

## PROCEEDINGS

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON JUNE 13, 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

<b>Present:</b>	Dale L. Miller	President and Chairman
	Neil A. Johnson	Vice-President and Vice-Chairman.
	Barbara J. Coria	Treasurer
	Samuel E. Hundley	

### Present on Zoom Application:

Linda M. Larsson	Director
Russell W. Dykstra	Legal Counsel, Spencer Fane
Laura Puca	Crady, Puca and Associates

<b>Also Present:</b>	Jan C. Walker	District Manager/Board Secretary
	Barney J. Fix, PE, PMP, VP	District Engineer, Merrick & Company
	Barry Ebert	9799 W. Wesley Court

**Excused Absence:** NONE

### ACCEPTANCE OF MINUTES

**R-22-027 RESOLVED**, upon motion by Treasurer Coria, seconded by Vice-Chairman Johnson and unanimously carried that the Minutes of the Regular Meeting of May 9, 2022 were approved.

Director Larsson joined the meeting.

### CALL TO PUBLIC / PUBLIC PRESENTATIONS

#### **Presentation of December 31, 2021 and 2020 Financial Statements and Auditor's Report- Laura Puca, Crady Puca and Associates**

**R-22-028 RESOLVED**, upon motion by Treasurer Coria, seconded by Director Hundley and unanimously carried that the Financial Statements with Independent Auditor's Report for the years ending in 2021 and 2020 be accepted and to authorize the audit to be filed with the State Auditor's office.

Preceding this action, Ms. Laura Puca presented the draft audited financial statements and auditor's opinion for the two years ending in 2021 and 2020. This document is comprised of the Independent Auditors' Report, Management Discussion and Analysis, Basic Financial Statements and Other Supplemental Information. Ms. Puca reported that in their opinion, the financial statements of the District present fairly, in all material respects, the financial position of the District as of December 31, 2021 and that the financial position and the District's cash flows for the year then ended are in accordance with accounting principles generally accepted in the United States of America. Ms. Puca stated that no difficulties or disagreements with management were encountered. After a brief discussion about the auditors' recommendations to management, Chairman Miller asked District Manager Walker to provide the Budget to Actual report on a monthly basis, rather than quarterly, as part of the monthly Board packet.

**Barry Ebert- 9799 W. Wesley Court**

**T-22-037 DISCUSSION** Barry Ebert attended the meeting to express his interest in serving on the Board of Directors if there would be a vacancy on the Board. In February 2022, Barbara Coria announced that she will retire from the Board of Directors in 2022. Once Treasurer Coria selects a retirement date and resigns from the Board, Barry Ebert would like to be considered for appointment to the Board.

Director Larsson left the meeting.

**DISTRICT ENGINEER'S REPORT**

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

**T-22-038 DISCUSSION** District Engineer Fix reported that the 2022 operations and maintenance inspections are being performed according to schedule. The next O&M meeting with the Board and staff is scheduled for July 13, 2022 at 11:00 a.m. at the District office.

**Hodgson Park Phase 3**

**T-22-039 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. District Engineer Fix has contacted Cindy Marshall with Denver Water's hydraulics department to discuss the project and get direction from Denver Water moving forward.

**Garland Court Sanitary Sewer Line Connection**

**T-22-040 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.

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. METRO has replied that they will give approval once minor changes are made to the submittal. Once final 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.

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### Balsam Street Development

**T-22-041 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.

### Wildfire Preparation Planning

**T-22-042 DISCUSSION.** District Engineer Fix reported that he will be having an internal meeting with his team at Merrick and Company to discuss options for the emergency plan for response in the case of a wildfire. Once, his team comes up with a plan using different scenarios, District Engineer Fix will set up a meeting with District Manager Walker and Systems Administrator Weaver to discuss the plan to present to the Board.

### Acceptance of the District Engineer's Report

**R-22-029 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 May 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-22-030 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 \$424,720.13 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.

#### Approval of Treasurer's Report

**R-22-031 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 May 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 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 has received the funds for a CD that was closed. The District has reinvested the funds in a GSE at a higher interest rate.

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.

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## LEGAL COUNSEL'S REPORT

### Family and Medical Leave Insurance (FAMLI)

**T-22-043 DISCUSSION** Legal Counsel Dykstra reported that the District will need to upload a letter by December 31, 2022 to the FAMLI website, stating that the District decided to opt out of the FAMLI insurance coverage. This letter will be prepared and uploaded to the FAMLI portal once the State gets the website portal up and running. Legal Counsel Dykstra will prepare the notices and set up the public hearing before the District submits the document to the FAMLI website.

At the May 9, 2022 Board meeting, the Board of Directors directed Legal Counsel Dykstra to prepare the notices for the District to opt out of the Family and Medical Leave Insurance Program. 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 May 2022 Report of District Activities, a copy of which is attached hereto and made a part of the record.

## DIRECTORS REPORTS

**C-22-009 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**