

RECORD OF PROCEEDINGS

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

May 24, 2023, 5:30 p.m.

Held via conference/Zoom call.

ATTENDEES Directors present: Craig Weinberg, Michael Oakley, Victor Robert, David Blue and Jason Krutsch
Others present: Gabby Begeman (ORC Water Professionals), Ronda Zivalich (MAPS, Inc.), Nick Marcotte (Element Engineering) and Nickie Holder (NMHolder Financial, Inc.)
Residents present: Yvette Green (Riva Chase HOA Board President) and Steve Iskalis.

QUORUM The meeting was called to order by Chairperson Weinberg, at 5:30 p.m. and a quorum was noted.

CHANGE IN ATTENDANCE

Gabby Begeman and Nick Marcotte left at 6:05 p.m.

Steve Iskalis left at 6:40 p.m.

Yvette Green left at 7:15 p.m.

CONSENT AGENDA ITEMS

1. ADMINISTRATIVE MATTERS

A. Agenda: No changes.

B. Minutes: No changes.

C. Introduction of New Board Member(s)/Record Oath in Minutes: Ms. Zivalich noted that Director Blue was given his oath as a Director for his new term on May 9, 2023, and Director Krutsch was given his oath of office on May 12, 2023. Both oaths were filed with the Jefferson County Clerk and Recorder as well as the Jefferson County Courts, the Department of Local Affairs and the Secretary of State as required by State election laws. Ms. Zivalich and the Board thanked Nikki Patrick for serving on the Board for the past year.

D. Brief Review of Etiquette and Expectations During FHMD Board Meetings: Chairperson Weinberg suggested that the Directors review the District Bylaws, the SDA Board of Directors Handbook and, if possible, attend an SDA training session. He noted the following in particular: 1) Public Meetings – any session where three or more board members are present and discuss District business is considered a public meeting and must be properly noticed; 2) Email Meetings – any emails where three or more board members are discussing District business is considered a public meeting and is subject to CORA (Colorado Open Record Act); 3) Public Comment – any comments made by the public should occur only during the “Public Comments” section of the agenda with a set time limit (currently three minutes per person); 4) Meeting

Minutes – meeting minutes shall be made available to the public once approved by the Board at each meeting; 5) Executive Sessions – an executive session can only be called at a properly noticed regular or special meeting. The agenda of the meeting must reflect that an executive session is planned and state its purpose. A motion must be made to go into and come out of executive session, the motion must be passed with a 2/3 vote, and the minutes must reflect the statutory authority for the executive session. No motions can be made in executive session but must be made upon coming out of executive session.

2. REPORTS

- A. Operator’s Report: The operator’s report was submitted in the board packet for review. Director Blue asked what the implications were if the fire pump ran continuously at the BPS. Ms. Begeman stated that the fire pump was to be used specifically for fire flow and that if the pump ran continuously for a long period of time it could damage the pump. The alarm that was installed provides notice if the pump is running. Director Robert asked if Pond 6 aeration was going to be started. Ms. Begeman noted that there are issues with the air lines. Ms. Zivalich has contacted Boulderponds for a bid for repairs and plans to meet with another vendor for a bid.
- B. Engineer’s Report (Element Engineering {EE}): The engineer’s report was submitted in the board packet for review. Mr. Marcotte informed the Board that the District was awarded the PFAS grant for infrastructure evaluation and provided a proposal (not to exceed \$45,00) for the Board’s consideration. Director Oakley requested that EE provide a breakdown of the manhours needed to complete the work. Ms. Zivalich will forward it to the Board once received.
- C. Manager’s Report: The manager’s report was submitted in the board packet for review. Ms. Zivalich noted that during dredging of Pond 5, the overflow culvert was exposed and was discovered to have rusted areas where water and sediment pass through to Pond 4. Noble was asked to provide a bid on replacement of the culvert. This will likely be a budgetary number for 2024 as there are no funds for replacement at this time. ORC proposed to try a fiberglass patch and if that does not work, Ms. Zivalich has learned of a spray on polyurethane product that could be tried.

The Fire Department reposted they had not been able to access through the FH/Summerwood gates, and it was determined that the relay had failed. PGA was contacted had ordered the relay and would install once it was received. In the meantime, the Fire Department was provided keypad entry codes.

Director Oakley asked Ms. Zivalich to discuss the locks on the Eastwood emergency gate. she had sent an email to the community on the subject, but briefly, homeowner locks were added to the chain which

locked out the District and the Fire Department. Ms. Zivalich cut off all unknown locks and correctly daisy-chained the relevant locks.

Ms. Zivalich had attended a special meeting of the BCWA and a stakeholder meeting with CDPHE to discuss the draft TMDL, which ended up being a presentation rather than a review of the draft report. CDPHE has now postponed release of the draft report to early August with a 30-day public comment period, to which BCWA will immediately request an extension to 60-90 days. This request was anticipated to be rejected.

D. Master Planning Committee –

1. Painting Project Update: The painting was now scheduled for May 30 and 31, 2023 but it was likely, due to weather, that they would be delayed again.
2. Bunker and Monument Signs: The HOA Board had selected a vendor to refurbish the two bunker signs and the monument sign. Ms. Green indicated she would provide the vendor's proposal and paint color samples to FHMD within the next week. Ms. Green also noted that woodchippers and rolloffs would be provided in the pull-off area on Forest Hills at Willobe for the clean-up day which was scheduled for June 7 and 8, 2023. Ms. Green and Ms. Zivalich agreed to discuss the use of the area, because of FHMD projects that require access to the area as well.
3. Resurfacing of Basketball Court – Homeowner Request: The homeowner who requested resurfacing of the court had offered to research the related options and costs. Ms. Zivalich planned to work with the homeowner to obtain a bid in time for the June meeting. This would likely be a budgetary number for 2024 as there are no funds available in 2023.

