

RECORD OF PROCEEDINGS

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

August 17, 2022, 5:30 p.m.

Held via conference/Zoom call.

ATTENDEES Directors present: Craig Weinberg, Michael Oakley, Victor Robert, David Blue and Nikki Patrick.
Others present: Ronda Zivalich (MAPs, Inc.), Gabby Begeman (ORC Water Professionals), Nick Marcotte (Element Engineering, Inc.) and Nickie Holder (NMHolder Financial, Inc.).
Guests present: None
Residents present: None

QUORUM The meeting was called to order by Chairperson Weinberg at 5:34 p.m. and a quorum was noted.

CHANGE IN ATTENDANCE

Gabby Begeman and Nick Marcotte left at 6:37 p.m.

CONSENT AGENDA ITEMS

1. ADMINISTRATIVE MATTERS

- A. Agenda: Add Item C. Social Gathering to Administrative Matters.
- B. Minutes: July 20, 2022 (Regular Meeting) No changes.
- C. Social Gathering with the HOA Board: The Riva Chase HOA Board members had invited FHMD Board members to a social gathering, scheduled for Friday, August 26, 2022. The purpose would be to introduce the new HOA Board members to the FHMD Board members and perhaps facilitate a more cohesive working relationship in the future. Manager Zivalich consulted with the District's attorney to ensure the gathering did not constitute a Board meeting. It is noted that as long as no official District business would be discussed, the gathering would not constitute a public meeting.

2. REPORTS

- A. Operator's Report: The Operator's report was submitted in the Board packet for review. It was noted that a water outage occurred over the previous weekend; and the Board questioned the causes of the outage. Ms. Begeman explained that the storage tank at the booster pump station had fallen below the programmed level and stopped distributing water to the system, without sending an alarm signal. There were also some mechanical issues in wells that were supposed to be active which resulted in the low level in the tank. The mechanical issues in wells were being repaired and the programming in the booster pump station would be fixed in the following week.

Ms. Zivalich sent several notices to the community during the outage by. Ms. Zivalich and Ms. Begeman would work on a final eblast to the community, explaining why the outage happened, the repairs that were made and the steps that would be taken to avoid this type of outage in the future.

ORC was still working with Dakota Pump to repair/replace the cellular antenna and the programming that would allow all alarms to notify ORC when there are issues at the booster pump station. Ms. Begeman confirmed that this work was being done under warranty, in response to Director Oakley's inquiry.

Director Blue noted that his address was blank on the curb stop location spreadsheet. He also indicated that he was aware of where his and several of his neighbors' curb stops are located. Ms. Begeman asked him to forward the information to her, so the spreadsheet could be updated. Director Robert also noted that he would share information he had about his curb stop and others near him as well.

- B. Engineer's Report (Element Engineering {EE}): The Engineer's Report was submitted in the Board packet for review. The bid opening for the WWTP Project was August 12, 2022; and EE had received two bids. The bid tabulation spreadsheet and a letter of recommendation was provided to the Board prior to the meeting. EE called references for the lowest bidder, Barnard Structures, and received favorable comments. The total cost of the bid provided by Barnard Structures was \$86,693.42 which includes installation of the District procured Fluidyne equipment and installation of access hatches and the wiring needed for startup of the system. EE recommends awarding the bid to Barnard. The bid put the total cost of the project over the budgeted estimate by \$40k. The Board discussed the possibility of moving the start date from the end of October to the end of November in order to defer some costs to 2023. The Board requested that EE ask Barnard Structures if they would consider moving the startup date by a month. In the meantime, Ms. Holder and Ms. Zivalich would review the 2022 budget to identify additional funds to cover the \$40K overage.

Booster Pump Station – ORC and EE reported that the high efficiency pump was finally received. EE noted that RN Civil's contract will need to be extended to accommodate the installation of the high efficiency pump, testing, and startup. The extension only requires a completion date update with no monetary changes.

- C. Manager's Report: The Manager's Report was submitted in the Board packet for review. Director Oakley noted that the District Manager's report talked about the CDPHE's proposed TMDL limits. Manager Zivalich noted that the BCWA is following this issue closely and that the District was participating in the public comment period through BCWA. Ms. Zivalich will keep the Board updated as more information is available through attendance at the meetings.

- D. Master Planning Committee Report/Minutes: The Board asked Ms. Zivalich to contact Mr. Kirsch the week of August 22nd to see if they had a recommended vendor for the painting project.

The Board discussed the continued need for the MPC and noted that the purpose of the committee was to assist the District with creating a 10-year capital repairs plan and recommend projects. Further discussion was tabled until the September meeting.

3. FINANCIAL MATTERS

- A. Claims: Through July 2022. Submitted in the Board packet for review.
- B. Unaudited Financial Statements: Through July 2022. Submitted in the Board packet for review. Ms. Holder informed the Board that she will review the budget vs. actual report in September to better reflect available funds at year-end.

Upon **motion** by Chairperson Weinberg, duly seconded by Director Oakley, and upon unanimous vote, the Board approved the consent agenda items.

REGULAR AGENDA ITEMS

4. PUBLIC COMMENT

There were no comments by the public.

