RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CRESTVIEW WATER AND SANITATION DISTRICT ADAMS COUNTY, COLORADO MARCH 13, 2024

The regular 5:30 PM meeting of the Board of Directors of the Crestview Water and Sanitation District was held March 13, 2024, in-person at the District office. The meeting was presided over by Board President, Mike Doak. Board Secretary Danny Sweeney was present to record the minutes.

Members present:

Mike Doak President
Tom Ryszkowski Vice-President
Danny Sweeney Secretary/Treasurer

Victor Sanchez Director
Kathy Laurienti Director

Also present:

Charles Poysti District Auditor

Mike Barrett Metro Representative

Allison Ulmer Attorney

Mitch Terry District Manager

THE PLEDGE OF ALLEGIANCE WAS RECITED

PUBLIC COMMENTS – No one from the public was present.

METRO REPORT - Mike Barrett

Mr. Barrett stated that he is working with Ruth Kedzior at Metro to facilitate having Metro CEO, Mickey Conway attend a future Crestview Board meeting. He has tentatively set a date of May 8, 2024. Mr. Conway desires to meet with all of the connectors to Metro this year to introduce himself and provide an overview of the operations of Metro Water Recovery.

Mr. Barrett also asked the Board if they would like to attend a tour off the Robert Hite Treatment Facility at 6400 York St. Many of the directors along with District Manager Terry would like to tour the facility.

The Metro finance committee voted to amend the 2023 Budget to allow for upgrades to the aging cooling towers, pumps and valves within the facility. There were also funds to provide for replacing a wash pump station at the Northern Treatment Plant amounting to \$260,000.

Metro will also be replacing the Foam mitigation equipment to reduce the amount of foam that is created when the plant discharges into Sand Creek.

Mr. Barrett provided some details regarding the non-compliance violations committed by Valicor Environmental and the \$57,200 penalty assessed on February 21st of this year.

A short discussion was held regarding the Suncor benzene contamination at the Robert Hite Treatment Facility. Suncor built underground walls to contain the benzene while also pumping it from the ground. Suncor gets fined by the EPA but is still trying to remove the contamination.

2023 FINANCIAL AUDIT REPORT BY CHARLES POYSTI -

Mr. Poysti thanked the Board for allowing him to perform the audit.

Mr. Poysti stated that disclosures of the district's investments were expanded to be more transparent. Some of the investment bonds are several years out before maturation.

Mr. Terry explained that the bonds are laddered in age from 5 years to 6 months. As bonds mature, they are generally replaced with another 5-year bond to keep the ladder balanced.

Mr. Poysti detailed the capital improvements and vehicles in relation to the expenses of the District.

Director Ryszkowski asked Mr. Poysti how the TABOR changes affected the district.

Mr. Poysti stated that the change had very little effect on the anticipated finances for 2024.

The District had a surplus of \$1.6m with a net gain of \$978,893 after adjusting for the cost of the US-36 Bore that was contracted for in 2023.

There was nothing found out of the ordinary during the examination of the financials or the methods of reporting revenues and expenses during 2023. The management letter details the findings of the auditor.

Mr. Poysti made adjustments to the methods of reporting the market values of the bonds as opposed to the actual purchase costs.

Director Doak verified with Mr. Poysti that the District is in good financial standing.

Mr. Poysti agreed with Mr. Doak's inquiry that the District is in good financial standing as of the end of 2023.

Director Doak asked the members of the Board if they had any questions regarding the audit. No additional questions were asked of Mr. Poysti.

Mr. Poysti thanked the Board again for allowing him to serve the District then left the meeting.

MINUTES FOR APPROVAL, FEBRUARY 14, 2024

Director Doak asked if there were any corrections, deletions or additions to the Minutes for the February 14, 2024, meeting of the Board.

There being no corrections, deletions or additions, the Minutes for the February 14, 2024, meeting of the Board were accepted as presented.

DISTRICT MANAGER'S REPORT – MITCH TERRY

2023 FINANCIAL AUDIT REPORT – CHARLIE POYSTI

The 2023 annual financial audit for the Crestview Water & Sanitation District was performed by Charlie Poysti of Charles Poysti, LLC on February 7th.

