

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF
THE CRESTVIEW WATER AND SANITATION DISTRICT
ADAMS COUNTY, COLORADO
JULY 12, 2023

The regular 5:30 PM meeting of the Board of Directors of the Crestview Water and Sanitation District was held July 12, 2023, 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:

Allison Ulmer	Attorney
Mitch Terry	District Manager

Members absent:

Mike Barrett	Metro Representative
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THE PLEDGE OF ALLEGIANCE WAS RECITED

PUBLIC COMMENTS -

No one from the public joined the meeting.

METRO WATER RECOVERY REPORT- Provided by Mike Barrett by email report

There was a meeting this morning 7/6/23 at Metro water recovery. Here's my report of the meeting;
We voted on the annual budget and implemented the fees for new sewer connections. It will be effective Jan. 1 2024. These are for single family units, which is a building or structure containing one residential unit, including detached units as well.
The charge will be \$5,518, the fees will be set by "WATER TAP SIZES".
As for "Large-user's", their fees will be assessed on projected wastewater strength in addition to projected flow. They will be assessed under a different table to determine their fees. I don't know if this new charge will affect Crestview water and sewer directly per se, but it is my opinion that Crestview's customers in the future will need to know what the connection charge will be. Sewer connection charges represents approximately 30% of revenues in 2024 for MWR.

MINUTES FOR APPROVAL, JUNE 14, 2023

Director Doak asked if there were any corrections, deletions or additions to the Minutes for the June 14, 2023, meeting of the Board.

There being no corrections, deletions or additions, the Minutes for the June 14, 2023, meeting of the Board were accepted as presented.

DISTRICT MANAGER’S REPORT – MITCH TERRY

JULY BIRTHDAYS-

Happy July birthday to Board Vice-President Tom Ryszkowski

CERTIFICATIONS-

Congratulations to Eddie Torgersen for obtaining his Wastewater Collection Operator Class 1 certification on June 28th and his Wastewater Collection Operator Class 2 on July 5th.

2022-2023 MILL LEVY TAXES COLLECTED-

On May 10th, Crestview received a letter from the Colorado Department of Local Affairs stating that our Mill Levy calculations for 2022 to be collected in 2023 were off by \$19,750.

Crestview's auditor, Charlie Poysti responded to me in an email about the calculation *"attached is their worksheet to make the annual calculation. I have put in your numbers in the "Data-Instructions" worksheet, and we both get the same numbers for the "5.5% Calculation". However, I went to the next worksheet "Tabor Calculation" and the Department of Local Affairs is not considering the TABOR "Local Growth" percentage in their final assessment. That is why you received the notice. If we would have kept the mill levy calculated on "5.5% Calculation" we would have been just fine. Instructions on the "Tabor Calculation" worksheet says "the Division is required by law to enforce the "5.5% limit"."*

To correct the error, the Department of Local Affairs suggested that Crestview's Board of Directors pass a resolution to create a "temporary mill levy reduction" to adjust the amount collected. I have created a resolution for the Board to adopt.

Mr. Poysti agrees that a resolution would be a good idea to make the temporary mill levy reduction on the 2024 budget to correct the amount of taxes collected.

Director Doak made a motion to adopt the following resolution:

RES # 18-23. WHEREAS The Colorado Department of Local Affairs provided a letter to Crestview Water & Sanitation District on May 10, 2023 stating that taxes levied for 2022 and collected in 2023 were \$796,689 which exceeded the 5.5% Property Tax Revenue Limit by \$19,750 requiring Crestview to decrease the tax revenues for 2023 to be collected in 2024 by resolution, and

WHEREAS, the Crestview Water & Sanitation District has adopted the annual budget in accordance with the Local Government Budget Law, on December 14, 2022 and,

WHEREAS, the amount of money necessary to balance the budget for **general operating** purposes from property tax revenue was \$796,689, and

WHEREAS, the Crestview Water & Sanitation District finds that it is required to **temporarily** lower the operating mill levy to render a refund for \$19,750, and

WHEREAS, the 2022, valuation for assessment for the Crestview Water & Sanitation District as certified by the Adams County Assessor was \$232,000,370.

NOW, THEREFORE, BE IT RESOLVED BY the Crestview Water & Sanitation District of the State of Colorado:

Section 1. That for the purpose of meeting all **general operating** expenses of the Crestview Water and Sanitation District during the 2023 budget year, there was levied a tax of 3.434 mills upon each dollar of the total valuation for assessment of all taxable property within the Crestview Water & Sanitation District for the year 2023.

