

PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON FEBRUARY 12, 2024 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
J. Barry Ebert	Director
Linda M. Larsson	Director

Present on Zoom: Samuel E. Hundley Treasurer

No members of the public contacted District Manager Walker to attend on Zoom.

Excused Absence: NONE

Also Present:	Jan C. Walker	District Manager/Board Secretary
	Andrew George	Assistant District Manager
	Russell W. Dykstra	Legal Counsel, Spencer Fane
	Wade B. Wheatlake, P.E.	District Engineer, Merrick & Company
	Len and Dawn Troyer	3380 S. Oak Ct.
	Beth Justice and Duane Tucker	State Internet Portal Authority (SIPA)

ACCEPTANCE OF MINUTES

R-24-005 RESOLVED, upon motion by Vice-Chairman Johnson, seconded by Director Larsson and unanimously carried that the Minutes of the Regular Meeting of January 8, 2024 were approved.

CALL TO PUBLIC / PUBLIC PRESENTATIONS:

Len and Dawn Troyer – Regarding Renewal of an Expired Water Well Permit at 3380 S. Oak Ct.

T-24-013 DISCUSSION. Mr. and Mrs. Troyer attended the meeting to ask the Board to consider signing the Water District Non-Opposition Consent Form so that they would be able to renew an expired permit for 3380 S. Oak Ct. which was owned by Mrs. Troyer's late father. There will be no changes to the property or the original permit for the original well. Mrs. Troyer is the executor for the estate and is trying to sell the property. They will not be able to sell the property unless the well permit is renewed. The Board stated that they would have further discussion later in the meeting and that District Manager Walker would be in contact with Mr. and Mrs. Troyer regarding the outcome of the Board's discussion.

State Internet Portal Authority (SIPA) Presentation on Cybersecurity

T-24-014 DISCUSSION. Beth Justice and Duane Tucker from the SIPA attended the Board meeting and gave an informative Board presentation on Cybersecurity. The presentation included an overview of the services that are available through SIPA and outlined why cybersecurity preparedness and an incident response plan is important to local governments. The representatives from SIPA provided a list of no cost cybersecurity resources that are available to the District and discussed the key points for consideration which include gathering information, implementing cybersecurity measures, monitoring systems, incident response and the recovery, restoration and validation of systems.

DISTRICT ENGINEER’S REPORT

2024 Field Operations and Maintenance (O&M)

T-24-015 DISCUSSION. The 2024 kick-off O&M Meeting for the Board of Directors and Staff was held on January 17, 2024 at 11:00 a.m. at the District office. C&L Water Solutions has started working on the 2024 O&M contract valve inspections.

Garland Court Sanitary Sewer Line Connection

T-24-016- 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. The pre-construction meeting with Diaz Construction was held on May 16, 2023 at 10:00 a.m. at the District office. All work has been completed including the two sewer services that have been installed, along with an additional manhole on the new alignment. Installation is complete and testing of the sewer pipe and manholes still needs to be completed. A final walkthrough was conducted with Diaz and punch list items issued, including testing, providing redline drawings, and acceptance by City of Lakewood for the asphalt. Once redline drawings and survey points are provided, District Engineers will finalize the as-built drawings for the project and update GIS and master maps.

Balsam Street Development

T-24-017 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 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. District Manager Walker reached out to the Developer in late 2023 for status on the project. Nate Peterson replied that the plans were currently going through Denver Water’s review. District Engineer Wheatlake also introduced himself and will be working with the developer’s engineers regarding future comments on the plans. District Engineer Wheatlake reached out for a status update and information on what they have been submitting through Denver Water. Mr. Wheatlake will be reaching out to the developer for a status update monthly.

Wildfire Planning Redundancy Study

T-24-018 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 District will be setting up a meeting 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. District Engineer Wheatlake handed out the draft report for Board review at the January 8, 2024 Board meeting. The Board indicated that they would have a discussion at the March 11, 2024 Board meeting.

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

T-24-019 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.

District Engineer Wheatlake has identified the locations for visual assessments of the pipe fittings. C&L Water Solutions was authorized to proceed and to develop a schedule including traffic control. The complete analysis will include soils and electrolysis investigations. District Engineers have received an estimate and have a signed contract from Kumar & Associates for \$10,410.00 to perform the soils testing.

Kumar’s soils testing was thorough and provided some valuable data. Groundwater was not encountered at the level where the waterline exists. The soil samples were run through laboratory testing to evaluate the soil engineering characteristics. Concentrations of water-soluble sulfates, which are corrosive to concrete pipe, ranged between 0% and 0.01%. This level resulted in a S0 classification, which becomes “not applicable” to degree of attack towards concrete pipe. That information in conjunction to no groundwater are good signs leading into the concrete pipe condition. Samples were tested for pH and electrical resistivity, ranging between 6.98 – 7.08 with a neutral pH value of 7.0 indicating the soils are slightly acidic to slightly basic and should not accelerate corrosion to buried metal or metal pipes. C&L is scheduled to perform the potholing and exploratory excavations later this month. Visual observations of the pipe and fittings will be performed and evaluated to the condition level of the pipe and fittings. C&L performed five test hole excavations at the prescribed locations of the 16”/18” transmission main at the end of December. Visually the pipe looked in good condition and District Engineers are preparing a report of their findings for the March 11, 2024 Board meeting.

