

RECORD OF PROCEEDINGS

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

October 18, 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), Nick Marcotte (Element Engineering), Ronda Zivalich (MAPs, Inc.) and Nickie Holder (NMHolder Financial, Inc.)  
Residents present: Yvett Green (Riva Chase HOA Board President) and Nikki Patrick  
Guests 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 arrived at 5:53 p.m.  
Nikki Patrick arrived at 6:08 p.m.  
Gabby Begeman and Nick Marcotte left at 7:03 p.m.  
Nikki Patrick left at 7:53 p.m.

**CONSENT AGENDA ITEMS**

**1. ADMINISTRATIVE MATTERS**

- A. Agenda: No changes.
- B. Minutes: No changes.

**2. REPORTS**

- A. Operator's Report: The Operator's report was submitted in the board packet for review.
  - Water Treatment Plant (WTP) - The auto transfer switch on the generator is not transferring power to the WTP. However, it is transferring power to the booster pump station. RN Civil is looking at this with an electrician.
  - Wells - Well #1 needs a new pump. The cost of this is estimated at \$4,250. Well #5 piping has been removed and replaced with all brass fittings. Previously, a combination of galvanized and brass were utilized creating enhanced corrosion, due to dissimilar metals being in contact with each other. Early in October, ORC found the main power turned off to Wells 4, 7 and 10. All of these wells being out of operation resulted in a low tank level on October 12. All of these power sources have now been labeled to avoid confusion when turning off power associated with other things. Director Oakley asked if the access to the controls could be locked. Ms. Begeman noted that they cannot be locked into the on position. The main disconnect box can be changed out to one that can be put in a locked position for all power switches.

- PFAS Samples – Ms. Begeman stated that she could commit to having the requested PFAS sampling completed by the end of November.
- Main Break – On September 26, 2023, ORC began hydrant flushing, starting at the gatehouse and running all water through PRV 1. Once complete, ORC noticed continued flow going through the booster pump station, as they remotely monitored the pressure and flow during the flushing. It became clear that 250gpm continued to flow out of the system. A main break was located on an easement between homes on the pipe that runs between Red Hawk Lane and Anasazi Way. The break took multiple days to repair due to several issues that arose. The contractor (Doyle) hit an Xcel Energy high-pressure gas line that was mismarked by the locate company. The need for Xcel to repair this gas line, after the excavation was dewatered, caused a 30-hour delay in the contractor’s ability to fix the main water line. In addition, the main was finally found 16’ down, making it challenging to reach the pipe to fix the break. The piping was put back together on September 30, 2023, and water service was restored. The valve at Forest Hills Road and Red Hawk Lane is offset within the valve box making it very difficult to get a normal key on it to isolate. Once the break area is filled and compacted, hydrant flushing will resume, weather dependent. Director Oakley asked for clarification regarding locates that were done for Xcel Energy and FHMD. It was noted that a damage ticket was submitted to 811 by Doyle for the mismarked locate. The Board is concerned that the trench hole had not been filled yet and asked that Ms. Zivalich reach out to Doyle to confirm a timeline for project completion. The Board asked Ms. Zivalich to contact 811 and/or Xcel to ask for reimbursement of fees that may be charged to the District as a result of the delay caused by the improperly located Xcel gas line. Ms. Zivalich advised the Board that Doyle indicated they would not be charging the District fees for the delay but had already submitted those fees to Xcel. Ms. Zivalich indicated she would check with Doyle to ensure charges would not be assessed and would also contact 811/Xcel if there were other charges related to the delay that could be reimbursed.
- Wastewater Treatment Plant (WWTP) Pumps – Director Robert asked if the WWTP pump has been repaired. Ms. Begeman stated that ORC has ordered the motor shop to move forward with the repair of the feed pump. Once it was repaired, it would be placed into the system; and the back-up feed pump would need to be taken to the shop to assess the seal failure. In September, the cable that reports dissolved oxygen was found to be faulty. This cable regulates the amount of oxygen provided to the wastewater