Section 2. That for the purpose of rendering a refund to its constituents during budget year 2024, there is hereby levied a **temporary mill levy reduction** of .007 mills.

Section 3. That the District Manager is hereby authorized and directed to certify to the County Commissioners of Adams County, Colorado, the mill levies for the Crestview Water and Sanitation District as herein above determined and set, but as recalculated as needed upon receipt of the final (December 2023) certification of valuation from the county assessor in order to comply with any applicable revenue and other budgetary limits.


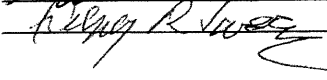
Director Ryszkowski seconded the motion.

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

NAYS: None.

The resolution was unanimously adopted this 12th day of July, 2023.

ADOPTED this 12th day of July, 2023.

Attest:  Mike Doak, President
 Danny Sweeney, Secretary

DESIGNATION OF PERSON/S TO PREPARE THE 2024 DRAFT BUDGET-

It is time to designate, by resolution, a person or persons to prepare a draft budget for 2024 for presentation to the Budget Committee at the annual Budget Committee meeting to be held on September 27, 2023. Generally, the Board will designate the District Manager and the District's auditor to prepare the draft budget. I have provided a copy of the resolution in your packet.

Director Sanchez made a motion to adopt the following resolution:

RES. # 19 - 23 WHEREAS, The Board of Directors of the Crestview Water & Sanitation District shall designate or appoint a person or persons to prepare the 2024 Budget, and

WHEREAS, The Board has requested District Manager Mitchell T. Terry, Poysti and Associates, LLC and a committee of the entire Board to prepare and submit a proposed Budget for 2024, and

WHEREAS, They are to prepare and submit the proposed 2024 Budget to the Board of Directors of the Crestview Water & Sanitation District per state statute on or before October 15, 2023, and

NOW, THEREFORE BE IT RESOLVED THAT Mitchell T. Terry, Poysti and Associates, LLC and the committee of the entire Board be appointed to prepare and submit the 2024 Budget and present the Budget at the October 11, 2023 regular meeting of the Board.

Director Laurienti seconded the motion.

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

NAYS: None.

The resolution was unanimously adopted

2024 BUDGET COMMITTEE MEETING-

The budget committee meeting is scheduled for September 27th. Last year, the budget committee meeting was held at Los Amigos Kitchen at 7260 Pecos Street. I can reserve the room again for this year or if there is a different restaurant that you would prefer to go to, please let me know.

The Board would like to have the meeting at a different location this year.

Mr. Terry stated that the meeting should be held at a location within 10 miles of the District office.

Some suggestions were The Hideaway, Mickey's Steakhouse, the Hyland Hills Golf Club restaurant, Legacy Ridge Golf Club restaurant.

ADDITIONAL EMPLOYEE?

Jessen Eckert, our maintenance superintendent has asked that we hire another full-time maintenance person beginning January 1, 2024. With the addition of more homes comes more systems to maintain. We have assigned one maintenance employee to a full-time inspector position since growth isn't slowing in the district. With our inspector's time being focused on developments and small repair inspections daily, it causes a pseudo vacancy in the maintenance staff limiting how much work can be done daily.

If the Board allows the addition of another maintenance employee, we would like to hire someone with little to no experience for two reasons; they don't bring in practices from other jobs that may be counter to our methods and with little to no experience, we can hire them at a beginning wage to defer salary costs.

A first-year maintenance employee that obtains a Commercial Driver's License (CDL) within three months of hire would have a starting salary of \$57,600. If the employee has a family, the benefits would be approximately \$22,000 for a combined total of \$79,200 for the first year.

Director Laurienti made a motion to adopt the following resolution:

RES. # 20 - 23 WHEREAS, the Board of Directors, Crestview Water & Sanitation District, has determined that past growth and anticipated growth within the Crestview service area has and will create additional water and sewer infrastructure requiring additional maintenance efforts to be imposed on the District's maintenance staff, and

WHEREAS, the current growth and anticipated growth has required the assignment of a permanent construction observer to oversee the construction of both water and sewer system additions created by the aforementioned past and future developments causing the construction observer to be unavailable to perform maintenance tasks for extended periods of time, and

WHEREAS, the maintenance department of the District is having difficulty in sustaining the expected quality of maintenance of the district's facilities caused by the additions to Crestview's distribution and collection systems, and

NOW THEREFORE, BE IT RESOLVED THAT the Board of Directors, Crestview Water & Sanitation District, approve the addition of one new employee to be dedicated to the maintenance department and to be hired as a full-time regular employee no sooner than January 1, 2024.

