to listen to the people. The three directors, who had to contend with a recall, actually listened to the people, who, in no uncertain terms, expressed where they stand on providing the extraterritorial sewer service. But let us examine the record. I filed some CORA requests with the City of Lakewood and have the results here, today. First, here are the minutes of the city council meeting from September 22nd, 2014. This is when the council held a vote to approve the Big Sky Service Plan. If you look at the vote breakdown (page 5, bottom), one council person voted no. One. And that former council person is not in the room with us today.</p> <p>Also, on page 5, examine this bit: "Bear [as in, Kristen Bear of White, Bear and Ankele] - replied it would be the developer who would pass those costs onto the home builders, who would pass that onto the residents, as an increased purchase price of their homes." Yet, the recent publications by Colorado reporters would beg to differ. Second, here are the minutes of the city council meeting from August 28, 2006. This is when the Solterra vote was held. And, again, there were some rather interesting comments related to who truly bears the costs of a Metro District. So, when we talk about listening to people - where were the first, second, and whatever readings on the above? And how is it that the majority of the council, one of the current Green Mountain Board Directors included, would make a decision based on such bad information and without</p>

	<p>truly listening to the people? Many citizens are now aware of the costs of the Big Sky litigation to the District. Plus, Solterra council, at one point, threatened to sue GMWSD. The same former city council member claims that they are the one that is here to heal rifts and listen to the people when, in reality, they were in the group of people who enabled the creation of Big Sky, while the board members who knew nothing about it until after their election in 2018, had to contend with the consequences. The rest, as they say, is history. One has to wonder, why were the above documents not attached to the email that the individual had sent as a record of their accomplishments in government service? I would like to remind the public who it is that indeed did listen to them vs. those who only claim to have done so and will lecture the current Board on what to do. If you don't like the process the Board is using, just make a motion for a process improvement, instead of sneaking behind the Board's back. It is, as you said yourself, a democratic body, after all. I respectfully request that these comments be entered into the minutes, verbatim along with the documents I had presented. I will provide both, electronically. Thank you.”</p>
<p>Discussion with Ms. Gill</p>	<p>Director Morgan asked Ms. Gill about the waste treatment plant construction at Red Rocks Ranch and how a new IGA will cover Bandimere properties. Director Morgan believes that the Town of Morrison, while planning for expansion oversized the treatment plant. Ms. Gill clarified that the new IGA provides the Town of Morrison the right to provide sewer and water service to Bandimere properties which was not allowable under the previous IGA since it was located in unincorporated Jefferson County.</p>

Director Wiechman requested permission to respond to Mr. Plotkin’s questions.

Director Wiechman shared that much of his knowledge comes from “the school of hard knocks” in which lessons are learned from the results of mistakes made. When the issue of the Big Sky Metro District service plan first came before Lakewood City Council nearly a decade ago (2014), he was a brand new councilor. Since he, and the rest of Council had no idea what sort of issues could arise out of this proposal Wiechman moved to postpone a vote to allow Council to research the matter. However, his motion was defeated because the City Attorney and staff lied to Council telling them this vote was a “crisis” that could not be postponed but had to be voted on that night. Council was told there would be no problems and that any issues or changes would have to be addressed by Council again. As a result of these misrepresentations Wiechman made a mistake and went along with the majority. The lesson here is to be more skeptic and cautious and take extra time to be sure about what is being voted on.

<p>Approval of the Minutes</p> <p>a. June 28, 2022, Special Meeting Minutes</p>	<p>Director Baker <b>MOVED</b> to approve the June 28, 2022; special board meeting minutes as presented. Director Wiechman seconded and upon vote, the motion <b>PASSED</b> unanimously.</p>
<p>District Manager Report</p>	<p>Mr. Tyus asked if there were any questions on the manager’s report to the Board. Director Morgan and Director Baker discussed coming up with a facilities maintenance plan (FICA). Director Morgan asked for an update on the Ravine Bridge. Mr. Tyus updated the Board the City of Lakewood is working to address erosion control and then will move on to next steps. He described the existing bid for construction and noted it would likely need to be rebid and updated. Mr. Kenyon provided an update from his meeting with Lakewood. The Board discussed whether they wished to include the drainage repair in the construction of the bridge.</p> <p>The Board requested that the drainage be removed from the bid. The Board asked Mr. Kenyon to give a timeline for installation of barricades. Mr. Kenyon said they plan to include the barricades as part of the bid for the Ravine Bridge crossing.</p> <p>Director Morgan asked for clarity on the signage. She requested that the photos of the signs be re-sent to her.</p>
<p>Capital and Construction Projects</p> <p>a. Sewer Pipe Lining Bear Creek Golf Course</p> <p>b. Collection Sewer Pipe Kipling</p>	<p>Mr. Tyus informed the Board that there will be a pre-construction meeting on August 2, 2022, that will include the Bear Creek Golf Course Managers, Engineering, and the American West contractors.</p> <p>Mr. Kenyon informed the Board that the design is complete and will be submitted to the City of Lakewood on August 10, 2022, for review. Mr. Kenyon also informed the Board that they will be moving a gas line to provide less obstruction for the new sewer layout. Mr. Kenyon while discussing the timing of completion he noted that the Town of Lakewood will likely move quickly but that the review also includes CDOT which could delay progress.</p>
<p>Financial Matters</p>	

