



---

<b>RECORD OF PROCEEDINGS</b>
------------------------------

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

April 21, 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) and Nickie Holder (NMHolder Financial, Inc.).  
Residents present: Erich Kirsch, Mike Zinniker, Stephen Iskalis, Brenda Shuler, Steve Burden and David Moser  
Guests: Matt Corrion (Outdoor Design Group)

**QUORUM** The meeting was called to order by Chairperson Weinberg at 5:33 p.m. and a quorum was noted.

**CHANGE IN ATTENDANCE**

Jordan Herzing left at 7:15 p.m. Matt Corrion left at 7:29 p.m. Steve Burden left at 7:30. David Moser left at 7:54 p.m.

**CONSENT AGENDA ITEMS**

**1. ADMINISTRATIVE MATTERS**

- A. Agenda: Director Noonan inquired about item 9c – MPC 10-Year Budget Review and Discussion – under new business on the agenda, she had not received any information prior to the meeting. Director Oakley stated that the agenda item is just a place holder for the time being and that he would give an update on the Master Plan under the consent agenda.
- 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: At the wastewater treatment plant, the clogged siphon break caused the system to equalize SAM & SBR tank levels preventing normal cycle times and adequate treatment. The siphon break has been repaired, and the system is back to normal operating conditions. Chairperson Weinberg inquired about the process for testing the well depth levels. Mr. Herzing explained the process taken by ORC to the Board. Director Swartzlander inquired about the pond by the front gate, as to when it would be filled/ Manager Zivalich noted that the Manager's Report addresses this under the heading "Ponds".

- B. Engineer's Report (Element Engineering {EE}): The Engineer's Report was submitted in the BOD packet for review. No further questions or discussion.
- C. Manager's Report: The Manager's Report was submitted in the BOD packet for review. Ms. Zivalich informed the Board that a subcommittee of the Colorado Water Resources & Power Development Authority (CWRPDA) reviewed the District's credit report and loan application and have recommended that the FHMD loan application be placed on the CWRPDA's consent agenda for their board meeting on April 23, 2021. Ms. Zivalich anticipates being notified by April 26, 2021.

The contract with RN Civil for the booster pump station is ready to be signed by Chairperson Weinberg; and Ms. Zivalich will coordinate with him to obtain signatures.

Ms. Zivalich noted that she has learned the HOA has planned a community BBQ on May 15, 2021 at the park. It is noted that Hill and Dale will be closed to through-traffic, because of The Pines roofing project. Ms. Zivalich will send an email to the community about the closure.

- D. Master Planning Committee Report/Minutes: No documents were provided in the Board packet, prior to the meeting. Director Oakley provided the following comments: As mentioned at the March 2021 Board meeting, the Master Planning Committee (MPC) continues to search for a seventh homeowner member. Outdoor Design Group provided the MPC a conceptual landscaping plan for the District for review; and the Board would review this report under Old Business. The MPC continues to prepare the 10-year Master Plan and will update with Outdoor Design Group's proposed budgets for future project. The MPC will have a draft ready for discussion at the May 2021 meeting.

### **3. FINANCIAL MATTERS**

- A. Claims: Through March 2021. Submitted in the BOD Packet for review. No discussion.
- B. Financial Statements: Through March 2021. Submitted in the BOD packet for review. No discussion.
- C. Uncollected Fees: Manager Zivalich noted that there are a few delinquent accounts that she recommends pursuing via collections. After discussion, the Board directed that the following process be followed for collections: ORC shall find the curb stop of the property; a letter will be drafted and sent via certified mail; if there is no response, water will be shut off.

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

## **REGULAR AGENDA ITEMS**

### **4. PUBLIC HEARING ON WATER AND SEWER RATES INCREASE**

Chairperson Weinberg called to order a public hearing on the water and sewer rates increase. Chairperson Weinberg asked if there were any comments from the public. Ms. Shuler suggested that the Board provide a statement to the residents as to why a rate increase is necessary. Mr. Kirsch agreed, stating that it would be better for the Board to be proactive instead of reactive. Mr. Iskalis noted that he had read prior Board meeting minutes, where it was stated that there would be no rate increase in 2021, and he was concerned that the Board is now increasing rates. There being no additional comments, the public hearing was closed.

After discussion and upon **motion** by Chairperson Weinberg, duly seconded by Director Carson, and upon vote, carried 4 to 1, the Board approved the \$4 base water and \$4 sewer rate increase.

