

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE NORTHWEST LAKEWOOD SANITATION DISTRICT AND THE BOARD OF DIRECTORS OF THE WASTEWATER UTILITY ENTERPRISE HELD NOVEMBER 24, 2021

In part due to COVID-19 concerns, the Special Meeting of the Board of Directors of the Northwest Lakewood Sanitation District and the Board of Directors of its Wastewater Utility Enterprise (collectively referred to hereafter as “Board”) was convened by Zoom video conference and teleconference call on Wednesday, November 24, 2021, at 12:00 Noon. The Zoom Meeting and call-in information was listed in the meeting notice posted by the District, and the public was able to attend the meeting by telephone, if they so desired.

#### ATTENDANCE

##### Directors In Attendance Were:

Anthony M. Dursey  
Greg Fabisiak  
Jim Zimmerman  
Cici Kesler  
Clark Davenport

##### Also In Attendance Were:

Steve Beck; Special District Management Services, Inc.

Tim Flynn, Esq.; Collins, Cockrel & Cole, P.C.

Bill Willis; Martin/Martin Consulting Engineers

Wayne Ramey; Ramey Environmental Compliance

#### ADMINISTRATIVE MATTERS

Minutes: The Board reviewed the minutes of the October 27, 2021 Regular Meeting.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Fabisiak, and upon vote, unanimously carried, the minutes of the October 27, 2021 Regular Meeting were approved, as presented.

2022 Meeting Dates: Attorney Flynn and Mr. Beck discussed the meeting dates with the Board.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport, and, upon vote, unanimously carried, the Board approved holding

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the Regular Meetings for 2022 on the 4<sup>th</sup> Wednesday of every month at 4:00 p.m. via Zoom until further notice.

**Discuss §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2022:** Attorney Flynn discussed the notice to electors required under Section 32-1-809, C.R.S. (“Transparency Notice”) for 2022. He noted that the District’s Transparency Notice for 2021 was posted on the SDA website and the District’s website.

Following discussion, the Board authorized posting the District’s Transparency Notice for 2022 on the SDA website and on the District’s website.

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### **PUBLIC COMMENTS**

None.

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### **FINANCIAL MATTERS**

**Claims:** Mr. Beck discussed with the Board the payment of claims for the period ending November 16, 2021, as follows:

General Fund	\$ 391,367.72
Enterprise Fund	\$ 28,196.41
Total	<b><u>\$ 419,564.13</u></b>

Following discussion, upon motion duly made by Director Fabisiak, seconded by Director Kesler and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending November 16, 2021.

**Unaudited Financial Statement:** Mr. Beck reviewed with the Board the unaudited financial statements of the District setting forth the cash deposits, investments, and budget analysis, accounts payable vouchers for the period ending October 31, 2021, the schedule of cash position dated October 31, 2021, and the Accounts Receivable reports on collections of fees, the past due accounts and collection efforts.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Davenport, and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, accounts payable vouchers and accounts receivables reports for the period ending October 31, 2021, and the schedule of cash position dated October 31, 2021, as presented.

**2021 Audit:** Mr. Beck discussed the scheduling of the 2021 audit with the Board.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Davenport, and, upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to perform the 2021 audit, for an amount not to exceed \$5,700.00.

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**2021 Budget Amendment Hearing:** The President opened the public hearing to consider the Resolution to Amend the 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2021 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following discussion, the Board determined that a 2021 Budget Amendment was not needed.

**2022 Budget:** President Dursey opened the Public Hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing and the public hearing was closed.

Mr. Beck discussed the proposed budget, changes made per prior Board discussions and that the final mill levies and revenues were subject to change based on the Final Assessed Valuation to be received from Jefferson County. Mr. Beck also stated the Schilling & Company would be reviewing the final mill levy to verify the Temporary Reduction required based on TABOR.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Fabisiak, and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-01; A Resolution of the Board of Directors of the Northwest Lakewood Sanitation District to Adopt the 2022 Budget and Appropriate Sums of Money, subject to receipt of the Final Assessed Valuation.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Kesler, and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-02; A Resolution of the Board of Directors of the Northwest Lakewood Sanitation District to Set Mill Levies at 7.696 mills, less the temporary mill levy reduction to be verified by Schilling & Company, plus the allowable mill levy for refunds and abatements based on the Final Assessed Valuation.

