



RECORD OF PROCEEDINGS

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

May 20, 2020, 5:30 p.m.

Held via conference/Zoom call.

ATTENDEES Directors present: Mike Oakley, Mike Swartzlander, Gary Carson, and Yvett Green.
Others present: Cade Bertrand of Prevalent District Management, Ronda Zivalich of MAPS, Nickie Holder of NM Holder, Jordan Herzing of ORC, and Nick Marcotte of Element Engineers.
Residents present: Four
Guests: None

QUORUM The meeting was called to order by Director Oakley at 5:30 p.m. and a quorum was noted.

CHANGE IN ATTENDANCE
None

CONSENT AGENDA ITEMS

1. ADMINISTRATIVE MATTERS

- A. Announcement and Welcome to Newly Elected Board Members, Gary Carson and Yvett Green
- B. Agenda: Add the following: 5A – Roofing Project, 5B – Fire Mitigation; 7M – Revised Budget Hearing; 8E – Unlicensed ATVs, 8F – Elk Park Signage, 8G – Dick Shaw Requests; move 8E and 8F to 7D – Booster Pump Station; 8G to 7M – Public Hearing for Amended 2020 Budget
- C. Minutes: No changes necessary.

2. REPORTS

A. Operator’s Report: The Operator’s Report was submitted in the BOD packet for review. Director Oakley asked Mr. Herzing a question about the increase in water usage. Mr. Herzing noted that the increase may be due to COVID-19 and people being at home more with more family members, start of irrigation systems, and filling of pools. Other Board members agreed with Mr. Herzing. Director Oakley would like to keep an eye on the usage in the next month to ensure this is not an indication of leaks in the system somewhere. Director Oakley asked if the cleaning out of recirculation/inlet was completed. Mr. Herzing noted that it was completed on 5/20/20 and Ponds 4 and 5 are currently filling and the recirculation pump was started. However, there was a concern about the area where the cleaned-out materials were placed. It seems strong rains could wash it back into the pond. Mr. Bertrand and Mr. Herzing will investigate and make a recommendation.

- B. Engineer's Report: (Element Engineering {EE}): The Engineer's Report was submitted in the BOD packet for review. Director Oakley asked about total inorganic nitrogen effluent limitations and standards of performance timelines. Mr. Marcotte referenced the memo that was sent out in January 2019 and noted that the deadline for compliance is not until September 2023. He recommends having a plan put in place by August 2021 for ORC to be able to make necessary adjustments to the plant to consistently meet the limits. Director Oakley asked Mr. Bertrand to work with EE to budget for the needed improvements. Mr. Marcotte agreed to have estimates ready for review by the Board and Mr. Bertrand by the August Board meeting.
- C. Manager's Report: The Manager's Report was submitted in the BOD packet for review.

- i. Repairs and Capital Improvements List:

- The District Manager presented the Repairs and Capital Improvements list to the Board. He expressed concern about the inconsistencies between this document and the official budget, and the variability between contractors estimates and quoted price on the proffered list. The District Manager communicated reservations about communicating to the public that we have multiple different budgets driving our decisions. The Board and District Manager discussed the need for a mechanism by which to track projects and workflow.

3. FINANCIAL MATTERS

- A. Claims: Through April 2020. Submitted in the BOD Packet for review.
- B. Financial Statements: Through April 2020. Submitted in the BOD packet for review.

Upon **motion** by Director Swartzlander, duly seconded by Director Carson, and upon vote, unanimously carried, the Board approved the Consent Agenda.

REGULAR AGENDA ITEMS

4. ACTION ITEMS

- A. Contracts – Brief discussion was held on why the contracts took so long to get signed and finalized. Director Oakley noted that the contracts had not been updated in five years and needed some cleaning up and additional language added. Director Oakley felt it was important to add clauses in each contract assuring safe and healthy working conditions. As of April, all contracts have been fully executed by all vendors.

