

RECORD OF PROCEEDINGS

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

September 21, 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: James Baumgartner

QUORUM The meeting was called to order by Chairperson Weinberg at 5:33 p.m. and a quorum was noted.

CHANGE IN ATTENDANCE

Nikki Patrick arrived at 5:42 p.m.
James Baumgartner arrived at 5:45 p.m. and left at 7:16 p.m.
Gabby Begeman and Nick Marcotte left at 6:34 p.m.

CONSENT AGENDA ITEMS

1. ADMINISTRATIVE MATTERS

- A. Agenda: No changes.
- B. Minutes: August 17, 2022. No changes.

2. REPORTS

- A. Operator's Report: The Operator's report was submitted in the board packet for review. No additional questions were asked by the Board.
- B. Engineer's Report (Element Engineering {EE}): The Engineer's report was submitted in the board packet for review.
Booster Pump Station – Nick Marcotte, RKZ and Director Oakley completed a final walk-through, and reviewed punch list items. EE will send a 90% completion notice to RN Civil with the remaining punch list items. Overall, FHMD is happy with the installation and appreciates EE and ORC's assistance with the project.
- C. Manager's Report: The Manager's report was submitted in the board packet for review. Ms. Zivalich noted that Mike Zinniker will be looking into the pillar lighting issue at the Forest Hills and Summerwood entrances to determine why the lights are on all the time.

- D. Master Planning Committee Report/Minutes: Chairperson Weinberg spoke with Steve Iskalis about his participation with the MPC; and Mr. Iskalis has decided to step back at this time. It appears that Erich Kirsch is the only active member. The Board discussed the need to have an MPC. Director Oakley noted that Mr. Kirsch was instrumental in creating the spreadsheet for the 10-year capital projects analysis and suggested that the Board invite Mr. Kirsch to be part of the 2023 Budget Committee. Director Robert offered to invite Mr. Kirsch to participate.

The project to paint the structures at the Forest Hills gate and the park will begin the week of October 3, 2022. Mr. Kirsch and Ms. Zivalich will monitor the contractor's work. Ms. Zivalich will confirm with the contractor if the roof of the large Riva Chase sign on the hill is to be painted as well.

3. FINANCIAL MATTERS

- A. Claims: Through August 2022. Submitted in the board packet for review.
- B. Unaudited Financial Statements: Through August 2022. Submitted in the board packet for review. Ms. Holder verified with Director Robert that the ACH vendor payments needed to be approved by 6:00 p.m. the same day as the payments are entered into the online banking system.

Upon **motion** by Director Oakley, duly seconded by Director Robert, and upon unanimous vote, the Board approved the 2023 Budget Committee members as: Director Oakley, Director Robert, Ms. Zivalich and Ms. Holder.

Upon **motion** by Chairperson Weinberg, duly seconded by Director Robert, and upon unanimous vote, the Board approved the consent agenda items.

REGULAR AGENDA ITEMS

4. PUBLIC COMMENT

There were no comments by the public.

5. OLD BUSINESS

- A. Ragusa Request for Forgiveness: Chairperson Weinberg provided a draft policy for water bill adjustment requests for the Board's consideration. Ms. Zivalich provided a spreadsheet recalculating Mr. Ragusa's bill based on lower tier rates. After discussion, it was agreed that the policy would be given to the District's general legal counsel for formalizing and will require an update to the Rules and Regulations. Once this policy is finalized, Ms. Zivalich will send Mr. Ragusa a letter indicating the District's approved rate adjustment.

Ms. Zivalich will email Mr. Ragusa letting him know that the Board is still working on his request.

- B. Booster Pump Station Update: Please see notes above under 2.B.

