



RECORD OF PROCEEDINGS

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

May 19, 2021, 5:30 p.m.

Held via conference/Zoom call.

ATTENDEES Directors present: Gary Carson, Michael Oakley, Mike Swartzlander, Julie Noonan, and Craig Weinberg.
Others present Ronda Zivalich (MAPs, Inc.), Jordan Herzing (ORC Water Professionals), Nickie Holder (NMHolder Financial, Inc.). Mike Hager (Element Engineers)
Residents present: Erich Kirsch (MPC member), Jessica Black (HOA Board member), Beth Jarabek (HOA Board member) and Dave Moravek (owner)

QUORUM The meeting was called to order by Chairperson Weinberg at 5:32 p.m. and a quorum was noted.

CHANGE IN ATTENDANCE

Jordan Herzing left at 6:47 p.m. Beth Jarabek and Dave Moravek left at 7:15 p.m. Jessica Black left at 7:45 p.m. Mike Hager left at 7:55 p.m.

CONSENT AGENDA ITEMS

1. ADMINISTRATIVE MATTERS

- A. Agenda: Manager Zivalich sent an updated agenda to the Board prior to the meeting: Item 7F wording was updated.
- B. Minutes: Director Oakley asked that the minutes be updated to reflect the current audit committee members in Section 5 as Directors Oakley and Swartzlander, Ronda Zivalich and Nickie Holder. Correct misspelling of the word evacuation Item 7D. Upon **motion** by Director Oakley, duly seconded by Director Carson, and upon vote, unanimously carried, the Board approved the amended April 21, 2021 Board meeting minutes.

2. REPORTS

- A. Operator's Report: The Operator's Report was submitted in the Board packet for review. In addition, Mr. Herzing noted the following: Valve exercising will begin at the end of this week or the beginning of next week. Mud needs to be cleared out of the valves prior to performing annual hydrant flush. Director Oakley noted that it is important that the hydrants are flushed this year as they were not in 2020. Director Oakley inquired about the status of the homes that still need to have registers replaced to ensure that the calculation of water produced vs. sold is accurate. Currently there are residents that are still not allowing ORC into their home to replace these registers.

Without the read from the register, the calculation is approximately 3%-5% above the normal discrepancy of 10%-15% water loss. Manager Zivalich will contact homeowners that still need new registers and/or meters over the next month. Meanwhile, Director Noonan will prepare a letter that will be sent to the residents who are still non-compliant with installations in their home. Mr. Herzing pointed out that the discrepancies will continue and will make finding leaks more difficult. Director Oakley inquired if the valve casing at Hydrant 14 had been repaired and ORC noted it had been repaired. ORC also noted that the slip line would be repaired during the week of May 17, 2021.

- C. Engineer's Report (Element Engineering {EE}): The Engineer's Report was submitted in the BOD packet for review. Director Oakley asked for further clarification about the environmental upgrade deadlines, outlined in the EE report, and noted funding for design of the upgrades will be necessary by July 2021. Mr. Hager noted that he was not familiar with that topic, but he would speak with Mr. Marcotte. Director Zivalich and Mr. Marcotte will discuss schedule, design and costs and will advise the Board at the June meeting.

Ms. Zivalich informed the Board that the preconstruction meeting for the Booster Pump Station project will be held via ZOOM conference call on Thursday, May 20, 2021 at 9:00 am. RN Civil, ORC, Element and Ms. Zivalich will be in attendance.

Director Carson asked about the utility locates that needed to be done for the gate projects; and Ms. Zivalich noted that 811 needs to be called to begin the locate process.

- D. Manager's Report: The Manager's Report was submitted in the BOD packet for review. Director Oakley mentioned to the Board that there are a few culverts that need to be water-jetted in the district. Ms. Zivalich stated stormwater drainage issues would be discussed in Item 6B.

Director Oakley suggested that the repairs needed for the road that leads to the Wastewater Treatment Plant should be shifted from the Water & Sewer Fund budget to the Capital Projects Fund, where all other roads are addressed. After discussion by the Board and **motion** by Director Oakley, duly seconded by Director Carson, and the board unanimously voted to move the WWTP roadwork to the Capital Projects Fund budget.

Director Oakley discussed the location of the crosswalk to be included in the road work project in 2021 which is recommended to be at the east side of the intersection of Nakota and Forest Hills Drive. WesTest have that rumble strips be installed right before and on either side of the

crosswalk to alert drivers. Chairman Weinberg and Director Oakley will discuss speed mitigation on Eastwood offline. It was agreed that before any draft contracts are sent to vendors, the entire Board would be provided a copy for review and input.

- E. Master Planning Committee Report/Minutes: The Master Planning Committee (MPC) recommended to the Board that it approve ODG's \$6,000 proposal to design the landscaping and irrigation upgrade at the Forest Hills entrance between the landmark signs and the Forest Hills island after the gate. Upon **motion** by Chairperson Weinberg, duly seconded by Director Noonan, carried 4 to 1, the Board approved the landscape design not to exceed \$6,000, with the contingency that a master contract be put in place and a PO be assigned for each phase thereafter.

