

RECORD OF PROCEEDINGS

**MINUTES OF THE BOARD OF DIRECTORS OF  
THE FOREST HILLS METROPOLITAN DISTRICT**

September 16, 2020, 5:30 p.m.  
Held via conference/Zoom call.

**ATTENDEES** Directors present: Gary Carson, Mike Swartzlander, Michael Oakley, Yvett Green, and Craig Weinberg  
Others present: Nickie Holder, Jordan Herzing (ORC), and Nick Marcotte (Element Engineering).  
Residents present: Tony Creech, Brenda Shuler, and Brian Urtel

**QUORUM** Chairperson Carson called the meeting to order at 5:33 p.m., and noted a quorum was present.

**CONSENT AGENDA ITEMS**

- a) ADMINISTRATIVE MATTERS
  - a. Agenda: The Board accepted the September 16, 2020 agenda, as presented.
  - b. Minutes: The Board accepted the August 19, 2020 and August 24, 2020 regular meeting minutes, and the September 3, 2020 special meeting minutes, as presented.
- b) REPORTS
  - a. Operator's Report: The Board accepted the Water & Wastewater Facility Operator Report, as presented.
    - I. Jordan Herzing added that ORC had repaired the motor for the irrigation pump at Pond 6 and it would be reinstalled in the near future.
  - b. Engineer's Report: The Board accepted the District Engineer's Report, as presented.
    - I. Nick Marcotte added that Element Engineering would present to the Board at its October meeting the completed compliance report and schedule for bringing the wastewater treatment plant into compliance requirement (per the discharge permit).
  - c. Manager's Report: A Manager's report was not included as part of the Consent Agenda Items.
- c) FINANCIAL MATTERS:
  - a. Claims: Through August 31, 2020. Submitted in the BOD packet for review
  - b. Financial Statements: Through August 31, 2020. Submitted in the BOD packet for review. Chairperson Carson noted that the claims for approval would not include any payments to Prevalent, LLC at this time. Payment to Prevalent, LLC will be covered later in the Regular Agenda Items.

Director Carson motioned to approve the consent agenda items. Director Oakley seconded; and the Board unanimously authorized payment of claims and approved all items, except as noted, as presented.

**REGULAR AGENDA ITEMS**

- d) PUBLIC COMMENTS
  - a. Ms. Shuler brought to the Board's attention that there is an issue on Willobe Drive when it rains, and the water pools causing an issue with the pavement. As discussed at the prior Board meeting a stormwater drainage study of the District should be performed.

Director Green motioned to authorize Director Oakley to discuss with Element Engineering the potential cost. Director Weinberg seconded; and the Board authorized Director Oakley to move forward on the Board's behalf: Four votes for, with Director Swartzlander abstaining.

e) ACTION ITEMS

- a. Contracts – No issues at this time.
- b. Water and Sewer Billing Issues
  - I. The Metron Meter Abatement letters were sent out; and two have been signed by the homeowner and received by the District. Ms. Holder has forwarded them on to the District's billing company for credits to be issued on the homeowners' account. Director Carson and ORC are investigating one homeowner's ongoing issues.
- c. Ratification Outside of Meeting – None.
- f) RIVA CHASE CONDO HOA MATTERS – None.
- g) RIVA CHASE HOA MATTERS – None.
- h) OLD BUSINESS
  - a. District Manager
    - I. Communication with ORC – Director Weinberg has reviewed the contract between ORC and the District and will communicate with Gabrielle Begeman at ORC, regarding the current scope of work, , prior to the next District special meeting. No action taken.
    - II. Respec Proposal – Director Oakley received a proposal from Respec regarding assisting the District with compliance coverage. The proposal will be tabled until the District has a clear path forward, regarding the District Manager position. No action taken.
  - b. Booster Pump Station – Loan Agreement Resolution – The loan agreement has been fully executed and has been sent to the State. A closing date will be set that is convenient for all parties (**October Agenda Item**).
  - c. Statement of Opposition – Alan Leak of Respec has identified a water rights issue that could possibly negatively affect the District. At this time, Respec and Mr. John Dingess, the District's water attorney, have recommended that a Statement of Opposition be filed on the District's behalf. Director Oakley motioned to have Mr. Dingess file a Statement of Opposition on the District's behalf. Director Swartzlander seconded; and the Board unanimously approved the motion.
  - d. Street Striping – The Board discussed the issue of lack of communication-with the Riva Chase HOA Board. - (**October Agenda Item**: Director Weinberg will discuss this with the President of the HOA Board and report back at the next regular meeting.)
  - e. Swing Set Location – The location of the swing set was discussed. Director Oakley explained how the District determined the current location. The placing of the swing set took several months. He had contacted multiple vendors, as well as parents of small children; and ultimately the Board agreed the location of the swing set came down to making sure that the District was following safety requirements and not separating the toddler swing from the older kid swing. In the future the District will increase its communication to the residents about projects that happen in the District. (**October Agenda Item**: Directors Weinberg and Carson will develop a plan for improved homeowner communication and report back at the next regular meeting.)
  - f. Resident Plumbing Invoice – 22101 Chippewa Lane – the Board discussed the invoice that had been given to Director Swartzlander for possible payment by the Board. The homeowner at 22101 Chippewa Lane felt that the plumbing work that had been done on

