

MINUTES OF THE MEETING OF THE TRUSTEES
OF THE CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
HELD MONDAY, JUNE 15, 2020. PURSUANT TO THE EXECUTIVE ORDER ISSUED BY
THE GOVERNOR OF THE STATE OF UTAH ON MARCH 18, 2020 IN RESPONSE TO
THE COVID-19 PANDEMIC, THE MEETING WAS HELD ELECTRONICALLY WITH AN
ANCHOR LOCATION AT THE DISTRICT OFFICE AT 2618 WEST PIONEER ROAD,
MARRIOT-SLATERVILLE, UTAH, WITH PUBLIC ACCESS TO THE MEETING

Trustees Present: Mark Allen, Neal Berube, Bart Blair, Sharon Bolos, Mike Caldwell, Lee Dickemore, Leonard Call, Dale Fowers, Rich Hyer, Scott Jenkins, Russ Porter, Jo Sjoblom, Michelle Tait, and Scott Van Leeuwen

Trustee Excused: Norm Searle

Others Present: Lance Wood, John Cardon, Kevin Hall, James Dixon, Mark Anderson, Clint Rogers, Ryan Bench, Jeff Beckman, Amy Davies, Craig Ashcroft and John Richardson

Call to Order:

The meeting was called to order at 5:00 p.m. by Chairman Allen, who was the only Trustee present at the anchor location. It being an electronic meeting, there was no pledge of allegiance. The invocation was offered by Trustee Dickemore.

Public Comment:

There were no public comments.

Minutes of May 18, 2020 Board Meeting Approval:

There being no corrections for the minutes, it was moved by Trustee Hyer and seconded by Trustee Porter as follows:

That the May 18, 2020 Board meeting minutes be approved as presented.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Ratification of Vouchers:

John Cardon recommended ratification of the vouchers, which is a list of all checks and ACH payments issued during the month, as presented. Following a brief review, it was moved by Trustee Jenkins and seconded by Trustee Van Leeuwen as follows:

That the payment of vouchers issued during the month of April, 2020, in the total amount of \$1,672,156.50, be approved and ratified as presented.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Consideration of Pay Requests & Equipment Purchases:

Lance Wood presented a \$727,356.00 payment request from Gerber Construction for work on the Phase I Nutrient Removal Project. Of the total amount, \$36,367.80 (5%) is to be deposited into a retainage account, resulting in a net payment to Gerber Construction of \$690,988.20. Mr. Wood recommended approval of the payment request.

It was moved by Trustee Porter and seconded by Trustee Sjoblom as follows:

That the payment request from Gerber Construction be approved as presented for work completed on the Phase I Nutrient Removal Project in the total amount of \$727,356.00, less a 5% retainage.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Lance Wood presented another payment request from Gerber Construction, for the Headworks and Dewatering Platforms Project, in the amount of \$55,572.00. Five percent of the total amount, \$2,778.60, will be held in retainage. The net payment to Gerber Construction will be \$52,793.40. Mr. Wood recommended payment of this amount.

It was moved by Trustee Hyer and seconded by Trustee Sjoblom as follows:

That the \$55,572.00 payment request from Gerber Construction be approved as presented for work completed on the Headworks and Dewatering Platforms Project, less a 5% retainage.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Lance Wood informed the Board that Andritz Separation had not yet sent an invoice for the new belt press, and the payment request should be tabled.

A payment request was presented by Lance Wood from Whitaker Construction in the amount of \$480,600.00 for work completed on the Burch Creek Outfall Line. Of the total amount, \$24,030.00 (5%) is to be deposited into a retainage account, reducing the net payment to Whitaker Construction to \$456,570.00. Mr. Wood recommended payment of the requested amount.

It was moved by Trustee Hyer and seconded by Trustee Sjoblom as follows:

That the payment request from Whitaker Construction be approved as presented for work completed on the Burch Creek Outfall Line in the total amount of \$480,600.00, less a 5% retainage.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Lance Wood presented the last payment request, which was from Whitaker Construction for work completed on the North Area Relief Sewer. Of the \$546,666.45 requested total amount, \$27,333.33 (5%) is to be deposited into a retainage account, resulting in a net payment to Whitaker Construction of \$519,333.12. Mr. Wood recommended approval of the request.

It was moved by Trustee Hyer and seconded by Trustee Bolos as follows:

That the payment request from Whitaker Construction be approved as presented for work completed on the North Area Relief Sewer in the total amount of \$546,666.45, less a 5% retainage.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Certification of Annexation/Withdrawal Petitions:

There were no annexation petitions to be considered.

