

RECORD OF PROCEEDINGS

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MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF  
THE CRESTVIEW WATER AND SANITATION DISTRICT  
ADAMS COUNTY, COLORADO  
**AUGUST 11, 2021**

The regular 5:30 PM meeting of the Board of Directors of the Crestview Water and Sanitation District was held August 11, 2021, in-person and on Zoom. 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
Danny Sweeney	Secretary/Treasurer
Tom Ryszkowski	Director
Victor Sanchez	Director

Also, present:

Mitch Terry	District Manager
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Absent:

Jill Martin	Vice-President
Kathy Laurienti	Metro Wastewater Board Representative

**THE PLEDGE OF ALLEGIANCE WAS RECITED**

**PUBLIC COMMENTS-**

No one from the public joined the Zoom meeting.

**METRO WASTEWATER RECLAMATION DISTRICT REPORT BY KATHY LAURIENTI**

No report this month

**RUSSELL DYKSTRA, of SPENCER FANE LAW, FOR INTERVIEW TO BE CRESTVIEW'S NEXT ATTORNEY**

Director Doak introduced Mr. Dykstra to the Board.

Mr. Dykstra introduced himself and provided information about Spencer Fane and himself. Spencer Fane represents just over 500 various special districts in Colorado. Mr. Dykstra has represented water and sanitation districts for over 23 years. He considers himself as a set of guardrails for the Board to keep them within the boundaries of the law. Works with Denver Water and Metro Water Recovery often. Spencer Fane utilizes a team approach. Nicole Finco will be Mr. Dykstra's back-up and Chanda Thomsen would be the paralegal assigned to Crestview. Mr. Dykstra explained how his firm is flexible enough to address emerging personnel issues such as the COVID-19 pandemic and its employer/employee relations.

Director Doak asked, "with 500 customers, have you actually been to court for any of these clients?"

Mr. Dykstra replied that he and his firm have been to court with successful results. The firm has multiple staff with wide experiences and expertise to allow for the best results. The best option is to find a resolution prior to having to go to court to save the client expense.

Director Doak asked if it would be a challenge for Mr. Dykstra to attend our meetings due to distance from Crestview's office.

Mr. Dykstra indicated that he has a client in Lakewood whose Board meetings are early afternoon which would allow him to come from there to Crestview shortly afterward.

Director Doak asked what the fee for driving to Crestview's meetings would be.

Mr. Dykstra indicated that the fee is built into their rates for travel to Board meetings. Only direct costs would be charged to the District for filing fees of the courts.

Director Ryszkowski asked if Spencer Fane is alright with the District Manager being the Designated Election Official and running elections without the assistance of the legal firm representing the District.

Mr. Dykstra indicated that their role is to assist wherever the District would need help.

Director Doak asked about Mr. Dykstra's response time to emails and phone calls from the District manager.

Mr. Dykstra indicated that the amount of time to respond would be somewhat based on the timeliness of the need for an answer. If a Board meeting is close, the response would be more immediate.

Director Doak asked if Mr. Dykstra would comment on Crestview's defensibility of its late fees, \$15.00 for the late fee and \$25.00 for the reinstatement fee.

Mr. Dykstra responded that the fees as stated were reasonable and should probably be higher.

A question of how time is billed for phone calls and emails.

Mr. Dykstra said that the firm bills on tenths of an hour.

Two final questions

- |                   |                         |
|-------------------|-------------------------|
| 1. Pizza or Steak | Mr. Dykstra chose Pizza |
| 2. Wine or beer   | Mr. Dykstra chose beer  |

The Board thanked Mr. Dykstra for his time.

Mr. Dykstra thanked the Board for allowing him to meet with them.

#### **MINUTES FOR APPROVAL, July 14, 2021**

Director Doak asked if there were any corrections, deletions or additions to the Minutes for the July 14, 2021, meeting of the Board.

There being no corrections, deletions or additions, the Minutes for the July 14, 2021, meeting of the Board were accepted as presented.