Mr. Poysti will present his findings at the March 13, 2024 regular meeting of the Board.

I have provided a resolution for the Board to accept the Audit and the Skyline Vista report. After the Board approves the Audit and the Skyline Vista billing computation report by resolution, I will provide you with a bound copy of the 2023 Financial Statements and the Skyline Vista billing computation report at the April 10, 2024 regular meeting.

Director Doak made a motion to adopt the following resolution:

<u>RES # 5 - 24</u> WHEREAS The Board of Directors of Crestview Water and Sanitation District has requested that Charles Poysti, LLC perform an Annual Financial Audit for the year ending December 31, 2023, and

WHEREAS Charles Poysti, LLC has performed said Annual Financial Audit and provided the Board with a Draft Audit Report and a Skyline Vista Billing Rate Computation, and

WHEREAS the Board has reviewed said Audit and Skyline Vista Billing Rate Computation;

NOW, THEREFORE, BE IT RESOLVED THAT the Draft Annual Financial Audit for the year ending December 31, 2023 and the Skyline Vista Billing Rate Computation be accepted as presented.

Director Ryszkowski seconded the motion.

AYES: Directors Doak, Ryszkowski, Sweeney, Sanchez and Laurienti

NAYS: None.

The resolution was unanimously adopted

SKYLINE VISTA 2024-25 SEWER RATES -

As part of Crestview's annual Financial Audit, Mr. Charlie Poysti of Charles Poysti, LLC performs the Skyline Vista 1954 Connector's Agreement calculation to determine the ratio of Skyline Vista sewer only customers versus in-District customers. The Skyline Vista subdivision is located fully within the City of Westminster.

Crestview provides sewer collection service to the Skyline Vista subdivision through the 1954 Connectors Agreement that Crestview (formerly the Baker Metropolitan Water & Sanitation District) and the developer created in 1954 to determine the cost of collection and treatment of the sanitary sewer that is created within the subdivision. In the agreement, there is a calculation that the District's auditor uses to determine the cost to the District for providing this service. The calculation takes into account the expenses to the District for insurance, maintenance, salaries, office expenses, payroll taxes and Metro's annual charge to Crestview. Part 6 of the Agreement also states, "Nothing herein shall be construed as giving the connectors or users hereunder the right to be placed in a class as favorable as users located within the territorial limits of the District". This statement means that the Board of Directors of the Crestview Water and Sanitation District will use the calculated sewer rate as provided by the District's auditor then will add a specific amount to the calculated rate to charge to the residents of the Skyline Vista subdivision without their rates being more favorable than the rates of the In-District residents.

Crestview assesses a sewer mill levy to all its In-District customers of 0.366 mills in 2024. A mill levy is the "tax rate" that the district applies to the assessed value of a property within the District. One mill is one dollar per \$1,000 dollars of assessed value. With Crestview's mill levy at 0.366, a property that is assessed by the County Assessor at \$350,000 would be assessed \$350,000 X .366 / 1000 = \$128.10 per year. The homes in the Skyline Vista subdivision are not assessed a Crestview mill levy.

With all the growth that has occurred within Crestview over the past seven years, the calculated sewer rate by the District's auditor for the Skyline Vista subdivision decreases each year and in doing so causes the Board to make necessary adjustments to the calculation to avoid creating rates for the Skyline Vista subdivision customers to be lower than the in-district customer's rates.

In 2019, the Board chose to use a comparative method of Adams County assessed home values from within the Skyline Vista subdivision and properties east of Zuni Street (Crestview's billing Cycle 2). The property values of fifteen random homes within the Skyline Vista subdivision were compared to the property values of fifteen random homes within Cycle 2.

I have provided a spreadsheet showing these comparisons for the Board to review and make their determination for the 2024-25 Skyline Vista rates.

I have also provided a resolution to adopt the 2024-25 Skyline Vista rates.