<p>a. July and August 2022 Daily/Monthly Operation Expenses and Capital Expenditures</p> <p>b. July 2022 Unaudited Financial and Investment Report</p>	<p>Following discussion, Director Hooks <b>MOVED</b> to accept the July and August 2022 Daily/Monthly Operation Expenses and Capital Expenditures. Director Baker seconded and upon vote, the motion <b>PASSED</b> unanimously.</p> <p>Director Hooks <b>MOVED</b> to accept the July 2022 Unaudited Financial and Investment Report. Director Baker seconded and upon vote, the motion <b>PASSED</b> unanimously.</p> <p>The Board generally discussed the investment opportunities available to the District relating to reserve funds.</p>
<p>Directors Matters</p> <p>a. Sustainable Water and Environmental Impact Due to Uncontrolled Growth</p> <p>b. Legislation Updates and Lobbyist Vote</p> <p>c. Denver Water Committee Update</p> <p>d. New Development</p>	<p>Several local elected officials (Franks, Olver, Kennedy, Danielson) were invited to attend and discuss with the board. None of the invitees attended. No action was taken.</p> <p>Following discussion Director Morgan <b>MOVED</b> to hire a Lobbyist for one year to represent the Board's views at the state level. Director Baker seconded and upon vote, the motion <b>PASSED</b> unanimously.</p> <p>Director Baker <b>MOVED</b> to schedule a Special meeting on August 11, 2022, to select a lobbyist. No second. The motion <b>FAILED</b>.</p> <p>Following discussion, Director Baker <b>MOVED</b> to schedule a Special Meeting on August 11, 2022, at 6:00 p.m. Director Hooks seconded and upon vote, the motion <b>PASSED</b>.</p> <p>Director Baker <b>MOVED</b> to create a legislative group consisting of Director Morgan and Director Wiechman to manage the Lobbyist. Director Wendell seconded and upon vote, the motion <b>PASSED</b> unanimously.</p> <p>The Board discussed the Denver Water Committee. Mr. Plotkin provided an update and the Board directed Mr. Tyus to post an update on the website.</p> <p>The Board discussed the New Development. No action was taken.</p>

<p>e. Facility Infrastructure Condition Assessment (FICA)</p>	<p>Director Baker volunteered to give some models for Facility Infrastructure Condition Assessments to the Board. Director Morgan motioned to create a Infrastructure Replacement Plan and Capital Improvement Plan subcommittee consisting of Director Baker and Director Wendell. Director Baker seconded and upon vote, the motion <b>PASSED</b> unanimously.</p>
<p>Legal Matters</p> <p>a. Red Zone Tank</p> <p>b. IGA Renew Process</p> <p>c. Big Sky Motion to Dismiss</p>	<p>Director Morgan asked Mr. Woods to provide weekly updates on resident litigation matters.</p> <p>Mr. Woods provided an update regarding the Red Zone Tank.</p> <p>Mr. Woods provided an update regarding the IGA.</p> <p>The Board discussed the viability of filing a motion to dismiss for Big Sky. No action was taken.</p>
<p>New Business – Notifications for Next Board Meeting</p>	<p>Director Baker discussed the addition of quarterly evaluations for the SDF (system development fees) recap fees.</p> <p>Director Wiechman requested a motion be placed on the September agenda to modify the Board’s meeting agendas to be consistent with the Bylaws (i.e. replace Directors’ Matters with Old and New Business).</p>
<p>Adjourn</p>	<p>Director Baker <b>MOVED</b> to adjourn the meeting. Director Hooks seconded the motion. The motion <b>PASSED</b> by unanimous consent, and the meeting was adjourned at 8:29 p.m.</p>



David ~~Wiechman~~, Wiechman, Secretary