

**Board Meeting Minutes  
August 13, 2020**

MINUTES OF THE  
REGULAR MEETING  
OF THE BOARD OF TRUSTEES OF  
MAGNA WATER DISTRICT

A regular meeting of the Board of Trustees of the Magna Water District was held Thursday, August 13, 2020, at 10:30 a.m., at the Magna Water District General Office, Kim Bailey Board Room, located at 8885 West 3500 South, Magna, UT.

**Trustees Present:**

Mick Sudbury, Chairman  
Jeff White, Excused  
Dan Stewart

**Staff Present:**

Clint Dilley, General Manager  
LeIsle Fitzgerald, Controller  
Steve Williams, Wastewater Operations Manager  
Raymond Mondragon, Water Operations Manager

**Also Present:**

David Hartvigsen, Smith Hartvigsen, PLLC  
Don Olsen, Epic Engineering  
Clint Rogers, Stantec Engineering  
Greg Schulz, Magna Metro Township  
Jason Luettinger, Bowen Collins Associates  
Dan Peay, Magna Metro Township  
Todd Richards, Magna Metro Township  
Jacob Erickson, Vollkommen Construction

**Call to Order:**

Mick Sudbury called the meeting to order at 10:30 am.

**Public, Board, Staff join in the Pledge of Allegiance.**

**Welcome the Public and Guests:** Chairman welcomed those in attendance.

**Chairman asked if any of the staff or board members had a conflict of interest with anything on this agenda.** There were no conflicts of interest.

**Public Comment:** None.

**Approval of Common Consent Items:**

**Minutes of the regular board meeting held June 11, 2020:** A motion was made by Mick Sudbury and seconded by Dan Stewart, to approve the minutes of the regular board meeting held

**Board Meeting Minutes  
August 13, 2020**

June 11, 2020 as revised. The motion was approved as follows: Mick Sudbury, yea, and Dan Stewart, yea.

**Expenses for July 6 to August 8, 2020:**

**General Expenses:** \$425,381.99

**Project expenses paid by bond proceeds:** \$243,887.01

**Zions Bank bond payments:** \$83,441.88

A motion was made by Dan Stewart to approve the general expenses, project expenses paid by bond proceeds, and the Zions Bank bond payment from July 6 to August 8, 2020 in the amount of \$425,381.99 \$243,887.01 and \$83,441.88, respectively. The motion was seconded by Mick Sudbury, seconded by Dan Stewart, and approved as follows: Mick Sudbury, yea, and Dan Stewart, yea.

**WEAU 2019 Collections & Operator of the Year Awards & Collections Crew Employees Spotlight:** This item was tabled.

**Consider Vollkommen appeal hearing petitioning the Board to reduce MWD impact fees for the Colony Farms development:** Clint indicated a representative from Vollkommen was present as the developer of Colony Farms Development. Clint indicated the District calculated the impact fees for this development using the standard fee policies as outlined in the Schedule A of the District's Administration Rules and Regulations. A discount for multi-unit housing is 60% of the full impact fee is given, recognizing multi-unit housing use less water than a single-family home dwelling. Giving the discount also depends on the development installing a separate outdoor watering master meter, which Colony Farms has. The sewer impact fee is not discounted. Vollkommen sent an appeal of the impact fee calculation to the General Manager, the appeal was rejected. Vollkommen was informed the next step in his appeal would be to address Board of Trustees.

Jacob with Vollkommen addressed the board presenting his basis of appeal is believing multi units use even less water than the 60% the District uses for the impact fee calculation. His figures are based on the ERC (equivalent residential connection) amount for other similar multi-unit projects they've constructed throughout the entire state of Utah. Stating he believes the average ERC from actual usage or fixture units is lower than MWD's ERC. Jacob expressed the sewer impact fee be reduced fee for multi-unit housing.

