

**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  
APRIL 27, 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, April 27, 2022, at 4:00 PM. The Zoom Meeting and call-in information were 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

Wayne Ramey; Ramey Environmental Compliance

Walt Frankland

Kim Dahlin; Westridge Sanitation District

Dr. Amy Osbourne and Mr. Tyler Kakavas; Property owners at 11324 W 38<sup>th</sup> Ave (for a portion of the meeting)

Gary Welp; RG and Associates (for a portion of the meeting)

**ADMINISTRATIVE  
MATTERS**

**Minutes:** The Board reviewed the minutes of the March 23, 2022 Regular Meeting.

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

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**PUBLIC  
COMMENTS**

None.

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**FINANCIAL  
MATTERS**

**Claims:** Mr. Beck advised the Board that the claims had been revised to include the payment to Insituform for Pay App #5 and CO #5 in the net amount of \$71,846.85 to be discussed during the Engineering Report. Mr. Beck also noted that the revised claims included payments to Diamond Contracting for emergency repairs that will be discussed during the Engineering Report. The revised claims discussed with the Board for the period ending April 22, 2022, are as follows:

General Fund	\$ 21,339.95
Enterprise Fund	\$ 132,783.13
Total	<b><u>\$ 154,123.08</u></b>

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 April 22, 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 March 31, 2022, the schedule of cash position dated March 31, 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 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 March 31, 2022, and the schedule of cash position dated March 31, 2022, as presented.

Director Fabisiak asked about the inclusion of a comment on the quarterly invoice to inform customers about the late fee and consequences if the bills are not paid. Mr. Beck and Attorney Flynn will draft a statement to be discussed at the May Board Meeting.

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**LEGAL MATTERS**

**Common sewer line agreement for 2650 Simms Street:** Attorney Flynn reported that the revised agreement has been sent to Mr. Bauer who has yet to respond.

**Consider the adoption of Resolution 2022-04-01 to change the tap fees for 2022:** Attorney Flynn discussed the resolution and the posting of the notice for a public hearing.

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

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2022-04-01 to revise the tap fees for 2022 to equal that charged by Metro Water Recovery.

**Discuss update to Rules & Regulations:** Attorney Flynn discussed the Rules & Regulations and that the document needs to be made current, and that Mr. Beck has done a preliminary review that has been provided to himself and Mr. Willis. Mr. Beck, Mr. Willis and Attorney Flynn will begin the revision process and keep the Board updated.

**Consider approval of the Master Services Agreement with Diamond Contracting:** Attorney Flynn discussed the revised agreement with the Board.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and, upon vote, unanimously carried, the Board approved the Emergency Services Agreement with Diamond Contracting.

**Discuss request from Westridge Sanitation for the District to provide service to 11324 W. 38<sup>th</sup> Avenue:** Attorney Flynn discussed his letter describing the request from the Westridge Sanitation District that the Northwest Board reconsider its prior denial of the request from Amy Osborne and her son-in-law Mark Kavavas that the single family home Ms. Osborne's daughter and son-in-law would like to construct on property located at 11324 West 38<sup>th</sup> Avenue be allowed to connect to Northwest's 18" sanitary sewer line through a manhole that is located adjacent to the property. Ms. Osborne and her son-in-law are willing to restrict development on the property to one single family home, pay the Northwest Lakewood Tap Fees, and Facility Renovation Fees as they come due, and comply with all Northwest and Westridge requirements. During the discussion it was noted that before Northwest can provide sewer service to the property the Reciprocal Sewer Service Agreement between Northwest and Westridge Sanitation District will need to be amended to allow service to this property and to include any other changes the parties believe necessary at this time.

Gary Welp, engineer for Westridge Sanitation and Bill Willis reviewed with the Board the alternatives for providing sewer service to the property. It is extremely costly and perhaps not feasible for Westridge at the present time to provide sewer service to the property due to the location of Westridge's sewer line in West 38<sup>th</sup> Avenue and various intervening utilities, including a water line from the Consolidated Mutual Water Company.

Following discussion, upon motion duly made by Director Dursey, seconded by Director Davenport, the Board approved the request to allow sewer service to be provided to the property through Northwest 18" interceptor line provided the connection is made into a manhole that is adjacent to the property; that the property owners pay all fees of Northwest and Westridge including the cost of preparing the necessary documentation including the amendment of the current IGA between Westridge and Northwest; that the connection to the manhole be in accordance with all Northwest engineering standards, including a possible installation of a drop

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structure inside the manhole. Attorney Flynn was authorized to begin work on an amendment to the Reciprocal Sewer Service Agreement and a document that will restrict future development of the property to one single family home; provide for passthrough to the property owner of all Northwest facility renovation fees charged to Westridge, and require compliance with all Northwest and Westridge engineering requirements and rules and regulations.

**Discuss November Election and inclusion of a TABOR vote:** Mr. Beck discussed the firm of CRL Associates as one that can assist the Board in promoting the education campaign regarding TABOR restrictions on the District and the need for de-Brucing, The Board asked Mr. Beck to obtain a proposal from Mr. Sherman with CRL and report back to the Board.

### **OPERATIONS MATTERS**

**Operations Monthly Report:** Mr. Ramey reviewed the monthly report (March 1-28) with the Board. A copy of the report is attached hereto and incorporated herein by this reference. He noted that there was one incidence where a backup occurred in a home and the owners declined to have the District assist in the clean-up. Mr. Ramey has a signed document from the residents releasing the District from any liability.

**Engineer's Report:** Mr. Willis reviewed with the Board the engineering report dated April 27, 2022 and updated the Board on the status of the discussions with Consolidated Mutual to finalize the SFE's for various consolidated facilities for purposes of annual sewer service billing. A copy of the report is attached hereto and incorporated herein by this reference.

**Pay Application No. 5 from Insituform Technologies LLC:** Mr. Willis discussed the Pay Application No. 5 invoice for the work performed through April 8, 2022 which is about 59% of the original contract and includes Change Order No. 5. He noted that due to change order credits the original contract amount of \$1,659,124 has been lowered to be \$1,565,192 for a savings of \$93,932.

Following discussion, and based upon the engineer's recommendation, a motion duly made by Director Davenport, seconded by Director Zimmerman, and, upon vote, unanimously carried, the Board approved Change Order No. 5 and authorized the payment.

**Pay Application Diamond Contracting:** Mr. Willis discussed the invoice for the emergency repairs on w 14<sup>th</sup> Street at Yank Street in the amount of \$17,271.00 and that the invoice was in accordance with the Emergency Services Agreement approved by the Board.

Following discussion, and based upon the engineer's recommendation, a motion duly made by Director Kesler, seconded by Director Davenport, and, upon vote, unanimously carried, the Board approved the payment to Diamond Contracting.

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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.

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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