

## PROCEEDINGS

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON FEBRUARY 13, 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
Neil A. Johnson	Vice-President and Vice-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 & Company
Russell W. Dykstra	Legal Counsel, Spencer Fane

**Excused Absence:** NONE

### ACCEPTANCE OF MINUTES

**R-23-006 RESOLVED**, upon motion by Director Ebert, seconded by treasurer Hundley and unanimously carried that the Minutes of the Regular Meeting of January 9, 2023 were approved.

### CALL TO PUBLIC / PUBLIC PRESENTATIONS

#### DISTRICT ENGINEER'S REPORT

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

**T-23-006 DISCUSSION** The O&M meeting for staff and the Board was held on Wednesday, January 11, 2023 at 11:00 a.m.

#### Hodgson Park Phase 3

**T-23-007 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.

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

#### Hodgson Park Phase 3 [CONTINUED FROM PAGE 1]

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 January.

#### Garland Court Sanitary Sewer Line Connection

**T-23-008 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. The easement has been sent to the City of Lakewood and was scheduled for the first reading with City Council on January 23, 2023, and for the final reading on February 13, 2023.

District Engineer Fix added that the plans for the project have been submitted to the City of Lakewood Planning Department and have been returned with minor comments which included re-seeding the open space and building a drainage culvert near Garland Ct. District Engineers have responded to the comments.

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

#### **Balsam Street Development**

**T-23-009 DISCUSSION** District Engineers have signed off on the Denver Water initial acceptance for the water so that Denver Water will begin their plan review. Denver Water will have final approval on the location of the water main installation. The sewer plans are acceptable. District Engineers have requested the four (4) final hard copy sets of the sewer plans.

Previously, 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.

#### **Wildfire Planning Redundancy Study**

**T-23-010 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 reviewed a copy of the report in-depth at the February 13, 2023 Board Meeting. The next step would be to meet with Denver Water regarding emergency connections that are needed from Green Mountain Water and Sanitation District. The District would also need to look into what Emergency Interconnect Agreements would be needed with other Districts.

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

**R-23-007 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Treasurer Hundley and unanimously carried, that the District Engineer's Report be accepted.

Preceding this action, the District Engineer's report of activities for January 2023 was presented. A copy is attached hereto and made a part of the record.

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### TREASURER'S REPORT

#### Approval of Payment of Invoices and Payroll

**R-23-008 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Director Larsson, and unanimously carried, the payment of invoices and payroll presented in the amount of \$122,604.55 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-23-009 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 January 31, 2023 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 25 basis points to 4.50-4.75% in February. Mr. Hundley also reported that there was a Treasury Note that matured December 31, 2022 and was reinvested in December, but the funds were received in early January. 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 January 31, 2023 Budget-to-Actual report.

### LEGAL COUNSEL REPORT

Legal Counsel Dykstra reported that there were two bills of interest in the legislature that he would be following regarding Bear Creek Water and Sanitation District. One bill would increase the limit for bid requirements for capital construction projects from \$60,000 to \$120,000 and will follow the CPI index.

Another bill that has been introduced is HB-23-1065-Local Government Ethics Commission, concerning the scope of the independent ethics commission's jurisdiction over ethics complaints against local government officials and employees. Under current law, the independent ethics commission created in article XXIX of the state constitution does not have jurisdiction over officials or employees of special districts or school districts. HB-23-1065 gives the independent ethics commission jurisdiction to hear complaints, issue findings, assess penalties, and issue advisory opinions on ethics issues concerning a local government official or local government employee. "Local government" is defined to include a county, municipality, special district, or school district. Existing ethical standards apply to a local government official and a local government employee. The bill applies those standards to a local government official or local government employee through the independent ethics commission.

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### DISTRICT MANAGERS REPORT

District Manager Walker presented the January 2023 Report of District Activities, a copy of which is attached hereto and made a part of the record.

### Designate Representatives and Alternates to Other Agencies

**T-23-010 DISCUSSION** District Manager Walker reported that due to the retirement of Treasurer Barbara Coria in September, 2022, there were a few positions to be filled for Alternates to Other Agencies. Treasurer Hundley volunteered to be an Alternate for the Colorado Special District Liability Pool and the Colorado Government Finance Association. Director Larsson volunteered to be an alternate for the Denver Distributors Forum and Director Ebert volunteered to be an alternate for the Distributors Rates and Fees Technical Advisory Committee. A complete list of Representatives and Alternates to other Agencies is attached to the Management Report and made part of the record.

### DIRECTORS REPORTS - NONE

**C-23-003 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**