

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE NORTHWEST LAKEWOOD SANITATION DISTRICT AND THE BOARD OF DIRECTORS OF THE WASTEWATER UTILITY ENTERPRISE HELD JANUARY 26, 2022

In part due to COVID-19 concerns, the Regular 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, January 26, 2022, at 4:00 PM. 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

Walt Frankland

ADMINISTRATIVE MATTERS

Minutes: The Board reviewed the minutes of the December 22, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and upon vote, unanimously carried, the minutes of the December 22, 2021 Special Meeting were approved, as presented.

PUBLIC COMMENTS

None.

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FINANCIAL MATTERS

Claims: Mr. Beck discussed with the Board the payment of claims for the period ending January 20, 2022, as follows:

General Fund	\$ 50,279.83
Enterprise Fund	\$ 418,614.65
Total	<u>\$ 468,894.48</u>

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending January 20, 2022.

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 December 31, 2021, the schedule of cash position dated December 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 Kesler, 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 December 31, 2021, and the schedule of cash position dated December 31, 2021, as presented.

LEGAL MATTERS

Roybal Complaint Update: Attorney Flynn reported that the SDA Liability Insurance Pool has engaged The Lane Law Firm to represent the District in the resolution of this complaint. At this time a Motion to Dismiss has been filed in regard to the complaint against the District.

May 2022 Election and Self-Nomination Forms: Attorney Flynn updated the Board on the 2022 Election process and stated that the self-nomination forms are due by February 28, 2022. Mrs. Steggs will be posting the notices concerning the self-nomination forms and Mr. Frankland will post a notice on the District website.

November Election and inclusion of a TABOR vote: Attorney Flynn and Mr. Beck discussed the November election, PR firms and unrealized revenues due to TABOR limitations. Director Zimmerman will provide the information on a consultant to be contacted about assisting with an election campaign.

Common Sewer Line Agreement for 2650 Simms Street: Attorney Flynn and Mr. Willis discussed the proposed agreement to allow the variance for the common sewer line for 2650 Simms Street. Following discussion, the Board authorized Attorney Flynn to send the agreement to Mr. Bauer for review, acceptance and signature.

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Resolution Establishing the Date, Time and Location for the Regular Meetings of the Board of Directors of the Northwest Lakewood Sanitation District and Designating the Location for Posting Notice of District Meetings Online in Compliance with the Open Meetings Law: Attorney Flynn discussed the resolution for the posting of the date, time and location of the Regular Board meetings on the District website.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-1-1; A Resolution Establishing the Date, Time and Location for the Regular Meetings of the Board of Directors of the Northwest Lakewood Sanitation District and Designating the Location for Posting Notice of District Meetings Online in Compliance with the Open Meetings Law. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

Engagement of Collins Cole Flynn Winn & Ulmer, PLLC: Attorney Flynn discussed with the Board the Engagement Letter between the District and Collins Cole Flynn Winn & Ulmer, PLLC and transfer of files from Collins, Cockrel & Cole to the new firm.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Kesler, and, upon vote, unanimously carried, the Board ratified approval of the Engagement Letter between the District and Collins Cole Flynn Winn & Ulmer, PLLC, as amended.

OPERATIONS MATTERS

Operations Monthly Report: Mr. Ramey reviewed the monthly report (December 1-31) with the Board and noted that all planned work for the year has been completed. 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 January 18, 2022. A copy of the report is attached hereto and incorporated herein by this reference.

Mr. Willis discussed the problems in the sewer lateral at 10531 W 22nd Place and that it is unknown as to how the pipe has broken and the only way to verify the liability and determine repair responsibility is to excavate the lateral from the tap back to the end of the replaced line. Mr. Bruce Mathers has been in contact with Mr. Beck and Mr. Willis regarding the problem and an agreement is being proposed that the District will have the line excavated to expose the lateral so that it can be examined. Following discussion, the Board authorized Mr. Willis and Mr. Beck to propose the agreement to Mr. Mathers and if he is in agreement to have Attorney Flynn to draft the agreement for signature.

Pay Application No. 1 from Insituform Technologies LLC: Mr. Willis discussed with the Board Pay Application No. 1 for work completed on the Northwest Lakewood

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Sanitation District – 2021 Sanitary Sewer Improvements project through the month of December 2021.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Kesler, and, upon vote, unanimously carried, the Board approved the payment of Pay Application No. 1 to Insituform Technologies LLC, in the amount of \$348,949.25.

Mr. Willis then discussed with the Board Change Order No. 1 from Insituform Technologies LLC, in the amount of \$31,279.00.

Following discussion, upon motion duly made by Director Fabisiak, seconded by Director Davenport, and, upon vote, unanimously carried, the Board approved payment of Change Order No. 1, in the amount of \$31,279.00.

OTHER BUSINESS

Metro Wastewater Update: Director Davenport updated the Board on the board meetings for Metro Water Recovery District and discussed his letter regarding his observations of the construction project.

Website Update: Mr. Frankland reported that the website is updated and current and that there are no problems. He requested a new map from Mr. Willis and Mr. Beck will provide the notice for the Call for Nominations. Attorney Flynn and Mr. Frankland discussed the status of the website as to ADA compliance. Mr. Frankland with review the website platform to determine if it can be made compliant.

ADJOURNMENT

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

Respectfully submitted,

By _____
Secretary for the Meeting