Clint rebutted Jacob's comments with the explanation the impact fee calculation was presented to the developer back in April of 2018, providing a thorough explanation of the calculation along with the District's fee schedule of the impact fees. A preconstruction meeting was held in December of 2018, the impact fee calculation was explained again in the meeting. Not at any time was there any concerns or questions brought to the District's attention. In June 2019, the impact fee calculations for the indoor and outdoor water supply was emailed to the developer. Still, no concerns had been expressed. The project proceeded, units were built, and occupied. After nine homes had been occupied, it was discovered by the District's Inspector these nine homes were receiving water & sewer services illegally through jumpers in place of meters. The District contacted the developer regarding the illegal connections. After two emails

**Board Meeting Minutes  
August 13, 2020**

approximately 2 weeks apart, the developer finally paid the impact fees and had meters set for those nine homes. It wasn't until April of 2020 the District received correspondence from the developer regarding their concerns and dispute about the impact fees being charged. That led to the appeal hearing. Clint explained the District had provided upfront and thorough explanation of the impact fees being charged. An extension agreement, including the District's fee schedule and calculation, was signed before the project began back in December of 2018.

When our staff was requested to set the water meters, the condition of the meter box and setter was some of the worst conditions that the District has seen. At the time of the required inspection on the meter box and setter, the condition passed inspection, however, between that time and the time to set the meter, contractors had been hooking up to the water lines to get water for construction causing the meter box and setter to be in very bad condition, some of the worst conditions our technicians had ever encountered.

Clint also explained the water use for similar developments in other locations nor the fixture unit analysis being used for an ERC does not include any factors from our local use, in Magna. Use patterns are not the same, many other factors are not taken into consideration with the ERC. The District has developed its own ERC/ERU based on actual use in the District and then applied the discount for the multi-unit housing.

Don Olsen indicated that in the past the District charged the same impact fee for multi-unit housing and was challenged at that time. The 60% discount was implemented at that time for the multi-unit housing.

David Hartvigsen added to the discussion three major points to consider with this appeal:

1. Impact fee adjustments are allowed by the District's AR&R's. State Law requires that an impact fee enactment allow for adjustments, however, timing for these adjustments is a factor.

In the extension agreement signed by the Developer back in December of 2018, it states at the time of signing the impact fees, and any other development fees are due. The impact fees became due when the agreement was signed. This was the time to express concerns, or to challenge the calculation of the impact fee. No concerns or challenge was made regarding the impact fee at that time.

2. The whole basis of the Impact Fee Law in Utah, is the fees must be made on local characteristics and not what everyone else is doing. Another time to challenge or express concerns about the District's impact fee and calculation is when the District was implementing their fees and analysis. There was no challenge then.

3. The impact fee calculation should have been challenged at the time of the extension agreement signing. There is a purpose for deadlines in the impact fee law for any challenges or concerns regarding impact fees. The deadlines are to give a finality of times that challenges can be made.

**Board Meeting Minutes  
August 13, 2020**

Mick Sudbury asked if there were fines assessed to the developer for the illegal connections that were discovered. Clint answered the District has not assessed any fines for those, the developer fixed the situation in a timely manner. Management gave the developer the benefit of the doubt and worked through the situation with them.

Jacob made a comment regarding the inspections on the sewer. The District will adjust the sewer inspection fees.

Staff recommended denial of the appeal of the impact fee.

A motion was made by Mick Sudbury, seconded by Dan Stewart to support the denial of the challenge of the impact fees charged for the Colony Farms subdivision. The motion was approved as follows: Mick Sudbury, yea and Dan Stewart, yea.

**Discussion and possible motion to approve Hansen Allen & Luce (HAL) Task Order for 2020 Risk and Resilience Assessment in the amount of \$29,700:** Clint Dilley introduced to the Board the 2020 Risk and Resilience Assessment project task order in the amount of \$29,700. Clint explained this task is part of the Emergency Response Plan (ERP) update. The District is required to have the Risk & Resilience Assessment complete by December 2020 and have the ERP completed by June 2021. The Management Team pulled out the last vulnerability study and it's ERP and found that it had been completed by HAL. Management contacted HAL to see if they would provide a quote for their services. Trevor Andra was involved with the same Risk & Resilience and an ERP for the city at which he was previously employed and has experience with the reports. After reviewing the provided task order Trevor expressed his opinion of it being very thorough and conservative. A motion was made by Mick Sudbury, seconded by Dan Stewart to approve the Task Order in the amount of \$29,700. The motion was approved as follows: Mick Sudbury, yea and Dan Stewart, yea.

