

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
JULY 22, 2009

A regular meeting of the Board of Directors of the Northwest Lakewood Sanitation District and the Board of Directors of the Wastewater Utility Enterprise (referred to hereafter as "Board") was convened on Wednesday, the 22nd day of July, 2009, at 4:00 P.M., at the offices of the District, 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Anthony M. Dursey, President
James D. "Jim" Zimmerman
Gregory A. "Greg" Fabisiak
Robert J. "Bob" Burm

Upon motion duly made by Director Zimmerman, seconded by Director Burm and, upon vote, unanimously carried, the absence of Catherine "CiCi" Kesler was excused.

Also In Attendance Were:

Lisa A. Johnson and John Warnick; Special District Management Services, Inc.

Tim Flynn, Esq.; Collins, Cockrel & Cole, P.C.

Wayne Ramey; Ramey Environmental Compliance

Bill Willis; Martin/Martin Consulting Engineers

Dawn A. Schilling; Dawn A. Schilling, LLC

Jennifer Vagher and Jeff Coffman; 1st Bank

Norm Bohnker; Resident

ADMINISTRATIVE MATTERS

Minutes: The Board reviewed the minutes of the June 24, 2009 regular meeting.

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Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Burm and, upon vote, unanimously carried, the minutes of the June 24, 2009 regular meeting were approved.

Facilities Renovation Fee: Mr. Coffman, from 1st Bank, addressed the Board and explained the lockbox policies and procedures as related to servicing the Northwest Lakewood Sanitation District. 1st Bank identified in May that in the March-May timeframe, they identified that two individuals were not following the policies and procedures, therefore errors in processing did occur. 1st Bank will have two employees providing data entry with a review process of the daily transactions prior to sending the information to Special District Management Services, Inc. for posting. 1st Bank is also willing to reimburse the District the costs associated with the staff's time to research the errors.

Waiver of Late Fees. The Board discussed waiving the late fees associated with the payment of the facilities renovation fee.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Fabisiak and, upon vote, unanimously carried, the Board authorized staff to waive the late fees associated with the payment of the facilities renovation fee if payment is received by July 31, 2009; payment arrangements are made or if the customer reasonably identifies that they did not receive the bill from the February billing.

November 2009 Election. The Board discussed the upcoming election. Following discussion, the Board determined there was no need to conduct an election in November 2009.

September 23, 2009 Meeting Date: The Board determined to hold a special meeting on Tuesday, September 22, 2009 at 4:00 p.m. at the regular meeting place. The regular meeting scheduled for Wednesday, September 23, 2009 was cancelled due to conflicts with the SDA Conference.

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FINANCIAL MATTERS

Claims: The Board considered ratifying the approval of the payment of claims through the period ending July 22, 2009, as follows:

General Fund	\$ 17,611.16
Enterprise Fund	<u>64,666.38</u>
Total	\$ <u>82,277.54</u>

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Fabisiak and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending July 22, 2009.

Financial Statements: The Board reviewed the unaudited financial statements of the District setting forth the cash deposits, investments, and budget analysis, and accounts payable vouchers for the period ending June 30, 2009 and the schedule of cash position as of July 21, 2009.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Fabisiak and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2009.

Investments: The Board directed staff to work with Director Kesler on investing the maturing certificates of deposit.

2008 Audit: Ms. Schilling reviewed the 2008 draft Audit. Following review and discussion, upon motion duly made by Director Zimmerman, seconded by Director Fabisiak and, upon vote, unanimously carried, the Board accepted the 2008 Audit, subject to changes as discussed and final review by legal counsel and management, and authorized execution of the Representations Letter.

LEGAL MATTERS

Denver Water/Moffat Water Treatment Plant issues: Attorney Flynn reported that he has given Denver Water an alternate proposal and is waiting for a final response.

Attorney's report: Lien for Grease Trap Inspection Fees for former Conoco Property. Attorney Flynn reported that staff is working with the current property owner on a payment plan and if the current owner does not pay a lien will be filed.

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Payments made to the District by the City of Lakewood sewer customers. Ms. Johnson presented a report on the research of payments made to the District by the City of Lakewood sewer customers within the Boundaries of the District. The Board decided not to refund any taxes from prior years.