Director Sanchez seconded the motion.

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

NAYS: None.

The resolution was unanimously adopted

2023 SDA CONFERENCE-

The 2023 Special District Association of Colorado's annual conference will be Tuesday, September 12th-Thursday, September 14th this year. Directors Ryszkowski and Sweeney and I will be attending the conference. I have registered all three for the conference and made room reservations.

AWWA ACE 2024 ANNUAL CONFERENCE-

The 2024 AWWA conference is going to be in Anaheim, California June 10-13. I met with Mike DeMattee, the District Manager at North Washington Street Water and Sanitation District to get some information about the conference and the expense to the District to have the five directors and the managers attend the conference. Mr. DeMattee indicated that the overall cost for their Board and himself to attend the 2023 AWWA conference was approximately \$30,000. I'm sure that since it will be in the United States next year and closer to Colorado that the travel expenses will be less than traveling to Canada. I have asked our office clerk to look into flights and rooms for us as she moonlights as a travel agent and knows the ins and outs of booking travel.

I have made a note to add \$25,000 to the 2024 Budget for admin training totaling \$30,000 for the 2024 Budget.

Director Laurienti asked Mr. Terry if Mr. Demattee provided any information about what information/processes their directors gained from attending the conference.

Mr. Terry stated that he didn't ask that question but will before the next meeting of the Board.

Director Laurienti asked if the AWWA has a website to provide information regarding activities during the conference.

Mr. Terry directed the Board to visit [AWWA.org/ACE](https://www.awwa.org/ACE)

Director Doak asked about the optics of paying for the Board to attend the conference and would it be justified expense wise.

Ms. Ulmer stated that many districts attend the conference.

Director Laurienti advised adding \$25,000 to the training budget for 2024 to be available if the Board does attend the conference.

ADJUSTMENT TO THE EMPLOYEE POLICY MANUAL-

In reviewing other districts' policies regarding paid sick leave and how it is accrued, I would like to suggest a change to Crestview's sick leave policy.

Currently, every full-time employee accrues eight (8) hours of paid sick leave on the first day of each month without any restrictions on how it is accrued.

I am proposing that sick leave can only be accrued, per pay period (4 hours), and only if the employee has worked or been on paid leave (vacation, sick leave or comp time) the entirety of the previous pay period. If an employee takes time off without pay, is on short or long-term disability or is on Worker's Compensation during a pay period, the worker won't receive the four hours on the first day of the next pay period. I have provided a resolution detailing these revisions in your Board packet.

After consulting with Crestview's attorney, Allison Ulmer, she has indicated that this suggestion still conforms to the Healthy Families and Workplaces Act (HFWA).

Director Doak made a motion to adopt the following resolution:

RES. # 21 - 23 WHEREAS, the Board of Directors has determined that certain adjustments to the employee benefits are in the best interest of the District, and

WHEREAS, it is the desire of the Board to have the Employee Policy Manual provide benefits for District employees more consistent with neighboring municipalities; and

WHEREAS, these benefits may be amended by the Board of Directors as future needs arise or changes in employment law regarding paid sick leave; and

NOW THEREFORE, BE IT RESOLVED THAT the Board of Directors, Crestview Water & Sanitation District, amend the Employee Policy Manual for all District employees regarding section 3.5, Sick Leave and section 3.6 Compensation for Unused Sick Leave effective **August 14, 2023**, to read;

Section 3.5 Sick Leave

On the first day of employment, all employees will be provided with eight (8) hours of paid sick leave.

On the first day of each bi-weekly pay period, all employees will accrue an additional four (4) hours of paid sick leave contingent upon the employee either working or utilizing accrued paid time off (vacation, comp-time, sick time) the entire previous bi-weekly pay period. Sick time is not earned in pay periods during which unpaid time off, short- or long-term disability leave or workers' compensation leave are taken.

Once part-time employees have been provided forty-eight (48) hours of sick leave, they will cease accruing additional sick leave until the employee reaches their anniversary date. On his or her anniversary date, the employee's paid sick leave balance will be reset to eight (8) hours and the employee will begin accruing sick leave at the rate of eight (8) hours per month until forty-eight (48) hours of sick leave has been provided.

A full-time employee may accumulate a total of no more than four hundred and eighty (480) hours of sick leave however, an employee may temporarily accumulate an additional one hundred four (104) hours of sick leave in the twelve-month (12) period following his/her annual anniversary date. At the time of the employee's next annual anniversary date, any sick leave hours accumulated over four hundred and eighty (480) hours will be paid at fifty percent (50%) of value to the employee at the employee's current wage in order to return the employee's total accumulation to four hundred and eighty (480) hours. The payment for hours over four hundred and eighty (480) hours will be paid in a lump sum to the employee on the employee's anniversary date.