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Comparison	Of I	n-District :	sew	er bills ir	nclu	ding mil	levy	and Skyline	e Vis	ta contract (calculation							
Δudi	tor'	s calculation	nn f	or 2024 S	kvlii	ne Vista	annua	al rate is	\$	417.05								
Auu		carcarati		01 20243		iic vista	umu	arrute is	Ÿ	417.03						matching me	thod	
In-District Cycle 2 property values						2024 Sewer only Mill Levy is 0.366								In-District rates have Mill Levy added				
Samuel		value	m	nill levy		74th		value		mill levy	73rd Pl		value	m	nill levy	2024		
2361	\$	387,000	\$	141.64		2360	\$	384,000	\$	140.54	2360	\$	380,000	\$	139.08	In-District	\$	46.0
2281	\$	436,000	\$	159.58		2280	\$	409,000	\$	149.69	2321	\$	407,000	\$	148.96	Skyline Auditor's calc	\$	34.7
2221	\$	463,000	\$	169.46	:	2200	\$	408,000	\$	149.33	2220	\$	439,000	\$	160.67	Difference	\$	11.2
2161	\$	397,000	\$	145.30	:	2120	\$	395,000	\$	144.57	2141	\$	389,000	\$	142.37			
2081	\$	405,000	\$	148.23	:	2040	\$	416,000	\$	149.76	2020	\$	390,000	\$	142.74	Add Auditor's calc &		
Average	\$	417,600					\$	402,400				\$	401,000			difference to get the		
																Skyline Vista		
					3 s	treet av	erage	is	\$	407,000						2024 monthly rate	\$	46.0
					Mil	l Levy av	erage	is	\$	148.96						,		
svc charge		7.59				•			Ė									
volume chg		6.51/1000				Mill levy per mo		onth							2023 Skyline per mo	\$	45.22	
District avg		4,000			\$	33.63	avg s	ewer bill								2024 Skyline per mo	\$	46.04
avg bill is	\$	33.63			\$	46.04	AVG	SEWER BIL	L W	MILL LEVY						Difference	\$	0.82
			1954 contract calculati							or 2024		\$	417.05					
			12 month amount of 19									\$	34.75					
			Αv	g In-Distr	ict r	nonthly	sewer bill with Mill Lev			evy added		\$	46.04					
			Diff bet. monthly In-District bill amount						and	1954 calcula	ition	\$	11.29					
Skyline Vist	a pro	operty val	ues															
Alcott		value		Clay	,	value	В	ecatur		value								
7494	\$	378,000		7506		432,000		7321	\$	429.000								
7473	\$	472,000		7415	-	386,000		7350	\$	358,000								
7444	\$	395,000		7380	-	357,000		7391	\$	438,000								
7433	Ś	465,000		7361	-	417,000		7440	\$	461,000								
7414	\$	406,000		7320	-	352,000		7511	\$	375,000								
	\$	423,200			<u> </u>	388,800			\$	412,200								
Average Skyline Vist	a				3 c	treet av	erage	is	Ś.	408,066.67								

Director Doak made a motion to adopt the following resolution:

RES. # 6 - 24 WHEREAS each March, the Board of Directors of the Crestview Water and Sanitation District (Crestview) reviews the rate that is assessed to the customers of the Skyline Vista subdivision for the collection and treatment of sanitary sewer. The Skyline Vista subdivision is not within Crestview's service boundaries and therefore are not assessed a Crestview mill levy. Sanitary sewer service is provided to the Skyline Vista subdivision through a contract created in 1954 between the Skyline Vista developer and Crestview which dictates how the rates for sanitary sewer service are developed and applied to the residential properties within the Skyline Vista subdivision, and

WHEREAS, within the 1954 Connectors Agreement there is a calculation that the District's auditor uses to determine the cost to the District for providing this service. The calculation takes into account the expenses to the District for insurance, maintenance, salaries, office expenses, payroll taxes and Metro Water Recovery's annual charge to Crestview. Part 6 of the Agreement also states, "Nothing herein shall be construed as giving the connectors or users hereunder the right to be placed in a class as favorable as users located within the territorial limits of the District". This statement means that the Board of Directors of the Crestview Water and Sanitation District will use the calculated sewer rate as provided by the District's auditor then will add a specific amount to the calculated rate to determine the annual rate applied to the residential properties within the Skyline Vista subdivision without their rates being more favorable than the rates of the In-District residential properties, and

