

**MOUNTAIN GREEN SEWER IMPROVEM**Jeremy, find attached the agreement we discussed and the terms associated with the agreement. Please let me know if you accept the offer and are able to start on the 10th of February. I am looking forward to getting to know you better and working with you.

Cheers,

**Bill** DISTRICT

5455 West Old Highway Road, Mountain Green, Utah 84050

**Minutes of the Board of Trustees Meeting**

Wednesday, September 1, 2021 6:00 P.M.

APPROVED

**Board Members Present:** (Chairman) Larry Nance, Zane Gray, Bill Coutts, Nathan Hill, Taylor Nielsen **Employees Present:** Kent Wilkerson (Manager) Heather Burger (transcriptionist) **Guests Present:** Cliff Linford, Jared Anderson, Lincoln Shurtz, Kerry Gibson

**A. Call to Order:** Chairman Larry Nance welcomed everyone present then called the September 1, 2021, meeting to order at 6:00 P.M.

**B. Prayer:** Member Bill Coutts

**C. Approval of Agenda:** Member Coutts made a motion to approve the agenda as posted. Member Hill seconded. All in favor. Motion passed.

**D. Declaration of Conflicts of interest:** None.

**E. Approval of Minutes:** Member Coutts made a motion to approve the minutes as amended. Chairman Nance seconded. All in favor. Motion passed.

**F. Public Comment:** None

## **Agenda Items**

### **1) Plant Expansion\_ Sunrise Engineering**

#### A) Lobbying Services\_Lincoln Hill Partners

Jared Anderson of Sunrise Engineering started the discussion of grant funding by clarifying that Sunrise Engineering is separate from Lincoln Hill Partners, which is a Lobbying service. He clarified that there are two grant funds which MGSID can apply to. The county received ARPA funding which will be voted on and appropriated by the 5 county commissioners. The state has also received a large portion of ARPA funds which can be awarded to different entities. Jared Anderson thought it appropriate to introduce Lincoln Hill Partners to the board to assist with the proposal to the state for those funds.

Lincoln Shurtz of Lincoln Hill Partners presented to the Board regarding their services and their unique position in the political aspect of applying for grant funding.

Member Gray asked if there was any way to guarantee the success of the lobbying service before the district is obligated to pay Lincoln Hill Partners. Mr. Shurtz explained that it is a violation of state law to make payment for lobbying services contingent on the successful outcome of those services. There is a clause available to the District which would allow the board to walk away from the contract if they are not pleased with the service they are receiving throughout the process.

Member Nielsen asked if Mr. Shurtz could give examples of other projects, similar to the District's, that have been successful in the past. He said he could provide a list of those projects to the board.

Member Gray asked questions about how much money is still available from the state grants. Mr. Shurtz explained that the application process is still open until September 15th and that Lincoln Hill Partners would be happy to help the District to prepare and submit their application by that date.

Member Hill acknowledged that Lincoln Hill is representing other clients in the same application process and asked how a conflict scenario would be handled. Mr. Shurtz indicated that they are currently serving 5 other projects, most of which are in the tourism sphere. He was confident that there are enough funds to go around and that he could serve all of his clients equitably.

Manager Wilkerson asked if Mr. Shurtz felt confident about getting the application in by the 15th of September deadline. Mr. Shurtz said that he felt confident about getting the application in by that date, but also suggested that the District might expect to 'play the long game' in which they can expect to receive partial funding from different tranches of the ARPA grant.

Manager Wilkerson asked what Mr. Shurtz' strategy would be on the issue that Mountain Green faces of being a county with a high gross income. Mr. Shurtz said that there really isn't any way to work around that, but to acknowledge that the District will not score very high in that area, and to focus on the areas where there is potential to score high points in the application.

After some discussion, Member Coutts made a motion to retain Lincoln Hill Partners for the agreed cost of \$5,000 per month with the 30 day 'out clause'. Chairman Nance seconded. Member Nielsen questioned the exact meaning of the 30 day out clause. Jared Anderson called to confirm the terms with Mr. Shurtz. The 30 day out clause is applicable at any time throughout the contract if the Board is not pleased with the service provided by Lincoln Hill Partners. Member Hill said he felt confident that this would be a good investment for the District. All in favor of the motion. Motion passed.

There was some discussion about the timeline for getting the application submitted. Member Coutts confirmed that Manager Wilkerson would work on it as his highest priority, send it to Jared Anderson, Mr. Anderson would give feedback and then it would be sent to Lincoln Shurtz and his partners for final review. Manager Wilkerson would then submit the final draft after approval from the facilities committee.

Chairman Nance asked Manager Wilkerson to copy the Chair and the facilities committee when he sends his draft to Sunrise Engineering.

## B) Plant Expansion Update

Jared Anderson explained that he is updating the CMGC to include the Canyon View Lift Station and the I-84 bore in one contract.

There was some discussion about getting a contractor started on the project by October 15th. There was a suggestion that if it didn't get started by that date that it would jeopardize project deadlines. Cliff Linford explained that even if a contractor started after October 15th it wouldn't put the project in jeopardy, but he also explained that he was not concerned about getting someone started on the project by then. Member Gray asked about Weber Basin's deadline to

turn the irrigation water back on. Mr. Linford said that the deadline is April 15th and gives Sunrise a large window of time in which to complete the project.

Sunrise intends to have the RFP out within two weeks of the meeting, and responses for Board approval by the end of the month.