Municipal Exclusion of City of Lakewood Properties. Attorney Flynn reported that he is continuing to work on the exclusion process.

4101 Miller Street: EXECUTIVE SESSION: At approximately 5:45 p.m., pursuant to Section 24-6-402(4), C.R.S., upon motion duly made by Director Zimmerman, seconded by Director Fabisiak and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 5:45 p.m. for the purpose of determining positions relative to the sale of property and relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators as authorized by Section 24-6-402(4)(a) and (e), C.R.S. with regard to certain District property and with regard to settlement of District claims asserted against Denver Water arising out of Denver Water's Moffat Treatment Plant operations. Those present during the executive session consisted of Directors Dursey, Zimmerman, Fabisiak, and Burm; legal counsel; and the following consultants familiar and actively involved in the matters which are the subject of the executive session: Lisa Johnson, Wayne Ramey and Bill Willis.

The executive session was duly recorded as required by law.

The Board reconvened in regular public session at approximately 6:00 p.m. At that time, Mr. Flynn reported that he had received instructions from the Board during the executive session and that he would proceed accordingly.

VCUP application. There was nothing new to report.

Purchase and Sale Agreement. Mr. Flynn reported that the appraiser for Jefferson County Open Space had appraised the District's wastewater treatment plant site at \$144,000. After a brief discussion, the Board determined

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that such a price would not adequately compensate the District for the value of the land or the cost of the remediation that has occurred to date. Mr. Flynn will contact appropriate Jefferson County Assistant Attorney and advise him that at said appraised price, the District is not interested selling the property.

Sewer Service Agreement: Attorney Flynn reported to the Board that College Park Water and Sanitation District ("CPWSD") has reviewed the televised data of the pipe and found it to be in good condition. They did identify a potential capacity issue to accommodate their future growth. Attorney Flynn will now begin drafting a new agreement.

OPERATIONS MATTERS

Plant Manager's Report: Mr. Ramey presented the June/July 2009 monthly reports. Copies of the reports are attached hereto and incorporated herein by this reference.

Engineer's report: 2009 Improvements. Neighborhood Meeting regarding Alternate "G". Mr. Willis reported on the neighborhood meeting regarding easements needed for the backyards of the homes located on 31st Avenue and 32nd Avenue. The sewer line is in need of repair. Part of the line can be slip lined and the other part needs to be replaced. Each homeowner would need to grant a five foot easement to give the District a 20 foot easement to do the required repairs. Mr. Willis reported that everyone that attended was cooperative and understood the issues. Mr. Willis will continue to work with the effected homeowners to get the required easements prior to the project commencing.

Mr. Bonker had questions about the easement needed on his property. Mr. Willis addressed his concerns.

Mr. Willis reported that he is meeting with Xcel on Tuesday to discuss working around their electrical services.

Braun Drive: Mr. Willis reported that Pleasant View is continuing to repair their damage.

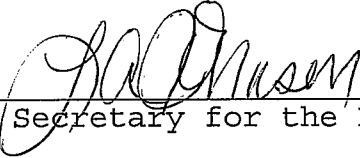
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ADJOURNMENT

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


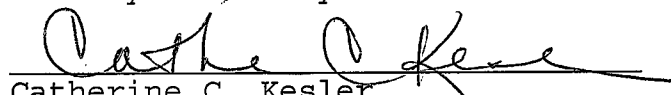
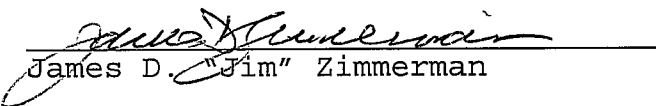
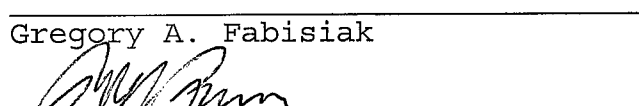
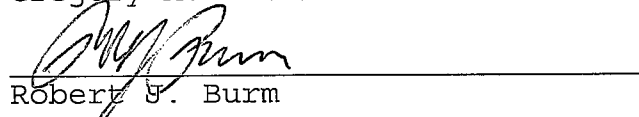
Respectfully submitted,

By



Secretary for the Meeting

THESE MINUTES APPROVED AS THE OFFICIAL JULY 22, 2009 MINUTES OF THE NORTHWEST LAKEWOOD SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:


