

RECORD OF PROCEEDINGS

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

November 16, 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 5:35 p.m. and a quorum was noted.

CHANGE IN ATTENDANCE

Gabby Begeman and Nick Marcotte left at 6:04 p.m.

CONSENT AGENDA ITEMS

1. ADMINISTRATIVE MATTERS

- A. Agenda: No changes.
- B. Minutes: October 19, 2022. No changes.

2. REPORTS

- A. Operator's Report: The Operator's report was submitted in the board packet for review. Director Oakley asked for clarification on the cost and frequency of hiring a contractor to lift the feed pump. Ms. Begeman noted that there have been two occasions where the contractor had to provide services to lift the feed pumps at a cost of \$1500 - \$2000 per visit. A new crane would cost approximately \$3000, and a safety grant could be obtained to cover half of the cost. ORC recommended having Power Systems West perform a bi-annual service on the Booster Pump Station (BPS) generator to ensure it is properly functioning. Ms. Zivalich asked for clarification on the service contract, as it is not clear how much the contract is for. It was noted this service is budgeted for in the 2023 budget. ORC will contact Power Systems West to confirm the price and report back to the Board. Chairperson Weinberg asked for a timeframe as to when all remaining homes will have smart meters installed, as it is only fair that all homes have an accurate billing. Ms. Begeman and Ms. Zivalich will continue to work with those remaining residents to complete installations.
- B. Engineer's Report (Element Engineering {EE}): The Engineer's report was submitted in the board packet for review. Director Blue asked for clarification on why the District needs to advertise final payment to RN Civil for the Booster Pump Station. Mr. Marcotte noted that the purpose

of advertising is to ensure all subcontractors or suppliers working for RN Civil on this project have been paid for their services by RN Civil.

- C. Manager's Report: The Manager's report was submitted in the board packet for review. Ms. Zivalich informed the Board that CDPHE intends to send a draft of the Total Maximum Daily Load (TMDL) limit recommendations to the EPA, before it sends it out for public comment. The timeline for submission is sometime between March and May. Once the EPA reviews the document, they will likely approve some, if not all, of the recommendations. The report will then be made available for a public-review and comment period of 30 to 60 days. The Bear Creek Watershed Authority (BCWA) and the City of Lakewood have hired an attorney to help defend their position on this report, if necessary
- D. Master Planning Committee (MPC) Report/Minutes: Ms. Zivalich noted that the painting project was not complete, specifically the roof coating has failed; and the vendor has requested a time extension on the contract. Chairperson Weinberg noted that Eric Kirsch provided him the Excel files containing the MPC project-tracking list that was created by the MPC previously. Chairperson Weinberg and Director Oakley will review the file and provide more information at the December meeting.

3. FINANCIAL MATTERS

- A. Claims: Through October 2022. Submitted in the board packet for review. Ms. Holder informed the Board that the invoice for the debt-service payment, due December 1, 2022 had not been received. The invoices should be received by the end of the week and paid the last week of November to meet the December 1, 2022 due date. Upon **motion** by Director Oakley, duly seconded by Director Blue, and upon unanimous vote, the Board approved disbursement of the debt-service payment to BOK Financial.
- B. Unaudited Financial Statements: Through October 2022. Submitted in the board packet for review. No discussion was necessary.
- C. 2023 Budget: Director Oakley reviewed the changes that the Budget Committee made to the most recent 2023 draft budget. After discussion and upon **motion** by Director Oakley, duly seconded by Chairperson Weinberg, and upon unanimous vote, the Board approved the 2023 budget with a 15% rate and fee increase to the water/sewer rates for 2023. The rate increase discussion for public comment will be held at the December Board meeting.

4. HOA MATTERS

- A. Signs/Logo/Colors: Chairperson Weinberg suggested that the FHMD Board work with the Architectural Control Committee (ACC) with regard to the signs, logo and colors for the District.

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

REGULAR AGENDA ITEMS

5. PUBLIC COMMENT

There were no comments by the public.

6. PUBLIC HEARING ON 2023 BUDGET

Chairperson Weinberg called to order the public hearing for the 2023 budget. There being no comments, the public hearing was closed.

