

PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON APRIL 10, 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 & Company
Russell W. Dykstra	Legal Counsel, Spencer Fane

Excused Absence: Neil A. Johnson Vice-President and Vice-Chairman

C-23-005 CONCURRENCE The Board granted an excused absence for Vice-Chairman Johnson.

ACCEPTANCE OF MINUTES

R-23-017 RESOLVED, upon motion by Treasurer Hundley, seconded by Director Ebert and unanimously carried that the Minutes of the Regular Meeting of March 13, 2023 were approved.

CALL TO PUBLIC / PUBLIC PRESENTATIONS

DISTRICT ENGINEER'S REPORT

2023 Field Operations and Maintenance (O&M)

T-23-020 DISCUSSION The next O&M meeting for staff and the Board will be held on Wednesday, April 12, 2023 at 11:00 a.m. C&L Water Solutions has completed 100% of the flushing of dead end mains and 55% of the fire hydrant inspection items as part of the 2023 O&M contract.

Garland Court Sanitary Sewer Line Connection

T-23-021 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

DISTRICT ENGINEER'S REPORT [CONTINUED FROM PAGE 1]

Garland Court Sanitary Sewer Line Connection [CONTINUED FROM PAGE 1]

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 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 and by the Bear Creek Water and Sanitation District on March 13, 2023. The City of Lakewood has recorded the easement and the District has received the recorded copy.

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. The plans have been approved by the City of Lakewood. and District Engineer Fix will start the Bidding process for the project. The District held the open to bid for the project on March 28, 2023 and received three bids. The lowest bid was submitted by Diaz Construction in the amount of \$211,291.50. The District Engineers recommend that the Board accept the bid from Diaz Construction.

Award Contract for Garland Court Sanitary Sewer Line Construction Project to Diaz Construction

R-23-018 RESOLVED, upon motion by Director Larsson, seconded by Director Ebert and unanimously carried that the District accepts the District Engineer's recommendation to award the contract to Diaz Construction in an amount not to exceed \$211,291.50 and to sign the notice to proceed to install the sewer line from S. Garland Ct. and connect to the Metro Water Recovery (MWR) sewer line.

FURTHER RESOLVED, to authorize the District Manager to approve up to 10% in change orders.

Balsam Street Development

T-23-022 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 March.

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.

DISTRICT ENGINEER'S REPORT [CONTINUED FROM PAGE 2]

Wildfire Planning Redundancy Study

T-23-023 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 plan to 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.

Analysis of the Condition of 16"/18" Water Transmission Mains

T-23-024 DISCUSSION District Engineers are moving forward with the exploratory analysis starting with the "potholing" and observation of the 16"/18" transmission water main that runs along the Hampden Frontage Road, Estes Steet and Dartmouth Avenue. District Engineers have asked C&L Water Solutions for pricing to perform 5-7 "pothole" locations along the water transmission corridor. The complete analysis will include soils and electrolysis investigations and District Engineers will plan to coordinate with Kumar & Associates to perform the soils testing once the locations and pricing have been identified.

Acceptance of the District Engineer's Report

R-23-019 RESOLVED, upon motion by Director Larsson 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 March 2023 was presented. A copy is attached hereto and made a part of the record.

Approval of Payment of Invoices and Payroll

R-23-020 RESOLVED, upon motion by Director Ebert, seconded by Director Larsson, and unanimously carried, the payment of invoices and payroll presented in the amount of \$149,383.55 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.

TREASURER'S REPORT

Approval of Treasurer's Report

R-23-021 RESOLVED, upon motion by Director Larsson, 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 March 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 there was no investment activity in the District's portfolio in March and that the Federal Funds Rate was raised by 25 basis points to 4.75-5.00%. 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 March 31, 2023 Budget-to-Actual report.

LEGAL COUNSEL REPORT

Emergency Access for 9023 S. Harvard Drive

R-23-022 RESOLVED, upon motion by Chairman Miller, seconded by Director Larsson and unanimously carried that District Manager confirm that the requested emergency access will include bollards with a locked chain so that the general public cannot access the property through the District owned cul-de-sac from S. Flower Street. Once this information is confirmed, the Board authorizes Legal Counsel to prepare a License Agreement that will allow the emergency access to the 8023 W. Harvard Drive development.

Preceding this action, the District received an inquiry from the company that represents the Developmental Disabilities Resource Center. DRCC owns 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 for District review 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.

DISTRICT MANAGERS REPORT

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

District Review of Cyber Security Upgrades for CSD Pool Insurance Coverage

T-23-025 DISCUSSION District Manager Walker presented a summary report of what the District has done to respond to Cyber Security recommendations from the Netdiligence Cyber Assessment performed in 2022, including the next steps that will need to be taken in the next 12 months regarding cyber security. The discussion also included the District's current exposure to Personally Identifiable Information (PII) District Manager Walker also included the Bear Creek Water and Sanitation District's Disaster Recovery and Business Continuity Plan and the District's Consumer Data Privacy Policy Resolution passed in 2018 for Board review and discussion.

PROCEEDINGS

**MINUTES, APRIL 10, 2023
DIRECTORS REPORTS**

PAGE 5

Barney J. Fix, P.E. Retires After 35 Years of Service as District Engineer

T-23-026 DISCUSSION .The Board of Directors recognized Barney Fix, P. E. for his outstanding 35 years of service as District Engineer. Chairman Miller presented Mr. Fix with gift cards for dinner and a golf outing and a plaque that commemorates his service to the District.

C-23-006 CONCURRENCE. Nothing further being presented to the Board, Chairman Miller declared that the meeting be adjourned.

Dale L. Miller, President and Chairman

ATTEST:

Jan C. Walker, Secretary, Board of Directors

SEAL