Anthony M. Dursey
Catherine C. Kesler
James D. "Jim" Zimmerman
Gregory A. Fabisiak
Robert F. Burm



Northwest Lakewood Sanitation District Monthly Report June/July

Thur 6/11: Processed 1 locate. Copied 25 tap cards and CD info for Patrick (Martin/Martin) for repairs. Performed 13 grease trap inspections:

Senior Burrito's	2553 Kipling St.	Pass
Food Concepts	2545 Kipling St.	Pass
Gold's Grocery	10021 W. 26 th Ave.	Pass
Smash Burger	3356 Youngfield St.	Pass
Pizza Hut	3352 Youngfield St.	Pass
Tafolino's	2001 Youngfield St.	Pass
Tafolino's Too	1901 Youngfield St.	Pass
Jimmy's Wings	2050 Youngfield St.	Pass
China Garden	2098 Youngfield St.	Pass
Papa John's	1921 Youngfield St.	Pass
NY Pizza	10021 W. 26 th Ave.	Pass
Paramount Lanes	10021 W. 26 th Ave.	Pass
Crown Hill Tap House	10151-B W. 26 th Ave.	Pass

Fri 6/12: Processed 5 locates. Performed 1 grease trap inspection:

Abrusci's	3244 Youngfield St.	Pass
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Mon 6/15: Processed 5 locates.

Tue 6/16: Processed 6 locates. Jetted section 4, 10 runs, for a total of 2,791 ft. Copied Braun Dr. video information for Patrick (Martin/Martin).

Wed 6/17: Processed 6 locates.

Thur 6/18: Processed 5 locates. Jetted sections 1,7, and 10, 12 runs, for a total of 3,144 ft.

Fri 6/19: Processed 3 locates. Jetted sections 6, and 7, 19 runs, for a total of 4,202 ft.

Mon 6/22: Processed 3 locates.

Tue 6/23: Processed 2 locates. Jetted section 7, 19 runs, for a total of 3,906 ft.

Wed 6/24: Processed 3 locates.

Thur 6/25: Processed 6 locates. Jetted sections 10,11, and 12, 20 runs, for a total of 3,103 ft.

Fri 6/26: Processed 4 locates.

Mon 6/29: Processed 5 locates. Burned DVD's at College Park for Patrick (Martin/Martin).

Tue 6/30: Processed 3 locates. Root cut sections 8,11,12, and 14, 18 runs, for a total of 3,992 ft. Performed 1 grease trap inspection:

McDonald's	2881 Youngfield St.	Pass
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Wed 7/1: Processed 6 locates. Performed tap inspection at 1041 Xenophon St. Performed 1 grease trap inspection:

Smash Burger	3356 Youngfield St.	Pass
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Thur 7/2: Processed 4 locates. Root cut sections 9 and 10, 12 runs, for a total of 2,943 ft.

Sat 7/4: Processed emergency locate at 12901 W. 20th. Ave. for an electric main repair.

Mon 7/6: Processed 3 locates. Received call from District Mgmt. regarding a sewer line damaged by the City of Lakewood during ditch cleaning at Youngfield St. and 16th Pl. Upon arrival it was determined that the line was abandoned and the City installed a concrete plug at the downstream pipe opening. The upstream pipe was not found. This cleaning was done without locates.

Tue 7/7: Processed 1 locate.

Wed 7/8: Processed 6 locates.

Thur 7/9: Processed 4 locates. Root cut sections 10,14, and 19, 18 runs, for a total of 4,166 ft.

Fri 7/10: Processed 9 locates.

	Projected ft. - 2009	YTD actual ft. - 2009	Current 2009 ft.	%YTD - 2009
Cleaning & Hot Spots	124,817	65,093	17,146	52.15%
14" less				
15" more				
Root Cutting	83,245	29,360	11,555	35.27%
14" less				
15" more				
Televising	64,380	53,966	0	83.82%
Total	272,442	148,419	28,701	54%

