

## PROCEEDINGS

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON NOVEMBER 8, 2021 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

**Present:**

Dale L. Miller	President and Chairman
Barbara J. Coria	Treasurer
Neil A. Johnson	Vice-President and Vice-Chairman
Linda M. Larsson	Director
Samuel E. Hundley	Director

**Also Present:**

Jan C. Walker	District Manager/Board Secretary
Chad Weaver	Systems Administrator and ORC
Carmen Doyle	District Accountant
Barney J. Fix, PE, PMP, VP	District Engineer, Merrick & Company
Russell W. Dykstra	Legal Counsel, Spencer Fane

**Excused Absence:** NONE

### ACCEPTANCE OF MINUTES

**R-21-057 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Treasurer Coria and unanimously carried that the Minutes of the Regular Meeting of October 11, 2021 and the Continued Board Meeting of October 25, 2021, 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.

### **Acceptance of Inclusion Petition from Dr. Fred Hogue for Inclusion of 9655 Morrison Road, Parcel B**

**C-21-017 CONCURRENCE.** The Board accepted the Inclusion Petition from Dr. Fred Hogue for 9655 Morrison Road, Parcel B and set the Public Hearing for the Inclusion for December 13, 2021 at 7:00 p.m.

### **Public Hearing—Proposed 2022 Annual Budget**

**T-21-047 DISCUSSION.** Chairman Miller declared the public hearing open for the purpose of discussing the 2021 budget. Inasmuch as no written or verbal comments concerning the 2022 Annual Budget were received prior to the hearing and there was no public response during the hearing, Chairman Miller declared the public hearing closed.

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### DISTRICT ENGINEER'S REPORT

#### 2021 Field Operations and Maintenance (O&M)

**T-21-048 DISCUSSION** District Engineer Fix reported that next O&M meeting with staff will be held on December 15, 2021 if needed. The Operations and Maintenance inspections for 2021 are complete. The Draft of the 2022 O&M manual has been sent to the District office for review. Once comments are received, the O&M manual will be finalized for acceptance at the December 13, 2021 Board meeting.

#### Hodgson Park Phase 3

**T-21-049 DISCUSSION** This project is Phase 3 of the Morrison/Hodgson Park project which runs a 12-inch water line from S. Garland Court to the Garrison Street meter. It will require crossing two lots on S. Garland Court along the common lot line and then crossing S. Garrison Street to the meter. During the design period of the project, District Engineers have met with a boring contractor. The existing line in Garland Ct. may need to be replaced using a pipe bursting method and then trenched across S. Garrison Street. The District has contracted with Kumar and Associates to provide soil samples from the area.

#### Garland Court Sanitary Sewer Line Connection

**T-21-050 DISCUSSION** The Garland Court sanitary sewer connection project is a project the District has been trying to do for the past 18-20 years. This connection would connect at S. Garland Court and West Cornell Place, then run north into the City of Lakewood open space and connect to the Metro Water Recovery (formerly Metro Wastewater Reclamation District) sewer line. This connection would alleviate high flows of sewage from South Cornell Place, then west to S. Kipling Street, near the Victoria Village townhomes subdivision. District Engineer Fix has a conceptual plan of the location of the sewer line and is preparing a survey of this alignment. The District has met with the City of Lakewood and has determined that the City will allow the District to get an easement if the alignment is determined to be on the City of Lakewood property. Since Lakewood charges for the easements, the District is working to negotiate the price of the easement. Once the survey is performed, the District will set another meeting with the City of Lakewood.

#### Balsam Street Development

**T-21-051 DISCUSSION** District Engineer Fix reported that he had received the plans for the development at 3522 S. Balsam St.

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

**R-21-058 RESOLVED**, upon motion by Treasurer, seconded by Coria Vice-Chairman Johnson and unanimously carried, that the District Engineer's Report be accepted.

Preceding this action, the District Engineer's report of activities for October 2021 was presented, including an overview of future capital projects included in the District's Master Plan. A copy is attached hereto and made a part of the record.

