



RECORD OF PROCEEDINGS

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

March 21, 2022, 5:30 p.m.

Held via conference/Zoom call.

- ATTENDEES** Directors present: Craig Weinberg, Mike Swartzlander, Michael Oakley and Victor Robert  
Others present: Ronda Zivalich (MAPs, Inc.) and Nickie Holder (NMHolder Financial, Inc.)  
Residents present: David Blue and Nikki Patrick
- QUORUM** The meeting was called to order by Chairperson Weinberg at 5:35 p.m. and a quorum was noted.

**CHANGE IN ATTENDANCE**

None

**CONSENT AGENDA ITEMS**

**1. ADMINISTRATIVE MATTERS**

- A. Absence: Upon **motion** by Chairperson Weinberg, duly seconded by Director Swartzlander, and upon unanimous vote, the Board excused the absence of Director Noonan from meeting.
- B. Agenda: No changes.
- C. Minutes: February 16, 2022. No changes.

**2. REPORTS**

- A. Operator's Report: The Operator's Report was submitted in the Board packet for review. Chairperson Weinberg questioned the large jump in gallons of water sold versus produced during the prior month as the discrepancy appears to be increase from 18% to 28%. It has been previously noted that the average unbilled water is acceptable and expected around 10% - 15%. Ms. Zivalich informed Chairperson Weinberg there had been five customer meters replaced during February in addition to two well pump replacements. The Board asked that Ms. Zivalich follow up with ORC to obtain an explanation for the increase.
- B. Engineer's Report (Element Engineering {EE}): The Engineer's Report was submitted in the Board Packet for review. Ms. Zivalich provided an update on the Booster Pump Station and noted that the project is approximately 90% complete. The large pump is scheduled to ship on April 1, 2022. Chairperson Weinberg asked that the culvert that was buried by RN Civil be dug out and cleaned as part of the closeout of the project. It was noted that EE is working on the punch list and will complete a walkthrough once the pump is installed.
- C. Manager's Report: The Manager's Report was submitted in the BOD packet for review. No discussion.

- D. Master Planning Committee Report/Minutes: Chairperson Weinberg will reconnect with Steve Iskalis outside of the meeting, regarding choosing the paint color palette, contacting/selecting a painting contractor and getting on their schedule as soon as possible. An update will be provided at the April Board meeting.

### 3. FINANCIAL MATTERS

- A. Claims: Through February 2022. Submitted in the BOD Packet for review. Ms. Zivalich informed that Board that the RN Civil Pay App #1 has been submitted to the CDPHE. The submittal was approved by CDPHE, and the funds are expected to be transferred to the District by the end of the week. EE has reviewed and approved Pay App #2 which is included in the board packet. The District is awaiting additional paperwork before it can be submitted to CDPHE. Upon **motion** by Chairperson Weinberg, duly seconded by Director Swartzlander, and upon unanimous vote, the Board approved RN Civil's Pay App #2.
- B. Financial Statements: Through February 2022. Submitted in the BOD packet for review. Ms. Holder urged the Board to review the roadway work's remaining budget and be mindful of it when considering the bids that are expected to be received on March 24, 2022.

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

None

#### 5. OLD BUSINESS

- A. Booster Pump Station Update (Weekly Check in by EE): Please see notes under 2B of these minutes. Ms. Zivalich wanted to thank RN Civil, EE and ORC for their diligent work in the switchover. She noted there were very few startup issues and they were immediately resolved, ensuring a successful transition to the new BPS with a relatively short outage as a result.
- B. Gates/Antennas Update: Ms. Zivalich consulted with PGA and Mike Zinniker regarding trying a temporary solution of moving the antennas to a tree to elevate and further separate them. If this test helps to increase distance for activation and reduces interference between the Forest Hills and Summerwood antennas, the District may pursue a permanent placement solution on the tree.

