

PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON OCTOBER 10, 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

Present:	Dale L. Miller	President and Chairman
	Neil A. Johnson	Vice-President and Vice-Chairman
	Samuel E. Hundley	Treasurer
	J. Barry Ebert	Director
	Linda M. Larsson	Director
	Barney J. Fix, PE, PMP, VP	District Engineer, Merrick & Company
Also Present:	Jan C. Walker	District Manager/Board Secretary
	Carmen Doyle	District Accountant
	Russell W. Dykstra	Legal Counsel, Spencer Fane

Present on Zoom Application: NONE

Excused Absence: NONE

Appointment of J. Barry Ebert To Fill The Vacancy on the Board

R-22-052 RESOLVED, upon motion by Vice-Chairman Johnson, seconded by Treasurer Hundley and unanimously carried that J. Barry Ebert be appointed to the Board of Directors to fill the vacancy on the Board due to Director Barbara J. Coria's retirement.

Administer Oath of Office to J. Barry Ebert

T-22-067 DISCUSSION. Chairman Miller administered the Oath of Office to J. Barry Ebert. Legal Counsel Dykstra's office will file the Oath of Office and Public Officials Liability certificate with the Jefferson County District Court. District Manager Walker will file the document with the Division of Local Governments.

ACCEPTANCE OF MINUTES

R-22-053 RESOLVED, upon motion by Treasurer Hundley, seconded by Vice-Chairman Johnson and unanimously carried that the Minutes of the Regular Meeting of September 12, 2022 were approved.

CALL TO PUBLIC / PUBLIC PRESENTATIONS- NONE

DISTRICT ENGINEER'S REPORT

2022 Field Operations and Maintenance (O&M)

T-22-068 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 staff will be scheduled for October 12, 2022 at 11:00 a.m. at the District office.

Hodgson Park Phase 3

T-22-069 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.

It was determined by Denver Water that the District does not need to upgrade this connection. Denver Water 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. Denver Water will be gathering more data before another meeting is scheduled and has installed gauges on the fire hydrants to get data for their model.

Garland Court Sanitary Sewer Line Connection

T-22-070 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.

District Engineer Fix has received approval from Metro Water Recovery that they will allow the connection to their manhole. District Engineer Fix has enough of the design completed and has set up another meeting with Ross Williams at the City of Lakewood to discuss the required easements for the City of Lakewood and the Joint Open Space committee. The meeting is scheduled for October 12, 2022 at the City of Lakewood offices.

Balsam Street Development

T-22-071 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. District Engineer Fix had a phone conversation with the Developer referencing previous discussions and agreements with CDOT three years ago and regarding the location to install a water main in the CDOT rights-of-way. Denver Water will have final approval on the location of the water main installation. The District has received the developer's 7th submittal on the water plans, which have been reviewed and returned with minor comments. There were also comments on the water tap calculations. The third submittal on the sanitary sewer was also received and the developer has generally followed the approach for the sewer line.

ENGINEER'S REPORT [CONTINUED FROM PAGE 2]

Wildfire Planning Redundancy Study

T-22-072 DISCUSSION District Engineers have prepared a write up of the redundancy of the District's interplay between zones when the primary water feeds have been disabled. Merrick is updating their water model to include the new water line that was installed along Morrison Road and Hodgson Park. The Engineers have gathered information from neighboring Districts (Green Mountain, Lakehurst and Bancroft-Clover) to determine how BCWSD could be assisted when an emergency occurs. District Engineers have also run hydrant flow tests for the newest water line in Morrison Road which was verified with the District's water model and help the District know how connections can help in servicing other zones in the District. Once the information is reviewed, the District Engineers will meet with District staff so that BCWSD can discuss the next steps for the plan to prepare for a meeting with Denver Water.

Acceptance of the District Engineer's Report

R-22-054 RESOLVED, upon motion by Director Ebert 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 September 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-22-055 RESOLVED, upon motion by Director Larsson, seconded by Vice-Chairman Johnson, and unanimously carried, the payment of invoices and payroll presented in the amount of \$110,178.94 was approved. A list is attached hereto and made a part of the record.

Preceding this action, Treasurer Hundley reported that he had reviewed the checks, Automated Clearing House (ACH) payments and payroll, and found them to be in order for approval by the Board.

Approval of Treasurer's Report

R-22-056 RESOLVED, upon motion by Director Ebert, seconded by Vice-Chairman Johnson, and unanimously carried, that the Treasurer's Report based on unaudited financial reports, and including the Budget-to-Actual report, as of September 30, 2022 was accepted as presented. A copy is attached hereto and made a part of the record.

