



RECORD OF PROCEEDINGS

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

February 17, 2021, 5:30 p.m.
Held via conference/Zoom call.

ATTENDEES Directors present: Gary Carson, Michael Oakley, Mike Swartzlander, Julie Noonan, and Craig Weinberg.
 Others present: Ronda Zivalich (MAPs, Inc.), Jordan Herzing (ORC Water Professionals), Nickie Holder (NMHolder Financial, Inc.) and Nick Marcotte (Element Engineering).
 Residents present: None
 Guests: None

QUORUM The meeting was called to order by District Manager Zivalich, acting as Chairperson in lieu of Director Weinberg, at 5:30 p.m. and a quorum was noted.

CHANGES IN ATTENDANCE

Jordan Herzing left at 5:50 p.m. Nick Marcotte left at 6:37 p.m.
Chairperson Weinberg arrived at 6:48 p.m.

CONSENT AGENDA ITEMS

1. ADMINISTRATIVE MATTERS

- A. Agenda: No changes necessary.
- B. Minutes: No changes necessary.

2. REPORTS

- A. Operator's Report: The Operator's Report was submitted in the Board packet for review. In addition, Mr. Herzing noted the following: Pond 6 water line thawed with the warm weather and the aerator is now working. Director Carson inquired about the status of installing level transducers on the well pumps. Mr. Herzing informed the Board that the level transducers could be lowered in the well casings anytime to take periodic readings; however, if they this were to be done at a time, other than when a pump was being pulled and replaced, the sanitary seal would have to be broken. The replacement cost of a sanitary seal is approximately \$200.

Upon **motion** by Director Oakley, duly seconded by Director Noonan, and upon vote, unanimously carried, the Board approved ORC to take periodic measurements of well levels throughout the remainder of 2021.

The Board asked that ORC provide a list of priority wells and associated costs to install permanent level transducers in those wells for the 2022 budget.

- B. Engineer's Report (Element Engineering {EE}): The Engineer's Report was submitted in the BOD packet for review. Mr. Marcotte offered the following supplemental information:
- At the January 2021 Board meeting, Director Carson asked about the accuracy of utility locates. Nick noted that locates are done between manholes or surface objects such as valve boxes and checked against maps. They use metal detectors to find bends or buried manhole covers. It is recommended that no digging be done within 5-ft of any main water or sewer line, nor should any posts be placed on top of or near a main water or sewer line. Mr. Marcotte agreed to meet with Director Carson at Summerwood to review the placement of the posts for the new gates.
- C. Manager's Report: The Manager's Report was submitted in the BOD packet for review. Director Oakley again noted that the report was very thorough. It was noted that the purchase order for Ms. Zivalich's additional transition time is now complete. Because of the booster pump station and the roadway project, it was offered that another PO could be issued to cover additional time needed to execute these projects. Ms. Zivalich agreed to advise the Board if she felt it was necessary.

3. FINANCIAL MATTERS

- A. Claims: Through January 2021. Submitted in the BOD Packet for review. No Board comments.
- B. Financial Statements: Through January 2021. Submitted in the BOD packet for review. No Board comments.

Upon **motion** by Director Oakley, duly seconded by Director Swartzlander, and upon vote, unanimously carried, the Board approved the Consent Agenda items.

REGULAR AGENDA ITEMS

4. PUBLIC HEARING FOR 2021 AMENDED BUDGET

A. 2021 Amended Budget: District Manager Zivalich called to order a public hearing on the 2021 amended budget. District Manager Zivalich asked if there were any comments from the public. There being no comments, the public hearing was closed.

After discussion and upon **motion** by Director Noonan, duly seconded by Director Carson, and upon vote, unanimously carried, the Board approved the Resolution to Amend the 2021 Budget.

5. PUBLIC COMMENT (if any)

None

6. OLD BUSINESS

A. Booster Pump Station Bid Review/Discussion: Mr. Marcotte prepared a summary of the four bids that were received. As he previously cautioned, the bids were higher than the original estimated costs. The lowest bid was submitted by RN Civil at \$551,500, which is \$61,352 over the District's CDPHE \$490,148 loan at that had closed on September 30, 2021. Mr. Marcotte further noted that EE's construction management fees of \$39,200.20 and a contingency of 5% (\$27,575) would be in addition to this bid. This puts the total project cost at \$618,375.20, \$128,227.20 more than the CDPHE loan. Options were then discussed for financing the overage:

- Option 1 – Apply for a supplemental loan through CDPHE. The application is due April 15, 2021 with it being presented at their June 2021 board meeting. The BPS bids would expire before the CDPHE board meeting forcing a rebid on the project. CDPHE noted that water rates would need to be increased before they would consider our application (i.e., increase rates immediately).
- Option 2 – Default on the current loan which could potentially affect our credit with the CDPHE.
- Option 3 – Consider a loan from the General Fund to the Water/Sewer Fund with reasonable interest rate and payback terms. For this option, the Board would have to put off some of the budgeted 2021 capital improvements until 2022.
- Option 4 – Director Oakley offered a fourth option to do a short-term loan from the Capital Project Fund, which would then be paid back by the end of the year. Ms. Zivalich will contact the District's legal counsel to see if this is a viable option.