WHEREAS, the Board uses a comparative method of Adams County assessed home values from within the Skyline Vista subdivision which sits west of Zuni Street and homes within Crestview boundaries east of Zuni Street (Cycle 2). The Board also uses the district average of 4,000 gallons per month as baseline sewer flows from each home. The property values of fifteen homes within the Skyline Vista subdivision were compared to fifteen homes within Cycle 2. The comparison finds that the average property values are nearly the same. The average property value of the fifteen homes within Crestview's boundaries then have the 2024 Mill Levy of 0.366 added to the 4,000-gallon average to determine the total average cost of sanitary sewer service to the homes within Crestview's boundaries, and

WHEREAS, the Board has determined to match the annual charges to the residential properties of the Skyline Vista subdivision for the months of April through December of 2024 and the months of January through March of 2025 to the sum of the 4,000-gallon average rate plus the assessed mill levy on each indistrict residential property, and

WHEREAS, the Board has determined that the fair and reasonable <u>annual</u> charge for all residential customer accounts within the Skyline Vista Subdivision for sanitary sewer service provided by the District to be \$552.48 (<u>Five</u> hundred, <u>fifty-two</u> dollars, and <u>forty-eight</u> cents) or \$46.04 (<u>forty-six</u> dollars, and <u>four</u> cents) per month.

NOW, THEREFORE, BE IT RESOLVED THAT Appendix C, Section (B) of the Rules and Regulations be amended to read as follows:

The <u>monthly</u> charge for all residential customer accounts within the Skyline Vista Subdivision effective April 1, 2024, regardless of delivery date of the service, shall be \$46.04 (forty-six dollars, and <u>four</u> cents).

Director Sanchez seconded the motion.

AYES: Directors Doak, Ryszkowski, Sweeney, Sanchez and Laurienti

NAYS: None.

The resolution was unanimously adopted

REAPPOINTMENT OF MICHAEL BARRETT FOR METRO BOARD REPRESENTATIVE-

The Crestview Water and Sanitation District Board is required to appoint or reappoint a District representative to be on the **Metro Water Recovery Board** for a period of two years beginning July 1, 2024 and ending June 30, 2026. The Metro Water Recovery Board member shall be a qualified elector who is qualified to vote at general elections in this state and who also resides within the district from which he or she is appointed.

Metro has provided an appointment form for Crestview's Board to use to reappoint Mike to represent Crestview at Metro. I have also created a resolution for our records.

Director Doak made a motion to adopt the following resolution:

RES # 7 - 24 WHEREAS Crestview Water and Sanitation District (Crestview) is a Member Municipality of Metro Water Recovery (Metro), and

WHEREAS Metro requires Crestview to bi-annually appoint a representative to serve on Metro's Board of Directors, and

WHEREAS Michael Barrett currently serves as Crestview's appointed representative to Metro's Board and is willing to continue to serve in that capacity, and

WHEREAS at the regular meeting of the Crestview Board of Directors, March 3, 2024, the Board elected to re-appoint Michael Barrett as its representative to serve on Metro's Board for the period of July 1, 2024 through June 30, 2026,

NOW THEREFORE BE IT RESOLVED that Michael Barrett be appointed to serve as Crestview's representative to the Board of Directors for the Metro Wastewater Reclamation District effective March 13, 2024.

Director Laurienti seconded the motion.

AYES: Directors Doak, Ryszkowski, Sweeney, Sanchez and Laurienti

NAYS: None.

The resolution was unanimously adopted

METRO WATER RECOVERY SERVICE OF ADMINISTRATIVE ENFORCEMENT PENALTY -

The notification is paraphrased below:

Crestview received an email on February 20th notifying that Metro has assessed a Service of Enforcement Penalty Order against Valicor Environmental Services, LLC for continued pretreatment violations since 2022. Metro has assessed a penalty of \$57,200 to Valicor Environmental Services, LLC due no later than March 27th.

On April 8, 2022 and reissued on June 23, 2023, Valicor was issued Administrative Order No. AO .04.22.5010-6 for two findings of Significant Noncompliance (SNC); for violations that occurred during the compliance evaluation period of January 1, 2021 through June 30, 2021 for Total Zinc discharge limit violations and for violations that occurred during the compliance evaluation period of July 1, 2021 through December 31, 2021 for Total Copper discharge limit violations for Technical Review Criteria (TRC).