Preceding this action, Treasurer Hundley reported that the Federal Funds Rate was raised by 75 basis points to 3.0-3.25% in September. Treasurer Hundley also reported that there was one Treasury Note purchased in September. District Manager Walker and Treasurer Hundley will continue 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.

Treasurer Hundley also reviewed the Budget-to-Actual report and reported that the revenues and expenses are in line with the budgeted items as of September 30, 2022. District Manager Walker added that the 2022 sewer bills will be sent out in October and the sewer billing will be reflected on the October Budget-to-Actual report.

BUDGET COMMITTEE

Call and Schedule the Public Hearing for the Proposed 2023 Annual Budget and Notice of Rate Increase Discussion on November 14, 2022 at 7:00 p.m.

R-22-057 RESOLVED, upon motion by Treasurer Hundley, seconded by Director Ebert and unanimously carried to call and schedule the public hearing for the 2023 Proposed Budget and Notice of Rate Increase Discussion be set for November 14, 2022 at 7:00 p.m. at the District office.

Preceding this action, District Manager Walker presented Draft 1 of the 2023 Proposed Budget to the Board. Ms. Walker explained that the first draft of the 2023 budget was required by statute to be presented to the Board of Directors by October 15, 2022. The Notice for the Budget Hearing for the 2023 Proposed Annual Budget and Proposed Utility Rate Increases has been published. District Manager Walker has also posted the 30-Day Notice for the potential utility rate increase discussion at the November 14^h Board meeting on both the District and the Special District Association (SDA) websites.

INSURANCE COMMITTEE

Adopt Sanitation Maintenance Warranty Deductible Program for 2023

R-22-058 RESOLVED, UPON motion by Director Larsson, seconded by Director Ebert and unanimously carried, to adopt the Sanitation Maintenance Warranty Deductible Program for 2023 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

Family and Medical Leave Insurance (FAMLI) Program

T-22-073 DISCUSSION Legal Counsel Dykstra reported that he had sent District Manager Walker notices to post for the November 14, 2022 Board meeting in regards to the Family and Medical Leave Insurance (FAMLI) Program. The discussion at the November 14, 2022 meeting, and as permitted by C.R.S. § 8-13.3-522 and 7 C.C.R. 1107-2, the Board will consider and vote on whether the District will decline participation in Colorado's Family and Medical Leave Insurance (FAMLI) program. District Manager Walker will also distribute the required notices to the District's employees so that they can attend the November 14, 2022 meeting if they desire to do so.

DISTRICT MANAGER'S REPORT

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

DISTRICT MANAGER'S REPORT [CONTINUED FROM PAGE 4]

2022 Audit

T-22-074 DISCUSSION District Manager Walker reported that she had received pricing for the 2022 Audit from the current auditors, Crady, Puca and Associates and that there would be a 3% increase in their service fees to perform the 2022 audit. The District has used Crady, Puca and Associates since 2014 for auditing services. At the August 8, 2022 Board meeting, Legal Counsel Dykstra advised that the District contact other audit firms to receive their pricing and their availability to perform the 2022 audit for the District. District Manager Walker reported that she had received two proposals from other auditing firms that were included with the Board packet. After consideration of the pricing on the proposals, the Board directed District Manager Walker to ask Crady, Puca and Associates to provide an Engagement letter for the 2022 audit for approval at the November 14, 2022 Board meeting.

Delinquent Accounts that will be Certified to Jefferson County for Collection by October 31, 2022

R-22-059 RESOLVED, UPON motion by Director Ebert, seconded by Vice-Chairman Johnson and unanimously carried, to authorize Chairman Miller to sign the Resolution to certify 2022 delinquent sewer utility accounts to the Jefferson County Treasurer for collection along with property taxes in 2023. The utility accounts with balances of \$150 or more that are six months in arrears at the time of certification meet the requirements for this statutory method of collection. Those accounts that are not paid by October 24, 2022, will be certified for collection and liens will be recorded against those properties.

DIRECTORS REPORTS

C-22-014 CONCURRENCE. Nothing further being presented to the Board, Chairman Miller declared that the meeting be continued to Monday, October 24, 2022 at 6:00 p.m.

Dale L. Miller, President and Chairman

ATTEST:

Jan C. Walker, Secretary, Board of Directors

SEAL