their home was due to a backup caused by the District. ORC noted that there was no evidence of any backup when they visited the site, but that ORC had not been notified until several days after the incident occurred. ORC is on call 24 hours a day in case of an emergency and should have been contacted immediately by the homeowner if there was an issue. Director Oakley motioned that the District should not be held responsible for payment of the plumber's invoice. Director Green seconded; and the Board unanimously authorized the motion.

- g. Stormwater Planning – See d) a. Public Comments above.

Director Swartzlander left the meeting at 6:45pm.

i) EXECUTIVE SESSION

- a. Upon motion by Director Carson, seconded by Director Oakley, and by unanimous vote, the Board, entered into an Executive Session, pursuant to Section 24-6-402(4)(f), C.R.S., for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning an agreement with PreValent Analytical, LLC at 6:46 p.m.

The Board came out of Executive Session at 6:58 p.m.

- a. NEW BUSINESS - Consideration for agreement with PreValent Analytical, LLC (PreValent) – Director Oakley motioned to terminate the District's contract with PreValent (as previously discussed at the Special Board Meeting on September 3, 2020) and to authorize Chairperson Carson to send PreValent a 10-day letter of notice of termination. Director Green seconded; and the Board unanimously authorized the motion.
- b. ACH Banking Procedures – Ms. Holder suggested monthly payments to District vendors be made via ACH, instead of the current method of cutting a manual check. The Board discussed the costs and asked that Ms. Holder and Director Green discuss the issue of ACH fraud protection with the bank. Director Carson motioned to have Ms. Holder move forward with determining if the District's vendors would be interested in ACH payments. Director Oakley seconded; and the Board unanimously authorized the motion. **ACTION ITEM:** Ms. Holder will contact the bank about ACH fraud protection and contact District vendors to find out if there is any interest for ACH payments.
- c. District Manager Path Forward – at this point the District will be without a District Manager by the end of the month. A special meeting has been set for Thursday, September 24, 2020 at 5:30 pm to discuss outside contractors and District Manager position. **ACTION ITEMS:** Director Weinberg will follow up with communication to ORC regarding scope of services. Directors Carson and Swartzlander will follow up with outside contractor's capabilities. Ms. Holder will provide Chairperson Carson with a copy of the District's current insurance policy. In addition, Ms. Holder will set up the ZOOM meeting and post the notice to the District website. Chairperson Carson will post the meeting on the signs in the District.

- k) PUBLIC COMMENT - See d) a. Public Comments above.

l) ADJOURNMENT


Upon motion by Chairperson Carson, duly seconded by Director Oakley, and upon vote, unanimously carried, the Board approved adjournment of the meeting. There being no further business to come before the Board at this time the meeting was adjourned at 7:48 p.m. The

next regular meeting is scheduled for October 21, 2020, via conference call beginning at 5:30 p.m.

Respectfully submitted,  
By: Nickie Holder

THESE MINUTES APPROVED AS THE OFFICIAL SEPTEMBER 16, 2020 MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE.

ATTEST:

  
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Recording Secretary

APPROVED:

  
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Chairperson