

## PROCEEDINGS

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON APRIL 11, 2022 AT 7:00 PM AT THE DISTRICT OFFICE AT 2517 S. FLOWER STREET, LAKEWOOD, CO 80227.**

### 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
	James Cruz	Property Owner, 11799 Bear Creek Drive
	Jarred and Michaela Olson	Property Owners, 9801 Wesley Avenue
	Charles M. Dwyer	District Resident, 2336 S. Zephyr Way
	Mark Carlson	Insurance Broker, T. Charles Wilson
<b>Excused Absence:</b>	NONE	

### ACCEPTANCE OF MINUTES

**R-22-017 RESOLVED**, upon motion by Director Hundley, seconded by Vice-Chairman Johnson and unanimously carried that the Minutes of the Regular Meeting of March 11, 2022 were approved.

Director Larsson joined the meeting.

### CALL TO PUBLIC / PUBLIC PRESENTATIONS

#### **Inclusion of 11799 Bear Creek Drive, Parcel 49-324-01-007 Public Hearing -James and Charissa Cruz, Petitioners**

**T-22-020** Chairman Miller declared the public hearing open for the purpose of discussing the inclusion of property located at 11799 Bear Creek Drive, Parcel 49-324-007. 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. Legal Counsel Dykstra stated that the publication for the public hearing has been confirmed. The Resolution for the Inclusion will be considered by the Board during the Legal section of the meeting.

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### **Acknowledgement of Inclusion Petition for 9801 W. Wesley Avenue and Set Public Hearing- Jarred and Michaela Olson, Property Owners**

**C-22-005 CONCURRENCE.** By concurrence of the Board, the Petition for Inclusion of 9801 W. Wesley Avenue is accepted and the Public Hearing for the Inclusion is set for May 9, 2022 at 7:00 p.m.

### **Review of District's Property and Liability Insurance Coverage, Mark Carlson, T. Charles Wilson**

**T-22-021** Mark Carlson, the District's Insurance Broker with T. Charles Wilson reviewed the 2022 Colorado Special Districts Property and Liability Insurance coverage for the District. Mr. Carlson will be running a cost estimate on the property value and replacement cost of the District office building to make sure it is adequately insured. Mr. Carlson also reviewed some deductibles on the insurance policy for the Board to consider for the 2023 property and liability insurance renewal.

## **DISTRICT ENGINEER'S REPORT**

### **2022 Field Operations and Maintenance (O&M)**

**T-22-022 DISCUSSION** District Engineer Fix reported that an O&M meeting was held in March and that the 2022 operations and maintenance inspections are being performed according to schedule.

### **Hodgson Park Phase 3**

**T-22-023 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. The existing line in Garland Ct. will need to be replaced using a pipe bursting method. It is most likely that the water line will be removed and replaced in the same trench across S. Garrison Street.

District Manager Walker and District Engineer Fix had a meeting with Denver Water. It was determined by Denver Water that the District does not need to upgrade this connection. Denver is going to see if they can achieve a reduction in flow through the PRVs and allow some flow through the meter on Garrison Street. Bear Creek will install a blowoff after the meter. If this can be accomplished, the District could remove the connection.

### **Garland Court Sanitary Sewer Line Connection**

**T-22-024 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 Park open space and connect to the Metro Water Recovery sewer line. This connection would alleviate high flows of sewage from South Cornell Place to S. Kipling Street, near the Victoria Village townhomes subdivision. District Engineer Fix has a conceptual plan of the location of the proposed sewer line.

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### Garland Court Sanitary Sewer Line Connection [contined from page 2]

Merrick and Company has completed a survey of this alignment to the Metro Water Recovery (Metro) sewer line. The survey showed that the Metro sewer manhole does not lie within Metro's easement and it is not adjacent to the City of Lakewood parcel. The District Engineer has contacted the City of Lakewood to determine how to begin the application and approval process with the City of Lakewood and the Jefferson County Joint Open Space Committee to gain an easement for the sanitary sewer line. The City of Lakewood has advised that the District will need to submit a preliminary detail and a legal description describing the request. Once the request is approved by the City of Lakewood, it will be submitted to the Joint Jefferson County Open Space committee.

District staff and Engineer Fix had a bit more discussion on the connection of this line, regarding a third option to connect to the east; however, this option was dismissed when a lot of issues came to light. Therefore, The District will submit a plan to METRO to verify they will allow the connection to their manhole. Once approval is given, District Engineer Fix can then finish the design and submit to the City of Lakewood and to the Joint Open Space committee.

