

**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES, MIDVALLEY IMPROVEMENT DISTRICT, HELD AT 160 EAST 7800 SOUTH, MIDVALE UTAH 84047 ON APRIL 13, 2022 AT THE TIME OF 12:00 NOON, PRUSUANT TO NOTICE.**

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**BOARD OF TRUSTEES PRESENT**

**SONDRA SMITH – CHAIR  
BLAKE ROEMMICH – VICE-CHAIR  
RONALD SPERRY - TRUSTEE**

**OTHER PRESENT**

**MARK BELL - ATTORNEY  
BRAD M POWELL, DISTRICT MANAGER  
CATHY KINGSBURY, TREASURER  
BRENT E CHRISTENSEN, CHIEF FINANCIAL OFFICER, DISTRICT CLERK**

**JARED TURNBOW – CASTLEWOOD DEVELOPMENT**

Meeting was called to order at 12:05 PM by Chair Ms. Smith.

**1. PUBLIC HEARING – NOTICE OF INTENT TO ADJUST DISTRICT BOUNDARY**

- a. Ms. Smith opened the public hearing to discuss the intent to adjust the District's boundary and welcomed Mr. Turnbow with Castlewood Development.

Mr. Turnbow stated he was in attendance to request a District boundary adjustment.

Mr. Powell stated the property affected is the Pebble Hill Project which a portion of the property is in Midvalley Improvement District (MID). Mr. Powell stated the portion of the property in the District is a parking lot but Castlewood Development would like to develop the entire property and build single family homes. Other parts of the Pebble Hill Project are in Cottonwood Improvement District and Sandy Suburban Improvement District. Cottonwood Improvement District is in the process of adjusting their boundary to transfer their property in question to Sandy Suburban Improvement District.

MID's closest sewer line to the Pebble Hill Project is 700' away and Sandy Suburban Improvement District has a line directly across the street from the

proposed project and it would be easier and more cost effective for the developer to connect to Sandy Suburban.

Ms. Smith stated the Board will go back to the public meeting and go to Item 4.a on the agenda.

#### **4. ATTORNEY REPORT**

- a. Mr. Bell explained the Resolution would approve the change of MID's boundary line and relinquish the property to Sandy Suburban Improvement District. Mr. Bell reported the State Statute states the boundary adjustment will become effective when the last entity provides their approval.

**Upon motion** made by Mr. Roemmich, seconded by Mr. Sperry and passed unanimously, the Board approved Resolution 2022-04-13A Resolution of the Board of Trustees of the Midvalley Improvement District Approving the Adjustment of Common Boundary Lines with the Sandy Suburban Improvement District and the Cottonwood Improvement District Affecting the Pebble Hills Estates Subdivision.

Ms. Smith stated the Board will return to Item "2" on the agenda.

#### **2. PUBLIC COMMENTS/CERMONIES/PRESENTATION**

- a. No one in attendance.

#### **3. MINUTES – APPROVAL**

- a. **Upon motion** made by Mr. Roemmich, seconded by Mr. Sperry and passed unanimously, the Board accepted the February 9, 2022 minutes as corrected.

#### **4. ATTORNEY REPORT**

- a. See above.
- b. Mr. Bell stated the audit attorney letter did not find any claims against the District; we are not involved in any litigation or administrative proceedings.
- c. Mr. Bell gave a Legislative update on the bills that passed Utah House of Representatives and Senate for the 2022 General Session.

House Bill (HB) 22 This HB will need to be adopted by the District by the end of 2022. This HB will require the District to establish conditions under which a

remote board member is included in calculating a quorum. Mr. Bell will come back by the end of the year with a resolution to cover this item.

HB-237 Fiscal Procedures for Local Districts. At least 7 days before adopting a final budget the District will need to have the tentative budget available at the District office for the public to view, posted on the State Public Notice Website and on the District's Website.

HB-269 By the end-of-the year 2022, a report for the Environmental Protection Agency which talks about our work as a sanitary wastewater provider.

HB-388 This bill was amended to provide that a board member is required to obtain a fidelity bond or obtain theft/crime insurance. Mr. Christensen stated the Board is currently covered for this required insurance by the District's insurance company.

HB-439 Open and Public meetings – Minutes. Requires that a public body “that has members who were elected” shall include in its minutes a record of each member's vote.

HB-449 Bereavement Leave (Miscarriage or Stillbirth) requires municipalities (but not local districts) to provide at least 3 days bereavement leave for miscarriage or stillbirth. Mr. Bell suggested the District may want to update their bereavement leave policy.

HB-462 Addresses affordable housing for municipalities and prohibits impact fees on development activity that consists of the construction of an internal dwelling unit such as a mother-in-law apartment inside of a single family home.

Mr. Powell stated the District is close to being built out but with developers building high density units and tearing down one house and replacing it with three houses on the same property the District may run out of sewer capacity in certain areas.

Mr. Bell suggested Bowen Collins look at the District's total sewer capacity at the siphon; and what capacity is left. The District should consider the need to install a new siphon in the future to handle the high density building.

Mr. Bell suggested the District call Midvale, Sandy and Murray Cities, weekly or monthly and get building permit information to see if existing homes are adding additional living capacity.

Senate Bill (SB)-102 Closes loop to prohibition of employees taking photographs while operating a District owned motor vehicle. The District should review their policy on use of electronic devices and amend the policy to cover the taking of photographs if needed.

SB-254 GIS Data for the District's entire sewer system was not a public record and the District would not produce it for the public.