Consideration of Resolution 2020-05 – Torghele Property Annexation:

Mr. Wood reminded the Trustees that, during the May 18, 2020 Board meeting, the Board certified an Annexation Petition for the Torghele Property located in Hooper between 5100 West to 5500 West and 3300 South to 3550 South. The parcel numbers are 08-039-0006 and 08-039-0001. The plan is to develop the property as a residential subdivision with a total acreage of just over 132 acres. Mr. Wood stated that all legal requirements for the annexation have been satisfied and recommended approval of the proposed annexation. It was then moved by Trustee Jenkins and seconded by Trustee Porter as follows:

That Resolution 2020-05 be adopted and approved, thereby authorizing the annexation of the subject real property into the District.

The motion carried, using a roll call vote, by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Review and Consideration of 2019 Audit Report:

Amy Davies, with Childs Richards, the independent accounting firm that conducted the District's 2019 Audit, not yet being present, Chair Allen declared that this agenda item would be deferred until later during the meeting.

Consideration of Resolution 2020-06: Approving 2020 Budget Adjustment:

John Cardon informed the Board that the District’s 2020 certified tax rate has been calculated, along with the estimated revenue the District will receive this year from property taxes. The Board budgeted property tax receipts of \$7,940,000 in 2020. Based on the certified tax rate, anticipated property tax receipts will total more than that amount. Consequently, the 2020 Budget for property tax receipts is understated and should be increased. Mr. Cardon recommended approval of the recommended Budget adjustment.

In response to a question from Trustee Berube, Mr. Cardon explained that the additional property tax revenue will be needed to fund the construction of needed capital projects. The District’s financial plan calls for as many projects as possible to be funded with cash, which will delay the need to bond as long as possible.

It was moved by Trustee Jenkins and seconded by Trustee Tait as follows:

That Resolution 2020-06 be adopted, thereby increasing budgeted property tax revenue in the District’s 2020 Budget.

The motion carried, using a roll call vote, by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Consideration of Resolution 2020-07: Approving 2020 Certified Tax Rate:

Mr. Cardon recommended that the Board adopt Resolution 2020-07, approving the District’s 2020 certified tax rate as the District’s 2020 property tax rate. It was moved by Trustee Hyer and seconded by Trustee Van Leeuwen as follows:

That Resolution 2020-07 be adopted, thereby approving the District’s 2020 certified tax rate as the District’s property tax rate for 2020.

The motion carried, using a roll call vote, by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Consideration of Phase II Bioreactor Engineering Firm Selection:

Kevin Hall explained that, in accordance with the CWSID Treatment Plant Evaluation and Master Plan, the District plans to move forward with the design of the second phase of expansion in 2020. The Phase II plan includes expanding features such as bioreactors, clarifiers, solids handling, and pumping, along with associated site work. This year, \$1,000,000 was budgeted to begin this expansion work, which is estimated to cost \$54,000,000 and is scheduled to be completed by 2025. Expansion of the bioreactors is a requirement of the Utah Division of Water Quality as written into the District’s TBPEL (phosphorous rule) variance.

District staff and the Long-Range Planning Committee have identified strategies to potentially reduce the cost of Phase II. These strategies include staff designed and installed equipment, such as the belt press project that is happening this year, work to reduce groundwater infiltration, and potential project cost sharing with the Weber Basin Water Conservancy District. A decision was made to limit the scope of the initial design task to bioreactor and clarifier expansions in order to keep the District's options open.

Statements of Qualifications (SOQs) were received from Carollo Engineers, Brown and Caldwell, Stantec, and Bowen Collins & Associates for the design of the Phase II Bioreactor expansion. In accordance with the District's Procurement Policy and Utah Code § 17B-1-108, the selection of engineering firms is not based on cost. Instead, it is based solely on qualifications. The selection committee, consisting of Mark Allen, Lance Wood, James Dixon and Kevin Hall, met on June 10, 2020 to review the SOQ's. The committee has decided to interview representatives of the engineering firms, but there wasn't time to schedule the interviews prior to the June 15, 2020 Board Meeting. Mr. Hall recommended that the Board authorize the selection committee to make a qualifications-based selection and negotiate a scope of work, fee and contract with the highest ranked engineering firm. The contract should be ready for Board approval during the July 20, 2020 Board meeting.

Trustee Jenkins asked if this process meets the requirements of state law. Kevin Hall and Mark Anderson assured him that it does. A concern was expressed that the selection committee only includes one Board member. Trustee Hyer volunteered to become a member of the committee. It was then moved by Trustee Porter and seconded by Trustee Hyer as follows:

That Trustee Hyer be added to the selection committee and that the committee be authorized to rank the engineering firms and determine the scope of work; and to negotiate fees and contract terms with the highest ranked firm. If there is no agreement on those terms, the committee may negotiate with the second ranked firm to arrive at the at an agreement. The negotiated agreement can then be presented during the July Board meeting for approval by the full Board.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Consideration of Collection System Pipeline Rehabilitation Design Firm Selection:

James Dixon explained that, last year, issues were found in the Hooper Trunk Line and the Pioneer Road Trunk Line that require rehabilitation. This year, \$1,000,000 was budgeted to get started on the work. A portion of the budgeted amount be used for engineering design and planning services. Engineering cost estimates will be used to help develop a construction budget so the work can be bid and completed next year. The District has limited experience with this type of rehabilitation work, so an experienced engineering consulting firm is being sought to prepare design documents for this and future rehabilitation work.

