

## PROCEEDINGS

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON MARCH 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
	J. Barry Ebert	Director
Present on Zoom:	Linda M. Larsson	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
Martin Murphy and William Feinberg- Re: 9880 W. Girton Avenue	

**Excused Absence:** NONE

### ACCEPTANCE OF MINUTES

**R-23-010 RESOLVED**, upon motion by Vice Chairman Johnson, seconded by Director Ebert and unanimously carried that the Minutes of the Regular Meeting of February 13, 2023 were approved.

### CALL TO PUBLIC / PUBLIC PRESENTATIONS

#### **Martin Murphy and William Feinberg- Water and Sanitary Sewer Service at 9880 W. Girton Avenue**

**T-23-012 DISCUSSION** Martin Murphy, who represents Western Sky Real Estate, LLC and William Feinberg, Mr. Murphy's broker were in attendance at the Board meeting to discuss water and sanitary sewer service at 9880 W. Girton Avenue. Mr. Murphy stated that he currently is under contract to purchase Lot 2, Block 7, Westborough Filing No. 3, County of Jefferson, State of Colorado, also known as 9880 West Girton Drive, Lakewood, CO 80227 (the "Property"). The Property is currently owned by Ycubed Investment, LLC. The Property, along with four other properties all of which are under different ownerships, is presently serviced by a single two-inch water tap.

Mr. Murphy submitted a letter to the District that stated that the property at 9880 W. Girton Drive is in need of substantial upgrades and renovation and for Western Sky Real Estate, LLC or any party to move forward with the needed upgrades, a clear understanding needs to be in place as to how to proceed with said upgrades, and in particular how new plumbing needs will be addressed.

Chairman Miller thanked Mr. Murphy and Mr. Feinberg for attending the meeting and said the Board would take their request under consideration and send a response after the Board's discussion of an appropriate action plan.

**District will Require Separate Water and Sanitary Sewer Taps after Any Change of Ownership in Properties Connected to the 2” Water Tap at 9804 W. Girton Drive**

**R-23-011 RESOLVED**, upon motion by Chairman Miller, seconded by Vice-Chairman Johnson and unanimously carried that District staff and consultants be authorized to research ownership of the lots and prepare a notice to be recorded against the properties that are currently served by the single water and sanitary sewer service shown at 9804 W Girton Dr. for the 2” commercial water tap. The notice will require that at the time that any of the properties change ownership, the connections to the buildings will be required to be brought up to current regulations as stated in Section of 1.06 of the District’s Rules and Regulations. The property owners will be required to purchase and install separate water and sanitary sewer taps and meters as required by the District.

District Manager Walker and Legal Counsel Dykstra will also send a letter to Mr. Murphy, the prospective buyer of 9880 W. Girton Drive so that he is aware that the Board has approved this action.

**DISTRICT ENGINEER’S REPORT**

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

**T-23-013 DISCUSSION** The next O&M meeting for staff and the Board will be held on Wednesday, April 12, 2023 at 11:00 a.m.

**Hodgson Park Phase 3**

**T-23-014 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 February.

**Garland Court Sanitary Sewer Line Connection**

**T-23-015 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.

The District would need a sewer line easement for approximately 11,500 sq. ft. The City has determined that the cost would be \$0.87 per sq. ft. or about \$10,000. Ross Williams 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.

**DISTRICT ENGINEER'S REPORT**

**Garland Court Sanitary Sewer Line Connection**[CONTINUED FROM PAGE 2]

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 for the necessary easement and directed District Engineer Fix to send the easement document to the City of Lakewood for approval. The easement was accepted by City Council on February 13, 2023. The easement is included in the Board packet for the Board of Directors approval and signature.

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. The plans have been approved by the City and District Engineer Fix will start the Bidding process for the project.

**Balsam Street Development**

**T-23-016 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. There has been no activity on this project in February.

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-23-017 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 final memo with the scenarios is complete and the District Engineers have met with District Board and staff to review the results of the study. District Engineers will be working on recommendations to the Board for the appurtenances that will need to be in place to serve the District during an emergency situation. The District will also meet with Denver Water regarding emergency connections from Green Mountain Water and Sanitation District to determine what Interconnect Agreements between other Districts need to be in place.

**Authorize the Chairman to Sign the City of Lakewood Easement for the Garland Street Sewer Project**

**R-23-012 RESOLVED**, upon motion by Treasurer Hundley, seconded by Vice-Chairman Johnson and unanimously carried, that the Board authorizes Chairman Miller to sign the City of Lakewood easement for the Garland Street sewer project. Further resolved that the Board has authorized the payment of \$9,516.00 to the City of Lakewood for the easement.

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

**R-23-013 RESOLVED**, upon motion by Director Ebert 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 February 2023 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-23-014 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 \$247,954.68 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-23-015 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Director Ebert and unanimously carried, that the Treasurer's Report based on unaudited financial reports and including the Budget-to-Actual report, as of February 28, 2023 was accepted as presented. A copy is attached hereto and made a part of the record.

Preceding this action, Treasurer Hundley reported that there was a Treasury Note and a Certificate of Deposit that matured and were reinvested in February. 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 February 28, 2023 Budget-to-Actual report.

**LEGAL COUNSEL REPORT**

**Notice Cancelling the May 1, 2023 Directors Election**

**T-23-018 DISCUSSION** Legal Counsel's office has posted the notice cancelling the May 2, 2023 Board of Directors Election and deeming Directors Miller and Hundley elected to a 4 year term until May 2027 and Director Ebert for a 2-year term until May 2025.

Legal Counsel Dykstra also added that there is no new legislative information to report this month.

**DISTRICT MANAGERS REPORT**

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

**Emergency Access for 9023 S. Harvard Drive**

**T-23-019 DISCUSSION** The District received an inquiry from the company that represents the Developmental Disabilities Resource Center. DRCC own the property at 9023 W. Harvard Drive and they want to redevelop the property with 6 single family homes with attached garages. They have sent an initial drawing that's in the packet and would like to know if they can have an emergency access from S. Flower Street through the cul-de-sac that the District owns.

During discussion, District Engineer Fix mentioned that there is a License Agreement for parking. The Board of Directors directed District Manager to send a copy of the License Agreement to legal counsel for review. Once Legal Counsel has reviewed the current Agreement, the Board will discuss the request for Emergency Access at the April Board meeting.

**Accept Proposal from Ariel IT to Install Encrypted Hard Drives on the District Owned Servers**

**R-23-015 RESOLVED**, upon motion by Vice-Chairman Johnson, seconded by Treasurer Hundley and unanimously carried, that District Manager sign the proposal with Ariel IT to install encrypted hard drives on the District owned Servers and to approve the expenditure of \$5,900 for the installation.

**DIRECTORS REPORTS - NONE**

**C-23-004 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**