1844 Winfield St.	2	6/11/09
10900 W. 29 th Ave.	2	6/12/09
12468 W. 17 th Ave.	2	6/12/09
3550 Parfet St.	3	6/12/09
11065 Linda Vista Dr.	2	6/12/09
W. 26 th Ave. & Quail St.	2	6/12/09
2575 Tabor St.	2	6/15/09
3781 Tabor Ct.	2	6/15/09
2540 Kipling St.	2	6/15/09
9690 W. 41 st Ave.	1	6/15/09
2605 Crabapple Ct.	1	6/15/09
11147 W. 17 th Ave.	1	6/16/09
11161 W. 17 th Ave.	1	6/16/09
11802 W. 18 th Ave.	2	6/16/09
11802 W. 18 th Ave.	2	6/16/09
3500 Parfet St.	2	6/16/09
3880 Pierson St.	3	6/16/09
2265 Garland St.	1	6/17/09
32 Skyline Dr.	2	6/17/09
3001 Oak St.	2	6/17/09
6 Morningside Dr.	2	6/17/09
2303 Braun Ct.	2	6/17/09
1020 Youngfield St.	2	6/17/09
11120 W. 23 rd Ave. DR.	2	6/18/09
3333 Simms St.	2	6/18/09
11225 W. 32 nd Ave.	2	6/18/09
3012 Oak St.	2	6/18/09
W. 26 th Ave. & Queen St.	3	6/18/09
3031 Oak St.	2	6/19/09
3690 Tabor Ct.	2	6/19/09
3031 Oak St.	2	6/19/09
11885 W. 30 th Pl.	2	6/22/09
3322 Vivian Dr.	2	6/22/09
3310 Routt St.	2	6/22/09
1690 Simms St.	1	6/23/09
1032 Xenophone St.	2	6/23/09
11200 W. 32 nd Ave.	2	6/24/09
W. Colfax Ave. & Youngfield St.	3	6/24/09

10750 W. 35 th Ave.	1	6/24/09
1700 Willow Way	2	6/25/09
1617 Cole Blvd.	2	6/25/09
1710 Zinnia St.	2	6/25/09
1705 Alkire St.	2	6/25/09
12845 Willow Way	2	6/25/09
13496 W. 22 nd Pl.	2	6/25/09
W. Colfax Ave. & Colorado Mills Pkwy.	3	6/26/09
2215 Nelson Ct.	3	6/26/09
1681 Robb St.	1	6/26/09
1750 Simms St.	1	6/26/09
10840 W. 41 st Pl.	1	6/29/09
1 Hillside Dr.	2	6/29/09
6 Rangeview Dr.	2	6/29/09
11127 W. 31 st Ave.	2	6/29/09
3605 Owens St.	2	6/29/09
12900 W. 21 st Ave.	2	6/30/09
11553 W. 31 st Pl.	2	6/30/09
3241 Vivian Dr.	2	6/30/09
2067 Garland St.	1	7/1/09
2253 Beech Ct.	2	7/1/09
2263 Beech Ct.	2	7/1/09
3002 Oak St.	2	7/1/09
13693 W. 20 th Pl.	2	7/1/09
1041 Xenophone St.	2	7/1/09
2001 Lewis St.	2	7/2/09
15 Rangeview Dr.	2	7/2/09
14082 W. 22 nd Ave.	1	7/2/09
15 Twilight Dr.	3	7/2/09
10888 W. 30 th Pl.	2	7/6/09
2263 Beech St.	3	7/6/09
12705 W. 16 th Pl.	3	7/6/09
12220 W. 31 st Pl.	2	7/7/09
11200 W. 32 nd Ave.	2	7/8/09
10880 Linda Vista Dr.	2	7/8/09
1005 Youngfield St.	2	7/8/09
12290 W. 35 th Ave.	2	7/8/09
3781 Tabor Ct.	2	7/8/09
2072 Beech Ct.	3	7/8/09
2801 Youngfield St.	2	7/9/09
W. 26 th Ave. & Kipling St.	2	7/9/09
11 Morningside Dr.	2	7/9/09
2480 Iris St	2	7/9/09
13610 Braun Dr.	2	7/10/09
13600 Braun Dr.	2	7/10/09
2490 Braun Dr.	2	7/10/09
2260 Braun Dr.	2	7/10/09
2140 Braun Dr.	2	7/10/09
2100 Braun Dr.	2	7/10/09
2010 Braun Dr.	2	7/10/09
13496 W. 22 nd Pl.	2	7/10/09
3170 Wright St.	2	7/10/09