On March 28, 2023, Valicor was issued Administrative Order No. AO.03.23.5010-6 for two findings of Significant Noncompliance for violations that occurred during the compliance evaluation period of October 1, 2021 through March 31, 2022 for Total Titanium and Total Zinc discharge limit violations for Chronic and Technical Review Criteria.

Failure to comply with the Order will constitute additional violation of Metro's Rules and Regulations and may result in additional enforcement actions including penalties and/or suspension or termination of sanitary sewer service and/or other administrative or legal actions.

WATER BREAK US 36 & ZUNI STREET BORE-

As we have discussed in several of the last Board meetings, Crestview had a large water main break on a 10" water main in Zuni Street at the south sound wall of US 36 on November 16, 2022

On December 1^{st} , Crestview's maintenance crew replaced a 45'' section of 10'' pipe to make the repairs. A 14'' X 12'' hole blew out of the east side of the water main. The 10'' pipe has been returned to service.

During the January 25th meeting of the Board, Crestview's Board adopted a resolution to have BTrenchless bore a new 24" casing pipe under US 36 and insert a new 12" pvc water main inside the casing pipe for the bid price of \$420,261.00. Crestview's pipeline crew will perform the tie-ins at each end of the bore and will replace approximately 100 to 200 linear feet of water main to both the south and north of the new bore to eliminate old pipe from valve to valve in Zuni Street.

Crestview has received our contract documents from BTrenchless that includes the bid price and required performance bond, 5% retention and warranty period. The Bid price was \$394,203.00.

The bore and water main replacement is complete as of today, March 13th.

Crestview approved three change orders: March 27, 2023 for \$38,370 for traffic control on US-36, October 12, 2023 for \$31,817.19 due to increased costs for parts and fuel and \$1,580.15 for pressure testing of the new 12" water main. The total amount for change orders is \$71,767.34.

Crestview issued the payment for pay application #5 in the amount of \$302,212.94 in January 2024. The final cost to the District from BT Construction for the bore and water main installation is \$465,970.34.

We have been renting various pieces of equipment to complete the project along with purchasing needed fittings and fire hydrants to connect the new pipe to the distribution system. I will get the complete costs to the Board once all of the surface repairs have been completed.

ADAMS COUNTY 70TH AVENUE, BROADWAY TO PECOS RECONSTRUCTION PROJECT-

UPDATE: On Monday, December 4th, Adams County's executive leadership team and their consulting engineers met with Crestview and North Pecos Water & Sanitation District to go over the existing utilities and the current design to look at conflicts and opportunities to better the design with respect to both Adams County and the districts and our customers. The consulting engineers, at the request of County Commissioner O'Dorisio, created a 20' long single sheet layout of the plan and profile of the project so that everyone in the meeting can add notes to them to address the conflicts and propose alternative layouts. This was, in my opinion, a positive move in the right direction for both Adams County and the southwest Adams County water and sanitation districts. I have confidence that we were heard and that other better options will be forthcoming.

There are two 8" water mains that will be impacted by this project. One water main runs in 70th avenue from Pecos Street east to Lipan Street and the other segment runs from Huron Street east to Kidder Drive

of which both will need to be replaced prior to the commencement of construction of the Adams County project. Clarice O'Hanlon is designing the replacements and our pipeline replacement crew will be performing the replacements.

The Adams County project starting date is now on a temporary hold until a utility corridor plan has been created and Right of Way acquisitions are completed.

The plans for the water main replacement in 70th avenue from Pecos Street to Lipan Street and Lipan Street from 70th avenue north to 70th Place have been approved by Denver Water. The pipeline team will begin potholing the area in preparation for installing the new water main after the completion of the US-36 bore project is completed.

GOAT HILL EAST ROADWAY RECONSTRUCTION PROJECT-

Adams County is in the process of gathering pre-design information relating to the reconstruction of the streets including new storm sewer main installations in the Goat Hill East neighborhood. Goat Hill East includes the streets of 65th Avenue from Federal Blvd. east to the railroad tracks, 65th Place from Federal Blvd. east to the railroad tracks, 67th Place from Federal Blvd. east to Decatur Street and Decatur Street from 66th Place north to 67th Place.

