

RECORD OF PROCEEDINGS

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

October 19, 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: Stephen Iskalis

**QUORUM** The meeting was called to order by Chairperson Weinberg at 5:35 p.m. and a quorum was noted.

**CHANGE IN ATTENDANCE**

Stephen Iskalis arrived at 5:59 p.m.

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

**CONSENT AGENDA ITEMS**

**1. ADMINISTRATIVE MATTERS**

A. Agenda: No changes.

B. Minutes: September 21, 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 of replacing the flowmeter at Well 5 and if the cost for a VFD was available rather than continued replacement of the flowmeter. Ms. Begeman noted that each time the meter is replaced it costs \$300, and she would research the cost of installing a VFD. Director Oakley asked for a status on the installation of the remaining smart meters. Ms. Begeman reiterated that it is taking longer because homeowners are not responding to requests (or not allowing access) to their homes. Director Oakley asked for clarification regarding the WWTF crane replacement cost, as compared to the cost of having a contractor come to lift the pump. The crane only lifts about 500 pounds, but the pumps weigh over 600 pounds; and it is not safe for the Operators to replace pumps at this time. There is a possibility of obtaining a grant for the crane, as we had dona for the new barrel lift several years ago, that would help with approximately 50% of the cost. Ms. Zivalich will work with ORC to investigate the grant and report to the Board at the November meeting.

Ms. Zivalich asked Ms. Begeman to provide an estimate for the annual lift station cleaning for inclusion in the 2023 budget.

- B. Engineer's Report (Element Engineering {EE}): The Engineer's report was submitted in the board packet for review. No discussion needed.
- C. Manager's Report: The Manager's report was submitted in the board packet for review. No discussion needed.
- D. Master Planning Committee Report/Minutes: Ms. Zivalich provided the Board an update on the painting of the gatehouse, bunkers, gazebo & restroom. There has been an issue with the painting of all roofs, as the painter did not use primer prior to applying the paint; and therefore the paint did not adhere properly. The painter is working on scraping, sanding, priming and repainting the surfaces. A final walkthrough will be scheduled once complete.

### 3. FINANCIAL MATTERS

- A. Claims: Through September 2022. Submitted in the board packet for review.
- B. Unaudited Financial Statements: Through September 2022. Submitted in the board packet for review.

### 4. HOA MATTERS

- A. Homeowner Fire Mitigation Assessment Bid - Update: Chairperson Weinberg will update the Board in November once he discusses the fire mitigation proposal with the HOA Board President.
- B. Signs/Logo/Colors: Chairperson Weinberg will update the Board in November once he discusses the signs, logo and colors for the District with the HOA Board President.

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. OLD BUSINESS

- A. Adjustment Policy/Catastrophic Water Loss Event: Shortly before the meeting Ms. Zivalich sent out an update from the attorney, regarding the adjustment policy. Director Oakley asked that the other Board members consider using the terminology "monthly period" rather than "30-day period". The Board decided to leave the terminology as "monthly period". Ms. Zivalich asked the Board if there should be concern about using the word "catastrophic". The Board agreed to continue using catastrophic in the policy. After discussion and upon **motion** by Director Oakley, duly seconded by Chairman Weinberg, and upon unanimous vote, the Board approved the Resolution for Catastrophic Water Loss Events. District Management will add the approved policy to the Rules and Regulations.

**Ragusa Request for Forgiveness** – Based on the Board approved Resolution for Catastrophic Water Loss Events, the Board agreed that Mr. Ragusa’s bill will be adjusted to reflect usage based on the upper tier of his regular monthly usage. Ms. Zivalich will contact the District’s billing company and ask that a final adjustment be made to Mr. Ragusa’s account. Payment should be due within two weeks of the adjustment and late fees will begin after that time.

**Baumgartner Forgiveness Request** – Mr. Baumgartner has requested forgiveness for two weeks of unexplained increased usage in April 2022. The District consulted with Metron to determine if data could be retrieved from this meter and/or if the meter could have failed and then returned to normal function. Metron determined that if the meter failed, it would under-register usage and would not return to normal function after a period of time. Mr. Baumgartner did not provide receipts for any repairs done as there was no determination that a leak occurred. This situation was not deemed a “catastrophic” event and therefore forgiveness is not approved by the Board. Ms. Zivalich will draft an email to the Baumgartner’s for Chairperson’s approval.

