

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE APPLEWOOD SANITATION DISTRICT

Held: 6:00 p.m. on Wednesday, August 13, 2025 at 4885 Ward Road, Suite 100, Wheat Ridge, CO and remotely via Zoom.

### Attendance

The regular meeting of the Board of Directors of the Applewood Sanitation District was called and held as shown above and in accordance with the statutes of the State of Colorado. The following Directors were in attendance:

Briana Gerou, President  
Cody Berg, Treasurer  
Jessica Raths, Secretary  
Barbara Panian, Assistant Secretary

Also present: James Landry, Engineer, RG & Associates, LLC; Joan Fritsche, Esq., Fritsche Law LLC; Michael Bakarich, CPA, Morain Bakarich; Derek Lis\*, Sr. Development Manager, Evergreen.

\*Left where indicated.

### Call to Order

Chairman Gerou noted that a quorum of the Board was present, verified that notice of the meeting was posted on the District's website and that the Directors had confirmed their qualification to serve, and therefore called the meeting of the Board of Directors of the Applewood Sanitation District to order.

### Approve Agenda

The meeting agenda was reviewed by the Board. Upon a motion duly made by Director Panian, seconded by Director Raths and unanimously carried; the meeting agenda was approved.

### Public Comment

None.

### Meeting Minutes

The Minutes of the regular meeting of the Board of Directors held on Wednesday, July 9, 2025 were reviewed by the Board. Upon a Motion duly made by Director Panian, seconded by Director Raths and unanimously carried, the Minutes of the meeting were approved.

The Minutes of the special meeting of the Board of Directors held on Tuesday, July 15, 2025 were reviewed by the Board. Upon a Motion duly made by Director Panian, seconded by Director Raths and unanimously carried, the Minutes of the meeting were approved.

The Minutes of the special meeting of the Board of Directors held on Wednesday, July 30, 2025 were reviewed by the Board. Upon a Motion duly made by Director Panian, seconded by Director Rath and unanimously carried, the Minutes of the meeting were approved.

Presentation:  
Clear Creek Crossing  
Lookout Plaza

Mr. Lis presented an overview of the Clear Creek Crossing Lookout Plaza and discussed potential encroachments on an existing District sanitary sewer easement. Mr. Lis noted the Clear Creek Crossing development is in the final phase of build out.

\*Mr. Lis left the meeting.

Financial Report:  
Michael Bakarich, CPA

Mr. Bakarich reviewed the District's Financial Reports for the month of July 2025. The 2025 Residential balance as of June 30, 2025 is \$2,011.25, with 9% of residential accounts paid in full for the year and 11% of residential accounts delinquent. Late fees for delinquent accounts were assessed July 1, 2025.

Total YTD 2025 Revenues were \$1,447,627. Expenditures were at \$1,042,545 and the Net Positive fund balance was \$725,318. Cash and equivalents are at \$4,670,490.65, with interest at 4.368%. \$102,631.68 has been collected in interest to date. The total fund balance was at \$7,525,955.84.

Upon a Motion duly made by Director Panian, seconded by Director Rath, and unanimously carried, the Board accepted the Financial Reports, as presented, and approved the Payment of Claims in the amount of \$89,733.96.

Attorney's Report:  
Joan M. Fritsche, Esq.

Ms. Fritsche discussed the 2026 statutory budget process for the District. Mr. Bakarich will present the draft 2026 Budget to the Board at the October Board meeting for Board discussion. The statutory public hearing on the proposed budget is scheduled to be held during the Board meeting on November 12, 2025, after which the Board may adopt the budget, as presented or amended, or continue the budget hearing and adopt the budget at a subsequent Board meeting held before December 15<sup>th</sup>. The proposed 2026 Schedule of Fees and Charges will also be an agenda item for the November 12<sup>th</sup> Board meeting

Ms. Fritsche also reviewed the 2025 Legislative Update with the Board, focusing on HB25-1077 – Backflow Prevention Devices Requirements and HB25-1211 – Tap Fees Imposed by Special Districts.

Engineer's Report:  
James Landry, P.E.

Mr. Landry reviewed the Engineer's Report and the Annual Engineering Budget Tracking Spreadsheet.

#### 2025 Capital Improvement Project

Mr. Landry noted the 2025 ASD Capital Improvement Project is now complete. Notice of Final Settlement was published on July 22 and July 28, with final settlement scheduled for August 14, 2025.

