

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

April 17, 2024 - 5:30 p.m.

Held via conference/Zoom call

**ATTENDEES** Directors present: Craig Weinbert, Michael Oakley, David Blue and Mike Zinniker.  
Others present: Dave Lewis (Direct Discharge), Nicholas Marcotte (Element Engineering), Ronda Zivalich (MAPS, Inc.) and Nickie Holder (NMHolder Financial, Inc.)  
Residents present: Dave and Melani Clappisi  
Guests present: Austin Hamre (Hamre Rodriguez Ostrander & Prescott) and Alan Leak (Respec)

**QUORUM** The meeting was called to order by Craig Weinberg, at 5:34 p.m. and a quorum was noted. Upon **motion** by Chairperson Weinberg, duly seconded by Director Blue, and upon a unanimous vote, the Board approved the absence of Director Robert.

**CHANGE IN ATTENDANCE**

Austin Hamre and Alan Leak left at 6:01 p.m.  
Nick Marcotte and Dave Lewis left at 7:05 p.m.  
Dave and Melanie Clappisi left at 7:25 p.m.

**CONSENT AGENDA ITEMS**

**1. ADMINISTRATIVE MATTERS**

- A. Agenda: Add Administrative Matters Item C. Compliance Issue and D. 2023 Audit to the agenda.
- B. Minutes: March 20, 2024 – No changes.
- C. HROD/RESPEC Water Rights and Reservoir Diligence Review & Documentation for Ponds 1, 2 and 3: Mr. Hamre and Mr. Leak discussed the process and documentation needed for reservoir diligence review for the District's ponds to the Board. The District has conditional water rights for 7 ponds. In order for these water rights to become absolute they need to be perfected through the water court system. The District will need to show that work has been done to the ponds and that the District is working towards perfection. Mr. Leak provided a quote for his work to put together documentation on the reservoir diligence review and documentation in the amount of \$5,900. Upon **motion** by Chairperson Weinberg, duly seconded by Director Oakley, and upon unanimous vote, the Board approved \$5,900 to be spent on reservoir diligence review and documentation, provided by Mr. Leak and RESPEC.

**2. REPORTS**

- A. Operator's Report: The Operator's report was submitted in the board packet for review. Director Blue thanked Mr. Lewis for added **BOLD** type to the new items of his report, it makes it much easier to review. Ms. Zivalich asked when the next sludge haul was going to take place. Mr. Lewis reported that the next sludge haul was going to be on April 23, 2024.

- i. Compliance – Mr. Lewis informed the Board that the testing for Disinfection By Products (DBP) samples for Quarter 1 (due in February) were not collected. This was an error on behalf of DDC as the water schedule indicated DBP samples were required in February 2024 but was missed during the transition period. This error will require a Tier 3 Public Notice. DDC is waiting from a notice from CDPHE before moving forward. Mr. Lewis will coordinate with Ms. Zivalich.
  - ii. WWTP Generator - Mr. Lewis reported that the backup generator was inspected and operational during the water treatment facility service by Power Systems West in manual operation. During the power outage, the transfer switch did not initiate correctly and was stuck in the off position.
  - iii. Pump Repairs – Mr. Lewis noted that the original quote for the repair to the backup pump for the feed system was over \$25,000. He provided further information to the pump vendors and is awaiting costs for replacement.
  - iv. PRVs Pressure – Mr. Lewis reported that they were able to locate all PRVs and will follow up with Ms. Zivalich and Mr. Laves once the pressure of each PRV has been confirmed.
- B. Engineer’s Report (Element Engineering {EE}): The Engineer’s report was submitted in the board packet for review.
- i. PFAS Draft Report – Mr. Marcotte provided a draft of the PFAS draft report to Ms. Zivalich and the Board prior to the Board meeting for comments. Mr. Marcotte addressed some of the comments during the meeting. He will make the requested draft changes and provide an updated report to the Board. The final PFAS report is due to CDPHE by May 31, 2024. Once the report has been submitted the District will wait for a response from CDPHE and the next steps will be determined. Mr. Marcotte suggests that later this summer/fall the District discuss grants and loans available for the project with CDPHE.
  - ii. Pond 5 Culvert Design/Bid Solicitation – There was concern at the March Board meeting that the WWTP access road would be impacted during this construction. The Board stressed that the access road must remain accessible at all times during the work. Mr. Marcotte recommends that two Board members (Directors Oakley and Zinniker), Ms. Zivalich, Mr. Noble and himself meet onsite to discuss traffic access during construction. May 10<sup>th</sup> at 2pm, a meeting will be held at Pond 5 to discuss the traffic situation. Mr. Marcotte plans to put out a bid for this project at

the end of May and receive bids to review at the June or July Board meeting.