- B. Water and Sewer Billing Issues – Dave Clappisi communicated the need to secure his domestic supply to replace the shutoff valve in his home, and he asked for the District’s help in this matter. ORC briefed the Board on efforts to accommodate this request and their struggle locating the curb stop valve. The Board asked ORC to make an additional attempt, using a more experienced locator. In the event ORC is unable to locate Mr Clappisi’s curb stop, the surrounding water main valves could be secured to accomplish the same thing. Discussions addressed needing to notify owners of a service disconnection if this was to be the means of addressing Mr. Clappisi’s request.

Director Carson suggested a notice be sent to homeowners noting they need to ensure they know where their main shutoff valves are located and that they are in good working order. It was agreed that Mr. Bertrand, would draft a letter to be sent to all owners.

Regarding the Christensens billing issues, Ms. Zivalich confirmed that the District credited their account for the overage charges. In addition, they were asked to provide receipts for the plumber charges they incurred attempting to identify a leak in their system. They have not responded to this request and have since moved out of Riva Chase.

Mr. Bertrand noted there were two other owners disputing water usage and charges, located on Eastwood 829 & 849. discussion surrounding the amount of time customers have been requesting correction of this issue (> 1 year) and previous corrective measures related to air entrained inside the meter that did not correct the issue. A nonconforming installation at odds with manufacturers recommendations (exceeding both tilt and slant requirements at 849 Eastwood was observed). Need to get eyes on the installation at 829 Eastwood before pursuing corrective measures. The District Manager recommended that the District hire a plumber to replace their nonconforming installations as meters will not reliably register in a out of tilt & slant orientation and proper operation of a water meter is the believed to be the districts responsibility. Upon motion by Director Swartzlander, duly seconded by Director Carson Board unanimously approved addressing two prospective nonconforming installations with a plumber identified by the homeowner and reimburse owner for incurred costs.

C. Ratification Outside of Meeting: Two

- i. Doyle Construction Sediment Removal at Inlet – Mr. Herzing contacted Ms. Zivalich and noted that he had spoken with Doyle Construction about the need for sediment removal at the inlet of the recirculating pond before starting up the pumps to fill the District ponds. Ms. Zivalich then contacted Doyle Construction who provided a formal estimate for the work to be completed. She then sent out the estimate to the Board for an evote by the Board. The bid was approved, and a PO was created and signed by Director Oakley. Ms. Zivalich then provide the signed PO to Doyle Construction asking them to sign and return it and proceed with the work as soon

as they were able. Upon motion by Director Oakley, duly seconded by Director Swartzlander, and upon vote, unanimously carried, the Board ratified the vote for Doyle to perform sediment removal at the inlet.

- ii. Eastwood Gate Repairs – Upon **motion** by Director Swartzlander, duly seconded by Director Green, and upon vote, unanimously carried, the Board ratified the vote for Doors West to repair the Eastwood gate.

5. THE PINES AT RIVA CHASE CONDOS HOA MATTERS

A. Roofing Project – The Pines has requested permission from the HOA and FHMD to place contractors’ equipment/materials on the land just to the southwest of the driveway entrance to the units. The HOA stated that it was up to FHMD as it is the District’s property. One neighbor on the north side of the property strongly replied that they own part of the property in question and did not want anything placed on their side of the line. After discussion, FHMD granted permission, provided The Pines have a survey completed at their cost to ensure no fencing, materials or equipment would be placed only on FHMD property and not on the homeowner’s property.

- B. Fire Mitigation on Forest Hills Drive Hill between Willobe and Hill & Dale –

The FHMD Board deliberated on The Pines request for fuels management on the hill east of the Pines. The Board believed the majority of the hillside is owned by The Pines and FHMD only has an easement of about 30 inches. Discussions sought to provide a relative risk assessment of this site and evaluate the prospective benefits of this project in light of the site constraints. The Board proffered the opinion that mitigation by the District is not appropriate at this time.