Adams County is planning to install new storm sewer piping and surface brick pavers for the pre-treatment of surface water prior to entering the waterways nearby.

This project could be a struggle as the new storm water piping and brick pavers will occupy a large area of right-of-way. This will create a very tight corridor for our new water main installations in this project.

This project will begin construction sometime in 2026.

AWWA ACE 2024 ANNUAL CONFERENCE-

The 2024 AWWA conference is going to be in Anaheim, California June 10-13.

The airline reservations, hotel reservations, ACE24 registrations and events have all been completed and paid for.

Travel days are June 9th and June 14th.

We will be departing Denver on Sunday, June 9th at 11:40 AM from DIA on United Airlines arriving at 1:06 PM in California.

We will be departing California on Friday, June 14th at 1:17 PM from Orange County Airport on United Airlines arriving at 4:40 PM in Denver.

CRESTVIEW'S 75TH ANNIVERSARY-

Crestview's staff has begun the design of the banners that will be part of the celebration. Jessen Eckert is looking into renting a large tent/awning, tables and chairs to be used for our guests.

Crestview's 75th anniversary is Sunday, June 30, 2024. The celebration will be held on Friday, June 28th from 11:00 to 1:00 at the maintenance facility at 64th & Pecos. We can have the District's maintenance vehicles on display and have one of the garages open for tours.

We have contracted with In-N-Out Burger to have their Cookout Truck provide our food. The cost for the truck is a minimum of \$2,000 with \$500 being a trip charge. The remaining \$1,500 would be for food. In-N-Out does not sell from this truck so the food is only provided by tickets that we would hand out to the attendees of the event. The contract minimum is for 153 meals for a total cost of \$2,106.50.

2024 WATER MAIN REPLACEMENT PROJECT-

The 2024 water main replacement program will consist of the following:

66th **avenue from Lowell Blvd. west to Tennyson** Street that will include the cul-de-sacs of Newton Court, Osceola Court, Perry Court, Quitman Court, Raleigh Court and Stuart Court.

70th avenue, Pecos Street east to Lipan Street and Lipan Street from 70th avenue north to 70th Place.

The pipeline crew has completed the majority of the bore project and will be performing the final pressure test this week. Once the pressure test is completed and there are no leaks found, they will finish the connection on the north side of US-36 and have a fully functional 12" water main. There is a fairly large amount of concrete curbing that needs to be replaced along with asphalt replacement. Once those items are completed, the project will be finalized and I'll be able to give you a breakdown of total costs.

CRESTVIEW'S NEW WEBSITE IS NOW UP AND RUNNING-

Mr. Terry informed the Board that the District's new website is now active. The new website will assure that Crestview meets the July 1, 2024 mandates to be ADA compliant.

Director Doak stated that he was looking through the website earlier today looking at the map of the District.

Mr. Terry stated that each first day of the month, he will run a compliance check then place the report on the website to show compliance.

SAVINGS ACCOUNT FOR EMERGENCY RESERVE FUNDS-

We contacted Crestview's bank, Independent Bank and created a separate interest-bearing account to transfer the dedicated Emergency Reserves Funds of \$1,800,000 indicated in the 2024 Budget into. The account will provide Crestview with an Annual Percentage Yield of 5.64%.

DENVER WATER FEBRUARY PURCHASE-

30,559,000 gallons Average since 2006 is 31,416,000 gallons

LEGAL REPORT – ALLISON ULMER-

Ms. Ulmer stated that she has nothing to report

Director Doak made a motion to adopt the following resolution:

RES # 8 - 24 - BE IT RESOLVED THAT Bills be paid.

Director Ryszkowski seconded the motion.

AYES: Directors Doak, Ryszkowski, Sweeney, Sanchez and Laurienti

NAYS: None.

The resolution was unanimously adopted

OFFICE DATA -

The February Office Data was accepted as presented.

FINANCIAL REPORT -

The February Financial Report was accepted as presented.

There being no further business, the meeting was adjourned at 6:33 PM.

Respectfully submitted,

Danny Sweeney, Secretary/Treasurer