

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF
THE CRESTVIEW WATER AND SANITATION DISTRICT
ADAMS COUNTY, COLORADO
FEBRUARY 8, 2023

The regular 5:30 PM meeting of the Board of Directors of the Crestview Water and Sanitation District was held February 8, 2023, 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

Also, present:

Allison Ulmer	Attorney
Mitch Terry	District Manager

Members absent:

Jill Martin (notified)	Vice-President
Victor Sanchez (notified)	Director
Kathy Laurienti	Metro Board Representative

THE PLEDGE OF ALLEGIANCE WAS RECITED

PUBLIC COMMENTS -

No one from the public joined the meeting.

METRO WATER RECOVERY REPORT –

No report was provided.

MINUTES FOR APPROVAL, February 8, 2023

Director Doak asked if there were any corrections, deletions or additions to the Minutes for the February 8, 2023, meeting of the Board.

There being no corrections, deletions or additions, the Minutes for the February 8, 2023, meeting of the Board were accepted as presented.

DISTRICT MANAGER'S REPORT

2023 ELECTION-

The date for the Colorado Special District regular election is May 2, 2023. Crestview will have two directors whose terms will expire in May of 2023. The two Directors up for re-election are Jill Martin and Danny Sweeney. Both seats will be four-year terms in the 2023 election. Self-nomination forms will be available January 3rd at the District office. Once elected to the Board, per state statute, each Director will be paid \$100 for each meeting they attend not to exceed \$1,600 total per year per director. The Board meets sixteen times per year with two meetings in January, August, September and October.

Crestview voters have voted to eliminate term limits for directors, so both directors are eligible for re-election.

One of the first responsibilities of the D.E.O. is to publish notice of election and call for nominations. Although this information has been provided to our customers in the transparency notice, it also must be published between January 20, 2023, and February 15, 2023 in a local newspaper. The Call for Nominations notice will be published in the Westminster Window in the February 2nd edition.

Self-nomination applications must be returned no later than 4:00 PM, Friday, February 24th. Mail-in ballot applications will be accepted at any time through April 25, 2023 or cancellation of the election. A mail-in ballot will be provided to any applicant that is an eligible elector who cannot or chooses not to vote at the polling place on Election Day.

To date, we have had two self-nomination applications provided for this election.

METRO ATTENDANCE-The Bylaws of the Metro Water Recovery, Article IV, Section 5(e), state "Semi-annually, the CEO shall notify the Executives of the Director's Member Municipality of the attendance records for the periods January through June and July through December of its representative(s) at Board of Directors and committee meetings. The notices shall be sent out in January and July of each year". Included in your packet is a summary of the attendance record, based on the number of meetings for which your Director is assigned for July through December 2022. Crestview's appointed Director is Kathy Laurienti. Ms. Laurienti attended five out of twelve meetings held.

WATER BREAK US 36 & ZUNI STREET-

As we have discussed in the last Board meeting, 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 provided our contract documents to BTrenchless that include the bid price and requiring a 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.

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 pipeline crew has been trying to install the new water mains however, the ice buildup on the street along with the spoils dirt freezing to the street is making their progress slow and inefficient. The crew is hoping the weather will warm up soon to melt the ice and raise the temperature of the street surface to help with the construction.

Mr. Terry informed the Board that the transmission on the 1 year old loader has failed and is being rebuilt currently. To date the charges for the repair are \$22,000.

Director Doak asked who is rebuilding the transmission.

Mr. Terry stated that Honnen Equipment is doing the repair.

Director Doak suggested that after we get the loader back, Larry Hopper verify that each employee is operating it properly.

Director Doak also suggested that we think about installing a camera in the cab to verify that it is being operated correctly.

ALLEY & 80TH AVENUE PROPERTY SALE-

During the January 25th meeting of the Board, I proposed that the Board sell a small parcel of land that it owns in the alley east of Federal Blvd. and south of 80th avenue to me so that I would qualify to sit on the Metro Water Recovery Board of Directors. The Board approved the sale with the note that I pay \$50 and that when I separate employment from Crestview, I would sign it back over to the District.

The property is adjacent to the Everyday convenient store and gas station. The Everyday store replaced a former gas station when it was built.

After a conversation with Crestview's attorney, Allison Ulmer on January 26th, she voiced concerns about my potential liability of any environmental contamination that would need to be cleaned up on the property. With that concern being a possibility, I instructed Ms. Ulmer to stop any work on the sale of the property and that I appreciate the opportunity offered from the Board however, I am no longer interested in purchasing it.