6. OLD BUSINESS

- A. Booster Pump Station/Resolution Authorizing Final Payment - Update: The Booster Pump Station project has been completed, and we have published the final 30-day advertisement in the Golden Transcript. Upon **motion** by Director Oakley, duly seconded by Director Robert, and upon unanimous vote, the Board approved the Resolution Authorizing Final Payment of the Booster Pump Station Replacement Project.
- B. WWTP Upgrade Update: No update.
- C. Roadway Project Update: The roadway project has been completed. EE and Ms. Zivalich are working on the final paperwork, in order to publish the required 30-day notice. The District will then be able to make the final payment to A-1 Chipseal at the end of the 30-day period. Chairperson Weinberg noted there is a pothole near Mt. Rose on Eastwood that should be looked at by EE and Ms. Zivalich and reported to A-1 Chipseal.
- D. WesTest Contract/Chip-Seal and CM Bid: The chip-seal portion of the roadway project is projected to be executed in the Spring of 2023. The WesTest proposal to provide bid solicitation assistance for the chip-seal project with construction management oversight was provided in the board packet. Director Oakley recommended that the Board approve the proposal, but also noted that if the District does not have the funds available for the project in 2023, it does not have to proceed with the work and must only pay WesTest for the bid solicitation preparation. Upon **motion** by Director Oakley, duly seconded by Director Robert, and upon unanimous vote, the Board approved the WesTest proposal.
- E. HROD Contract: Ms. Zivalich provided HROD with changes to the proposed contract suggested by Director Oakley and agreed to all changes. A clean copy of the contract was provided in the board packet. Upon **motion** by Director Blue, duly seconded by Director Patrick, and upon unanimous vote, the Board approved the HROD contract.
- F. Adept Utility Locate Contract: Attorney Ulmer reviewed the Adept contract and prepared an addendum which includes protection for the District. Director Oakley noted that the contract and the addendum do not address payment terms or OSHA requirements that the District's standard contract include.

Ms. Zivalich will prepare a standard contract and include Adept's contract as an exhibit. Ms. Zivalich will contact Ms. Ulmer to ask if the addendum still needs to be included. This contract will be ready for approval at the December meeting.

- G. Pond 4 Leak Sealant 2nd Application Update: The second application appears to have some effect, in that the leak is still apparent but is now presenting as soggy soil rather than dripping. The pond level will have to remain low during the winter months to avoid further leaking and potential damage.
- H. Snowplow Agreement/Waiver/Shared Driveway Clarification Update: Director Robert revised the draft letter to homeowners, regarding the snowplow agreement/waiver for shared driveways. All homeowners on shared drives will have to sign the letter for plowing to continue. Upon **motion** by Director Oakley, duly seconded by Director Oakley, and upon unanimous vote, the Board approved the revised letter. Ms. Zivalich will send the letter by both email and regular mail to the affected homeowners as soon as possible.
- I. Ponds 2 and 3 Water Rights and Reservoir Diligence Review & Documentation: The due diligence filing is not due until December 2024. In the meantime, HROD and RESPEC will work on a plan and associated costs to maintain the water rights for ponds 1A, 1B, 2, 3 and 7 in 2023 for budgeting to implement the plan 2024.
- J. PFAs and Phosphorus Testing Grant Update: No update.

7. NEW BUSINESS

- A. SaBell's Landscaping Bid/Contract: Attorney Ulmer reviewed the SaBell's contract and prepared an addendum which includes protection for the District. Director Oakley noted that the contract and the addendum do not address payment terms or OSHA requirements that the District's standard contract include. Ms. Zivalich will prepare a standard contract and include SaBell's contract as an exhibit. Ms. Zivalich will contact Ms. Ulmer to ask if the addendum still needs to be included. This contract will be ready for approval at the December meeting.
- B. Haynie Audit Engagement Letter 2023: A copy of the proposed audit engagement letter for 2023 services was provided for review in the board packet. Director Blue asked for clarification as to the wording in the engagement letter with regard to Management's Discussion & Analysis (MD&A). Ms. Holder explained that the MD&A section is a summary of the financial statements and has been taken out of the financial statements in past years. Upon **motion** by Director Blue, duly seconded by Director Robert, and upon a unanimous vote, the Board approved the audit engagement letter for 2023.

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 7:40 p.m. The next regular meeting is scheduled for December 14, 2022, via conference call, beginning at 5:30 p.m.

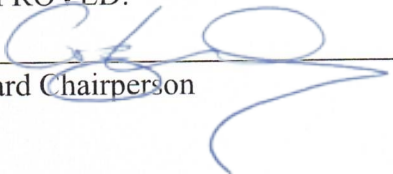
THESE MINUTES ARE APPROVED AS THE OFFICIAL, NOVEMBER 16, 2022, MEETING MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE BY THE RESPONSIBLE PARTIES SIGNING BELOW:

ATTEST:

Nickie M Holder

Recording Secretary

APPROVED:



Board Chairperson