- treatment to enable denitrification. ORC had reverted to manual mode to dial back the oxygen.
  - Booster Pump Station – The booster pump station had some alarms disabled, resulting in pressure loss and low tank levels, and the alarms not going off to indicate the low level of the tank. This had since been remedied by Dakota Pump. Alarms were then tested and received by ORC. Ms. Zivalich asked how the alarms could have been disabled? Ms. Begeman stated that some of the alarms were likely still set in the original factory programming. All alarms had now been turned on; and notifications were set to be sent when necessary.
  - Sludge Hauling – Ms. Zivalich asked for clarification, regarding additional sludge hauling to be done in 2023. Ms. Begeman informed the Board that ORC currently had been moving the sludge at a periodic rate into the makeshift digester in the plant and would have a truck come and haul away all at once in the near future.
  - Sewer Service Line Videoing for Individual Homeowner – Ms. Zivalich asked Ms. Begeman to follow up with DRC to ensure videoing and cleaning of the line was completed for a resident who was having issues. Ms. Begeman would follow up and ensure this had been done.
- B. Engineer’s Report (Element Engineering {EE}): The Engineer’s report was submitted in the board packet for review.
- PFAS Infrastructure Grant – Mr. Marcotte noted that he sent the quarterly PFAS report to Ms. Zivalich, prior to the meeting. Ms. Zivalich indicated she would complete the documentation for the quarterly report and submit to CDPHE by the end of October. EE was still working on the treatment evaluation; but it was substantially complete. The delay in submitting the draft report to the Board was because of delayed vendor pricing responses. The final report is due to CDPHE by the end of May 2024.
  - Pond 5 Culvert - Mr. Marcotte prepared a memo, including pictures regarding the culvert at Pond 5, which was sent under separate cover to the Board. The vertical culvert has numerous holes of various sizes, and the horizontal culvert has one large hole, both requiring repairs and/or replacement. Mr. Marcotte was working on obtaining pricing for options, including a slip-liner installation or complete replacement. Chairperson Weinberg asked for clarification as to when the work needed to be completed. Mr. Marcotte noted that all options need to be explored and priced out first and an update would be provided at the November Board meeting. Ponds 4 and 5 would need to be drained for work to be completed. The Board briefly discussed if these repairs should be moved from the Water/Sewer Fund to the General Fund under Capital Improvements, as they are related to drainage which is a General Fund expense. As there was an argument for both sides, the Board directed Ms. Zivalich and Ms. Holder to ask legal counsel for an opinion.

- Forest Hills Drive Storm Drain Clean Out – Ms. Zivalich provided preliminary quotes from Noble and DRC to have the outfall area dredged out for proper drainage and cleaning of the storm drain to be completed. She noted that she was waiting on a firm number from Noble but believed that the total cost would not exceed \$12K. She requested a motion be made to approve \$12K to move this project forward before the next Board meeting. Upon **motion** by Chairperson Weinberg, duly seconded by Director Robert, and upon unanimous vote, the Board approved up to \$12k to complete this project.
- C. Manager’s Report: The Manager’s report was submitted in the board packet for review. Director Blue asked for clarification regarding the oppositions filed. Ms. Zivalich noted that they were related to the MMRC cases that the District had been opposing in the last several months.
- D. Master Planning Committee –
- i. 2023 Painting Project for Roofs Update: The painting project was completed, and final payment was included in the board packet for approval. Chairperson Weinberg asked that this item be taken off the agenda going forward.

### 3. FINANCIAL MATTERS

- A. Claims: Through September 2023. Submitted in the board packet for review. Ms. Zivalich informed the Board that the District’s billing company or their bank (AMCOBI) lost received checks that were made by nine homeowners. The checks were never submitted to the homeowners’ banks for payment, therefore, the credits to their accounts would be reversed. AMCOBI had committed to reimbursing any homeowner who has a check cancellation fee, if they submitted a receipt to them directly. Chairperson Weinberg and Ms. Zivalich planned to discuss the situation further offline.
- B. Financial Statements: Through September 2023. Submitted in the board packet for review. No discussion.
- C. 2024 Budget Planning/Public Hearing/Budget Approval: The Budget Committee discussed and made minor changes to the 2024 budget. As part of the changes, Sabell’s provided the District with an updated estimate for landscaping services. The Board agreed to the \$50 per month increase in monthly Water & Sewer Infrastructure Repair fees. Due to the timing of the December Board meeting, Ms. Zivalich suggested that the Board move the meeting to earlier in the month to meet the Jefferson County deadline of December 15<sup>th</sup> for submittal of the Mill Levy Certification. Upon **motion** by Chairperson Weinberg, duly seconded by Director Oakley, and upon unanimous vote, the Board approved moving the December board meeting to December 11, 2023 at 5:30 pm.

Ms. Zivalich informed the Board that the rate hearing posting was completed by the attorney on the SDA website on October 17, 2023, thereby meeting the 30-day notification requirement. The proposed infrastructure fee addition would be further discussed at the November Board meeting.