**DLG-70 Mill Levy Certification:** Attorney Flynn and Mr. Beck discussed the DLG-70 Mill Levy Certification form with the Board.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Zimmerman, and upon vote unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 mill levy certification form, for certification to the Board of County Commissioners and other interested parties.

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**Discuss Xpress Bill Pay:** Mr. Beck discussed the Xpress Bill Pay service with the Board.

**Payment Support Options:** Attorney Flynn, Director Davenport and Mr. Beck discussed some payment options for residents and customers who are having problems paying their utility bills.

### **LEGAL MATTERS**

**Applewood Sanitation District Sewer Service Agreement:** Attorney Flynn discussed the revised agreement with the Board.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Zimmerman, and, upon vote, unanimously carried, the Board approved the Applewood Sanitation District Sewer Service Agreement.

**Moffat Treatment Plant Sewer Flow Meter Replacement:** Attorney Flynn and Mr. Willis discussed with the Board the change in the meter from a manual read meter to a digital remote read meter and the revised Second Amendment to Intergovernmental Agreement with the Board of Water Commissioners for the City and County of Denver.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport, and, upon vote, unanimously carried, the Board approved the Second Amendment to Intergovernmental Agreement.

**2419 Ward Road Agreement and Variance Request:** Attorney Flynn and Mr. Willis discussed the agreement and variance request for the new construction at 2419 Ward Road and reported that it had not been finalized and needed to be deferred to the December meeting.

**Sewer Main Relocation Agreement between the District and Jefferson County School District No. R-1 and the approval of the Amended and Restated Sewer Main Relocation Agreement between the District and Jefferson County School District No. R-1:** Attorney Flynn discussed the original Agreement with the Board and the Amended and Restated Agreement. He noted that in December of 2020, the Board had found the provisions of the original Agreement to be acceptable, but had not formally approved and signed the original Agreement. The project however, proceeded in accordance with the terms and provisions of the original Agreement.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Zimmerman, and, upon vote, unanimously carried, the Board ratified approval of the Sewer Main Relocation Agreement.

Following further discussion, upon motion duly made by Director Kesler, seconded by Director Zimmerman, and, upon vote, unanimously carried, the Board approved the Amended and Restated Sewer Main Relocation Agreement.

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**Memo from Collins, Cockrell & Cole, P.C. Regarding the Firm's Transition:**

Attorney Flynn discussed the transition of the firm into two separate firms and the transfer of District files.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport, and, upon vote, unanimously carried, the Board approved the retention of the services of Attorney Flynn and the new firm of Collins, Cole, Flynn, Winn & Ulmer, PLLC and the transfer of all District files to the new firm.

**Election Resolution:** The Board discussed Resolution No. 2021-11-03; Resolution Calling a Regular Election for Directors on May 3, 2022, appointing the Designated Election Official ("DEO") and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Kesler and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-03, Resolution Calling a Regular Election for Directors on May 3, 2022, appointing the DEO and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

### **OPERATIONS MATTERS**

**Operations Monthly Report:** Mr. Ramey reviewed the monthly report (October 1-30) with the Board. A copy of the report is attached hereto and incorporated herein by this reference.

**Engineer's Report:** Mr. Willis reviewed with the Board the engineering report dated November 16, 2021. A copy of the report is attached hereto and incorporated herein by this reference.

Mr. Willis also reported that Insituform will begin work on the transmission line with College Park first so that this will be completed this year. He updated the Board on the status of the 930 Alkire St. project and that the developer's contractor will install the new manhole for an amount not to exceed the quote from T. Lowell. He also discussed the need for a System-wide Flow Study.

### **OTHER BUSINESS**

**Metro Wastewater Update:** Director Davenport updated the Board on the board meetings for Metro Water Recovery District.

**Website Update:** Director Fabisiak asked if the website was ADA compliant. Attorney Flynn and Mr. Beck will work with Mr. Frankland to ensure that the website is ADA compliant.

**December 22, 2021 Regular Meeting:** Attorney Flynn and Mr. Beck discussed the December Meeting with the Board.

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Following discussion, upon motion duly made by Director Kesler, seconded by Director Zimmerman, and, upon vote, unanimously carried, the Board authorized the cancellation of the Regular Meeting on December 22, 2021, and rescheduled a Special Meeting to be held via Zoom at 1:00 PM on Wednesday, December 22, 2021.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Zimmerman, seconded by Director Davenport and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By



Secretary for the Meeting