On January 31st, I had a conversation with Board President, Mike Doak about a smaller parcel located just east of Federal Blvd. on 66th Place. The parcel is 20' X 60' and is fully encumbered by a Crestview easement. There is a 6" sewer main that runs north and south through the parcel and a water service for 6650 Federal Blvd. Due to both the sewer main and the water service being located in this parcel, the property is undevelopable.

Since this property has a Crestview easement, there really is no reason for Crestview to own it.

Director Doak asked me to find out if Crestview could pay for the liability insurance on the property even if it was deeded to me or should Crestview just add my name to the deed and indemnify me from any liability.

In an email from Crestview's attorney, Allison Ulmer, she states her staff can prepare a quit claim deed from Crestview to me that explains why Crestview is doing this conveyance and sets forth the following conditions:

- Title to the property will automatically revert back to Crestview upon your separation of employment.
- Crestview will remain responsible for all liability associated with ownership of the property to the maximum extent permitted by law.
- Crestview will reimburse you for all reasonable costs incurred as a result of owning the property (i.e., insurance premiums, property taxes).

Mr. Terry pointed out that he discovered the day before this meeting that the District owns eighteen different properties within the District. He opened the Adams County Assessor's interactive map to show the properties to the Board.

Since the District needs to state that any property that is being sold must be of no value to the District and with that said, the property on 66th Place just east of Federal Blvd. has a Crestview sewer main running through the parcel and does hold value to the District. This property does not meet the criteria for it to be sellable.

Mr. Terry did find a few other parcels that do not have any value to the District. Two of them are located on 72nd avenue at the District's Well #2 site. Well #2 has been decommissioned for over 30 years and has no utilities serving the building. The Well #2 site comprises three different parcels. One contains the well house and the other two allow access to the south to 72nd avenue. One parcel is 5' X 23' in size and holds no value to the District therefore, it meets the criteria to be sold.

The Board decided to sell parcel #0171933415010 to Mr. Terry after a resolution was provided by Ms. Ulmer during the March 8, 2023 meeting of the Board.

Ms. Ulmer stated that her staff has been looking into the state statutes to determine who is eligible to sit on Metro's Board of Directors and has found that the Metro representative must live in the District they represent. They will continue to review the statute.

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

Adams County hosted a progress meeting on November 30th to discuss the project. Their design is currently at the 30% phase. 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 once their plans have reached the 60% phase. 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 project. Clarice O'Hanlon will be 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.

Crestview staff and Adams County engineers will get together next week to discuss water main and storm water main locations and what works best for both entities.

CLEAR CREEK VILLAGE-

The developer, Crestview staff and representatives of Denver Water met on January 27, 2022 to discuss the horizontal location of the proposed twelve-inch water main and new master meter to be constructed in Lowell Blvd. from 58th avenue north to 62nd avenue. This project is moving forward and may create the need for the Board to adopt a resolution in the future to allow for specific reimbursements to the developer as other developments are built in the west pressure zone. State statute dictates that reimbursement agreements or resolutions can be set for a maximum of 15 years however, past reimbursement resolutions from Crestview's Board have been ten years with the possibility of an additional 5 years afterward if the Board allows it. The west pressure zone is bordered by Tennyson Street on the west, the railroad tracks traveling southeast from Lowell Blvd. to 64th avenue and the south boundary of the District.

Nothing new to report.

BERKLEY SHORES 13D FIRE SUPPRESSION SYSTEM ISSUES-

On December 29th, I was informed by Denver Water's Backflow and Cross Connection staff that there are 72 homes in the Berkley Shores development that have an NFPA (National Fire Protection Association) 13D fire suppression system installed in them that currently do not meet CDPHE standards for fire suppression system backflow protection.

Denver Water has two different standard drawings for 13D systems that can be installed that do not require backflow preventers. The developer hired AAA Fire Protection to create a design that meets NFPA 13D standards. AAA Fire Protection created a 13D passive Purge system that meets NFPA but not Denver Water standards.

Passive Purge is a system that starts at the domestic water supply line in the home and runs through the home ending at the fill line for a toilet. The main line for the fire line will then have tees with supply lines in various locations that allow for a sprinkler head to be installed at the end of each line. This design creates multiple dead-ends. Passive Purge allows for the main line to have fresh water at all times but the dead-ends to the heads end up holding water within them allowing the water to stagnate. Denver Water's two approved 13D standards do not allow dead ends.