**Discussion and possible motion to approve the Stantec Task Order for Westside Sewer Collections Project Segment 1A Design & Bidding Services in the amount of \$111,490:** Clint presented the task order from Stantec to provide services for the design and bidding of a westside sewer collections project. This task order will be a continuation to the preliminary design that Stantec and Epic Engineering has been working on together for a 30" wastewater collection pipeline from 8000 W to the wastewater treatment plant. The two engineering firms will continue to work together on design and bidding for the project. Due to the needs of a new development, the developer will be required to pay a portion of this project. A motion was made by Mick Sudbury, seconded by Dan Stewart, to approve the task order in the amount of \$111,490. The motion was approved as follows: Mick Sudbury, yea and Dan Stewart, yea.

**Discussion and possible motion to approve the Stantec Task Order Amendment to Continue On Call Water and Wastewater Support Services in the amount of \$50,000:** Clint presented this task order for additional general engineering support services from Stantec

**Board Meeting Minutes  
August 13, 2020**

Engineering. This is adding to their existing general contract. A motion was made by Mick Sudbury, seconded by Dan Stewart, to approve the task order in the amount of \$50,000. The motion was approved as follows: Mick Sudbury, yea and Dan Stewart, yea.

**Discussion and possible motion to approve the issuance of a Request for Qualifications for Legal Services for MWD:** Per MWD's AR&R's "the General Manager shall, with the consent of the board, appoint a qualified person who is a member of the Utah State Bar in good standing, to be the Attorney for the District. MWD has adopted the UASD Purchasing Policy in accordance with State Procurement Code requirements which indicates "the agency may from time to time request providers of professional or legal services to submit a statement of qualifications containing information the agency deems relevant to the provider's ability to provide quality services and the provider's hourly rates. Since 2015 MWD has issued RFQ's for other professional services such as engineering consulting services every 2-3 years in the form of a "pool" of qualified vendors and has also issued several project specific RFQ/RFPs for engineering services for larger projects. Both staff and individual board members receive questions from the public from time to time regarding the quality of legal services, hourly billing rates, monthly expenditures, etc. It can be difficult to respond to these questions without the comparative analysis that an RFQ process can provide every few years. Upon internal review, it appears that Smith Hartvigsen has provided MWD with a good value when considering the continuity, cost and quality of legal services, however, staff believes it would be a worthwhile effort and healthy process to evaluate legal services for MWD through an RFQ process, especially since it has been several years since the last process was completed. It may also be beneficial to MWD to consider using the RFQ process to identify a small "pool" of law firms that could be used for different types of legal matters. For example, it may be beneficial to have one firm represent MWD on all water, government, & real estate matters and a second firm represent MWD on all human resource or personnel matters. This approach may result in an overall increase in legal expenses since some issues will likely overlap between firms, however it may be beneficial to have some separation of these interests when potential conflicts arise. Mick complemented on David Hartvigsen's, Smith Hartvigsen's, PLLC, current services. David has been with the District for many years and has done the District a very great job. David Hartvigsen added his comments that he supports fully the process and believes it is healthy process to go through. A motion was made by Mick Sudbury, seconded by Dan Stewart to proceed with the RFQ for Legal Services for the District. The motion was approved as follows: Mick Sudbury, yea, and Dan Stewart, yea.

**Discussion and possible motion to award the bid for office countertop & cabinets modifications in the amount of \$10,209 to Associated Fixture Manufacturing:** A motion was made by Mick Sudbury, seconded by Dan Stewart to approve the modifications to the countertops and cabinets in the office. The motion was approved as follows: Mick Sudbury, yea and Dan Stewart, yea.