#### **PUBLIC INFORMATION-None**

#### **JEFFREY ERB, of SETER & VANDERWALL, FOR INTERVIEW TO BE CRESTVIEW'S NEXT ATTORNEY**

Director Doak introduced Mr. Erb to the Board.

Mr. Erb thanked the Board and asked them how long they had been on the Board.

Mr. Erb mentioned that he and Mr. Terry worked together a few years ago to have Crestview take over service for the Northgate Water District. He was pleased to see that Crestview is doing well financially and able to fund capital projects and operate the district. Seter & Vanderwall represents quite a few Water & Sanitation Districts. He indicated the importance of accurate Board minutes that also show how discussions were carried and that the minutes are the District's best opportunity to show how spirited the discussions were on any topic.

Director Ryszkowski asked how many districts his firm represents.

Mr. Erb referenced the list of clients on the last four pages of his presentation packet and that special districts are the foundation of the firm.

Mr. Erb stated the Seter & Vanderwall was founded in 2001 as a special district legal firm with seven attorneys, three paralegals and two office staff.

Director Doak asked if the addition of Crestview would be a burden on their firm.

Mr. Erb said that it wouldn't be an issue to add Crestview as a client.

Director Doak mentioned that Crestview has 16 meetings a year and would Mr. Erb be able to attend them to counsel the Board.

Mr. Erb indicated that unless there is a blizzard, he would attend all the meetings in person.

Director Doak asked if he had a backup attorney to cover for him if he wouldn't be available to attend meetings or respond to phone calls and emails from the District Manager.

Mr. Erb talked about his staff being available to help Crestview if he wasn't in town or on vacation. Russell Newton would be the associate attorney for Crestview with paralegals Natalie Fleming and Michelle "Mitch" Borasso in the support role.

Mr. Erb noted that firm has weekly meetings to keep the entire staff updated on their clients' issues also.

A segment of the interview included personnel issues including COVID-19 leave and the Healthy Families and Workers Act.

Director Doak asked about how Seter & Vanderwall charges for phone calls and emails.

Mr. Erb stated that they bill based on six-minute increments for emails and phone calls.

Director Doak asked if Mr. Erb has been to court and if so, how was the outcome.

Mr. Erb said that he has been in various litigations however the firm's head, Kim Seter excels at litigation. His preference is to mitigate the situation before it escalates to a level to end up in a court hearing.

Director Doak stated that the Board would like to be left to run the meetings with minimal control by our legal counsel.

Mr. Terry indicated that he prefers to be the DEO and conduct the elections on his own but would call to ask for help if needed.

Mr. Erb stated that he would not act as a sixth Board member, but he would advise to risk of actions, to stay within the legal boundaries of a special district.

Mr. Terry asked if there would be a contract to obtain legal counsel from Seter & Vanderwall.

Mr. Erb indicated that the services are at-will. An engagement letter would be signed then they would provide their services to the District until one of the two parties chose to end the relationship. A letter from either the District or the legal firm ending the relationship would cause the relationship to end.

Pizza or Steak? Steak

Beer or wine? Wine

**ALLISON ULMER and BOB COLE of COLLINS, COCKREL & COLE FOR INTERVIEW TO BE CRESTVIEW'S NEXT ATTORNEY**

The Board welcomed Ms. Ulmer and Mr. Cole to the meeting.

Ms. Ulmer brought copies of their proposal and provided them to the Board. She then talked about herself and the firm. She graduated from the University of Denver in 2006. Entered the Special District world in 2009 with Collins, Cockrel & Cole working closely with Mr. Cole. The firm specializes in special districts providing services for over 200 special districts in Colorado. They are not looking to invent the wheel with every project. CC&C has dozens of template documents to use again and again to keep costs down for their clients. They do a lot of work with the Special District Association of Colorado and write the Board Member Manual for the SDA each year.

