

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

March 20, 2024 - 5:30 p.m.  
Held via conference/Zoom call

**ATTENDEES** Directors present: Michael Oakley, Victor Robert, and David Blue  
Others present: Dave Lewis (Direct Discharge), Ronda Zivalich (MAPS, Inc.) and Nickie Holder (NMHolder Financial, Inc.)  
Residents present: Mike Zinniker, Nikki Patrick and Brenda Shuler  
Guests present: None

**QUORUM** The meeting was called to order by Victor Robert, at 5:31 p.m. and a quorum was noted. Upon **motion** by Director Robert, duly seconded by Director Oakley, and upon a unanimous vote, the Board approved the absence of Chairperson Weinberg.

**CHANGE IN ATTENDANCE**

Dave Lewis left at 6:25 p.m.  
Mike Zinniker, Nikki Patrick and Brenda Shuler left at 6:55 p.m.

**CONSENT AGENDA ITEMS**

**1. ADMINISTRATIVE MATTERS**

- A. Agenda: Add Administrative Matters Item D. Board Appointment to the agenda.
- B. Minutes: February 21, 2024, Special Meeting Minutes – No changes.
- C. Ozdemir Forgiveness Request: Leah and Kadri Ozdemir were not in attendance at the meeting; however, the Board reviewed all the documentation provided by Ms. Zivalich and Direct Discharge. After discussion and review of the information, it was agreed that the water was used, therefore no forgiveness would be granted other than the rebilling at Tier 1 that has already occurred. Ms. Zivalich will contact the Ozdemir’s to inform them of the Board’s decision.
- D. Board Appointment: Mr. Zinniker expressed an interest in filling the vacated board position. It was explained that he would fill the position until the open election in May 2025. After discussion, and upon **motion** by Director Blue, duly seconded by Director Oakley, and upon a unanimous vote, the Board approved the appointment of Mr. Zinniker to the Board. Ms. Zivalich will schedule time to administer the Oath of Office.

**2. REPORTS**

- A. Operator’s Report: The Operator’s report was submitted in the board packet for review. Director Blue asked how Mr. Lewis felt about the amount of time they are spending onsite and if it met his original expectation. Mr. Lewis commented that they are spending more time that originally thought but are learning more each day and believe they will have operations more under control by Summer. At that point, he believes they can cut back on hours needed onsite.

- i. Water Usage Spreadsheet – Mr. Lewis informed the Board that the meter read spreadsheet is being revamped to fit their needs for reporting and is working with AMCOBI to ensure they are aware of the updates. With the changes, he will be able to more accurately report water usage billed versus unbilled usage.
  - ii. Mechanical/Electrical Needs for the Wastewater Treatment Plant (WWTP) – Mr. Lewis reviewed the spreadsheet he had provided with the total cost of repairs for Mechanical/Electrical systems at the WWTP. The total cost was now \$27,184, which was over the previous approved \$25,000 and for which Ms. Zivalich had already approved the overage amount.
  - iii. WWTP Generator - Mr. Lewis reported that the backup generator at the WWTP was not working. Power Systems West had been scheduled for March 22, 2024 to service the water treatment plant (WTP) generator, look at hooking up the transfer switch and evaluate the generator at the WWTP.
  - iv. Pump Repairs – Mr. Lewis noted that the original quote for the repair to the backup pump for the feed system was over \$25,000. He had received other quotes for about half of that cost. He recommended picking up the broken pump at the shop and using it for parts. Ms. Zivalich noted that a \$1,000 diagnostic fee will be required to release the pump. Additional bids for pumps will be further discussed at the April meeting.
  - v. PRVs Pressure – Mr. Lewis reported that they were only able to access one PRV vault so far, due to weather and difficulty in locating the other vaults. Once the weather clears, they would access all three and ensure water pressure settings were accurate for each area.
- B. Engineer’s Report (Element Engineering {EE}): The Engineer’s report was submitted in the board packet for review.
- i. Pond 5 Culvert Design/Bid Solicitation – Ms. Zivalich noted that the initial recommendation by Element was that Forest Hills Drive be closed for 30 – 45 days because of the depth of the pipe that needs to be excavated. Options for maintaining access to the community were discussed, including holding open the Forest Hills emergency gate for the duration of the project. The Board asked EE to explore other options to preclude a full closure, including making a temporary roadway either on the bump out area or through the small, landscaped area on the north side of the road. There was also concern that the WWTP access road would be impacted during this construction. The Board stressed that the access road must remain accessible at all times during the work. Ms. Zivalich would contact EE about these issues and provide an update at the April meeting.