Example: $480 + 104 = 584$ – 24 hours used = 560 accumulated and not used through the prior 12 months; $560 - 480 = 80$ hours over the 480 allowed hours; 80 hours multiplied by $\frac{1}{2}$ of the employee's current wage will be paid to the employee.

Sick leave may be used as it is accrued and for the following purposes:

- (1) When the employee:
 - (a) Has a mental or physical illness, injury or health condition that prevents the employee from working;
 - (b) Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or
 - (c) Needs to obtain preventive medical care;
 - (d) Grieving or attending funeral services or memorial services, or to deal with financial and legal matters arising after the death of a family member;
- (2) When the employee needs to care for a family member who;
 - (a) Has a mental or physical illness, injury, or health condition;
 - (b) Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or
 - (c) Needs to obtain preventive medical care;
 - (d) For employees who need to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member's school or place of care;
 - (e) When the employee needs to evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the need to evacuate the employee's residence;
- (3) When the employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to;
 - (a) Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
 - (b) Obtain services from a victim services organization;
 - (c) Obtain mental health or other counseling;
 - (d) Seek relocation due to domestic abuse, sexual assault, or harassment; or
 - (e) Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment; or
- (4) When, due to a public health emergency, a public official has ordered closure of:
 - (a) The District's place of business; or
 - (b) The school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.

An employee may use paid sick leave upon the employee's request. The request may be made orally, in writing, or electronically. When possible, the employee shall include the expected duration of the absence.

An employee may use paid sick leave in fractions of hours, if needed.

When the use of paid sick leave taken under this section is foreseeable, the employee shall make a good-faith effort to provide notice of the need for paid sick leave to the District in advance of the use of the paid sick leave and shall make a reasonable effort to schedule the use of paid sick leave in a manner that does not unduly disrupt the operations of the District.

If illness or injury impairs an employee's performance, the District may require that the employee use sick leave.

The District reserves the right to require at any time that an employee using sick leave or returning from sick leave for four (4) or more consecutive workdays provide a written statement of a physician or other reasonable documentation that the leave was for a purpose authorized in this policy and/or that the employee is fit to return to work.

During a Public Health Emergency, additional rules apply as set forth in **Appendix A**.

Paid sick time will not be used in the calculation of overtime.

The District's leave policies shall be interpreted in a manner consistent with the Healthy Families and Workplaces Act, as it currently exists or as amended in the future, and any such amendments are automatically deemed incorporated into this Employee Policy Manual to the extent applicable.

3.6 Compensation for Unused Sick Leave

Upon death, retirement, voluntary termination of employment, or involuntary termination of employment, accumulated, unused sick leave will be paid on an hour-for-hour basis at the rate of fifty percent (50%) of the employee's current wage for regular full-time employees only. Unused sick time will not be paid to part-time or temporary employees.

All employees shall complete a beneficiary designation form at the first of each year to indicate to whom compensation for unused sick leave shall be paid upon the employee's death.

AND BE IT RESOLVED THAT all current and new employees be given a copy of the manual, given an opportunity to ask questions concerning the policies and sign a receipt of understanding.

Director Ryszkowski seconded the motion.

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

NAYS: None.

The resolution was unanimously adopted

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

Adams County hosted a progress meeting on May 4, 2023 to discuss the project. Adams County's engineers have provided their 60% plans to Crestview. Crestview staff is planning on designing the replacement of the water main sections within 70th avenue that will need to be replaced prior to the start of the Adams County project. 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 replacement and our pipeline replacement crew will be performing the replacements. The Adams County project is to start construction in June of 2024.

WATER BREAK US 36 & ZUNI STREET-

Nothing to report as of July 12, 2023

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 1st, 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.

Denver Water was contacted to gain authorization for an emergency repair. Denver Water authorized the emergency replacement of both the 10" and 14" existing water mains under US-36.

Potholing has been performed and a corridor for the bore has been determined.

CDOT permit applications have been provided to CDOT and plans are being reviewed. This process is taking longer than expected.

Since the summer irrigation season is now upon us, we may need to decide to delay the project until October 2nd. The risk is that we will be utilizing the 10" main that we are replacing for a few more months. The bigger risk is running out of water if the 10" is taken offline during irrigation season.

