

## PROCEEDINGS

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON JANUARY 9, 2023 AT 7:00 PM. AT THE DISTRICT OFFICE, 2517 SOUTH FLOWER STREET, LAKEWOOD, CO 80227**

### CALL TO ORDER

**Presiding:** Chairman Miller

### ROLL CALL

**Present:**

Dale L. Miller	President and Chairman
Samuel E. Hundley	Treasurer
Linda M. Larsson	Director
J. Barry Ebert	Director

**Also Present:**

Jan C. Walker	District Manager/Board Secretary
Barney J. Fix, PE, PMP, VP	District Engineer, Merrick & Company
Wade Wheatlake, P.E.	Field Engineer, Merrick and Company
Russell W. Dykstra	Legal Counsel, Spencer Fane

**Excused Absence:** Neil A. Johnson

### ACCEPTANCE OF MINUTES

**R-23-001 RESOLVED**, upon motion by Director Larsson, seconded by Director Ebert and unanimously carried that the Minutes of the Regular Meeting of December 12, 2022 were approved.

**C-23-001 CONCURRENCE** The Board granted an excused absence for Vice-Chairman Johnson.

### CALL TO PUBLIC / PUBLIC PRESENTATIONS

### DISTRICT ENGINEER'S REPORT

#### **2023 Field Operations and Maintenance (O&M)**

**T-23-001 DISCUSSION** The next O&M meeting for staff and the Board will be held on Wednesday, January 11, 2023 at 11:00 a.m.

#### **Hodgson Park Phase 3**

**T-23-002 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. Denver Water installed gauges on the fire hydrants to get data for their model and are still reviewing their data. There has been no contact from Denver Water in December.

**DISTRICT ENGINEER'S REPORT [CONTINUED FROM PAGE 1]**

**Garland Court Sanitary Sewer Line Connection**

**T-23-003 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. District Engineer Fix has received approval from Metro Water Recovery that they will allow the connection to their manhole.

District Engineer Fix and District Manager Walker attended a meeting in October to discuss the required easements for the City of Lakewood and the Joint Open Space committee. Ross Williams with the City of Lakewood sent an e-mail after the meeting that the easement would be \$0.87 per square ft. The District would need a sewer line easement for approximately 11,500 sq. ft. and the cost would be about \$10,000. Ross also said that the City of Lakewood had determined that the easement would only need to go through the City of Lakewood for approval instead of the Jefferson Open Space committee as previously indicated.

At the November 14, 2022 Board meeting, the Board gave conditional approval for payment of the easement if the City of Lakewood provided documentation that the City of Lakewood charges all entities, including water and sanitation Districts for easements. Ross Williams from the City of Lakewood responded that there is a policy in place, not an ordinance, and that the City will include the price of the easement and the condition of payment when the easement is presented to City Council for approval. The Board concurred that, in order for the project to move forward, the District accept and pay the cost of \$0.87 per square ft., for the necessary easement and directed District Engineer Fix to send the easement document to the City of Lakewood for approval. District Engineer Fix added that the plans for the project have been submitted to the City of Lakewood Planning Department. The easement has been sent to the City of Lakewood and is scheduled for the first reading with City Council on January 23, 2023, and for the final reading on February 13, 2023.

**Balsam Street Development**

**T-23-004 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. District Engineers have received the water and the sanitary sewer plans for approval. The District Engineers signed the Denver Water initial acceptance so Denver Water will start their review. The sanitary sewer plans are acceptable, and District Engineers have requested the four (4) final hard copy sets.

**DISTRICT ENGINEER'S REPORT [CONTINUED FROM PAGE 2]**

**Wildfire Planning Redundancy Study**

**T-23-005 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 has updated 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 (or give assistance) 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 will help the District know how connections can help in servicing other zones in the District. The model was verified for the District Engineers to look into the zones and connections.

The second memo with the scenarios is completed and the District Engineers have met with District staff to review the results of the study. District Engineer Fix gave the Board members a copy of the report to review for an in-depth discussion at the February 13, 2023 Board Meeting. The Board also discussed that there will need to be Emergency Interconnect Agreements in place with neighboring Districts in order to receive or give assistance in case of an emergency.

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

**R-23-002 RESOLVED**, upon motion by Treasurer Hundley seconded by Director Ebert and unanimously carried, that the District Engineer's Report be accepted.

Preceding this action, the District Engineer's report of activities for December 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-23-003 RESOLVED**, upon motion by Director Larsson, seconded by Director Ebert, and unanimously carried, the payment of invoices and payroll presented in the amount of \$77,422.06 was approved. A list is attached hereto and made a part of the record.

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

**Approval of Treasurer's Report**

**R-23-004 RESOLVED**, upon motion by Director Ebert, seconded by Director Larsson and unanimously carried, that the Treasurer's Report based on unaudited financial reports and including the Budget-to-Actual report, as of December 30, 2022 was accepted as presented. A copy is attached hereto and made a part of the record.

Preceding this action, Treasurer Hundley Treasurer Hundley reported that the Federal Funds Rate was raised by 50 basis points to 4.25-4.50% in December. Mr. Hundley also reported that there was a 1-year FHLMC GSE purchased in December. 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 gave a detailed review of the December 30, 2022 Budget-to-Actual report.

**LEGAL COUNSEL REPORT**

Legal Counsel Dykstra reported that his office is working with District Manager Walker on the 2023 Board of Directors election.

**DISTRICT MANAGERS REPORT**

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

**Vacation Accrual Comparison and Recommendations for 2022 Compensation Study performed by Graves Consulting**

**R-23-005 RESOLVED**, upon motion by Chairman Miller, seconded by Director Larsson and unanimously carried, that the vacation leave accruals be updated in alignment and as a result of the recommendation of Graves Consulting as part of the Compensation and Benefits study that was performed in 2022 for the District. This change is to be updated in the District’s Personnel Manual.

Preceding this action, District Manager Walker presented a comparison of Vacation Accrual and recommendations for updating the District’s Vacation Policy in alignment and as a result to the 2022 Compensation Study performed by Graves Consultants.

**Vacation Leave Accrual- Adopted 01/09/23 to be Updated in the District’s Personnel Manual**

Vacation leave with pay shall be accrued hourly as shown on each pay stub and granted to each employee of the District as follows:

Less than 1 Year	40 Hours FTE available upon employment date
1-4 Years	96 Hours FTE
5-9 Years	120 Hours FTE
10-14 Years	140 Hours FTE
15-19 Years	160 Hours FTE
20-24 Years	180 Hours FTE
25+ Years	200 Hours FTE

Carry over of vacation leave to the following year may not exceed one half (1/2) of the prior year’s accrued (earned vacation.) Vacation leave hours that exceed the amount to be carried over into the next year must be used or paid out by year end. All accrued vacation will be paid upon termination of employment.

FTE= Full Time Equivalent Working 40 hours per week

Part-time employees earn accrued vacation based on their scheduled hours and their FTE percentage.

NOTE: As a result of the change in vacation leave accrual, the Board will grant the current employees working 6 years or more as of 01/09/23 a one-time, extra one week based on FTE of vacation to be used in 2023. Employees currently working 10 years of more will receive a one-time extra 2 weeks based on FTE of vacation to be used in 2023.

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**DIRECTORS REPORTS - NONE**

**C-23-002 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***