### Balsam Street Development

**T-22-025 DISCUSSION** District Engineer Fix reported that he had received the 4th submittal for water and a 2nd submittal for the sanitary sewer and that they are being reviewed for the development at 3522 S. Balsam St.. There are some comments on the sewer plans, regarding Jefferson County's requirement for landscaping around the buildings. District Engineer Fix has also asked for verification from the Owner that these five (5) buildings are not for sale units. If the units were to be for sale, the District would require separate sanitary sewer services for each unit. Legal Counsel Dykstra recommended that the District record a notice against the property that if the apartments were ever sold to individual owners, each unit would be required to install separate water and sewer services.

### Acceptance of the District Engineer's Report

**R-22-018 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Treasurer Coria, and unanimously carried, that the District Engineer's Report be accepted.

Preceding this action, the District Engineer's report of activities for March 2022 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-22-019 RESOLVED**, upon motion by Director Larsson, seconded by Director Hundley, and unanimously carried, the payment of invoices and payroll presented in the amount of \$70,803.00 was approved. A list is attached hereto and made a part of the record.

Preceding this action, Treasurer Coria 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.

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### Approval of Treasurer's Report

**R-22-020 RESOLVED**, upon motion by Director Hundley, seconded by Vice-Chairman Johnson, and unanimously carried, that the Treasurer's Report based on unaudited financial reports as of March 31, 2022 was accepted as presented. A copy is attached hereto and made a part of the record.

Preceding this action, Treasurer Coria reported that there was no investment activity within the portfolio in March. The Federal Funds Rate was raised by 0.25% in March. There is a prediction of six more increases in 2022 and the possibility that the interest rate be at 2.0% by the end of the year.

Treasurer Coria also discussed the Budget-to Actual Report for 1<sup>st</sup> Quarter, 2022. She felt that the report reflected that the budgeted items and expenses are appropriate for the first quarter of 2022.

### Reinvest District Funds in Government Sponsored Entities (GSES) Paying a Higher Rate of Return

**T-22-026 DISCUSSION** Some of the Certificates of Deposits (CDs) that the District has invested in during the economic downturn, have very low interest rates (0.35-0.55%). One of the District's investment brokers has suggested that the District could withdraw the funds from the CDs and reinvest in Government Sponsored Entities (GSEs) at a higher rate of return (3.0%). After discussion, the Board directed District Manager Walker to close four Certificates of Deposit and reinvest the funds in GSEs with a higher rate of return.

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 investment portfolio.

### LEGAL COUNSEL'S REPORT

#### Approve Inclusion Resolution for 11799 Bear Creek Drive, Parcel 49-324-01-007 -James and Charissa Cruz, Petitioners

**R-22-021 RESOLVED**, upon motion by, Director Larsson seconded by Treasurer Coria, and unanimously carried include the property at 11799 Bear Creek Drive, Parcel 49-324-007 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.

#### Review Easement and Service Line Agreement for 9655 Morrison Road

**T-22-027 DISCUSSION** Legal Counsel Dykstra reported that he had prepared an easement and service line Agreement for 9655 Morrison Road. Dr. Fred Hogue has included his property, 9655 Morrison Road, Parcel B, into the District but lives on Parcel A. This service line Agreement will be necessary to receive water service from Denver Water since the home does not have frontage to the water main located in Morrison Road. The easement and Service Line Agreement will also be needed for access and maintenance to a service line if there were future development on Parcel B. District Engineer Fix and District Manager Walker have reviewed the Agreement. District Manager Walker will send the documents to Dr. Fred Hogue and Edna Oyangurin property owners of both parcels for signature.

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## DISTRICT MANAGER'S REPORT

District Manager Walker presented the March 2022 Report of District Activities, a copy of which is attached hereto and made a part of the record.

## DIRECTORS REPORTS

### Wildfire Preparation

**T-22-028 DISCUSSION** Chairman Miller reported that he had attended a Lakewood City Council Ward 5 meeting and there was a presentation about Wildfire Preparation given by a City of Lakewood Park Ranger and Captain Brendan Finnegan, who is the wildfire coordinator with West Metro Fire Department. They discussed efforts being made by the City of Lakewood to prepare for a wildfire, including working with water districts so that water could be diverted to areas that need the water most, to effectively fight a wildfire. Chairman Miller suggested that Bear Creek Water and Sanitation District meet with Captain Finnegan to see how the District could make a plan to assist the fire department in case of a wildfire. District Engineer Fix added that he had worked with Denver Water to discuss a similar plan.

After discussion, the Board felt this meeting with Captain Finnegan would be an appropriate plan of action. Chairman Miller will include District Manager Walker in the e-mails with Captain Finnegan so that she can schedule the meeting.

**C-22-006 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**