Green Mountain Outfall Project

T-24-020 DISCUSSION. All field construction and punch list items on the project are complete and a conditional acceptance letter was issued, pending addressing Change Order #5 for \$28,227.45. After District Engineers’ review, all payment requests and change orders have been agreed upon and paid in the amount of \$508,937.99 for Bear Creek Water and Sanitation District’s share of the project.

Acceptance of the District Engineer's Report

R-24-006 RESOLVED, upon motion by Treasurer Hundley, seconded by Vice-Chairman Johnson and unanimously carried, that the District Engineer's Report be accepted.

Preceding this action, the District Engineer's report of activities for January 2024 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-24-007 RESOLVED, upon motion by Director Ebert, seconded by Director Larsson, and unanimously carried, the payment of invoices and payroll presented in the amount of \$111,391.47 was approved. A list is attached hereto and made a part of the record.

Preceding this action, Director Larsson reported that upon her review of the checks, Automated Clearing House (ACH) payments and payroll, she found them to be in order for approval by the Board.

Approval of Treasurer's Report

R-24-008 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 January 31, 2024 was accepted as presented. A copy is attached hereto and made a part of the record.

Preceding this action, District Manager Walker reported that there was a FHMLC Government Sponsored Enterprises (GSEs) that was purchased 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. District Manager Walker also gave a detailed review of the January 31, 2024 Budget-to-Actual report.

Authorize Reallocations on Wells Fargo Credit Cards

R-24-009 RESOLVED upon motion by Director Larsson, seconded by Vice-Chairman Johnson and unanimously carried, that a Wells Fargo credit card be issued to Andrew J. George, Systems Assistant District Manager with a credit limit of \$1,000. The District's Wells Fargo Credit Cards to be configured as follows, as recommended by District Manager Walker:

The overall Wells Fargo credit card limit is \$10,000

- District Manager Walker's card is authorized with a credit limit of \$7,000
- Assistant District Manager George's card is authorized with a credit limit of \$1,000
- Systems Administrator Tuffings's card is authorized with a credit limit of \$1,000
- District Accountant Doyle's card is authorized with a credit limit of \$1,000

Preceding this action, District Manager Walker reported that Assistant District Manager George will need a Wells Fargo credit card to buy supplies and register for conferences and trainings for the District.

Authorize Chairman to sign updated ColoTrust Contact Amendment Form, Dual Authorization Form and CSAFE Account Authorization Update Form, WF Authorization forms

R-24-010 RESOLVED upon motion by Director Ebert, seconded by Treasurer Hundley and unanimously carried the Chairman be authorized to sign the updated ColoTrust Contact Amendment Form, Dual Authorization Form and CSAFE Account Authorization Update Form, WF Authorization forms.

2024 Legislation

T-24-021 DISCUSSION. Spencer Fane is monitoring the proposed legislation regarding the potential acceptance and approval of Accessory Dwelling Units from the Governor’s office and the concerns about the additional impact on the necessary infrastructure to serve the additional units.

Authorize District Manager Walker to Obtain Additional Information Regarding the Requested Well Permit Renewal for 3380 S. Oak St.

R-24-011 RESOLVED upon motion by Director Ebert, seconded by Vice-Chairman Johnson and unanimously carried, that the Board authorizes District Manager Walker to execute the Water District Non-Opposition Consent Form if District Manager Walker confirms with the State Engineer’s Office that the well permit is for a renewal only and not an authorization to drill a new well or a change in the use of the existing well. The Board felt that this request was a special circumstance and that permission for the existing well permit renewal could be granted as long as a new well was not being permitted.

District Manager Walker will contact the State Engineer’s office to gather additional information regarding the well permit renewal request. Further, the Board authorizes District Manager Walker and Legal Counsel Dykstra to work on an amendment to the District Rules and Regulations to identify the circumstances that would be required for connections to District owned public water and sewer mains from failed water wells or septic systems.

DISTRICT MANAGER’S REPORT

District Manager Walker presented the January 2024 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

R-24-012 RESOLVED, upon motion by Director Larsson, seconded by Vice-Chairman Johnson and unanimously carried, that District Engineer Wheatlake fill the position of Operator in Responsible Charge due the retirement of District Engineer Fix in 2023. Andrew George will fill the Alternate Position for the Distributor Water Conservation Committee due to the retirement of LuAnn Eatherton in 2023. A complete list of Representatives and Alternates to other Agencies is attached to the Management Report and made part of the record.

DIRECTOR’S REPORT - NONE

Legal Counsel Dykstra will Retire on March 1, 2024

T-24-022 DISCUSSION. Legal Counsel Dykstra announced that due to some health concerns, he will be retiring on March 1, 2024. Mr. Dykstra recommends that Laura Heinrich from Spencer Fane replace him as Bear Creek Water and Sanitation District's Legal Counsel. The Board members congratulated Mr. Dykstra and wished him well with his upcoming retirement.

C-24-003 CONCURRENCE. Nothing further being presented to the Board, Chairman Miller declared that the meeting be adjourned.

Dale L. Miller, President and Chairman

A T T E S T:

Jan C. Walker, Secretary, Board of Directors

S E A L