- C. Manager's Report: The Manager's report was submitted in the board packet for review.
  - a. RKZ Email to the Community – The Board offered a few suggestions for new items to be included in the communication including emergency locks being tampered with; speeding; and removing snow in front of hydrants. Ms. Zivalich planned to update the communication and resend it to the Board for consideration. Ms. Zivalich would also contact Noble about being more careful in pushing snow around the fire hydrants.

### 3. FINANCIAL MATTERS

- A. Claims: Through February 2024. Submitted in the board packet for review. No discussion.
- B. Financial Statements: Through February 2024. Submitted in the board packet for review. No discussion. Ms. Zivalich had been steadily working with property owners on delinquent accounts.

### 4. HOA MATTERS

- A. HOA Matters: No updates.

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

## REGULAR AGENDA ITEMS

### 5. PUBLIC COMMENT – NON-AGENDA ITEMS

Brenda Shuler – Ms. Shuler asked about the timing of the Pond 5 project. She was informed that construction would likely take place in the Fall. She was concerned that leaving the emergency gate open for that amount of time would cause much more traffic near her house, allow people to come into the community who do not belong, and result in excess speeds down the Forest Hills Drive hill. Additionally, Ms. Shuler noted that her neighbor, Mr. Creech, had his mailbox knocked off the post during the big snowstorm. Directors Robert and Blue offered to fix the mailbox if Mr. Creech allowed it. Ms. Zivalich would contact Mr. Creech about repairs.

### 6. OLD BUSINESS

- A. Park Upgrades - Update: Ms. Zivalich and Director Oakley had an onsite meeting scheduled with the playground consultant for March 21, 2024. They would discuss the HOA suggestions for upgrades with the consultant and provide an update at the April board meeting.
- B. Fire Mitigation Grant – Update: Elk Mountain Tree Services had been contracted to perform the tree removal once trees were marked. Ms. Zivalich was seeking another vendor for tree marking, as the first option had fallen through because he could not meet the insurance requirements.
- C. 22108 Red Hawk Sewer Issues – Update: Ms. Zivalich and Chairperson Weinberg had another call with the homeowner to let her know the position of the District. She indicated that if she had additional

questions, she would let us know. This issue is closed at this point for the District.

- D. Emergency Gate Lock Codes – Update: This was tabled until the April meeting.

**7. NEW BUSINESS**

- A. Resolution Restating and Amending the FHMD Utility Activity Enterprise: Ms. Zivalich updated the Board that the resolution had been filed with the attorney.

**8. EXECUTIVE SESSION**

Upon motion by Director Blue, duly seconded by Director Robert, and upon unanimous vote, the Board approved entering into Executive Session, pursuant to Section 24-6- 402(4)(b) – Legal advice on specific legal questions related to the contract for billing services at 6:55 p.m.

Upon motion by Director Robert, duly seconded by Director Blue, and upon unanimous vote, the Board approved coming out of executive session at 7:31 p.m.

No action was taken.

**9. ADJOURNMENT**

Upon **motion** by Director Oakley, 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 7:36 p.m. The next regular meeting is scheduled for April 17, 2024, via conference call, beginning at 5:30 p.m.

THESE MINUTES ARE APPROVED AS THE OFFICIAL, MARCH 20, 2024, 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:  
[Signature]  
Board Chairperson