Mr. Cole has been with the firm since 1989. The vast majority of his work has been with special districts as a water lawyer. He found that he worked very effectively as general counsel for clients, so he moved more into that role and went away from water rights. Since CC&C hosts the Board Member workshops

and presents at the SDA's annual conference and creating the Board Member Manual, they need to stay really fresh with the law. COVID-19 brought many questions about the legality of remote meetings and with that came a clarity on the allowability of remote meetings. What CC&C wants to do is provide Crestview with the services it needs within what we want from them efficiently and timely and with the right answers. They will work with us to determine what level of service Crestview needs without being too overly intrusive. Mr. Cole indicated that they won't act as the Assistant Manager or a sixth Board member.

Mr. Doak asked how CC&C charges for phone calls.

Mr. Cole stated that CC&C charges on tenths of an hour however, if it is a short 3-to-five-minute call, it wouldn't be charged to the district.

Director Doak provided some insight as to how the Board works together and with the District's attorney. His indicated that the District Manager would be communicating with the attorney more so than the Board would. We want our relationship with the attorney to be more of a friendship than just a client/attorney relationship.

Mr. Cole agreed that CC&C also believe in that philosophy.

The practice of the District Manager conducting elections was discussed.

Mr. Cole indicated that Micki Mills at CC&C has conducted many large elections along with the paralegals in the firm being proficient in in conducting elections. They would be support for any questions relating to the laws of special district elections if needed.

Ms. Ulmer stated that she would be the primary contact and Mr. Cole would be her back up. Phone calls would be answered quickly and efficiently. Crestview would always have coverage. She also indicated that she enjoys the personal touch and rapport with a client to be able to answer their call with "hi Mitch" instead of a formal greeting.

Director Sanchez asked if attending all the Wednesday meetings would be an issue.

Ms. Ulmer indicated that there would be no issues attending the meetings.

Director Doak asked about fees for drive time to the meetings.

Ms. Ulmer stated that they would charge one half of their regular fees for drive time.

Mr. Cole encouraged that Crestview call the references supplied by CC&C to inquire about the services they provide.

Director Doak asked if taking on another District would be too much to take on?

Ms. Ulmer indicated that it wouldn't.

Pizza or Steak		Wine or beer
Ms. Ulmer	Steak	wine
Mr. Cole	Pizza	beer

The Board thanked Ms. Ulmer and Mr. Cole for their time.

Both Ms. Ulmer and Mr. Cole thanked the Board for allowing them the opportunity to meet with them.

**BILLS-**

Director Doak mentioned the cost of a new excavator bucket.

Mr. Terry stated that they are expensive but the savings in squeegee costs over time will recover the cost of the new bucket.

Director Doak asked about the engine rebuild for the valve exerciser.

Mr. Terry explained that the District has a trailer unit that has a hydraulic system that allows the district employees to turn main line valves without being in jeopardy of injury from manually turning valves. The State of Colorado requires that all the District's valves be exercised annually.

The bills were accepted as presented

**TAP REPORT**- The tap report was accepted as presented

**OFFICE DATA**- The office data was accepted as presented

**FINANCIAL REPORT**- The financial report was accepted as presented

### **DISTRICT MANAGER'S REPORT**

The August 11, 2021, meeting of the Board will be at 5:30 PM in person and via Zoom. The meeting can be accessed by typing Zoom.com into your browser. The **meeting number** is **865 6366 3502**. The **passcode** is **964562**. The building will be open to the public for the meeting.

**RON FORMAN**-I have some very sad news. Crestview's Attorney Ron Forman passed away on Friday, July 16. Ron provided his legal expertise to Crestview for just short of 43 years. Mr. Forman Started representing the District on September 7, 1978. His historical knowledge of Crestview and legal guidance to Crestview's Board has been invaluable. He will be greatly missed. A card of condolence from the Board and a plant were sent to his wife Lois.

**JULY BIRTHDAYS** - Happy August birthdays go out to Rick Flynt, Jose Jacobo, Justin Montanez in the maintenance department and to Bob Russell in billing. Happy birthday!

**LUCAS GONZALES 10<sup>TH</sup> ANNIVERSARY**-Lucas Gonzales joined Crestview on August 9<sup>th</sup> of 2011. Lucas started as a maintenance 1 and has progressed to operator where he is the District's primary back-hoe operator. Congratulations Lucas!