3. FINANCIAL MATTERS

- A. Claims: Through April 2023. Submitted in the board packet for review. Ms. Zivalich and Ms. Holder asked for approval for two invoices that were received after the board packet had been prepared. Debt service payment was due on June 1, 2023 for the District's outstanding loans. Upon **motion** by Director Oakley, seconded by Chairperson Weinberg, and upon unanimous vote, the Board approved payment of the debt service by June 1, 2023 in the amount of \$19,899.35. Ms. Zivalich noted that the dredging of Ponds 4 and 5 was completed after the packet was prepared and asked for approval of Boulderponds invoice in the amount of \$38,550. Upon **motion** by Chairperson Weinberg, seconded by Director Oakley, and upon unanimous vote, the Board approved the invoice submitted by Boulderponds.
- B. Financial Statements: Through April 2023. Submitted in the board packet for review. No discussion.

- C. Treasurer Backup for Approving Payables through Bank and/or Signing Checks: The District has always had a backup to sign checks in case the Treasurer was unavailable. However, the Board has not appointed a backup for ACH payments to be processed. Ms. Zivalich and Ms. Holder asked that a backup be appointed for Director/Treasurer Robert in the event he would be unavailable. Chairperson Weinberg, Director Robert, Ms. Zivalich and Ms. Holder will discuss separately offline.

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

REGULAR AGENDA ITEMS

4. PUBLIC COMMENT

Mr. Iskalis requested clarification regarding the painting and landscape projects. 1) Will the painters strip the old paint? Yes. 2) Will the landscapers be testing the irrigation system to ensure that it works before installation of the landscaping? Yes, SaBells would be working with Alpine to ensure the water is working and would install drip lines for the new landscaping. 3) Is the landscaper adding low voltage wiring for lighting to be installed at a later date? No, this was not part of the scope of work. After discussion, it was agreed that Director Blue would follow up with the landscape contractor to request a quote for the cost of low voltage wiring to be added. 4) Are the trees at the entrance that appear to be dead or dying going to be removed? An arborist looked at the trees and provided a price to remove them but suggested that the trees be given an opportunity to come out of the environmental stress that has occurred over the last few years. It was noted that there is new growth on the trees.

5. OLD BUSINESS

- A. PFAS Infrastructure Grant Application and EE Bid to Perform Work: See notes under Item 2.b. above. The Board discussed EE's proposal and noted that it has a not to exceed amount of \$45,000. Upon **motion** by Chairperson Weinberg, duly seconded by Director Blue, and upon unanimous vote, the Board approved EE's proposal contingent upon a submission of a breakout of their time in manhours before a PO is provided.
- B. Alpine Landscaping Project - Update: See comments under "Public Comments".
- C. Roadway Project – Update and A1 Bid to Include Willobe for Chip Seal Work: Ms. Zivalich noted that the crack seal work would occur on June 1st, with the chip seal work to follow on June 7th and 8th. Ms. Zivalich planned to send an eblast to the community regarding the schedule. A1 submitted a change order bid to chip seal Willobe, which was included in the Manager's report for board consideration. Upon **motion** by Director Krutsch, duly seconded by Director Robert, and upon

unanimous vote, the Board approved change order #1 - Schedule C – Willobe Way chip seal, in the amount of \$21,980

- D. 2G to 4G Smart Meter Upgrade - Update: Ms. Zivalich noted that there are approximately 17 meters left to be replaced.
- E. Pond 4 and 5 Cleaning - Update: Refer to notes above under 2.C.
- F. Pond 4 Leak Update: Ms. Zivalich informed the Board that the second application of sealant performed on Pond 4 by Boulderponds appeared to be successful.
- G. Fire Mitigation/Grant Assistance - Update: To date, no Spring grants have been released. Fall grant applications were anticipated.

6. NEW BUSINESS

- A. Eastwood Gate Damage – PGA Bid for Repairs: PGA provided a quote to repair damage to the Eastwood gate caused by someone pushing the gate open with their vehicle. Upon **motion** by Chairperson Weinberg, duly seconded by Director Krutsch, and upon unanimous vote, the Board approved the PGA bid in the amount of \$2,250.
- B. Tree Removal Assessments and Bids: Ms. Zivalich had met with Schulhoff and CO Fire Mitigation to obtain opinions on the health of some trees in the community and and bids for potential removal of dead trees . As there was a discrepancy in bids as to how many should be removed, the Board asked that the bids be updated to define which trees were recommended for removal. Ms. Zivalich would get clarification by the June meeting.

7. EXECUTIVE SESSION

Upon **motion** by Director Oakley, duly seconded by Director Krutsch, and upon unanimous vote, the Board approved entering into an Executive Session pursuant to Section 24-6-402(4)(b), CRS – to discuss Road Designations Legal Opinion Review at 7:16pm.

Upon **motion** by Director Oakley, duly seconded by Chairperson Weinberg, and upon unanimous vote, the Board approved coming out of executive session at 7:33 p.m.

Upon **motion** by Director Oakley, duly seconded by Chairperson Weinberg, and upon unanimous vote, the Board approved including maintenance and repair of shared driveways, including snow removal, as the District’s responsibility, based on legal counsel’s review and recommendation. To ensure the retention of corporate knowledge, this provision would be included in a future revision fo the District Rules and Regulations.

8. 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 7:36 p.m. The next regular meeting is scheduled for June 21, 2023, via conference call, beginning at 5:30 p.m.

THESE MINUTES ARE APPROVED AS THE OFFICIAL, MAY 24, 2023, 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:



Board Chairperson