

## PROCEEDINGS

**MINUTES OF THE CONTINUED MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON DECEMBER 14, 2020 AT 7:00 PM. DUE TO THE COVID-19 SITUATION AND STATE OF COLORADO AND CDPHE ORDERS AND RECOMMENDATIONS REGARDING PUBLIC MEETINGS, THE MEETING WAS HELD USING THE ZOOM APPLICATION.**

### CALL TO ORDER

**Presiding:** Chairman Miller

### ROLL CALL

<b>Present:</b>	Dale L. Miller	President and Chairman
	Neil A. Johnson	Vice-President and Vice-Chairman
	Barbara J. Coria	Treasurer
	Linda M. Larsson	Director
	Samuel E. Hundley	Director
<b>Also Present:</b>	Jan C. Walker	District Manager/Board Secretary
	Barney J. Fix, PE, PMP, VP	District Engineer, Merrick & Company
	Russell W. Dykstra	Legal Counsel, Spencer Fane
	Doug Yetman, Property Owner, 2995 S. Estes Street, Lakewood, CO	

### ACCEPTANCE OF MINUTES

**R-20-078 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Treasurer Coria and unanimously carried that the Minutes of the Regular Meeting of November 9, 2020, were approved.

**CALL TO PUBLIC / PUBLIC PRESENTATIONS** The video meeting was set up to be publicly accessible and the agenda gave information for the public to participate if they chose to do so.

### **Sewer Service Request from Doug Yetman, Property Owner of 2995 S. Estes Street to Connect 2995 S. Estes Street to the Metro Wastewater Reclamation District (MWRD) Interceptor**

**T-20-083 DISCUSSION** Mr. Yetman addressed the Board to ask the District to make a request to Metro Wastewater Reclamation District (MWRD) to connect sewer service to the 30" MWRD Bear Creek Interceptor. Doug Yetman stated that he and his wife have recently purchased the property at 2995 South Estes Street which is currently served by a well and septic system. Mr. Yetman would like to connect his home to public sewer. The contractor that Mr. Yetman has been working with is a licensed contractor with BCWSD. Upon planning for the project, it was discovered that there is a large storm sewer line that would prevent the property owner from connecting by gravity to the BCWSD sewer main located in S. Estes Street. It was also determined that there is a 30-inch Metro Wastewater Reclamation District (MWRD) sewer interceptor running on the North side of the property. Mr. Yetman, District Manager Walker and District Engineer Fix have contacted MWRD about the possibility of connecting to the MWRD line. MWRD responded that a request to connect to the MWRD line must be made by Bear Creek Water and Sanitation District since any connection to the MWRD line can only be a District connection. Bear Creek Water and Sanitation District would need to petition MWRD to ask for consideration of the connection for 2995 S. Estes Street to the MWRD interceptor.

**Sewer Service Request from Doug Yetman, Property Owner of 2995 S. Estes Street to Connect 2995 S. Estes Street to the Metro Wastewater Reclamation District (MWRD) Interceptor [CONTINUED FROM PAGE 1]**

District Engineer Fix explained that it has been determined that the property owner could connect by gravity to the Metro Wastewater Reclamation District (MWRD) Bear Creek Interceptor that runs on the North side of the property. District Engineer Fix discussed different options for the sewer service connection, either a direct connection into the MWRD interceptor, or a service line connection into a District owned manhole before the connection to the MWRD interceptor. If a direct connection is made into the MWRD interceptor, District Engineer Fix stated that the District would need an Agreement to be signed by the homeowners in that they would maintain both the service line and the tap and that the homeowners would be responsible for all costs associated with the tap into the MWRD Interceptor. If the second option was utilized to connect to a BCWSD manhole, the District would need easements around the manhole and an access easement for the District to inspect and maintain the manhole. There is also a possibility that MWRD would require a connection to a MWRD manhole instead of the direct connection.

After a brief discussion with District Engineer Fix, the Board directed District Manager Walker and District Engineer Fix to submit a letter to Metro Wastewater Reclamation District to Request the Connection for 2995 South Estes Street. The Board will make a future determination of how the service line connection will be made if the connection is approved by MWRD.

**Public Hearing—Ratify Inclusion for 9815 W. Wesley Court- Ronald and Yvonne Small-Petitioners**

Chairman Miller declared the public hearing open for the purpose of discussing the inclusion of property located at 9815 W. Wesley Avenue. Inasmuch as no written or verbal comments concerning the Inclusion were received prior to the hearing and there was no public response during the hearing, Chairman Miller declared the public hearing closed.

**R-20-079 RESOLVED**, upon motion by Treasurer Coria, seconded by Director Hundley, and unanimously carried that the District ratify the Resolution to include the property at 9815 W. Wesley Avenue and authorize Chairman Miller to sign the Inclusion Resolution. Legal Counsel will send the signed Resolution and documentation to the Jefferson County District Court for consideration and approval.