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### Risk Analysis/Mitigation Plan for Utility Locates Including GIS/Key Map Updates

**T-21-052 DISCUSSION** Chad Weaver, Systems Administrator and Operator in Responsible Charge presented a flow chart showing a mitigation plan for utility locates for contractors and projects that include boring to avoid damage to water and sanitary sewer mains owned by the District. This plan will be added to the District's Standard Operating Procedures (SOP).

### TREASURER'S REPORT

#### Approval of Payment of Invoices and Payroll

**R-21-059 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Director Hundley, and unanimously carried, the payment of invoices and payroll presented in the amount of \$62,314.57 was approved. A list is attached hereto and made a part of the record.

Preceding this action, Treasurer Coria's 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.

#### Approval of Treasurer's Report

**R-21-060 RESOLVED**, upon motion by Director Larsson, seconded by Vice-Chairman Johnson and unanimously carried, that the Treasurer's Report based on unaudited financial reports as of October 31, 2021 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 is unchanged and remains at 0 to 0.25%. One Certificate of Deposit matured and one government sponsored enterprise (GSE) investment was called in October. District Manager Walker has reinvested funds with callable GSEs and a Treasury Note. 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.

### BUDGET COMMITTEE

#### Adoption of the 2022 Annual Budget

**R-21-061 RESOLVED**, upon motion by Treasurer Coria, seconded by Director Hundley and unanimously carried that the Chairman is authorized to Sign a Resolution to Adopt the 2022 Annual Budget, to Set Mill Levies and the 2021 Certification of Mill Levies for Property Tax Collection in 2022 and to Appropriate Sums of Money for 2022, subject to adjustments resulting from Jefferson County's revision of property values.

Preceding this action, District Manager Walker presented the 3<sup>rd</sup> Draft of the 2022 Budget. Ms. Walker explained that this version of the budget include the preliminary Assessed Valuation amounts from Jefferson County. The final Assessed Valuation should be sent in late November. District Manager Walker will then calculate the 2022 Mill levy using the final Assessed Valuation and revise the property tax revenues and mill levy amounts to the 2022 Budget. These final

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### BUDGET COMMITTEE [CONTINUED FROM PAGE 3]

calculations are due to Jefferson County by December 10, 2021. Chairman Miller will need to sign the Budget Resolution before the December 13, 2021 Board meeting to meet the deadline for Jefferson County.

The budget committee recommended that the annual sanitary sewer rates NOT be increased for 2022. After review of the costs of Metro Water Recovery (formerly Metro Wastewater Reclamation District) sewage treatment charges, billing, operations and maintenance expenses, capital improvement project, the budget committee decided that the sewer billing amount is adequate to cover the costs for 2022.

- The 2022 Annual Sanitary Sewer Rate will be \$16.60 per thousand gallons of water used from November 2021 through February 2022.
- The 2022 Residential Annual Minimum will be \$229.00 and billed at \$57.25 per quarter. The 2022 Commercial Annual Minimum will be \$397.00 and billed at \$99.25 per quarter.
- The billing cycle for 2022 will continue to be billed quarterly by dividing the annual bill into quarterly installments.

The Budget Committee also recommended that the \$6.00 per month per SFRE water surcharge to the Denver Water billing would be sufficient to pay for planned capital improvement projects and operations and maintenance of the water system and will not be increased for 2022.

Preceding this recommendation, the Board has identified and engaged in a deliberative process to prepare the 2022 budget and has considered the following factors in the process of setting appropriate water and sanitary sewer rates:

- The District has 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.
- Operations and maintenance needs of the District-owned water and sanitary sewer systems which includes such projects as replacement or relining of sanitary sewer lines and the major repair or replacement of water distribution lines.
- The District's Master Plan which was updated in 2018
- Capital Improvement Projects and Long-Term Planning
- Historical considerations

The District will continue to review the sewer rates and the water surcharge amount each year to determine if a rate increase is necessary.