Ms. Zivalich provided a draft resolution for an interfund loan from the General Fund to the Water& Sewer Fund in the amount of \$60k for 10 years at an interest rate of 2.50%. This loan will pay for the main line break repairs. Upon **motion** by Director Oakley, duly seconded by Director Robert, and upon unanimous vote, the Board approved the resolution.

#### 4. HOA MATTERS

- A. Signs/Logo/Colors – Review Updated: The signs project is moving forward. The ACH information had been received by the contractor and a 50% deposit towards the total cost was included in the bills for payment. Ms. Zivalich would now draft the contract and attach BSC Signs estimate and design as an exhibit and send for signature.
- B. Delivery Drivers, Neighboring Communities, and Signage at Back Gates - Update– Ms. Green informed the Board that the HOA Board met earlier in the week and is looking into providing a Google QR code on the signs for delivery drivers to use when they are at the wrong gate. The QR code sign would be smaller than the signs originally planned. Ms. Green would provide additional information to the Board at the November meeting, if such was available at that time.

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

#### REGULAR AGENDA ITEMS

#### 5. PUBLIC COMMENT

No public comment.

#### 6. OLD BUSINESS

- A. WWTP Pump Repair: Please see Operator’s report for discussion.
- B. Water Main Break and Site Conditions Update: Director Oakley expressed his concern with the locates that were completed prior to the mainline repair in that Xcel’s line was not located correctly. In addition, he had concerns about the trench that was dug to expose the pipe and the contractor following proper OSHA rules. In addition, he requested that the Board hold a special meeting on November 7, 2023, at 5:30 p.m. to further discuss these issues and concerns in an executive session. The Board approved scheduling the special meeting.

- C. Water Outage on 10/12/23 and Alarm Notification Failure - Update: Please see Operator's report for discussion.
- D. WTP TIN Limits – Fluidyne Adjustment Recommendation - Update: Please see Operator's report for discussion.
- E. Hydrant Flush - Update: Hydrant flushing would continue once the trench for the mainline break had been fully backfilled and the retaining wall repaired.
- F. Pond 5 Culvert Failures – EE Summary: Please see Engineer's report for discussion.
- G. Storm Drain Cleanout Update: Please see Engineer's report for discussion.
- H. PFAS Infrastructure Grant – Update: Please see Engineer's report for discussion.
- I. Pond 4 Leak/Sealant – Update: Ms. Zivalich noted that the sealant was never applied, due to the lateness in the season and inability to connect with ORC for needed information. This will be revisited in the Spring, if and when the ponds are filled.
- J. Fire Mitigation/Grant Assistance – Update: Ms. Zivalich reviewed a spreadsheet she had provided in the board packet. It highlighted quotes obtained from fire mitigation contractors to meet the District's forest-thinning obligations, if the grant for such work was awarded. Elk Mountain Tree Service had the lowest bids; and she recommended the contract be awarded to them. Chairperson Weinberg asked if their quoted price would still be valid each year the work was to be done. Ms. Zivalich noted that she had a call in to the owner but had not heard back. She recommended that a general services contract be drafted and a PO be cut each year for that year's clearing to allow for small adjustments. The grant application was submitted on October 18, 2023. and is to be awarded in March 2024.

## 8. NEW BUSINESS

- A. Community Surveillance – Brad Walsh Memo: The Board discussed the cost of \$1,000 to put up three cameras in the neighborhood to deter or capture vandalism activity. The cameras would be placed at the Eastwood gate, the Eastwood back gate and the main entrance. The Board asked Ms. Zivalich to consult the attorney for her opinion on potential privacy issues.

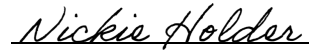
## 9. ADJOURNMENT

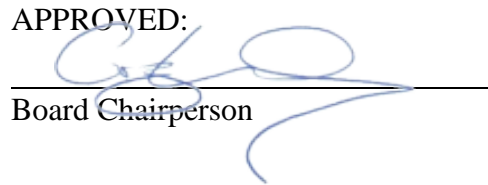
Upon **motion** by Chairperson Weinberg, duly seconded by Director Robert, and upon a unanimous vote, the Board approved adjournment of the meeting. There being no further business to come before the Board at this time, the meeting was adjourned at 8:17 p.m. The

next regular meeting is scheduled for November 15, 2023, via conference call, beginning at 5:30 p.m.

THESE MINUTES ARE APPROVED AS THE OFFICIAL, OCTOBER 18, 2023, MEETING MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE BY THE RESPONSIBLE PARTIES SIGNING BELOW:

ATTEST:

  
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Recording Secretary

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