

**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  
MARCH 23, 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, March 23, 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 Cole Flynn Winn & Ulmer, PLLC

Bill Willis; Martin/Martin Consulting Engineers

Ismael Gomez; Ramey Environmental Compliance

Walt Frankland

**ADMINISTRATIVE  
MATTERS**

**Minutes:** The Board reviewed the minutes of the January 26, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and upon vote, unanimously carried, the minutes of the January 26, 2022. Regular Meeting were approved, as presented.

The Board reviewed the minutes of the February 23, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Fabisiak, and upon vote, unanimously carried, the minutes of the February 23, 2022 Regular were approved, as presented.

## RECORD OF PROCEEDINGS

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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 March 8, 2022, as follows:

General Fund	\$ 12,878.39
Enterprise Fund	<u>\$ 95,509.38</u>
Total	<u>\$ 108,387.77</u>

Mr. Beck noted that the claims included payments to Diamond Contracting for emergency repairs and to Insituform for Pay App #4 and CO#4 to be discussed during the engineering report.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Zimmerman and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending March 8, 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 February 28, 2022, the schedule of cash position dated February 28, 2022, 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 Fabisiak, 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 February 28, 2022, and the schedule of cash position dated February 28, 2022, as presented.

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**LEGAL MATTERS**

**Roybal Complaint Update:** Attorney Flynn reported that the Motion to Dismiss has been filed with prejudice and the complaint has been settled and finalized.

**Common sewer line agreement for 2650 Simms Street:** Attorney Flynn reported that the agreement has been sent to Mr. Bauer. Mr. Bauer's response has been that the agreement is acceptable for all conditions except that he is requesting the clause restricting the ADU to be for family use only to be removed in the event that at some point they would want to lease out the ADU to individuals outside of the family. According to Mr. Willis, if the ADU is built with no kitchen there is no impact on the system but the District would be required to inspect the unit annually to make sure that the unit was in compliance. The Board is concerned that a kitchen could be installed in the event the property were to be leased to individuals other than family members.

## RECORD OF PROCEEDINGS

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Following discussion a motion was made by Director Kesler that if Mr. Bauer desires to construct the ADU with no restrictions in lieu of the original proposed agreement then he will be required to pay an extra tap fee for the ADU. The motion was seconded by Director Davenport and, upon vote, unanimously carried, the Board approved the motion.

**Consider the adoption of a Resolution to change the tap fees for 2022:** Attorney Flynn discussed the resolution and the posting of the notice for a public hearing and asked that this be scheduled for consideration and approval at the April Meeting.

**November Election and inclusion of a TABOR vote:** Attorney Flynn discussed the cancellation of the May election and reported that his PR contacts would be unable to assist the District with a November election. Director Kesler has contacted a few firms that she has experience with and is talking with the Communications Infrastructure Group about assisting the District and will report back in April. All others declined to work with the District.

### **OPERATIONS MATTERS**

**Operations Monthly Report:** Mr. Gomez reviewed the monthly report (February 1-28) 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 March 23, 2022. A copy of the report is attached hereto and incorporated herein by this reference.

Mr. Willis discussed the repairs done at 10531 W 22<sup>nd</sup> Place and that it was determined that faulty construction in the past was the problem and the District's responsibility.

Mr. Willis discussed the proposed development on W 38<sup>th</sup> Street that is out of the District but they are desiring to connect to the District transmission line.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and, upon vote, unanimously carried, the Board agreed to not allow a connection to the District line.

**Pay Application No. 4 from Insituform Technologies LLC:** Mr. Willis discussed the Pay Application No. 4 invoice for the work performed through March 9, 2022 which is about 51% of the original contract and includes Change Order No. 4.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and, upon vote, unanimously carried, the Board approved Change Order No. 4 and authorized the payment.

## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and, upon vote, unanimously carried, the Board approved the payment of Pay Application No. 4 to Insituform Technologies LLC.

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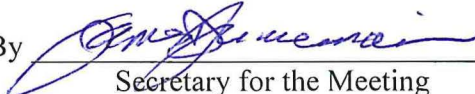
**OTHER BUSINESS** **Metro Wastewater Update:** Director Davenport updated the Board on the board meetings for Metro Water Recovery District.

**Website Update:** Mr. Frankland reported that the website is updated and current and that there are no problems. Mr. Frankland discussed the status of the website as to ADA compliance and available software. Attorney Flynn discussed the ADA statement that must be adopted by the Board and will have that statement available at either the April or May meeting.

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

Respectfully submitted,

By   
Secretary for the Meeting