3. FINANCIAL MATTERS

- A. Claims: Through April 2021. Submitted in the BOD Packet for review. No discussion.
- B. Financial Statements: Through April 2021. Submitted in the BOD packet for review. No discussion. Ms. Holder informed the Board that the audit committee had received the draft 2020 audited financial statements and that they would be sent to the entire board prior to the June 2021 board meeting.

Upon **motion** by Chairperson Weinberg, duly seconded by Director Oakley, and upon vote, unanimously carried, the Board approved the Consent Agenda items.

REGULAR AGENDA ITEMS

5. PUBLIC COMMENT (if any)

- A. Ms. Black expressed her concerns for the resident's safety on Eastwood Drive and the need for the District to consider adding striping for safety and potentially speed bumps. The Board informed Ms. Black that the road striping is part of the 2021 District roadway project to be completed this summer.
- B. Ms. Jarabek expressed concern for the damaged Eastwood gate and inquired about the timing of when the gate would be replaced. She noted that mail is being stolen in the area and feels the inoperable gate is allowing individuals free access to the community. The Board informed Ms. Jarabek that a contractor is currently being selected for the gate replacement project and that the work would be completed in approximately 6 to 8 weeks, once a contract is executed. Director Carson noted that there will be no keypad entry system at the Eastwood gate, but that homeowners may be able to utilize an app to grant guest access remotely.

- C. Mr. Kirsch expressed concern that the audit committee included the District Manager, the District Accountant, and the Treasurer, who is also a Board member. He suggested that a non-signing Board member be on the audit committee. Ms. Holder noted that the current members are standard practice in the industry and that the auditor is an independent third party.

6. OLD BUSINESS

- A. Resolution Approving a Loan from the CWRPDA: After discussion, upon **motion** by Chairperson Weinberg, duly seconded by Director Noonan, upon vote, unanimously carried, the Board approved the resolution approving the loan from the CWRPDA.
- B. Stormwater Drainage Recommendations (EE): Mr. Hager reviewed the map of the District pavement that were determined to be areas of concern for poor stormwater drainage. EE recommends that the 2021 roadway repair bid package include cleaning of all culverts. They also encourage that snow removal practices be reviewed to ensure proper drainage with less pooling of melting snow in troubled areas. Mr. Hager will meet with WesTest in the next couple of weeks to provide them with their recommendations as to which areas should be incorporated into the 2021 District roadway repair project. After discussion, the Board decided there was not enough time to review the plan EE had put together, and a special meeting should be called to discuss only this topic in the next few weeks. The Board agreed that the special meeting would be held on June 3, 2021 at 5:30 pm.
- C. PFA Test Results on Wells 6 and 9: Tabled until next Board meeting.
- D. Outdoor Design Group Plan: Please refer to 2E for relevant notes.
- E. Gate Installation/Replacement: Director Carson noted that there are still questions/design issues to be answered to provide a final cost of the Summerwood, Forest Hills, and Eastwood gate projects. Currently, costs are projected to be approximately \$86,000, which is about \$21,000 over budget. In addition, Summerwood residents have requested stone pillars be installed at their gate to match those at Forest Hills, for a cohesive look at the entrance, but the cost would be an additional \$6,000. After discussion, the Board agreed to not fund the stone pillars at Summerwood.

Director Carson asked the Board to consider hiring a color design consultant to select the color of the gates to be provide more modern appearance. After discussion, the Board approved hiring a consultant to put together a color palette for the gate project at a cost of \$300.

- F. MPC 10-Year Master Plan Review and Discussion: The MPC 10-Year Master Plan had been distributed to the Board one day prior to the meeting. Director Oakley and Mr. Kirsch reviewed the plan with the Board. Ms. Zivalich noted that the District's current Repairs and Capital Improvements List had not been considered for inclusion into the 10-Year plan. Director Oakley noted that Ms. Zivalich is a member of the Repairs and Capital Improvements List 2021.05 and should have brought it to the Committee for consideration and inclusion.
- G. Emergency Evacuation/Traffic Control Plan: Tabled until the next Board meeting.
- H. Homeowner Communications/Gate House Use/Joint Meeting/Website: Tabled until the next Board meeting.
- E. Status of Transfer from the General Fund to the Water & Sewer Fund: Tabled until the next Board meeting.

7. NEW BUSINESS

- A. Eastwood Back Gate Illegal Entries/Boulders: Tabled until the next Board meeting.
- B. Stock Fishing Pond: Ms. Zivalich asked the Board to consider restocking the fishing pond (Pond 6), as there have been several requests by residents. Upon **motion** by Director Noonan, duly seconded by *Director Swartzlander*, the Board voted 3 to 2 to approve restocking of the fishpond with a cap of \$1,000. The cost will be paid for with Conservation Trust funds.
- C. In-Person Board Meetings: Tabled until the next Board meeting.

8. ADJOURNMENT

Upon **motion** by Chairperson Weinberg, duly seconded by Director Swartzlander, and upon **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 8:26 p.m. The next regular meeting is scheduled for June 16, 2021, via conference call beginning at 5:30 p.m.

THESE MINUTES APPROVED AS THE OFFICIAL MAY 19, 2021 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:

 Chairperson