

**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
AUGUST 28, 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, August 28, 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
George C. Davenport

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport, and upon vote, unanimously carried, the absence of Director Dursey was excused

Also In Attendance Were:

Steve Beck; Special District Management Services, Inc.

Tim Flynn, Esq.; Ireland Stapleton Pryor & Pascoe, PC

Bill Willis; Martin/Martin Consulting Engineers

Ismael Gomez and Wayne Ramey (via video conference); Ramey Environmental Compliance

Robin Kerns and Aaron Hayden; Metrowest Housing Solutions

Rashawn Burrows; Wilson & Company, Inc.

MaryAnn Ortiz; President of Applewood Valley Association and resident

**ADMINISTRATIVE
MATTERS**

Minutes: The Board reviewed the minutes of the July 24, 2024 Regular Meeting.

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Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and upon vote, unanimously carried, the Minutes of the June 24, 2024 Regular Meeting were approved.

Minutes: The Board reviewed the minutes of the August 15, 2024 Special Meeting.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and upon vote, unanimously carried, the Minutes of the August 15, 2024 Special Meeting were approved.

PUBLIC COMMENTS

None.

FINANCIAL MATTERS

Claims: Mr. Beck reviewed the claims through the period ending August 31, 2024, as follows:

| | |
|-----------------|----------------------|
| General Fund | \$ 431,100.99 |
| Enterprise Fund | <u>\$ 47,599.20</u> |
| Total | <u>\$ 478,700.19</u> |

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport and, upon vote, unanimously carried, the Board ratified the approval of the payment of claims for the period ending August 31, 2024, 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 July 31, 2024 the schedule of cash position dated July 31, 2024.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport 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 July 31, 2024 the schedule of cash position dated July 31, 2024, as presented.

LEGAL MATTERS

11324 West 38th Avenue: Attorney Flynn discussed with the Board the update on 11324 West 38th Avenue. It was noted that construction is still going ahead, and the Easements are all recorded.

Update on Unpaid Tap Fees: Attorney Flynn updated the Board on the status of the unpaid tap fees and discussions with Metro on the acceptable tap fees.

Common Service Agreement for 9604 and 9608 W. 25th Place: Attorney Flynn discussed the Common Service Agreement for 9604 and 9608 W. 25th Place. It was

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noted that there is common use of the sewer service line, but that because ownership of the two parcels is now separate, the Agreement needs to be between the parties.

1490 Normandy: Mr. Willis discussed with the Board the history of 1490 Normandy. It was recommended that the request for a variance and acceptance of payment of a sanitary sewer service permit fee for the accessory dwelling unit be granted.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Kesler upon vote, unanimously carried, the Board approved a variance from the requirement that the accessory dwelling unit on the property have a separate sewer service line and connection to the District's collection main and accepted payment for an additional SFE, subject to the property owners executing an appropriate Common Sewer Service Line Agreement with the District.

OPERATION MATTERS

Operations Monthly Report: Mr. Gomez discussed the Operations Report with the Board.

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

2024 Capital Improvements: Mr. Willis discussed the status of the 2024 CIP plan development. It was noted that it is still in process.

Metro West Housing Solutions Williams Point Affordable Housing Project: Mr. Willis discussed the status of the Metro West Housing Solutions Williams Point Affordable Housing Project. Director Davenport discussed a planning meeting on August 21, 2024 he attended virtually. Mr. Hayden, Mr. Kerns and Ms. Ortiz made comments about the project. It was noted that the District's obligation is to provide sanitary sewer service subject to available system and treatment capacity and that zoning matters are addressed by the City of Lakewood.

OTHER BUSINESS

Metro Water Recovery Operations Packet: Director Davenport discussed with the Board the Metro Water Recovery Operations Packet. It was noted that a joint meeting is coming up.

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

EXECUTIVE SESSION: Following a discussion, a motion was made by Director Kesler, seconded by Director Davenport to go into Executive Session pursuant to Section 24-6-402(4)(b), C.R.S., for the purpose of conferring with legal counsel and to obtain legal advice regarding sewer service to the proposed Williams Pointe affordable housing project. Upon a call for a vote, the motion was unanimously adopted.

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EXECUTIVE SESSION: Before going into Executive Session, a second motion was made by Director Kesler, seconded by Director Davenport to go into Executive Session pursuant to Section 24-6-402(4)(b), C.R.S., for the purpose of obtaining legal advice regarding certain unpaid residential sanitary sewer tap fees. Upon a call for a vote, the motion was unanimously adopted. At approximately 4:50 p.m. the Board went into Executive Session.

RETURN TO OPEN PUBLIC MEETING: At approximately 5:29 p.m. the Board came out of Executive Session.

ADJOURNMENT

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

Respectfully submitted,

By



Secretary for the Meeting

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ATTORNEY STATEMENT

I, Timothy J. Flynn serve as general counsel for the Northwest Lakewood Sanitation District. I was present during the Executive Sessions that were convened during a regular meeting of the Board of Directors held on Wednesday, August 28, 2024 at approximately 4:50 p.m. I certify that the matters discussed during the Executive Sessions were attorney client privilege and for that reason both Executive Sessions were not recorded. No formal actions, decisions or resolutions were taken during the Executive Sessions.

Signed: _____



Timothy Flynn, Esq.

Date: _____

Sept 25, 2024