**DISTRICT ENGINEER'S REPORT**

**Award the 2021 O&M Contact to C&L Water Solutions and Authorize Chairman and Secretary to Sign the Notice to Proceed, Letters of Guarantee and Responsibility to Work in the Public Way and a Letter to Denver Water to Authorize Contractors and Sub-Contractors Working on Behalf of the District to Use the District's Fire Hydrants**

**R-20-080 RESOLVED**, upon motion by Director Hundley seconded by Vice-Chairman Johnson and unanimously carried that 2021 Field Operations and Maintenance contract be awarded to C&L Water Solutions. The Schedule One items is \$169,969.30 for Water and \$66,962.00 for sewer.

**FURTHER RESOLVED** that the Chairman sign the Notice to Proceed and the Letters of Guarantee to the City of Lakewood and Jefferson County for work in public ways under the District's 2021 Field Operations and Maintenance Program; and that the Chairman be authorized to sign a letter to Denver Water authorizing use of hydrants by C&L Water Solutions, Inc., associated subcontractors and District representatives for the District's 2021 Field Operations and Maintenance Program.

**DISTRICT ENGINEER'S REPORT [CONTINUED FROM PAGE 2]**

**Authorize the Chairman to Sign the Water and Sanitary Easements for 9815 West Wesley Court**

**R-20-081 RESOLVED**, upon motion by Vice-Chairman Johnson seconded by Treasurer Coria and unanimously carried that the Chairman sign the Water and Sanitary Easements for 9815 W. Wesley Court.

Preceding this motion, the property owners signed 30-foot wide easements for water and sewer along the front of their property in West Wesley Court.

**2020 Field Operations and Maintenance (O&M)**

**T-20-084 DISCUSSION.** District Engineer Fix reported that the next O&M Meeting with staff will be held in February 2021 for the kick-off of the 2021 Operations and Maintenance contract with C&L Water Solutions, Inc. The Operations and Maintenance inspections for 2020 are complete. It was noted that C&L will only inspect one round of the grease trap inspections for 2020. The grease trap inspections were completed in October.

**Hodgson Park Waterline Phase 2 Project**

**T-20-085 DISCUSSION.** Ricor Services, LLC has signed the contract documents and the pre-construction meeting was held on September 21, 2020. Ricor Services has begun construction and the southern section of the project has been completed. The Wesley Avenue 12-inch water line section should be completed by December 18, 2020, weather permitting. During the installation, it was determined that the line to be relocated is in bedrock and the 8-inch water line will need to be removed so that the 12-inch water main may be installed in the same trench.

This project is the extension of the Hodgson Park water line. The water line will go north in South Hoyt Court to West Wesley Drive then east in West Wesley Drive to South Hoyt Street. This project will also replace an 8-inch main in West Wesley Place that will run from the intersection of West Wesley Place and South Hoyt Court then West for 200 feet.

**Bear Creek Terrace Development**

**T-20-086 DISCUSSION.** The contractor is working on the on-site water and sanitary sewer lines. The construction is complete. The District Engineer will be providing the contractor with a punch list and requesting as-builts to complete the project.

**Acceptance of the District Engineer's Report**

**R-20-082 RESOLVED**, upon motion by Director Hundley, seconded by Director Larsson and unanimously carried, that the District Engineer's Report be accepted.

Preceding this action, the District Engineer's report of activities for November 2020 was presented. A copy is attached hereto and made a part of the record.

**TREASURER'S REPORT**

**Approval of Payment of Invoices and Payroll**

**R-20-083 RESOLVED**, upon motion by Director Hundley, seconded by Vice-Chairman Johnson, and unanimously carried, the payment of invoices and payroll presented in the amount of \$433,791.61 was approved. A list is attached hereto and made a part of the record. Preceding this action, Director Larsson reported that upon her review of the checks, Automated Clearing House (ACH) payments and payroll, she found them to be in order, for approval by the Board. Chairman Miller noted that the payments included refunds for payback agreements for two District residents who had paid for water and sewer main extensions to their properties located in the KEMO Country neighborhood.

**TREASURER'S REPORT [CONTINUED FROM PAGE 3]**

**Approval of Treasurer's Report**

**R-20-084 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Director Larsson and unanimously carried, that the Treasurer's Report based on unaudited financial reports as of November 30, 2020 was accepted as presented. A copy is attached hereto and made a part of the record.

Preceding this action, Treasurer Coria reported that the Federal Funds Rate remains at 0 to 0.25%. One callable Government Entity Security was called in November and a US Treasury Note matured. The District has reinvested the funds. District Manager Walker and Treasurer Coria have continued to consider various investment options to maintain the safety of the investments and to receive the best rate possible and continue the laddering of the investments.