5. OLD BUSINESS

- A. Homeowner Request for Forgiveness: After discussion, the Board agreed to further research options for a reduction in the homeowner's bill based on typical usage over the last six months. Ms. Zivalich will work with AMCOBI to recalculate the overages based on average usage rather than the upper tier pricing. Once the recalculated bills have been completed, Chairperson Weinberg will draft a letter to the homeowner for the Board to review. The Board agreed that they would accept a payment plan from the homeowner as long as the balance due is paid within 90 days.
- B. Booster Pump Station Update (Weekly Check in by EE): Refer to notes under the Engineer's report under the consent agenda.
- C. WWTP Bid Solicitation: Refer to notes under the Engineer's report under the consent agenda.
- D. Gates/Antennas Update: Ms. Zivalich had issued purchase order Mile Hi Sprinkler to dig a trench in the center island and install a PVC pipe to hold the coax cables needed to relocate the antennas to the north end of the island. The work was to be completed by August 12, 2022.
- D. Roadway Project Update: Ms. Zivalich noted that the major thermal crack and failed pavement repair work has been completed. The contractor advised that it would be advisable to delay the remaining crack-sealing work until fall when there would be more consistent cooler temperatures, which provide for a more successful outcome. An

extension to the A1 contract had been executed to accommodate completion of the crack-sealing work by October 31, 2022.

- E. Irrigation Start Up – Entrance /Park: Ms. Zivalich noted that Colorado Greenscape is still working on irrigation repairs. The Board felt that all work should stop immediately, and irrigation should not be started at this point as it is too late in the season. The Board agreed that the repairs should be deferred to 2023.
- F. Fire Mitigation 2023 – Bjorn Dahl Bid: A bid was received from Bjorn Dahl for a fire assessment of the District property of \$35k. In addition, Mr. Dahl also stated that he would charge \$20K to assess all of the homeowners' properties individually. Director Oakley suggested that the cost of these fire mitigation assessments for homeowners might be directed by the HOA, rather than the District. Chairperson Weinberg agreed to bring this topic to the HOA's attention.
- G. Eastwood Back Gate Expansion Update: Ms. Zivalich met with PGA to discuss a solution for the Eastwood back gates. PGA suggested that another post be installed at a distance from the existing uphill post that is wide enough to leave room for a person to bike or walk through, but not a vehicle. On the downhill side, another post should be placed as well as moving a large a boulder down the hill to deter any vehicles from entering.
- H. PFAs and Phosphorus Testing Grand and Potential New Effluent Limits: It was noted that ORC is waiting on HDR to provide their sampling bottles, after which testing would be coordinated.
- I. Pond 4 Leak Sealant Status: Ms. Zivalich noted that she was onsite several times in the last week and that Pond 4's level did seem to drop noticeably in that timeframe. ORC commented that they are keeping a close eye on this to ensure the sealant is working.

Ms. Zivalich also noted that a homeowner reported an algae bloom in Pond 6 and that there were dead fish on the shore, and it appeared that carp were struggling to breath on the surface. Ms. Zivalich is working with Boulder Ponds on an estimate to treat the pond for the algae bloom and other options to keep the pond cleaner during the season. Ms. Zivalich also noted that a previously approved expenditure to add fish to the pond was cancelled, due to the contractor's failure to fulfill the order.

- J. Fire Mitigation on Empty Lot Update: Ms. Zivalich inquired with the attorney about how to manage fire mitigation on an individual's property, located at the corner of Nakota and Forest Hills. The attorney noted that this should be an HOA consideration and should be turned over as such. Ms. Zivalich noted that the HOA had already been contacted and the owner of the land was going to act accordingly.

6. NEW BUSINESS

- A. Attorney Draft of Damage Waiver and Private Property Access Permission: A draft waiver has been created by the District’s attorney for the shared private driveways which are currently being serviced by the snow removal contractor. It was felt that a waiver of damage and approval to access private property agreement was necessary. Upon discussion and **motion** by Director Oakley, duly seconded by Director Robert, and upon a unanimous vote, the Board approved the Damage Waiver and Snowplowing Agreement.
- B. John Dingess – HROD Attendance at September Meeting: The Board discussed the attendance of John Dingess at the September meeting to provide education to current Board members, regarding reasons for maintaining water rights for Ponds 2 and 3. Ms. Zivalich also noted that Mr. Dingess is retiring and would like the opportunity to introduce his replacement to the Board.

7. ADJOURNMENT

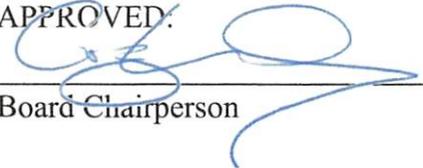
Upon **motion** by Director Oakley, duly seconded by Director Robert, and upon a unanimous vote, the Board approved adjournment of the meeting. There being no further business to come before the Board at this time, the meeting was adjourned at 8:00 p.m. The next regular meeting is scheduled for September 21, 2022, via conference call, beginning at 5:30 p.m.

THESE MINUTES ARE APPROVED AS THE OFFICIAL, AUGUST 17, 2022, MEETING MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE BY THE RESPONSIBLE PARTIES SIGNING BELOW:

ATTEST:

Nickie M Holder

Recording Secretary

APPROVED:


Board Chairperson