Chairperson Weinberg will draft a cover letter regarding the rate increase to include with the May billing.

### **5. PUBLIC COMMENT (if any)**

Mr. Kirsch expressed his concern regarding the Audit Committee stating that he did not feel that the District Manager should be part of the committee as she is part of the daily operations. It was explained that the Audit Committee is made up of two Board members who review the draft financial statement audit report, as prepared by the outside CPA firm. The Audit Committee members are ????

Mr. Iskalis noted that his last bill was for 39 days and not the usual 30 or 31 days and was concerned that some residents may be pushed into a higher tier for water usage, as a result of the longer billing period. Manager Zivalich stated that the water reads were delayed last month, and she will discuss this with the billing company. In addition, Mr. Iskalis stated he could not sign into his account and review prior bills as he had before. Manager Zivalich will check with the billing company regarding the sign-in issues.

### **6. OLD BUSINESS**

A. PFA Test Results on Wells 6 and 9: The District received results of the PFA tests; and the Board agreed that additional research should be done by a committee to determine options available to the District and their associated costs. Chairperson Weinberg, along with Director Carson, will research these options and report back to the Board. No further action needs to be taken by ORC at this time.

B. Outdoor Design Group Plan: Matt Corrien (Outdoor Design Group) presented an overview of his plan to the Board. He introduced an initial

concept along with the four goals the plan is to achieve. Certain areas of the neighborhood will have a higher priority than others. The Master Planning Committee will discuss ODG's proposed plan, in conjunction with development of the 10-year Master Plan, prior to its being presented to the FHMD Board at its May meeting.

- C. Gate Installation/Replacement: Director Carson provided the Board with a project update. Further investigation needs to be done, regarding cabling through existing conduit, so final budget costs can be determined. After discussion and upon **motion** by Director Carson, duly seconded by Director Oakley, and upon vote, unanimously carried, the Board approved up to \$6,000 to investigate the condition of existing cabling and conduits and to identify high risk areas.
- D. Homeowner Communication/Website: Director Carson informed the Board that the new website is up and running. The new website does not have a pdf searchable feature, but he can use the Tech-Bear resource, who implemented the gazebo reservation feature, if a need arises in the future. Director Carson asked if the placing of the sandwich boards, used to inform residents of Board meetings, can be stopped; and the Board agreed. Manager Zivalich and Ms. Holder will schedule time for training on maintenance of the website.
- E. Status of Transfer from the General Fund to the Water & Sewer Fund: No update/placeholder.
- F. The Pines at Riva Chase Meter Access: No update/placeholder.
- G. HOA Communications/Gate House Use/Joint Meeting: No update/placeholder.

## 7. NEW BUSINESS

- A. Eastwood Gate Damage: A resident's vehicle caused damage to the Eastwood gate , and they have accepted responsibility for the cost of repairs. Ms. Zivalich has been in touch with both the owner and their insurance carrier and will provide a bid to repair the gate and photos of the damage. Ms. Holder provided the initial date and cost of the gate per the District's accounting records. Ms. Zivalich will provide the Board additional information at the May Board meeting.
- B. 22525 Tree Top – Snowplow Damage: Homeowner is requesting that the District pay for the repair of their rock wall damaged by the snowplow vendor. Before the Board agrees to payment of the damages, measurements need to be taken of the District easement in this location. Ms. Zivalich and Director Noonan will take the measurements of the easements and report to the Board at the May meeting and advise the homeowner of their findings.
- C. MPC 10-year Master Plan Review and Discussion: As discussed above in item 2D, this plan will be discussed at the May 2021 Board meeting.

D. Emergency Evacuation Plan/Traffic Control Plan: The Board discussed the need for an emergency evacuation plan for the District. The Foothills Fire Protection District has an emergency plan for the area; and Director Noonan will follow up and note where it can be located on their website. It was discussed that Board members might be assigned responsibility for opening gates in an emergency. This was tabled until May.

**8. ADJOURNMENT**

Upon **motion** by Director Swartzlander, duly seconded by Director Carson, 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 8:15 p.m. The next regular meeting is scheduled for May 19, 2021, via conference call beginning at 5:30 p.m.

THESE MINUTES APPROVED AS THE OFFICIAL APRIL 21, 2021 MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE BY THE RESPONSIBLE PARTIES SIGNING BELOW:

ATTEST:

\_\_\_\_\_  
Recording Secretary

APPROVED:

\_\_\_\_\_  
Chairperson