**LEGAL SERVICES INTERVIEWS**-I contacted eight different legal firms and supplied them with an RFP (Request for Proposal) on Thursday, July 29<sup>th</sup>. The eight firms are:

Norton & Smith  
Ireland, Stapleton, Pryor & Pascoe  
McGeady Becher  
White Bear, Ankele, Tanaka & Waldron  
Seter & Vander Wall  
Collins Cockrel & Cole  
Spencer Fane  
Icenogle Seaver Pogue

Of these eight firms, four have responded. Ireland Stapleton stated that they don't currently have any openings for new clients. Spencer Fane, Seter & Vanderwall and Collins, Cockrel and Cole have responded that they will have an attorney attend the August 11<sup>th</sup> meeting of the Board for interviews.

**PERSONNEL CHANGES**-Crestview's office Clerk position has had a personnel change this past month. Kerry Strong left Crestview on July 20th and Heather Torgersen filled the position on July 21st. Good luck to Kerry in her future endeavors and welcome Heather.

*Director Ryszkowski asked who hires a new District Manager when the time comes.*

*Mr. Terry explained that there are state statutes specifically for hiring a District Manager. The Board is solely responsible for conducting a search, interviewing, posting results of the top three candidates and offering the position to the chosen candidate.*

**SPECIAL DISTRICT ASSOCIATION ANNUAL CONFERENCE**-The SDA annual conference is scheduled for an IN-PERSON conference September 14-16. The conference is Tuesday through Thursday this year. Friday is back-to-work day. I set up the conference Registrations and room reservations on July 6<sup>th</sup> for Danny & Mary, Tom, Kathy & Carol and myself to attend. The conference will begin on Tuesday, September 14<sup>th</sup> at 7:00 AM with a breakfast and breakout sessions afterward. I can provide a ride to the conference if anyone wants a ride there with me.

NEW PRV AT 55<sup>TH</sup> & PECOS STREET-As part of the 2022 Budget, I would like the Board to consider allowing two new PRVs (Pressure Reducing Valves) to be installed at 55<sup>th</sup> & Pecos Street to lower the pressures in Crestview's 20" water main in Pecos Street. In order to install the two 10" PRVs, we would need to have the project designed by an outside engineering firm. If we had Clarice perform the engineering, it would cause delays in her designing Crestview's upcoming water main replacements and sewer rehab projects. I'm estimating that the design and construction of the PRV vault and piping could run \$200,000.

*Director Doak asked if the District's employee engineer could design the project.*

*Mr. Terry indicated that it would be up to four years before she could get the time to design it with all the work designing Crestview's water and sewer main capital projects plus the reviews of numerous upcoming potential developments.*

*Director Ryszkowski asked if we replaced the 20" pipe that was installed in 1988, how many feet of pipe would that be.*

*Mr. Terry stated that it would be approximately 1,200 feet of pipe at around \$350 per linear feet totaling \$400,000.*

*The Board agreed to allow the addition of \$200,000 to the 2022 Budget for the proposed new PRV and vault.*

2021 WATER MAIN REPLACEMENT PROJECT- The 2021 water main replacement project consists of the streets of Ruth Way, Avrum Drive and Warren Drive of which all three water mains will be replaced from Jordan Drive north to 72<sup>nd</sup> avenue. The project will be approximately 5,200 linear feet. The water main replacements in Avrum Drive, Ruth Way and Warren Drive are now complete. The service lines in Warren Drive are still being transferred from the old main to the new main. Asphalt patch back is being performed at this time also. Once all of the temporary patch backs are complete, the trenches will be milled and overlaid to close out the project. Once the 2021 Water Main Replacement project is complete, the pipeline crew will begin potholing on the streets of Larsh Drive and Jordan Drive for the next project. Larsh Drive will be replaced from 68<sup>th</sup> avenue north to 72<sup>nd</sup> avenue and Jordan Drive will be replaced from Fern Drive east to Samuel Drive. This project will have approximately 4,800 linear feet of water main replacements.