During construction of the homes, the design plans showed that double check valves were to be installed on the fire lines in each home. The NFPA design doesn't account for water quality only water supply and does not require backflow prevention. No one is saying how or why the double check valves were not installed per the plans.

On January 10th, Crestview Water, Denver Water, Adams County Fire and Rescue, Adams County Building, AAA Fire Protection and the developer met to discuss the situation. During the meeting, it was decided that the developer, Paul Malone, would investigate the issue and provide everyone his findings soon. I instructed Mr. Malone that Denver Water has started the notification time clock to inform the homeowners of the violation and that he only has 75 days to bring the homes into compliance or they will have their water shut off for non-compliance.

In an email from Paul Malone, on January 26th he provided this proposed email to the homeowners. I responded asking him to add the wording in blue to the email:

All-

See email below Phil Clow will be sending out to all homeowners tomorrow. We have Freedom Fire contracted and ready to start backflows as soon as Feb 6th. They were able to source 30 backflows now and the rest will come in 2 weeks. We believe we will get this done in the time frame required by Denver Water. Please let us know of any questions or concerns. Phil Clow will be taking over this effort for DIRC Homes.

Attention Homeowner,

We have recently been informed by Denver Water and Crestview Water that a double check valve backflow preventer was not installed on your fire suppression system as required by the Colorado Department of Public Health and Environment (CDPHE). This only affects the townhome units within the Berkley Shores development with fire sprinkler protection. Denver Water will be sending notice out shortly regarding a 60 day time frame to comply with installation requirements or water service could be shut off to your home.

DIRC Homes has contracted with Freedom Fire to install this required double check valve backflow prevention assembly with hopes in getting all assemblies installed within this required time frame. This will however require homeowner cooperation for access and scheduling. It is our hope to schedule a building per day in order to timely and effectively get this work completed and avoid water service interruptions to your home. Phil Clow and Freedom Fire will take lead on coordinating this work with homeowners, by building. Below is our tentative schedule by building numbers and addresses:

Add schedule

Access for most units will be within the mechanical room in the garage for installation. There are 10 units we will need access to crawl space and these addresses are: Phil to fill in.

When scheduling we understand not everyone will be available on the days we have selected by building but we are hopeful you can coordinate access by allowing your neighbor to assist in providing access on these days or your garage code. If this is not possible, please know we will do our best along with Freedom Fire to schedule another time. Please also be aware that homeowners not being flexible with scheduling or providing access by other means, will be in jeopardy of their water service being shut off.

Per the Colorado Department of Public Health and Environment (CDPHE), once installed, an annual test will be required on the double check valve assembly with the results to be provided to Denver Water.

I haven't seen the actual email that he sent out but at least the homeowners are being cared for properly and by the correct entity.

DENVER WATER JANUARY PURCHASE-

36,339,000 gallons

Average since 2006 is 36,584,000 gallons

ATTORNEY'S REPORT, ALLISON ULMER -

Ms. Ulmer stated that she had been working on the property sales concept with Mr. Terry

BILLS -

Director Sweeney made a motion to adopt the following resolution:

RES # 4 - 23 – BE IT RESOLVED THAT Bills be paid.

Director Doak seconded the motion.

AYES: Directors Doak, Sweeney and Ryszkowski

NAYS: None.

The resolution was unanimously adopted

OFFICE DATA -

The January Office Data was accepted as presented

FINANCIAL REPORT -

The January Financial Report was accepted as presented

NEW BUSINESS –

Crestview had a water break the evening of January 30th at 6700 Federal Blvd. The break was a 7' split on a 12" cast iron water main. There was extensive damage to Federal blvd. Crestview hired Chavez Construction to remove the damaged asphalt and reconstruct the driving surface. All three northbound lanes were damaged and needed replaced. Chavez Construction charged \$27,700. We also hired AAA Barricade to perform the necessary traffic control. AAA Barricade charged the District \$3,400. On a positive note, from the time the break happened to the time it was isolated was only 62 minutes. Keep in mind that this was after hours where there were no employees at work at the time of the break.

There being no further business, the meeting was adjourned at 6:07 PM.

Respectfully submitted,

Danny Sweeney, Secretary/Treasurer