- Upon a Motion duly made by Director Panian, seconded by Director Rath, and unanimously carried, the Board approved Change Order #2 for Diamond Contractor Corp. in amount of \$18,557.00.
- Upon a Motion duly made by Director Panian, seconded by Director Rath, and unanimously carried, the Board approved Pay Application #4 for Diamond Contractor Corp. in amount of \$23,471.70 for the Contract Close Out Payment of Retainage.

#### Bid Tabulation for Video, Jetting and After Hours Service

Mr. Landry noted the District received five bids for the 2026 Video, Jetting and After Hours RFP Project, and reviewed the proposals and bid tabulations. Board discussion followed.

- Upon a Motion duly made by Director Panian, seconded by Director Rath, and unanimously carried, the Board approved awarding the 2026 Videoing, Jetting, Root Cutting, and On-Call Services contract to DES Pipeline Maintenance, LLC.

#### Agreement for Payment of District Expenses – CC Burritos, LLC

- Following discussion, upon a Motion duly made by Director Panian, seconded by Director Rath, and unanimously carried, the Board approved the Agreement for Payment of District Expenses with CC Burritos, LLC for the Bonfire Burritos development.

#### Application and Agreement for Extension of Sanitary Sewer Mains

- Following discussion, upon a Motion duly made by Director Panian, seconded by Director Rath, and unanimously carried, the Board approved the Application and Agreement

for Extension of Sanitary Sewer Mains with Evergreen-Clear Creek Crossing, LLC.

2026 Engineering Budget

- This matter was tabled. Mr. Landry will provide a system status report at the next meeting.

Old Business Items

District Manager Position

Ms. Fritsche provided the Board with a memorandum outlining the RFP process and initial timeline for hiring a District Manager, and a draft District Manager job description. Board discussion followed.

New Business Items

Clear Creek Crossing Lookout Plaza Easement Encroachments

Ms. Fritsche and the Board reviewed diagrams of the Clear Creek Crossing Lookout Plaza development and potential encroachments on the District's existing sanitary sewer easement. Board discussion followed. Director Rath made a motion to authorize negotiating an Easement Encroachment Agreement with Evergreen-Clear Creek Crossing, LLC, with only removeable items allowed within the District's easement. Retaining walls, staircases, electric and irrigation lines and other permanent fixtures will not be allowed. The motion was seconded by Director Berg, and passed, with three 'yes' votes and one 'no' vote. The Board directed Ms. Fritsche to prepare the Encroachment Agreement and contact Evergreen regarding the District's terms.

Consider Filling Board Vacancy.

The Board discussed the current vacancy. No action was taken.

Metro Water Update

Director Berg updated the Board on rate differences.

Executive Session

Upon a Motion duly made by Director Panian seconded by Director Rath, and unanimously carried, the Board entered into an Executive Session pursuant to Section 24-6-402(4)(b), C.R.S., for a conference with the District's legal counsel regarding legal advice on specific legal questions related to 2681 Kendrick Street Easement Encroachments at 9:40 p.m.

Upon a Motion duly made by Director Panian, seconded by Director Rath, and unanimously carried, the Board exited Executive Session at 10:14 p.m.

Adjourn

There being no further business to come before the Board, upon motion made by Director Panian, seconded by Director Rath, and unanimously carried, the meeting was adjourned at 10:15 p.m.



Jessica Rath (Sep 17, 2025 16:24:04 MDT)

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Secretary for the Meeting

Ms. Fritsche certified for the record that the Executive Session was not recorded, as the matters discussed in Executive Session constituted privileged attorney-client communications.

*Joan M. Fritsche*

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Joan M. Fritsche, Esq.









# 2025-08-13 ASD Meeting Minutes

Final Audit Report

2025-09-17

Created:	2025-09-17
By:	Mandi Kirk (mandi@fritschelaw.com)
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## "2025-08-13 ASD Meeting Minutes" History

-  Document created by Mandi Kirk (mandi@fritschelaw.com)  
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-  Document emailed to Jessica Raths (jessraths@gmail.com) for signature  
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-  Document emailed to Joan Fritsche (joan@fritschelaw.com) for signature  
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-  Document e-signed by Joan Fritsche (joan@fritschelaw.com)  
Signature Date: 2025-09-17 - 10:32:01 PM GMT - Time Source: server
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