

**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 24, 2024**

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”) convened in person at Martin/Martin, Inc., 12499 W. Colfax Avenue, Lakewood, CO 80215, and by Teams video conference and teleconference call on Wednesday, January 24, 2024, at 4:00 PM. The Teams 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:

Gregory A. “Greg” Fabisiak
Catherine “CiCi” Kesler
James D. “Jim” Zimmerman
Anthony M. Dursey (by telephone)
George C. 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

**ADMINISTRATIVE
MATTERS**

Minutes: The Board reviewed the minutes of the November 29, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and upon vote, unanimously carried, the minutes of the November 29, 2023 Regular Meeting were approved.

**PUBLIC
COMMENTS**

None.

RECORD OF PROCEEDINGS

FINANCIAL MATTERS

Claims: Mr. Beck reviewed the claims through the period ending December 31, 2023 as follows:

General Fund	\$ 366,204.77
Enterprise Fund	\$ 49,574.62
Total	<u>\$ 415,779.39</u>

Following discussion, upon motion duly made by Director Kesler, seconded by Director Zimmerman and, upon vote, unanimously carried, the Board ratified the approval of the payment of claims for the period ending December 31, 2023, as presented.

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 month ending December 31, 2023 the schedule of cash position dated December 31, 2023.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, 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 for the month ending December 31, 2023 the schedule of cash position dated December 31, 2023, as presented.

2024 Budget: Mr. Beck discussed with the Board the adopted 2024 Budget that has been duly filed with the Division of Local Government (DLG) and the mill levy certification form that was duly filed with Jefferson County and the DLG.

Application for Payment No. 2 from Martin/Martin Consulting Engineer's: Mr. Beck and Mr. Ramey discussed with the Board Application for Payment No. 2 and Change Order No. 2 from Martin/Martin in the amount of \$343,405.75.

Following a discussion and based upon the engineer's recommendation, motion was duly made by Director Zimmerman, seconded by Director Kesler, and, upon vote, unanimously carried, the Board approved. Application for Payment No. 2 and Change Order No. 2 from Martin/Martin in the amount of \$343,405.75.

LEGAL MATTERS

11324 West 38th Avenue: Attorney Flynn discussed with the Board 11324 West 38th Avenue. He noted that he has not received notice that the Osborne's have conveyed any land to their daughter and son-in-law for the purpose of constructing a new home on the property.

Resolution Establishing the Date, Time, and Location for Regular Meetings: Attorney Flynn discussed with the Board the Resolution Establishing the Date, Time and Location for Regular Meetings and Designating the Location for Posting Notice of District Meetings Online.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport, and, upon vote, unanimously carried, the Board adopted the Resolution. The Resolution designates the District's website as the location where the District will post, at least 24-hours in advance of each meeting, a meeting notice together with an agenda if available.

Resolution Amending Policy on Colorado Open Records Act Requests: Attorney Flynn discussed with the Board Resolution No. 2024-01-02, Resolution Amending Policy on Colorado Open Records Act Requests. Attorney Flynn discussed the updates to the fees and statutes. The Board deferred action on the Resolution until the Board's February meeting.

Foreclosure on 2223 Beech Court: Attorney Flynn discussed with the Board the foreclosures on 2223 Beech Court and Tafolino's.

OPERATION MATTERS

Operations Monthly Report: Mr. Ramey discussed the October Operations Report with the Board.

Engineer's Report: Mr. Willis discussed with the Board the November Engineer's Report and updates.

Tap Fee Issue: The Board discussed the tap fee issue.

2023 Capital Improvements: Mr. Willis discussed with the Board the 2023 Capital Improvements.

OTHER BUSINESS

Metro Water Recovery Update: Director Davenport discussed with the Board the Metro Water Recovery update.

Website Update: Mr. Beck updated the Board regarding the website and statistics.

ADJOURN TO EXECUTIVE SESSION:

Pursuant to Section 24-6-402(4)(b), C.R.S., Director Zimmerman moved that the Board go into Executive Session for the purpose of obtaining advice from legal counsel regarding tap permits that were not issued and sewer tap fees that apparently have not been paid with respect to certain properties within the District. The motion was seconded by Director Kesler and at approximately 5:45 p.m. the Board went into Executive Session. Those present during the Executive Session were the five Board members and legal counsel.

At approximately 6:10 p.m. the Board returned to Open Public Meeting.

RECORD OF PROCEEDINGS

ADJOURNMENT

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

Respectfully submitted,

By 
Secretary for the Meeting

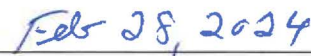
ATTORNEY STATEMENT

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I, Timothy J. Flynn, attest that I am the attorney for the Northwest Lakewood Sanitation District and that I was present at the time the Board convened an Executive Session on Wednesday, January 24, 2024, at approximately 5:45 p.m. for the purpose of obtaining legal advice regarding sewer tap permits that were not issued and sewer tap fees that have not been paid with respect to certain properties within the District. I further attest that the Executive Session was not recorded because it constituted a privileged attorney/client communication. The Board did not adopt any policy, rule, regulation, or take any formal action during the Executive Session.

Signed:


Timothy J. Flynn

Date:


Feb 28, 2024