6. RIVA CHASE HOA MATTERS (if any)

- A. Clean Up Day Dumpster Placement – After discussion, the Board decided that FHMD would not reimburse the HOA for the dumpsters this year.

The Board discussed accommodating the request from the HOA for a place to put the dumpster to facilitate clean-up day efforts.

Upon **motion** by Director Swartzlander, duly seconded by Director Carson, and upon vote, unanimously carried, the Board agreed to allow the HOA to place the dumpster near Willobe and Forest Hills Drive for three weeks, starting in the next few days.

- B. Electrical Installation at Gate House – Mr. Bertrand noted deficiencies that were found during the inspection by an independent electrician. The impression is that there is little to be worried about. Due to Roz Birkelo’s resignation, the Board appointed Mr. Craig Weinberg to fill

her remaining term of two years. Director Oakley will administer the Oath to Mr. Weinberg and have the attorney file with the Clerk and Recorder's office. Mr. Francis McLaughlin has offered to sit on the Master Planning Committee.

- M. Revised Budget Hearing- A public hearing will be advertised and held during the July Board meeting to address the revised budget, which includes adding an election expense line item. Ms. Holder noted that the debt service interest, the playground costs, and paving line items need to be reviewed before the hearing.

8. NEW BUSINESS

- A. Election of Officers – Upon **motion** by Director Swartzlander, duly seconded by Director Carson, and upon vote, unanimously carried, the appointment of Director Green as Treasurer.

Upon **motion** by Director Swartzlander, duly seconded by Director Carson, and upon vote, unanimously carried, the appointment of Mr. Bertrand as Secretary.

Upon **motion** by Director Green, duly seconded by Director Oakley, and upon vote, unanimously carried, the appointment of Director Swartzlander as the next six-months' Chairperson, beginning July 1, 2020.

- B. Street Sweeping – Four bids have been received and were presented by Ms. Zivalich.

Upon **motion** by Director Green, duly seconded by Director Carson, and upon vote, unanimously carried, the Board approved awarding the street-sweeping contract to 5 Star Sweeping.

- C. Forest Hills Hydraulic Fluid Spill – Director Oakley noted that Noble's equipment had a hydraulic fluid spill and requested that Ms. Zivalich contact Noble to have it cleaned up. After discussion with Noble and Director Oakley, it was decided that Noble would power wash the concrete areas only as power washing the asphalt could ruin the integrity of the asphalt finish. Director Oakley asked that Ms. Zivalich confirm power washing of the area and also ask about removing the dirt at the stop sign where additional fluid spilled.

- D. HOA Landscape Contractor Oversight – After discussion, it was decided that the HOA should not be involved with overseeing the landscape contractor's work.

- E. Unlicensed Golf Carts, ATVs, Motorbikes – A homeowner reached out to the District to report unlicensed ATVs driving through the community. There is concern that FHMD has some liability if an accident occurs. Director Oakley asked Ms. Zivalich to contact the insurance company to learn what potential liability exposure the District may have.

F. Elk Park Signage Requests – A resident has requested two signs be considered for Elk Park. The Master Planning Committee will review the request and determine if the signs are needed.

G. Dick Shaw Email Requests – Mr. Bertrand will contact Mr. Shaw about his requests.

PRIORITIES

1. 2020 Roadwork Design and Bid Package

9. PUBLIC COMMENT (if any)

None

10. EXECUTIVE SESSION

None

10. ADJOURNMENT

Upon **motion** by Director Swartzlander, duly seconded by Director Carson, and upon vote, unanimously carried, 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 8:12 p.m. The next regular meeting is scheduled for June 17, 2020 via conference call at 5:30 p.m.


Respectfully submitted,


By: Ronda Zivalich, MAPS

THESE MINUTES APPROVED AS THE OFFICIAL MAY 20, 2020 MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE BY THE BOARD OF DIRECTORS SIGNING BELOW:



Mike Swartzlander

Yvett Green


Michael Oakley


Gary Carson