### C) Expansion Calendar

Sunrise recommended to send out bids for the Treatment Plant project in October of 2022. That date will be verified as final design approaches. Final design will be in May of 2022. Member Coutts suggested that it's wise to be ready to send out bids in May when the final design is complete. The Board may opt to only send out bids in October when pricing is optimal, but that it would be prudent to be ready for bidding, depending on the economy and other possible factors. The Manager and other board members agreed.

Sunrise is planning a preliminary meeting with the facilities committee, on September 16th, for plant design, to give updates, and introduce the board to the project architect. Member Nielsen thanked Sunrise for their excellent work for the District.

## **2) Wasatch Peaks Memorandum of Understanding**

Member Nielsen gave an update on the MOU with Wasatch Peaks. The revision of the agreement has come down to very minor details and should be completed within the next week.

There was some discussion about getting approval in writing from WPR. The Manager and Jared Anderson confirmed that they have received approval in writing for projects that are going forward thus far.

Chairman Nance pointed out section 3.4 in the MOU. He is concerned about wording that allows for WPR to terminate the contract without cause. He also referred to the WPR connection point with the District's system. He was concerned that it was on the south side of the river and not at the lift station. Member Nielsen explained that the map shows where Wasatch Peaks will build to, but ownership of that line belongs to Wasatch Peaks until the lift station.

Member Nielsen made a motion to approve the Out of District Service Agreement with Wasatch Peaks Ranch, pending minor changes, to be approved by the facilities committee. The motion was seconded by Chairman Nance. Chairman Nance asked member Nielsen and Manager Wilkerson to ensure that the contract prevents Wasatch Peaks from cancelling the agreement at will. All in favor. Motion passed.

## **3) Service Standards\_Low Pressure Waste Systems**

Manager Wilkerson has been working with the Snyderville Basin Water Reclamation District to help inform the way that MGSID should go forward with Frontier Estates. The Manager emphasized that all other options should be vetted before considering a low pressure pump system. Member Nielsen explained that the standards set for the low pressure system should be set as a minimum and go up from there. Chairman Nance asked what the procedure should be for permit approval. Frontier Estates should have a fully designed and vetted plan which can be reviewed for approval by the board. Member Nielsen asked if Frontier estates is still planning to move forward. The Manager confirmed that they are.

The Manager said that the developer needs to incorporate the standards required by the District into his plans. In addition, he needs to have a preliminary meeting with the facilities committee and then present his plans to the board for approval.

Chairman Nance asked that there be a requirement to inform property owners that they will have a sewer pump in their basement.

Member Hill asked how the development agreement with Frontier Estates should be preserved as a standard going forward. Member Nielsen is hesitant to adopt this as an ordinance because he wants individual developers to be required to come to the board for approval on a case by case basis. The low pressure pump system should be used only when absolutely necessary as determined by the board.

#### **4) Development Map Discussion**

The Manager gave his projections for development over the next 10 years in a table that was presented to the board for review. Chairman Nance asked for an updated map of Mountain Green with exact numbers for what is being developed in each subdivision. Member Hill asked if the projected growth is over 10% on his map. He confirmed that it is. That is above what is projected on the capital facilities plan.

#### **5) Fees in General**

The recommendation from member Coutts is to review fees on a yearly basis. He suggested a need to create a specific method for establishing fees that is consistent, and defensible to community members. The Chairman asked that as a part of the review repeat late payers penalty fees should be looked at specifically.

#### **6) 2021 System Repairs**

The Manager explained some necessary system repairs to the Board. He seeks approval to move forward.

Member Coutts made a motion for up to \$9200 to be spent with Twin D for the repairs suggested by Manager Wilkerson. Member Hill seconded. All in favor. Motion passed.

#### **7) Reports**

Auditor: July was back in the positive. 11 households were delinquent in payment and letters were sent prior to tax season. All status reports due to the state are completed. Member Gray asked member Hill to get a confirmation from Manager Wilkerson that state reports have been submitted. Member Hill said that he will be implementing a system for that in 2022.

Expansion/Facilities committee: Expected payment pending from Wasatch Peaks

Finance: Recommendation to go to a 1099. Board members get the full payout and the district doesn't have to pay matching taxes. Chairman Nance made a motion to use 1099 instead of

W2s. Member Hill seconded. All in favor. Motion passed. Chairman Nance asked Manager Wilkerson to inform the payroll company of the switch to using a 1099.

Personnel: Members Coutts and Gray completed the Manager's performance review. Member Coutts noted the many tasks that are on the Manager's plate. He asked the Board to align their requests for the Manager with only the most near pressing issues for the District.

Manager: The Manager acknowledged the mistake in payroll data. He is working to fix that. The Chairman asked why the \$125,000 paid to Sunrise was under 'professional fees' rather than 'engineering'. He also asked whether the Manager planned to fix the chlorine system. Manager Wilkerson said that the temporary pump is working and he is trying not to replace the system before the new treatment plant is completed.

## **8) Elections**

An election will not be needed since the only two applicants withdrew his intent to participate in the election.

## **9) Board New Business**

- Contract CMGC for the lift/bore
- Budget preliminary discussions
- Grant application
- Facilities LPWs

## **10) Motion to Adjourn**

Motion to adjourn the meeting made by Member Gray. Member Hill seconded. All in favor. Meeting was adjourned at 8:45pm.