



RECORD OF PROCEEDINGS

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

December 15, 2021, 5:30 p.m.
Held via conference/Zoom call.

ATTENDEES Directors present: Craig Weinberg, Julie Noonan, Mike Swartzlander and Michael Oakley.
Others present: Ronda Zivalich (MAPS, Inc.), Jordan Herzing and Mary Collins (ORC Water Professionals), Nickie Holder (NMHolder Financial, Inc.), Nick Marcotte (Element Engineering, Inc.) and Brett Gallrein and Dan Niehus (RN Civil Construction)
Residents present: Jessica Black, Jesse Cox, Chuck Silverman, Steve Iskalis

QUORUM The meeting was called to order by Chairperson Weinberg at 5:38 p.m. and a quorum was noted.

CHANGE IN ATTENDANCE

Jesse Cox arrived at 5:40 p.m.
Chuck Silverman 5:45 p.m.
Steve Iskalis arrived at 6:01 p.m.
Brett Gallrein and Dan Niehus left at 6:12 p.m.
Chuck Silverman, Jesse Cox, and Jessica Black left at 6:32 p.m.
Nick Marcotte and Jordan Herzing left at 6:46 p.m.

CONSENT AGENDA ITEMS

1. ADMINISTRATIVE MATTERS

- A. Agenda: Director Oakley asked that agenda item g. Old Business i. PFAS and Phosphorus EE & ORC Update be discussed at tonight's Board meeting instead of being tabled until January 2022, and the Board agreed.
- B. Minutes: November 17, 2021. No changes.

2. REPORTS

- A. Operator's Report: The Operator's Report was submitted in the Board packet for review. Director Oakley thanked ORC for inclusion of the curb stop locates spreadsheet in their report.

ORC reported that effluent pump #2 was installed at the wastewater treatment facility and is currently operating properly.

Jordan Herzing informed the board that he has resigned from ORC and that Mary Collins will be his replacement. She was in attendance on the call. The Board thanked Jordan for his excellent service to the District and wished him great success in his new endeavors.
- B. Engineer's Report (Element Engineering {EE}): The Engineer's Report was submitted in the BOD packet for review. No discussion

- C. Manager's Report: The Manager's Report was submitted in the BOD packet for review. No discussion.
- D. Master Planning Committee Report/Minutes: No minutes were provided for the Board's review. Chairperson Weinberg stated that an informal meeting will be scheduled with Chairperson Weinberg, Ronda Zivalich and Nickie Holder, Steve Iskalis and Erich Kirsch to discuss available funds for the MPC in 2022.

3. FINANCIAL MATTERS

- A. Claims: Through November 2021. Submitted in the BOD Packet for review. No discussion.
- B. Financial Statements: Through November 2021. Submitted in the BOD packet for review. No discussion.

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

REGULAR AGENDA ITEMS

4. PUBLIC COMMENT

No public comments.

5. OLD BUSINESS

- A. Booster Pump Station Update (Daily Check in by EE): The District held a meeting with Chairperson Weinberg, Director Oakley, Ronda Zivalich, Nick Marcotte and RN Civil Construction to discuss a request for changes to the scope. RN Civil has requested that because of delays in receiving the precast vault, they be approved to construct a cast-in-place vault. Subsequent to this meeting, Director Oakley reviewed the structural drawings and winter rules for pouring concrete and felt that RN's plan moving forward was acceptable. During the meeting, Board member asked a few additional questions about a sump pump and the number of pump-access hatches for the vault, which RN representatives answered to FHMD's satisfaction.

Upon **motion** by Director Oakley, duly seconded by Chairperson Weinberg, and upon a unanimous vote, the Board approved the change.

RN Civil further asked for a substantial completion date extension from December 24, 2021 to March 15, 2022.

Upon **motion** by Director Oakley, duly seconded by Director Noonan, upon a unanimous vote, the Board approved the date of substantial completion to be changed to March 15, 2022.

RN Civil will provide an updated project schedule to the District once it has been reviewed by Mr. Marcotte. EE was asked to provide daily oversight when critical work is being done. Mr. Marcotte agreed to

provide the Board an updated cost estimate for the additional construction management oversight. He also noted that he will be out of the office from December 20, 2021 through January 3, 2022.

