

PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON MAY 9, 2022 AT 7:00 PM AT THE DISTRICT OFFICE AT 2517 S. FLOWER STREET, LAKEWOOD, CO 80227. THE MEETING WAS ALSO SET UP VIA THE ZOOM APPLICATION FOR THE BOARD SO THAT THE BOARD MEMBERS OR MEMBERS OF THE PUBLIC THAT WERE UNABLE TO ATTEND IN PERSON COULD PARTICIPATE.

CALL TO ORDER

Presiding: Chairman Miller

ROLL CALL

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|-------------------------------------|----------------------------|--------------------------------------|
| Present: | Dale L. Miller | President and Chairman |
| | Neil A. Johnson | Vice-President and Vice-Chairman. |
| Present on Zoom Application: | Barbara J. Coria | Treasurer |
| | Samuel E. Hundley | Director |
| Also Present: | Jan C. Walker | District Manager/Board Secretary |
| | Chad A. Weaver | Systems Administrator |
| | Barney J. Fix, PE, PMP, VP | District Engineer, Merrick & Company |
| | Russell W. Dykstra | Legal Counsel, Spencer Fane |
| | Jarred and Michaela Olson | Property Owners, 9801 Wesley Avenue |
| Excused Absence: | Linda M. Larsson | Director |

Grant Excused Absence for Director Larsson

C-22-07 CONCURRENCE. The Board granted an excused absence for Director Larsson.

Administering of Oaths of Office --Elected Directors

T-22-029 DISCUSSION. Chairman Miller administered the Oath of Office to Neil Johnson, who had been deemed elected to a three-year term upon the cancellation of the May 3, 2022 Election. Treasurer Coria and Director Larsson could not attend the Board meeting in person. Treasurer Coria signed her Oath of Office on May 5, 2022 and Director Larsson is scheduled to sign her Oath on May 12, 2022. Proof of fidelity bond along with the executed Oaths of Office will be filed by Legal Counsel Dykstra with the Jefferson County District Court, at which time the 2022 Election process would be completed. District Manager Walker will file the Oaths of Office and Proof of fidelity bond with the Division of Local Affairs (DOLA).

ACCEPTANCE OF MINUTES

R-22-022 RESOLVED, upon motion by Vice-Chairman Johnson, seconded by Treasurer Coria and unanimously carried that the Minutes of the Regular Meeting of April 11, 2022 were approved.

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CALL TO PUBLIC / PUBLIC PRESENTATIONS

Approve Inclusion Resolution for 9801 W. Wesley Avenue Public Hearing -Jarred Olson, Petitioner

R-22-023 RESOLVED, upon motion by Treasurer Coria, seconded by Vice-Chairman Johnson, and unanimously carried to include the property at 9801 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.

Preceding this action, Chairman Miller declared the public hearing open for the purpose of discussing the inclusion of property located at 9801 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. Legal Counsel Dykstra stated that the publication for the public hearing has been confirmed.

DISTRICT ENGINEER'S REPORT

2022 Field Operations and Maintenance (O&M)

T-22-030 DISCUSSION District Engineer Fix reported that the 2022 operations and maintenance inspections are being performed according to schedule.

Hodgson Park Phase 3

T-22-031 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-22-032 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 [continued 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.

The District has submitted 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-22-033 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. The District is waiting for a response from the Developer.

Acceptance of the District Engineer's Report

R-22-024 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 April 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-22-025 RESOLVED, upon motion by Director Hundley, seconded by Director Vice-Chairman Johnson, and unanimously carried, the payment of invoices and payroll presented in the amount of \$61,065.98 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-22-026 RESOLVED, upon motion by Vice-Chairman Johnson, seconded by Director Hundley, and unanimously carried, that the Treasurer's Report based on unaudited financial reports as of April 30, 2022 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 was raised by 0.50 basis points in April which raised the federal funds rate to 0.75-1.00%. Treasurer Coria also reported that the District had redeemed three bank Certificates of Deposit (CDs) and has reinvested the funds at a higher interest rate. District Manager Walker added that the District has received the funds for a 4th CD that was closed and reinvested.

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

Family and Medical Leave Insurance (FAMLI)

D-22-001 DIRECTIVE. The Board directed Legal Counsel Dykstra to prepare the notices for the District to opt out of the Family and Medical Leave Insurance Program.

Preceding this direction, Legal Counsel Dykstra asked the Board to decide if the District wanted to consider opting-out of the FAMLI family and medical leave insurance so Spencer Fane will have time to draft the appropriate documents, notices and get the resolution for Board consideration prior to the July 5, 2022 deadline. The new FAMLI insurance requirements that became law last year must be incorporated by all entities on or before January 1, 2023. There is an opt-out allowance for governmental entities that may not have sufficient staffing or resources to accommodate the new requirements.

DISTRICT MANAGER'S REPORT

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

Nextiva VoIP (Voice Over IP) Phone System

T-22-034 DISCUSSION Chad Weaver gave a presentation and proposal to switch the District's phone system from the existing Century Link land lines to a Nextiva VoIP system. After discussion, the Board wants to make sure the District has reliable internet service to support the VoIP system before a change is made to the District's phone system. The Board directed District staff to look at comparable systems, get references from water/sewer Districts and to look into fiber optic internet availability.

Wells Fargo Express Bill Pay

T-22-035 DISCUSSION Chad Weaver gave a follow-up presentation for the Wells Fargo Express Bill Pay Service that was previously discussed at the March Board meeting. His presentation outlined the costs and benefits to providing the Express Bill Pay payment option for District Customers to view and pay their sanitary sewer bills, along with an option to receive an e-bill rather than a paper bill. After discussion, the Board felt this payment service is not cost-effective at this time. The Board directed staff to move forward with the option to send out electronic bills from the current system.

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Wildfire Preparation Planning

T-22-036 DISCUSSION. Chairman Miller reported that staff and Board members had held a work session on May 2, 2022 and met with Captain Brendan Finnegan, who is the wildfire coordinator with West Metro Fire Department.

During the work session, Captain Finnegan 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. The consensus from discussions during the May 2, 2022 work session was for the District to develop an emergency plan, including the consideration of different scenarios and emergency contacts, so that the District could assist West Metro Fire Department in case of a wildfire in the BCWSD area. The following District representatives attended the work session: Chairman Miller, Vice-Chairman Johnson, Treasurer Coria, District Manager Walker, Systems Administrator Weaver and District Engineer Fix. No Board action was taken at the work session.

After further discussion at the May 9, 2022 Board meeting, the Board felt that this emergency plan for wildfire preparation was appropriate and gave direction to staff and the District Engineer to prepare such a plan.

DIRECTORS REPORTS

C-22-008 CONCURRENCE. Nothing further being presented to the Board, Chairman Miller declared that the meeting be adjourned.

Dale L. Miller, President and Chairman

ATTEST:

Jan C. Walker, Secretary, Board of Directors

SEAL