- C. Manager's Report: The Manager's report was submitted in the board packet for review.
  - a. Street Sweeping – Ms. Zivalich received a quote for street sweeping that was under budget in the amount of \$4,500. Upon **motion** by Director Oakley, duly seconded by Director Blue, and upon unanimous vote, the Board approved the bid for street sweeping.

### 3. FINANCIAL MATTERS

- A. Claims: Through March 2024. Submitted in the board packet for review. No discussion.
- B. Financial Statements: Through March 2024. Submitted in the board packet for review. No discussion.
- C. Compliance: The District received a non-compliance notice from CWR&PDA stating that the District was out of compliance with regard to the requirement to restrict 3 months of operations and maintenance expense for the purpose of paying on the loans for the construction of the booster pump station. Ms. Zivalich and Ms. Holder met with their contact at CWR&PDA, it was determined that the District is in fact in compliance and will add an additional line on monthly and annual financials going forward the specifically shows restricted funds for “Three months – Operations and Maintenance”.
- D. 2023 Financial Statement Audit Proposal: Ms. Holder reached out to several CPA firms to perform auditing services for the 2023 calendar year. A proposal was received by Logan, Thomas & Johnson LLC for an amount of \$10,000. Upon **motion** by Director Oakley, duly seconded by Chairperson Weinberg, and upon unanimous vote, the Board approved the proposal for auditing services.

### 4. HOA MATTERS

- A. HOA Matters: No updates.

Upon **motion** by Chairperson Weinberg, duly seconded by Director Oakley, and upon unanimous vote, the Board approved the Consent Agenda.

### REGULAR AGENDA ITEMS

### 5. PUBLIC COMMENT – NON-AGENDA ITEMS

No comments.

### 6. OLD BUSINESS

- A. Park Upgrades - Update: Ms. Zivalich informed the Board that a quote would be provided by the end of the week for the cost to move the playground equipment. Chairperson Weinberg suggested that two board members that have not been involved with the park upgrades assist with the process. Chairperson Weinberg and Director Blue will take over as the direct contact with the FHMD HOA and vendors during the upgrade process in 2024.

- B. Fire Mitigation Grant – Update: Ms. Zivalich has reached out to a contractor to perform the tree marking in Zone 1 and his proposal is expected in the next few weeks. The Board discussed the insurance requirement for tree marking services and asked that Ms. Zivalich discuss with legal counsel. Board will discuss at the May board meeting.
- C. Emergency Gate Lock Codes – Update: The Board discussed what could be done if an individual was caught. Ms. Zivalich will discuss with legal counsel and bring to the board at the May meeting.

**7. NEW BUSINESS**

- A. Billing Company Replacement: Ms. Zivalich reported to the Board that she and Ms. Holder contact several billing companies and received quotes from the top three. They recommend the Board move forward with HydroRead. Ms. Zivalich will reach out to HydroRead for references and forward to the Board for review.
- B. Noxious Weed Removal: FHMD resident Nikki Patrick provided an email from Jefferson County to the Board regarding noxious weeds and the fines that will be enforced if they are not mitigated by the District. Director Oakley suggested that a notice go out to the community so that they are aware of the situation. Chairperson Weinberg recommended that the District get a quote for the removal of the noxious weeds from the District’s landscaping vendor.

**8. ADJOURNMENT**

Upon **motion** by Director Oakley, duly seconded by Director Robert, and upon a unanimous vote, 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 8:22 p.m. The next regular meeting is scheduled for May 15, 2024, via conference call, beginning at 5:30 p.m.

THESE MINUTES ARE APPROVED AS THE OFFICIAL, APRIL 17, 2024, MEETING MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE BY THE RESPONSIBLE PARTIES SIGNING BELOW:

ATTEST:

Nickie Holder  
Recording Secretary

APPROVED:  
[Signature]  
Board Chairperson