**Napp Late Fee Waiver Request** – Prior to the Board meeting, Director Robert, in his role as District Treasurer, responded to Mr. and Mrs. Napp, informing them that, based on review of documentation, the District determined they were not late with their regular payments, therefore the District will credit their account for all assessed late fees.

- B. Booster Pump Station Update: Ms. Zivalich informed the Board that a final walkthrough with CDPHE and EE was scheduled for Tuesday, October 25, 2022. Pay Applications #3 and #4 were included in the Manager’s Report. Pay Application #3 had been submitted to the State for reimbursement and will be paid out to RN Civil. once the funds are received by the District. On October 27, 2022, the 30-day notice, regarding subcontractor payments under this contract, would run in the Golden Transcript. Once the 30-day period is over, CDPHE will approve the final Pay App to close out the project.
- C. WWTP Upgrade Update: Mr. Marcotte has asked Fluidyne to provide an updated delivery date for the equipment, of which he will notify ORC and the District upon its receipt.
- D. Roadway Project Update: EE has agreed to take over the construction management for the crack seal portion of the roadway project. A1 had scheduled to complete the crack seal work by the end of the week. Ms. Zivalich asked that Board members drive through the neighborhood to assess the work and report any crack areas that were missed. It was noted that a homeowner was allowed to drive through an area with fresh asphalt, and their car and tires were covered with the material. Ms. Zivalich will work A1 to resolve this issue.

- E. WesTest Contract/Slurry Seal and CM Bid: The slurry seal portion of the roadway project is projected to be completed in the Spring of 2023. Director Oakley informed the Board that WesTest is going to submit a bid to prepare the bid solicitation and provide project construction management services.
- F. Pond 4 Leak Sealant Second Application Update: The second application of the sealant will be applied to Pond 4 on Friday, October 21, 2022. ORC will ensure the pond level is appropriate for the application but cannot ensure the sealant is being applied properly. It is noted that the manufacturer does not have representatives in Colorado to assist Boulder Ponds with the application. They did, however, provide application recommendations to Boulder Pond for consideration.
- G. Snowplow Agreement/Waiver/Shared Driveway Clarification Update: Director Blue completed research through the County, regarding private drives and/or shared driveways and had provided findings to members of the Board. It appears there are additional private shared driveways in the District that were not reflected on the County's maps. After discussion, and in light of the new information, the Board agreed to redrafting of the snowplowing agreement. Director Robert will redraft the letter and waiver, and send it to the other Board members for their review and input.
- H. Ponds 2 and 3 Water Rights and Reservoir Diligence Review & Documentation: Ms. Zivalich set up a meeting with RESPEC to further discuss Ponds 2 and 3 water rights. The Board agreed to move forward with obtaining a plan to maintain water rights for Ponds 1A, 1B, 2, 3 and 7. Ms. Zivalich will ask HROD to prepare the plan for the District. Chairperson Weinberg asked that the plan be reviewed by RESPEC. Director Oakley later found documentation that states the District has until December 31, 2024 to document their due diligence and maintain their water rights for these ponds. Ms. Zivalich will confirm the filing date with both HROD and RESPEC.

## 7. NEW BUSINESS

- A. 2023 DRAFT Budget: On behalf of the Budget Committee, Director Oakley reviewed the 2023 draft budget with the Board. A public hearing will be held at the November meeting, and notification thereof will be advertised in the Golden Transcript, posted on the website and emailed to the homeowners/residents. The rates discussion will be advertised in the Golden Transcript to be discussed at the December meeting. The Board agreed to move the December meeting from December 21 to December 12.
- B. HROD Contract: At the end of 2022.-, Mr. John Dingess will be retiring and Austin Hamre will be taking over as the District's water rights counsel. HROD noted that there will be an hourly fee rate increase and provided the District with a new contract, which was in turn provided in the board packet. Director Oakley reviewed the contract and noted that there should be some minor changes to the agreement; and he would send them to Ms. Zivalich for discussion with HROD.

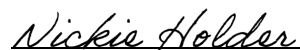
- C. Adept Utility Locate Bid: Director Oakley asked that clarification be made in the agreement as to the scope of the work to be performed. Once updated, the agreement will be reviewed by our general legal counsel and reconsidered for approval at the November meeting.

**8. ADJOURNMENT**

Upon **motion** by Chairperson Weinberg, duly seconded by Director Blue, 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 8:37 p.m. The next regular meeting is scheduled for November 16, 2022, via conference call, beginning at 5:30 p.m.

THESE MINUTES ARE APPROVED AS THE OFFICIAL, OCTOBER 19, 2022, 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:

  
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Board Chairperson