- B. Culvert Work Update: Noble has completed the majority of the culvert cleaning. There are a few on which he had questions, as the openings are on homeowners' properties. Ms. Zivalich will inspect those, review the easement information, and let Noble know to proceed once she has contacted the specific homeowners.
- C. Gates: Director Oakley noted that Gary Carson transferred the gate project to him, and he will oversee the project to completion, in coordination with the District Manager. The gates are all installed and operating. PGA has been investigating why some gate clickers are not functioning, and they are also working to increase the reception distance that the antenna will work for the clickers. The Knox switch has yet to be received for installation at Forest Hills and Summerwood gates. Currently we do not have an ETA for the switch, but we have provided a gate clicker to the Foothills Fire District for access, and they will be advised when the switch is installed. The Board discussed having PGA provide an annual maintenance plan for the gates; and this will be added to the January 2022 agenda.
- D. FHMD Lock on Eastwood Back Gate: Director Carson had suggested that the District change the code on the FHMD lock on the Eastwood back gate, the Board decided to table this item until January 2022, while the District determines if there is still an issue with improper use of the gate.
- E. Color Palette: The color palette decision has been moved to the HOA as this topic is more suited for them to decide.
- F. Pond 4 Leak: It was brought to the Board's attention at the November meeting, that there was an ongoing leak at Pond 4. Mr. Herzing has been in contact with Alan Leak of RESPEC to provide recommendations for fixing the leak. Mr. Leak has been out to inspect Pond 4; and ORC will provide the Board with repair recommendations at the January 2022 meeting.
- G. CCFWU (CCC) Engagement Agreement: The Board approved moving forward with the new law firm discussed at the November meeting. Chairperson Weinberg will sign the engagement agreement.
- H. Collection Policy Language/Resolution: Director Noonan provided language for the creation of a Collection Policy for the Board's consideration. It is noted that the Rules and Regulations will need to be updated to reflect this policy. Director Oakley suggested one change to exclude "Due Upon Receipt" and rather use the due date shown on the invoice.

- I. PFAs and Phosphorus EE & ORC Update: Director Oakley and Chairperson Weinberg recommended that the Board have Mr. Marcotte and ORC review the possible grant eligibility of the District for the implementation of the new PFAs and Phosphorus limits. Mr. Marcotte will spend a handful of hours on his review and report his findings back to the Board in January 2022.

5. PUBLIC HEARING

Chairperson Weinberg called to order the public hearing for the Collection Policy Language Resolution. There being no comments, the public hearing was closed. The final policy and update to the Rules and Regulations will be brought to the Board at the January 2022 meeting.

6. NEW BUSINESS

- A. Resolution Increase Water and Sewer Rates: Upon **motion** by Director Oakley, duly seconded by Chairperson Weinberg, and upon a unanimous vote, the Board approved the resolution to increase the water and sewer rates for 2022, as presented.
- B. Resolution Authorizing a Grant from the General Fund to the Enterprise Fund: Upon **motion** by Director Oakley, duly seconded by Director Swartzlander, and upon a unanimous vote, the Board approved the resolution to authorize a grant from the General Fund to the Enterprise fund in the amount of \$35,000.
- C. Resolution Authorizing a Loan from the General Fund to the Enterprise Fund: Upon **motion** by Director Oakley, duly seconded by Director Noonan, and upon a unanimous vote, the Board approved the resolution to authorize a loan from the General Fund to the Enterprise fund in the amount of \$65,000.
- D. Resolution for the 2022 Election: Chairperson Weinberg noted that with Mr. Carson's resignation from the Board, effective immediately, the open position's term will expire in May 2022, making all five Board positions expire in May 2022. Self-nomination forms will be due at the end of February 2022. The election/open board positions will be further discussed at the January meeting. Director Oakley did mention that an individual who used to sit on the MPC might be interested in filling the position. The Board agreed that Chairperson Weinberg should reach out to this person to see if he would be interested and qualified, and if so, they would support his appointment.

Upon **motion** by Chairperson Weinberg, duly seconded by Director Swartzlander, and upon a unanimous vote, the Board approved the resolution to have CCFWU function as the Designated Election Official (DEO) for the May 2022 election, should the election be necessary.

7. **ADJOURNMENT**

Upon **motion** by Chairperson Weinberg, duly seconded by Director Noonan, 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 7:30 p.m. The next regular meeting is scheduled for January 19, 2022, via conference call, beginning at 5:30 p.m.

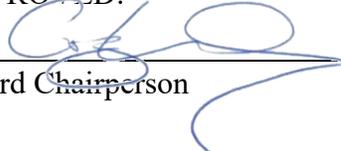
THESE MINUTES ARE APPROVED AS THE OFFICIAL, DECEMBER 15, 2021, MEETING MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE, BY THE RESPONSIBLE PARTIES SIGNING BELOW:

ATTEST:

Nickie M Holder

Recording Secretary

APPROVED:



Board Chairperson