BROKEN TAP SADDLE ON THE 20" MAIN-On Friday, July 30<sup>th</sup>, a tap saddle on the 20" water main in 64<sup>th</sup> avenue broke. The repair should have been easy however, there are no local tap saddles to be purchased and repair clamps are ineffective against the extreme pressure. New tap saddles have been ordered and the main is out of service. Crestview is purchasing water from the City of Westminster until the repairs were made. The total cost of the water for 11,198,000 gallons of water from the City of Westminster was \$84,544.90 for a difference of \$35,161.72 over Denver Water's equivalent charge for that amount of water.

CLEAR CREEK VILLAGE- The Clear Creek Village development, located at 6001 Federal Blvd. is still in the design phase of both the water mains and sewer mains that will be needed for the project.

The project will also include adding a third master meter connection at 56<sup>th</sup> avenue and Lowell Blvd. As for the sewer portion of the development, the developer's engineer is working to assess the flows from their development and potential developments to the north of their project to create a second Metro Wastewater metering station to meter their flows and potential flows from the north. Once they have the required information, the developer will provide a packet to Crestview to use to petition the Metro Wastewater Board to allow for a second Crestview metering station to be constructed and attached to their system. Based on Metro's rules and regulations, Crestview would need to schedule time with the Metro Board to have them review and approve the connection.

WESTMINSTER STATION/POMPONIO TERRACE- Filing 4 sewer mains are currently being constructed. Once construction of the sewer mains is complete, the contractor will begin installing the water mains. Filing 3 is progressing well with stub-in fees being paid for the services within filing 3. Tap fees will be paid when the developer requests meter sets.

Denver Water July purchase  
77,394,000 gallons  
Average since 2006 is 81,972,000 gallons

Enc.

RFP for obtaining legal services

Suggested questions to ask of prospective attorneys

Proposal from Seter & Vanderwall

Proposal from Spencer Fane

Proposal from Collins, Cockrel & Cole

**BOARD DISCUSSION TO HIRE A NEW ATTORNEY**

A fourth firm, Norton & Smith, was expected to attend the meeting but did not appear.

Director Doak stated that since Norton & Smith didn't appear that they forfeit the ability to be the next legal counsel. The rest of the Board agreed.

Director Ryszkowski stated that it is a difficult decision as they were all good at their presentations.

Director Sanchez liked that Mr. Dykstra had come from a water system construction background but also agreed that they were all very close.

Director Sweeney asked Mr. Terry what he thought.

Mr. Terry stated that he was fine with choosing any of the three.

Director Doak enjoyed asking the Pizza or Steak, Wine or Beer questions to see how they fit with this Board's personality.

The Board all thought the decision should be more Mr. Terry's decision since he will work with the attorney more than they would however, they were impressed with Collins, Cockrel & Cole's creation of the Board Member Manual provided by the SDA annually.

Director Doak asked Mr. Terry what he would do if he were the President of the Board.

Mr. Terry stated that he would also rely heavily on the District Manager's opinion. Mr. Terry was leaning more toward Collins, Cockrel & Cole because of their one staff member, Micki Mills, who provides state sanctioned election classes during the election season. Having her available could prove to be very valuable in Crestview's future elections.

Mr. Terry was concerned about the availability of Mr. Dykstra since their firm has over 500 clients currently.

Director Ryszkowski mentioned the Board Member Manual being written specifically by Ms. Ulmer and Mr. Cole from Collins, Cockrel & Cole. He was impressed with that.

The Board also talked about the close proximity of Ms. Ulmer (Arvada resident) to Crestview as opposed to Mr. Dykstra and Mr. Erb being considerably farther away. Safety and drive time were considered.

The attending directors all voiced how they liked all of the representatives.

Mr. Terry voiced that he is thinking Collins, Cockrel & Cole.

Director Doak gave his approval of that choice with the remainder of the Board in agreement.

There being no further business, Director Sanchez made a motion to adjourn the meeting with Director Doak seconding the motion. The Board meeting was adjourned at 7:47 pm.

Respectfully submitted,

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Danny Sweeney, Secretary/Treasurer