2023 WATER MAIN REPLACEMENT PROJECT-

The 2023 Water Main Replacement Project will consist of Alan Drive from 68th avenue north to 72nd avenue, Raritan Street from Jordan Drive north to 72nd avenue and Quivas Street from Raritan Street north to 72nd avenue. The water main replacements in Alan Drive from 68th avenue north to 72nd avenue and Raritan Street are complete with the exception of final asphalt overlay. The next street set for replacement is Quivas Street.

After completion of this project, the pipeline crew will be replacing the water main in Julian Street from 68th avenue north to Mosko Court on an emergency basis due to the numerous water breaks over the years that have caused flooding of some houses downhill of the water breaks.

The pipeline crew is also going to be replacing the water main in 70th avenue from Pecos Street east to Lipan Street then north on Lipan Street to 70th Place as part of the Adams County 70th avenue rehabilitation project this year.

CLEAR CREEK VILLAGE-

The developer, Crestview staff and representatives of Denver Water met on January 27, 2022 to discuss the horizontal location of a proposed twelve-inch water main and new 10-inch master meter to be constructed in Lowell Blvd. from 58th avenue north to 62nd avenue to create a third source of water into Crestview from Denver Water.

The engineers for the project have provided a Union Pacific Crossing Agreement naming Crestview as the Licensee. Naming Crestview as the Licensee is common as the crossing will ultimately belong to Crestview. By naming Crestview as the Licensee, there are fees and insurances needed to be paid for the project to proceed. Crestview's attorney, Allison Ulmer is reviewing the agreement and will be supplying Crestview with a Hold Harmless Agreement to have between the developer and Crestview. This Hold Harmless Agreement should keep Crestview from having to pay any of the fees required by Union Pacific.

DEVELOPMENTS THAT ARE CURRENTLY IN PLANNING OR REVIEW -

- Clear Creek Valley Apartments – Located on the Southwest corner of Lowell Blvd. and 64th avenue – 192 units
- 3214 W 64TH Avenue Apartments – Located just west of Federal Blvd. on 64th avenue - 168 units
- 6501 Lowell Blvd. Apartments – Located on the Northwest corner of Lowell Blvd. and 64th avenue – 122 units
- 4147 W. 64th Avenue Townhomes – Located three blocks east of Tennyson Street – 70 units
- 6690 Decatur Street Duplexes – Seven – 2-unit duplexes totaling 14 units
- Clear Creek Village TOD – Located at 6001 Federal Blvd. 800-1,000 units
- White Water Car Wash – Located at 6400 Federal Blvd. just east of the 7-11. 2" meter.

CRESTVIEW'S 75TH ANNIVERSARY-

Crestview's 75th anniversary is Sunday, June 30, 2024. We spoke a bit about this during the June 14th meeting. Please let me know how you would like to celebrate. Our staff is aware of the anniversary and will be providing suggestions for the celebration.

DENVER WATER JUNE PURCHASE-

46,861,000 gallons

The 10-year average is 68,127,000 gallons makes for a 31% drop in water purchase over the last 10-year avg.

WATER SOLD IN JUNE-

41,988,000 gallons

The 10-year average is 50,023,000 gallons makes for a 16% drop in water sales over the last 10-year avg.

LEGAL REPORT – ALLISON ULMER

Ms. Ulmer stated that she had nothing new to report

BILLS –

Director Laurienti asked what the stockholder fees are for the Allen Ditch Company.

Mr. Terry explained that Crestview pays stockholder fees to the Allen Ditch Company to hold the right to drain our storage tanks into the ditch when the time comes to clean the tanks.

Director Doak asked why the Xcel Energy bill was over \$6,000.

Mr. Terry explained that the pipeline crew hit a gas service and some of the \$6,000 was a repair bill for the hit.

Director Doak made a motion to adopt the following resolution:

RES # 22 - 23 – BE IT RESOLVED THAT Bills be paid.

Director Laurienti seconded the motion.

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

NAYS: None.

The resolution was unanimously adopted

OFFICE DATA -

The June Office Data was accepted as presented.

FINANCIAL REPORT -

The June Financial Report was accepted as presented.

NEW BUSINESS –

One of Crestview's investment bonds will mature on July 13th. The earnings are kept in the US Bank account and the \$1M will be reinvested into another bond earning 4.18%. The new bond will be a 5-year, non-callable bond that will earn the District \$208,000 over the 5-year period.

Crestview has another \$1M bond maturing on October 12th.

There being no further business, the meeting was adjourned at 6:27 PM.

Respectfully submitted,

Danny Sweeney, Secretary/Treasurer