The Senate amendment excluded GIS data and maps from status as a "Protected record" not subject to disclosure. Mr. Bell will review the Federal standards on sensitive documents and data and review the District's policy.

## **5. GENERAL MANAGER/ENGINEERING REPORT**

- a. Mr. Powell reported Bowen Collins has begun the Impact Fee Facility Plan/User Fee. Bowen Collins submitted an initial payment request of \$1,605, which has been paid.
- b. Mr. Powell stated Allied Fence has completed the fencing on both sides of the siphon and has submitted an invoice for \$8,670.39 which has been paid.

Mr. Powell explained in the previous board meeting Mountain States bid came in as the low bid for the fencing. After a closer look it was determined that Mountain States and Allied Fence were not bidding the same type of material, Allied Fence bid a powder coated fence which is a more expensive material than what Mountain States had bid. The two contractors were asked to rebid and Allied Fence came in \$1,000 less than Mountain States. Mr. Powell sent an email to each of the Board meeting with the explanation on why Allied Fence was awarded the bid.

- c. Mr. Powell stated the District has a number of manholes (MH) that are in need of rehabilitation. C&L is working for the District slip-lining some of the District's sewer lines and rehabilitating a number of MH's.

C&L has completed Project #1 and put in a pay request for \$118,895, this amount has been paid.

C&L revised their original Project #2 quote due to the increased cost of material going up. The revised quote is \$1,896 more than the original quote and is now \$232,197. C&L has begun work on this Project #2 which is near Sam's Club on State Street.

- d. Mr. Powell reported at the September 13, 2011 Board meeting the Board adopted South Valley Water Reclamation Facility (SVRWF) Rules and Regulations including the Pretreatment Drawings and Specifications, Industrial Wastewater Permit and Approved forms.

SVRWF has updated their Rules and Regulations and Mr. Powell handed out the changes that have been made.

Mr. Powell presented a resolution to the Board adopting SVVRF Rules and Regulations and recommended they approve the resolution.

**Upon motion** made by Mr. Roemmich, seconded by Mr. Sperry and passed unanimously, the Board approved Resolution 2022-04-13B Approving and Adopting the Rules and Regulations of the South Valley Water Reclamation Facility.

- e. Mr. Powell stated Mr. Syme (Assistant Operations Supervisor) has requested the purchase of a GPS receiver. Years ago, the District looked at purchasing a receiver but found it didn't work well under tree canopies nor under roof overhangs. The development of GPS receivers has come a long way since we first looked at them. The current receiver can get strong signal under trees and roofs and is accurate to within centimeters or less.

The District has always prided themselves on keeping accurate house sheets. The current process is to measure physically the location of cleanouts in relation to building corners, walks, etc. In addition, we enter the locations of manholes based on measurement on the plans.

Mr. Powell would like to purchase a Trimble R2 GNSS (global navigation satellite system) receiver from Monsen Engineering who has a Utah State Purchasing Contract (MA026) for Trimble equipment. With this receiver, we will be able to get pin-point locations of cleanouts, lateral connections to our lines, manholes and the like.

The engineering firm Gateway Mapping, that we use for help with GIS issues, uses this receiver and can give us instruction and help in using it. This also requires an annual \$600 subscription fee to the UGRC, a Utah line data base for GIS.

The cost of the Trimble RSGNSS receiver from Monsen Engineering is \$12,622.13 and an annual UGRC subscription of \$600 per year.

**Upon motion** made by Mr. Roemmich, seconded by Mr. Sperry and passed unanimously, the Board approved the purchase of a Trimble R2 GNSS receiver from Monsen Engineering for \$12,622.13 and the annual UGRC subscription of \$600 per year.

- f. Mr. Powell will report back on the District's telephone system, our system is out dated and needs to be updated. Mr. Powell will bring this item back to a future meeting.

## **6. REVIEW, APPROVE AND RATIFY CASH DISBURSEMENTS**

**Upon motion** made by Mr. Sperry, seconded by Mr. Roemmich and passed unanimously, the Board ratified the February 2022 cash disbursements for \$292,453.47.

**Upon motion** made by Mr. Sperry, seconded by Mr. Roemmich and passed unanimously, the Board ratified the March 2022 cash disbursements for \$384,452.58.

## **7. OFFICE REPORT**

- a. No Report

## **8. CHIEF FINANCIAL OFFICER REPORT**

- a. Mr. Christensen handed out a "Net Income Analysis" which explains the major items that resulted in the actual Net Income of \$1,302,372 being higher than the budgeted Net Income of \$218,000 for the year 2021. Although the final audit is not done, Mr. Christensen does not expect any future changes.

Mr. Christensen explained the major differences were due to the District not doing pipe-lining with a budgeted cost of \$600,000 (this amount will be spent in 2022); the sewer treatment plant costs were \$259,186 less than the budget provided by the treatment plant; the Utah Retirement Systems adjustments reduced costs by \$126,738; and the District did not budget for \$122,399 of non-cash donations in the form of sewer lines that were recorded as income.

**9. SUPERVISOR'S REPORT**

- a. Mr. Powell reported work in the District is picking up. The North Union Apartments is close to being complete.

**10. TRUSTEES**

- a. No Report

**11. CLOSED MEETING**

- a. No Closed Meeting

**ADJOURN:** Upon unanimous vote by the Board, the meeting was adjourned at 1:29 PM. The next Board meeting is May 11, 2022 at Noon.