The District received Statements of Qualifications (SOQs) from Bowen Collins & Associates, Brown and Caldwell, and Stantec to design the Hooper Trunk Line and Pioneer Road Trunk Line rehabilitation.

In accordance with the District's Procurement Policy and Utah Code § 17B-1-108, the selection of engineering firms is based on qualifications, not cost. The selection committee, consisting of Mark Allen, Lance Wood, Kevin Hall, and James Dixon, met on June 10, 2020 to review the SOQs. The committee ranked Brown and Caldwell as the most qualified firm for this work and recommended moving forward with Brown and Caldwell to finalize the scope of the contract and negotiate the fee. In the event that a scope of work and fee cannot be agreed upon, the committee would then move on to the next highest ranked firm.

Mr. Dixon recommended that the Board authorize the selection committee to negotiate a scope of work, fee, and contract with the selected firm (or the next most qualified firm, if terms cannot be agreed upon). The committee plans to present the contract for Board consideration during the July 20, 2020 Board Meeting. It was moved by Trustee Hyer and seconded by Trustee Van Leeuwen as follows:

That the selection committee be authorized to negotiate a scope of work, fee, and contract with the selected firm, or the next highest ranked firm if terms cannot be agreed upon with Brown and Caldwell, with the results to be presented for consideration during the July 20, 2020 Board Meeting.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Consideration of Deferment of Impact Fee Payment on 11 West Apartments in West Haven:

Lance Wood informed the Board that a developer in West Haven is requesting a deferment of the payment of sewer impact fees. The Developer plans to build 425 apartment units over the next few years. The first phase will contain 95 apartments, with a sewer impact fee of approximately \$230,000. The developer would like to defer paying the fee until a notice of occupancy is issued. Mr. Wood asked the Trustees how they feel about granting the deferment.

Trustee Berube expressed a concern that changing the timing of impact fee payments could be a "slippery slope" because other developers would want the same opportunity, and it could be difficult to say "no". Mark Anderson agreed that the District could be setting a precedent by granting the requested deferment.

Lance Wood suggested that the District could set time and money constraints that would limit the number of developers who could request the same deferment. Mr. Anderson agreed that establishing parameters could minimize the scope of the precedent.

Chairman Allen worried that this would place more responsibility on the cities when they collect impact fees for the District. Trustee Berube questioned favoring large developers. Trustees Bolos and Van Leeuwen recommended that the Board not approve the request. John Cardon asked if the developer is also asking for a deferment of impact fees from other service providers, or just the District's sewer impact fee.

It was moved by Trustee Hyer and seconded by Trustee Berube as follows:

That the requested impact fee payment deferment not be granted.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Review and Consideration of 2019 Audit Report:

Amy Davies, representing Child Richards CPAs & Advisors, presented and reviewed the District's 2019 Audit Report covering the District's financial statements. Mrs. Davies stated that the District is in good financial condition, and that there were no negative audit findings or recommendations for change. Following the review, it was moved by Trustee Berube and seconded by Trustee Van Leeuwen as follows:

That the District's 2019 Audit Report be accepted as presented.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Possible Closed Meeting Concerning Pending & Threatened Litigation, Purchase of Real Property and/or Personnel Issues:

Chairman Allen declared that there was no need for a closed meeting.

General Manager:

Lance Wood had no additional business.

Attorney:

Mark Anderson had nothing to present.

Other Business:

Chairman Allen told the Board that he wanted to thank public safety personnel for protecting our communities. Trustee Hyer stated that a rally of support for the police was happening in Salt Lake City right now, and that he would like one to be held in Ogden.

Adjournment:

There being no further business to come before the Board, it was moved by Trustee Jenkins and seconded by Trustee Sjoblom as follows:

That the Board meeting be adjourned.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bolos, Caldwell, Dickemore, Call, Fowers, Hyer, Jenkins, Porter, Sjoblom, Tait, and Van Leeuwen.

Chairman Allen declared the meeting to be adjourned at 6:15 p.m.

Approved by the Board of Trustees of the Central Weber Sewer Improvement District
this 20th day of July, 2020.

Mark C. Allen, Chairman

ATTEST:

John Cardon, Clerk