Treasurer Coria also reported that she asked District Manager Walker to add the Ridgepoint Sewer Relocation deposit funds information to the monthly imprest report to the Board of Directors. The District will send an annual report notice to the Ridgepoint Homeowners Association.

Bear Creek Water and Sanitation District has been holding a deposit from the original developer of the Ridgepoint at Bear Creek development (R.O. Partnership) since 1994. There is an agreement dated August 8, 1994 that Bear Creek Water and Sanitation District will hold a deposit of \$34,986.00, plus earned interest, for the possible future relocation of a sewer line in Morrison Road. The Agreement also states that if the sewer is not relocated within a period of 55 years (08/08/2049), the deposit amount plus interest will be returned to the Ridgepoint HOA. I have attached a copy of the Agreement dated 08/08/1994. Currently Bear Creek Water and Sanitation District holds the original deposit, plus interest in a ColoTrust local government investment pool account designated as Ridgepoint Sewer Relocation.

**BUDGET COMMITTEE**

**Adoption of the 2021 Annual Budget**

**R-20-085 RESOLVED**, upon motion by Director Hundley, seconded by Vice-Chairman Johnson and unanimously carried that the Chairman is authorized to sign the Resolution to Adopt the 2021 Annual Budget in the amount of \$3,579,591 of which \$816,629 is to be collected from general property taxes. The sum of \$20,963 is appropriated and expended from existing reserves to balance budgeted expenditures.

**FURTHER RESOLVED** to approve the 2020 Certification of Mill Levies for Property Tax Collection in 2021 and to appropriate Sums of Money for 2021.

Preceding this action, it was determined that based upon an assessed valuation of \$206,689, 241 that General Property Tax Mill Levies for collection in the Budget/Fiscal Year 2021 are set at 4.416 mills to collect \$912,740 for general operating expenses, minus a temporary revenue reduction at (0.482) mills for a credit of (\$99,625), plus 0.017 mills to recover \$3,514 in lost revenue due to 2020 refunds and abatements for a total levy of 3.951 mills to collect \$816,629 in total property taxes.

In 2020, the District engaged an external consultant, Christina Griggs of GEMSBOK Consulting to develop a fiscal planning tool to assist the District in long-term planning, budgeting and to determine an appropriate minimum reserve amount to be held towards the future capital needs of the District.

**INSURANCE COMMITTEE**

**Authorize Interim ACH Payments of 2021 CSD Property and Liability and Workers Compensation Insurance Premiums by January 5, 2021 to Earn an Early Payment Discount.**

**R-20-086 RESOLVED**, upon motion by Treasurer Coria, seconded by Directly Hundley and unanimously carried to authorize interim payments of the 2021 Colorado Special District Property and Liability and Workers Compensation Insurance Premiums by January 5, 2021 to earn early payment discount.

**Authorize Chairman to Sign CSD Property and Liability Pool Representative Appointment Form**

**R-20-087 RESOLVED**, upon motion by Treasurer Coria, seconded by Vice-Chairman Johnson and unanimously carried to authorize Chairman Miller to sign the Colorado Special Districts Property and Liability Representative Appointment Form to designate District Manager, Jan Walker, as the designated Representative and District Accountant Carmen Doyle as the Alternate.

**LEGAL COUNSEL'S REPORT**

**Authorize Legal Counsel and District Manager to Draft Agreement with City of Lakewood Urban Parks for Use of Fire Hydrants**

**R-20-088 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Director Hundley and unanimously carried to authorize Legal Counsel to Draft an Agreement with City of Lakewood Urban Parks to establish a permanent fire hydrant permit and imprest deposit to cover maintenance and repair of two fire hydrants that will be used by the City of Lakewood Parks Department.

Preceding this action, District Manager Walker reported that the City of Lakewood has been using two hydrants for their parks to fill water trucks. The constant use of the hydrant has contributed to excessive wear and tear of the hydrants. The District would like to issue a permanent Fire Hydrant Permit to the City of Lakewood Urban Parks and collect an imprest deposit to cover the additional maintenance and repair of the fire hydrants.

**DISTRICT MANAGERS REPORT**

District Manager Walker presented the 2020 Annual Report of District Activities, a copy of which is attached hereto and made a part of the record.

**DIRECTOR'S REPORT**

**Review of 2020 District Activities and District Manager's 2020 Compensation**

**C-20-018 CONCURRENCE.** The Board concurred that the District Manager shall be awarded a 2.75% increase in salary for her performance in 2020. This salary increase will be effective as of January 1, 2021.

**C-20-019 CONCURRENCE.** Nothing further being presented to the Board, Chairman Miller declared that the meeting be adjourned.

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Dale L. Miller, President and Chairman

***ATTEST:***

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Jan C. Walker, Secretary, Board of Directors

***SEAL***