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### INSURANCE COMMITTEE

#### **Adopt Sanitation Maintenance Warranty Deductible Program for 2022**

**R-21-062 RESOLVED, UPON** motion by Treasurer Coria, seconded by Director Larsson and unanimously carried, to adopt the Sanitation Maintenance Warranty Deductible Program for 2022 and authorize Chairman Miller to sign the Colorado Special District Property & Liability Pool insurance endorsement form.

Preceding this action, District Manager explained that the District is eligible to receive a 33% Discount on their Liability Insurance premium since the District inspects and cleans the District owned sewer lines every three years.

### LEGAL COUNSEL'S REPORT

#### **Acceptance of Annual Administrative Matters Resolution for 2022**

**R-21-063 RESOLVED** upon motion by Vice-Chairman Johnson, seconded by Treasurer Coria and unanimously carried to accept the Annual Administrative Matters Resolution for 2022.

Preceding this action, Legal Counsel Dykstra explained that this Resolution is passed once a year and authorizes Legal Counsel and the District Manager to perform all of the statutory functions for the District.

#### **Acceptance of the Resolution to Call Directors for the Regular Board of Directors Election on May 3, 2022**

**R-21-064 RESOLVED** upon motion by Director Hundley, seconded by Vice-Chairman Johnson and unanimously carried to accept the Resolution to Call Directors for the Regular Board of Directors Election on May 3, 2022.

Preceding this action, Legal Counsel Dykstra explained that a Regular Board of Directors Election is scheduled to be held on May 3, 2022 for three (3) three-year terms for Barbara J. Coria, Linda M. Larsson and Neil A. Johnson. The Bear Creek Water and Sanitation District Board Secretary, Jan C. Walker is appointed to serve as the Designated Election Official.

### DISTRICT MANAGERS REPORT

#### **Accept Acknowledgement and Acceptance Agreements**

**R-21-065 RESOLVED**, upon motion by Treasurer Coria seconded by Vice-Chairman Johnson and unanimously carried to authorize Chairman Miller to sign the Acknowledgement and Acceptance Agreements with Ycubed Investments and South Kipling Properties, who are property owners in the Hampden Kipling Partnership (HKP), These Agreements acknowledge and accept the terms of a Supplementary Agreement dated 09/08/92, in which the four owners within the Hampden Kipling Shopping Center must accept responsibility for the maintenance and repair of fire hydrants and a water service line within the shopping center that do not meet District standards and are considered private. The District has signed Agreements on file from the remaining two HKP property owners.

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### DISTRICT MANAGERS REPORT [CONTINUED FROM PAGE 4]

#### Low Income Household Water Assistance Program

**R-21-066 RESOLVED**, upon motion by Director Larsson, seconded by Treasurer Coria and carried with four votes for and one vote against, to authorize Chairman Miller to sign the Vendor agreement with the State of Colorado for participation in the Low Income Household Water Assistance Program (LIHWAP).

Preceding this action, District Manager Walker reported that the State of Colorado had contacted the District with information on the Low Income Household Water Assistance Program (LIHWAP). The Federal government has provided the State of Colorado funding for water assistance to eligible low-income households that have arrears on their water and wastewater bills through the American Rescue Plan of 2021. The state will oversee the contract with Discover Goodwill, who determines eligibility for 55 counties. In order for residents of BCWSD to receive assistance, the District must sign a Water Vendor Agreement with the State of Colorado. The State of Colorado received \$15 million for the fund to be distributed on a first-come, first serve basis. The program begins November 1, 2021 and ends April 30, 2022. Those that meet the following criteria are eligible for assistance through the State of Colorado:

- Must complete the Low-Income Energy Assistance program (LEAP) application and provide a copy of their water and/or wastewater bill.
- Must pay a water/wastewater provider directly for drinking water and/or wastewater
- Must have a past due amount, service disconnected or about to be disconnected
- Must apply and be approved for LEAP for the 2021-2022 season.

District Manager Walker presented the October 2021 Report of District Activities, a copy of which is attached hereto and made a part of the record.

#### DIRECTORS REPORTS – NONE

**C-21-018 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*