- C. WWTP Bid Solicitation Award Update: Mr. Marcotte asked Barnard if they could delay startup of the project to December 2022 or January 2023, to which they agreed. It is noted that Fluidyne has communicated there would be delay in the District receiving some of the equipment, now scheduled to arrive at the end of November to ORC and the project site in mid-December. It is likely that hatches could be installed in December and the remaining work completed in January 2023. Upon **motion** by Chairperson Weinberg, duly seconded by Director Robert, and upon unanimous vote, the Board approved the Notice to Award (NTA) the WWTP Improvement Project to Barnard Structures. EE will send the NTA to Barnard Structures by the end of the week.
- D. Gates/Antennas/Maintenance Contract Update: Mile Hi Sprinkler and PGA worked together to complete relocating the antennas to the north end of the Forest Hills Drive entrance island. Ms. Zivalich noted that there have been no further complaints and that some residents reported better response time when using their clickers. The PGA annual maintenance contract was provided in the board packet for consideration; and Ms. Zivalich read what was included under the scope of services. Director Oakley asked that clarification be obtained regarding number of visits under the scope of services. After discussion and upon **motion** by Chairperson Weinberg, duly seconded by Director Patrick, and upon a vote of 4 to 1, with Director Oakley abstaining, the Board approved the annual maintenance contract with PGA. This item will be budgeted for in 2023.
- E. Roadway Project Update: Ms. Zivalich contacted A1 Chip Seal to obtain an update on the schedule for the crack seal work. It was noted that A1 has until October 31, 2022, to complete the work based on the approved contract extension.
- F. Fire Mitigation/Grant Assistance 2023: Ms. Zivalich has reached out to Mr. Dahl for a quote on the cost to provide grant writing assistance to the District but has not heard back.
- G. Eastwood Back Gate Expansion Update (Noble/PGA Bids): Ms. Zivalich obtained bids from both Noble and PGA to add posts and move a boulder closer to the downhill side of the gate. Noble's bid was \$1,400. This will be budgeted for in the 2023 budget.
- H. PFAs and Phosphorus Testing Grant Update: HDR completed sampling of nine wells and Shingle Creek with ORC's assistance. It will likely take several months to receive the test results and for them to be submitted to the State by Ms. Zivalich and ORC per the contract.
- I. Potential New Effluent Limits: No updates.

- J. Pond 4 Leak Sealant Status: Ms. Zivalich noted that the leak at Pond 4 persists even after the application of the sealant by Boulder Ponds. After discussion with Boulder Ponds and the manufacturer of the sealant, it was recommended that a second application be made deeper and further around the sides of pond. The cost would be an additional \$6,000 which would be paid out of CTF funds. Upon **motion** by Director Oakley, duly seconded by Chairperson Weinberg, and upon a vote of 4 to 1, with Director Robert abstaining, the Board approved a second application. Director Oakley asked that ORC educate themselves as to the best practice of applying the sealant to ensure Boulder Ponds is applying correctly.

6. NEW BUSINESS

- A. Baumgartner Forgiveness Request: Mr. Baumgartner presented his request for an adjustment to his April 2022 bill because of unexplained usage that occurred during a two-week period. He initially contacted AMCOBI in May after receiving the bill and has been working with them on a resolution. They then referred him to the District. ORC noted that the meter appears to be working properly and went back to normal function after the two-week spike in usage. After discussion, the Board recommends that ORC contact the meter supplier to inquire if data can be mined from the meter from this timeframe. A meter replacement might also be considered. While ORC and Ms. Zivalich continue to investigate this issue, all late fees will be suspended. Mr. Baumgartner agreed to review his WaterScope setting and alarms to ensure he receives daily and/or weekly notifications.
- B. Attorney Draft of Snow Plowing Agreement Cover Letter and Proposed List of Private Drives/Addresses: A draft cover letter to be sent to private drive owners was provided in the board packet for review. Chairperson Weinberg suggested that the letters be changed to include the word “shared” private driveways and include a three-week response time. The letters will be sent along with the snowplow agreement and damage waiver. Upon **motion** by Director Oakley, duly seconded by Director Robert, and upon unanimous vote, the Board approved the snow plowing agreement cover letter with stated changes.
- C. HROD – Ponds 2 and 3 Water Rights and Reservoir Diligence Review & Documentation: Ms. Zivalich summarized the water rights work session that occurred with HROD. Upon Mr. Dingess’s recommendation, Ms. Zivalich will set up a similar work/executive session with RESPEC to further discuss the Ponds 2 and 3 water rights. Board members are to provide Ms. Zivalich with their availability in the next six weeks.

D. WesTest Billing Overage: Director Oakley and Ms. Zivalich discussed overbilling and payment of the WesTest contract. Ms. Zivalich and Director Oakley have met with representatives from WesTest and asked that they sharpen their pencils on their invoices. WesTest defended their overbilling as being T&M per their bid; and they therefore have declined to adjust their billing. In addition, they requested an additional \$6,000 to complete oversight of the crack seal work. They did not provide an estimate to complete the chip seal or slurry seal work next Spring. After discussion, the Board agreed to cancellation of the WesTest contract and asked Ms. Zivalich to contact Mr. Marcotte to ask EE to complete construction management oversight on the remaining work. If they decline, Ms. Zivalich will contact Brenda Shuler for assistance.

Future financials will now include a report that tracks all contracts and POs, reflecting the original contract amount versus total amounts spent to date and percentage of project completion.

7. ADJOURNMENT

Upon **motion** by Director Oakley, duly seconded by Chairperson Weinberg, 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 8:12 p.m. The next regular meeting is scheduled for October 19, 2022, via conference call, beginning at 5:30 p.m.

THESE MINUTES ARE APPROVED AS THE OFFICIAL, SEPTEMBER 21, 2022, 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:
[Signature]
Board Chairperson