

PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON MAY 8, 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
Wade B. Wheatlake, P.E. District Engineer, Merrick & Company
Russell W. Dykstra Legal Counsel, Spencer Fane

Excused Absence: NONE

Administering of Oaths of Office --Elected Directors

T-23-027 DISCUSSION. Vice-Chairman Johnson administered the Oath of Office to Dale L. Miller, who had been deemed elected to a four-year term upon the cancellation of the May 2, 2023 Election. Chairman Miller administered the oaths to Samuel E. Hundley, who was elected to a four-year term and J. Barry Ebert who had been elected to a two year term. Proof of fidelity bond along with the executed Oaths of Office will be filed by Legal Counsel Dykstra with the Jefferson County District Court, at which time the 2022 Election process would be completed. District Manager Walker will file the Oaths of Office and Proof of fidelity bond with the Division of Local Affairs (DOLA).

ACCEPTANCE OF MINUTES

R-23-023 RESOLVED, upon motion by Vice Chairman Johnson, seconded by Director Ebert and unanimously carried that the Minutes of the Regular Meeting of April 10, 2023 were approved.

CALL TO PUBLIC / PUBLIC PRESENTATIONS

DISTRICT ENGINEER'S REPORT

R-23-024 RESOLVED, upon motion by Vice Chairman Johnson, seconded by Director Ebert and unanimously carried that Wade B. Wheatlake, P. E. be appointed as District Engineer.

2023 Field Operations and Maintenance (O&M)

T-23-028 DISCUSSION The O&M meeting for staff and the Board was held on Wednesday, April 12, 2023 at 11:00 a.m. There will not be an O&M meeting in May. C&L Water Solutions has completed 55% of the fire hydrant inspection items as part of the 2023 O&M contract.

DISTRICT ENGINEER'S REPORT [CONTINUED FROM PAGE 1]

Garland Court Sanitary Sewer Line Connection

T-23-029 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. The District has received approval from Metro Water Recovery that they will allow the connection to their manhole.

The District has received a sewer line easement from the City of Lakewood and it has been recorded with the Jefferson County Clerk and Recorder, Reception No. 2023015137. The sanitary sewer plans for the project have been accepted by the City of Lakewood.

At the April 10, 2023 Board meeting the Board awarded the contract for the project to Diaz Construction in the amount not to exceed \$211,291.50 and authorized the District Manager to approve up to 10% in change orders. District Engineers have scheduled the pre-construction meeting to be held on May 16, 2023 at 10:00 a.m. at the District office.

Balsam Street Development

T-23-030 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 April.

Previously, District Engineer Fix had 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 had 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 in 2019, regarding the location to install a water main in the CDOT rights-of-way.

Wildfire Planning Redundancy Study

T-23-031 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.

DISTRICT ENGINEER'S REPORT [CONTINUED FROM PAGE 2]

Wildfire Planning Redundancy Study [continued from page 2]

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-23-032 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 Street 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-23-025 RESOLVED, upon motion by Treasurer Hundley 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 April 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-23-026 RESOLVED, upon motion by Chairman Miller, seconded by Vice-Chairman Johnson, and unanimously carried, the payment of invoices and payroll presented in the amount of \$73,542.62 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-23-027 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 April 30, 2023 was accepted as presented. A copy is attached hereto and made a part of the record.

Preceding this action, Treasurer Hundley reported that a CD matured in April and a FHLB government sponsored bond was purchased. The Federal Funds Rate was raised by 25 basis points in May to 5.0-5.25%. 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 April 30, 2023 Budget-to-Actual report.

LEGAL COUNSEL REPORT

License Agreement for Emergency Access for 9023 W. Harvard Drive- Developmental Disabilities Resource Center (DDRC) Future Development

T-23-033 DISCUSSION Legal Counsel has drafted the License Agreement for 9023 W. Harvard Drive. District Manager Walker has sent it to DDRC for review and signature. A representative from DDRC has responded that it has gone to the DDRC Board for review. As soon as the DDRC Board has signed, Chairman Miller will sign the Agreement for the requested emergency access, including 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.

Preceding this discussion, the District received an inquiry from the company that represents the Developmental Disabilities Resource Center. DDRC 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.

Vacate a Portion of Sewer Easement for 3333 W. Girton Drive

R-23-028 RESOLVED, upon motion by Director Larsson, seconded by Treasurer Hundley and unanimously carried that the District sign the document to vacate a portion of a sanitary sewer easement for 3333 W. Girton Drive. This document also includes an Agreement between the two lots that there will be access to the service line in the event that the service line needs to be repaired or replaced, and in case that either of the lots are owned by separate parties in the future. Currently both lots have the same owner.

Preceding this action, Vick Soffer, Managing Director for the Mission Trace Center at 3333 W. Girton Drive, contacted the District this month because they are building a patio between two buildings and it was discovered that an easement containing the sewer service line on one of the lots was in the area that the patio is being constructed. The owners of the property have asked the District to vacate only the portion of the sewer easement, previously recorded in 2009, that contains the sewer service line.

Adoption of 2023 Personnel Policy

R-23-029 RESOLVED, upon motion by Director Larsson, seconded by Vice-Chairman Johnson and unanimously carried to adopt the revised Personnel Policy dated March 7, 2023. Preceding this action, Legal Counsel has reviewed the Personnel Policy and updated many of the sections so that the District remains in compliance. The Personnel Policy also includes the vacation leave accruals that were approved by the Board at the January 9, 2023 Board meeting. The vacation accruals were 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.

Adopted 01/09/23- Vacation leave with pay shall be accrued hourly as shown on each pay stub and granted to each eligible 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= Full Time Equivalent Working 40 hours per week. Part-time employees earn accrued vacation based on their scheduled hours and their FTE percentage.

DISTRICT MANAGERS REPORT

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

Wells Fargo Operating Account Proposal

T-23-034 DISCUSSION The District is currently getting an earned interest credit of 1.65% on the Wells Fargo Operating Account which recently has been paying all of the bank fees. The District's Wells Fargo Relationship Manager contacted District Manager Walker with two options for the District to earn interest on the Wells Fargo operating fund balances. After discussion, the Board directed District Manager Walker to change account type on the Wells Fargo Operating Account to Government Advantage Interest Checking. The summary of the benefits of the change in account type are as follows:

- Currently would pay the bank fees
- Would earn interest on excess balances at 0.92%
- FDIC Insured
- Has no additional cost unless the bank balance drops below \$50,000
- Earned interest for the fees is still accounted for so when the earned interest rate goes down, the interest paid is lower or it just offsets fees just as it always has.

DIRECTORS REPORTS - NONE

C-23-007 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