- C. Pond 4 Leak and Pond 6 Liner Damage: Ms. Zivalich received a quote from Noble to add a clay liner to Pond 4 for \$40 - \$50K. As there is no budget for this work in 2022, this work has been placed on the capital improvements list and will be considered in September during the 2023 budgeting discussions. The pond has naturally drained below the leak but will be watched during snowmelt/runoff to ensure there are no issues. The pond will likely remain empty in 2022. Director Oakley offered to research options for sealing the leak and will discuss at the April meeting. The Pond 6 liner damage issue will be separated from the Pond 4 work. It will have its own line item on the Agenda but as “on hold” with no discussion necessary until sometime in the future.
- D. PFAs and Phosphorus Testing – Grant Application: EE has prepared the grant application packet which has been reviewed by Ms. Zivalich and Ms. Holder and is included in the Board packet. Director Oakley and Ms. Zivalich will meet to review the information and provide final comments to EE for submission to CDPHE.
- E. Roadway Project Update: The roadway project scope was restructured by WesTest and advertised with a bid due date of March 24, 2022. Ms. Zivalich will inform the Board of the bids received including costs by March 25, 2022. Nikki Patrick noted that Brown Brothers would like to bid the project and will coordinate with Ms. Zivalich to obtain information about the solicitation.
- F. Election/Open Positions/Self Nominations (Two One-Year Seats): Ms. Zivalich reminded the Board to continue to reach out to homeowners to fill the two one-year positions by the May meeting. Director Oakley noted that Nikki Patrick has agreed to fill one position.
- G. Lighting at Eastwood Gate Update: Ms. Zivalich noted that the lights were redirected, pointing downward with no further complaints.
- H. Collection Resolution – Bylaw Updates: The collection policy resolution was distributed to the Board for their consideration. Director Oakley suggested a few changes to which the Board agreed, mainly changing the use of the terms “superintendent or employees” to duly authorized contractors, changing the past due duration from 10 days to 30, and reinstating language regarding the District’s authority to turn off an owner’s water. Upon **motion** by Chairperson Weinberg, duly seconded by Director Oakley, and upon unanimous vote, the Board approved the Resolution with the noted changes. Ms. Zivalich will work with legal counsel to have the resolution updated and then signed by Chairperson Weinberg.

- I. Rules and Regulations Update: Director Oakley has begun to review the Rules and Regulations for necessary updates. He sent a draft with his changes to the Board for review. Chairperson Weinberg asked that the Board members review the document in the next 6 weeks and send any comments to Director Oakley to incorporate into the final draft for submission to the Board for final approval.
- J. Gates Annual Maintenance Contract (On hold)
- K. Eastwood Back Gate Steel Posts Permission Update (On hold)
- L. FHMD Lock on Eastwood Back Gate – Change Code (On hold)
- M. Fire Evacuation Plan (On hold)
- N. Park Irrigation (On hold)

## 6. NEW BUSINESS

- A. Video/Jetting of Sanitary Sewer Line (Bids): Ms. Zivalich noted that DRC Construction Services, Inc. performed video and jetting of one half of the system in 2020. She noted that the estimated cost from DRC for videoing and jetting the entire lower half of the system is about \$19K which is \$4K over budget. DRC offered a second option, where they would video the entire lower half but only clean what is necessary, thereby bringing the cost under \$15K. Upon **motion** by Director Oakley, duly seconded by Director Swartzlander, and upon unanimous vote, the Board approved DRC's second option. ORC will work closely with DRC during this project.
- B. Reimbursement Request by Homeowner for Damaged Christmas Lighting/Decorations: An FHMD resident had contacted the Board to request reimbursement for Christmas lights and decorations that were damaged by snow removal operations and the piling of snow in his yard. After discussion, the Board agreed that reimbursement will not be granted. Chairperson Weinberg will draft a response for the Board's review, especially that of Director Noonan, and Ms. Zivalich will send it to the owner once it is ready.
- C. District Water Rights: At previous Board meetings the District had discussions regarding maintaining the District water rights. As the Board will turn over in May with three new members, it was agreed that RESPEC and John Dingess attend a meeting in the fall to remind the Board of the District's water rights and associated deadlines for defending them.

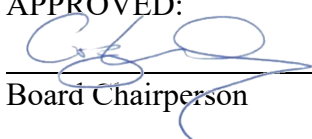
7. **ADJOURNMENT**

Upon **motion** by Chairperson Weinberg, duly seconded by Director Oakley, 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 7:21 p.m. The next regular meeting is scheduled for April 20, 2022, via conference call, beginning at 5:30 p.m.

THESE MINUTES ARE APPROVED AS THE OFFICIAL, MARCH 21, 2022, MEETING MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE BY THE RESPONSIBLE PARTIES SIGNING BELOW:

ATTEST:

*Nickie M Holder*  
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Recording Secretary

APPROVED:  
  
\_\_\_\_\_  
Board Chairperson