After discussion and upon **motion** by Director Oakley, duly seconded by Director Swartzlander, and upon vote, unanimously carried, the Board agreed to table the discussion until a special meeting could be scheduled, at which legal counsel and a representative from CDPHE could attend as well as all Board members.

B. Master Planning Committee (MPC) Update:

- i. 2021 Road Repair Project – Refer to the District Manager's report.
- ii. Stormwater Drainage Study and Homeowner's Request – Refer to the District Manager's report.
- iii. Gate Installation at Summerwood and Eastwood and Forest Hills Replacement – Director Carson informed the Board that the Committee is working on a solution for this installation and will present the plans at the March 2021 Board meeting.
- iv. Gatehouse Repairs and Painting - Refer to the District Manager's report.

- C. Homeowner Communication/Website: Director Carson informed the Board that progress is being made on website design and content and the final draft design will be presented for the Board's review and approval at the March 2021 Board meeting.
- D. Due Diligence Filing on Planned Future Storage Reservoirs (RESPEC Proposal): Director Noonan was provided a brief overview of why this proposal was requested and the potential need for the work being proposed. After discussion, it was agreed to table this topic until October and include it in the 2022 budget discussions. The Board will vote on this proposal at that time.
- E. Status of Water Plant Alarm System: ORC has not yet received the alarm system. This topic will remain on the agenda until it is installed.
- F. Status of Transfer from the General Fund the Water & Sewer Fund: Ms. Holder is observing the cash flow in the District funds and will alert the Board once the transfer becomes necessary to cover costs in the Water and Sewer Fund.
- G. Asset Management Database Discussion: Per Director Oakley, this item needs to be removed from the agenda.
- H. The Pines at Riva Chase Meter Access: Director Noonan was briefly caught up on this issue and has asked that this be tabled until she can review The Pines governing documents and discuss issues and details further with Ms. Zivalich.
- I. Park Signage to Closeout Inspection: Directors Oakley and Carson presented the Board with the park signage that the Master Planning Committee has prepared. It is proposed that two signs be placed, one at the park/playground and one on the dam.

After discussion and upon **motion** by Director Oakley, duly seconded by Director Carson, and upon vote, unanimously carried, the Board approved the park signage, as presented.

In deference to the Panorama neighborhood, the Board then discussed if "Riva Chase" should be added to the sign, which could imply that the Panorama area is excluded from use.

Upon **motion** by Director Noonan, seconded by Director Swartzlander, and upon vote, the Board voted 4-1, to include the words "Riva Chase" at the bottom of the signs.

7. NEW BUSINESS

- A. Moving Master Planning Committee Minutes and Project Reports to the Consent Agenda: The monthly Committee minutes are included in the Board packet, just like the District Manager, Operator and Engineer reports. The question posed to the Board was should the Mater Planning

Committee minutes be included in the consent agenda rather than discussed during the regular Board meeting agenda.

Upon **motion** by Director Oakley, duly seconded by Director Noonan, and upon vote, unanimously carried, approval to move the MPC minutes to the consent agenda.

- B. Resolution Adopting the Updated CORA Policy: A resolution to update the District's current CORA Policy was provided to the Board in the monthly packet. Director Oakley asked if the resolution was necessary as the current CORA policy is also included in the recently updated District Bylaws. Ms. Holder will follow up with legal counsel to determine if the resolution is necessary, and if so, it will be included on the March agenda.
- C. Gatehouse Storage of HOA Belongings: Ms. Zivalich noted that the HOA has left the gatehouse in a mess with Christmas decorations blocking access to the electrical area. The Board discussed the best way to proceed with communications between FHMD and the HOA and agreed that a meeting between the two Boards would be appropriate. Director Noonan offered to prepare a draft agenda, circulate to the FHMD Board for comment and then forward to the HOA for their input. Once an agenda is agreed upon, a meeting will be scheduled.

Upon **motion** by Director Noonan, seconded by Director Carson, and upon vote, unanimously carried, the Board agreed to prepare an agenda, send it to the HOA for their input and schedule a meeting.

8. ADJOURNMENT

Upon **motion** by Director Swartzlander, duly seconded by Chairperson Weinberg, 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 7:24 p.m. The next regular meeting is scheduled for March 17, 2021, via conference call beginning at 5:30 p.m.

THESE MINUTES APPROVED AS THE OFFICIAL FEBRUARY 17, 2021 MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE BY THE BOARD OF DIRECTORS SIGNING BELOW:

ATTEST:

Nickie M Holder

Recording Secretary

APPROVED:
[Signature]

Chairperson