**Discussion and possible motion to award the bid for office furniture modifications in the amount of \$20,278.20 & filing cabinets in the amount of \$2,308.94 to Henriksen Butler:** A motion was made by Mick Sudbury, seconded by Dan Stewart, to approve the office furniture modification in the amount of \$20,278.20. The motion was approved as follows: Mick Sudbury, yea and Dan Stewart, yea.

**Board Meeting Minutes  
August 13, 2020**

**Discussion and possible motion to extend the original 60 days approved to provide excavation services to the Magna Cemetery:** The deadline of the prior approved 60 days is expired. There has been nine and three coming in the next week, graves needed to be dug by MWD employees. Within a nine-week period, the Cemetery is averaging one – two graves dug per week. Clint expressed his concern of this becoming a long-term solution since the District's employees must tend to the District's concerns first and having enough staff for it all. Mick Sudbury disclosed he is on the Cemetery Board which could be a potential conflict of interest, however, due to the fact that there are only two Board Members present at this meeting for MWD, he proceeded to participate in the vote. A motion was made by Mick Sudbury, seconded by Dan Stewart, to approve an extension of the District's services of excavation to the Magna Cemetery an additional 60 days. The motion was approved as follows: Mick Sudbury, yea and Dan Stewart, yea.

**Discussion and possible motion to approve Gerber Construction, Inc proposal/bid to install all influent pump valves and the 16" valve including the bypass pumping at the WWTP for \$65,300 with MWD purchasing all parts, total project cost of \$110,000:** Steve Williams presented the quote from Gerber Construction to proceed installing influent pump valves in the WWTP west headworks. Staff had another bid come in at \$212,000. Gerber is already onsite and being there will save the District a considerable amount of money. A motion was made by Mick Sudbury, seconded by Dan Stewart, to approve the bid from Gerber Construction in the amount of \$110,000. The motion was approved as follows: Mick Sudbury, yea and Dan Stewart, yea.

**Report on MWD Operations from Clint Dilley, Acting General Manager:**

STAFFING

Rob Jaterka was awarded the position of the District Inspector. Applications for collections maintenance have been received and now interviews will be scheduled.

The District engineer started on July 20, 2020. Has been busy since.

The Accountant union position was posted in house, had one applicant, and felt that the experience qualification was not met. The job position has been posted outside and will close August 31, 2020.

OPERATIONS

Management and Staff has been evaluating the rental of fire hydrant meters. LeIsle indicated that we have approximately 18 meters that contractors are using. It has been a struggle getting readings in and the meters returned in a timely manner. Meterworks now makes a hydrant meter register that can be read electronically. Management is looking into some type of a GPS locator to put on the meters to track where the hydrant meter is located. We charge a \$25/week rental fee and a usage fee which helps with additional expenses the District will incur to do this. Contractors filling up at the shop is a concern to management regarding backflow issues and contractors being able to be on District property unsupervised. Raymond is exploring options to alleviate some concern.

**Board Meeting Minutes  
August 13, 2020**

Trevor has been helping with the transition to electronic submittals from developers. We have a lot of plans that are hard copies. Working on converting processes to electronic.

Lynette Aust and LeIsle has been working with Salt Lake County health department on coordination of shutoff notices. They asked us to delay shutoffs if possible due to COVID-19/layoffs and possibility of some funding available through CARES act to pay for water bills. The District's past due accounts are currently just over 600 accounts with an average balance of \$327. The District will be sending out a reminder of the delinquency of the customers accounts and then most likely be begin shutting off nonpaid accounts in September.

COMMUNICATION & MORALE

Clint indicated that management is continuing to work to improve and implement suggestions from employees to improve operations and save money in doing so. He also indicated that Staff is working with Dan Stewart to host an employee appreciation fall luncheon.

LeIsle has started to convert the current website to the new website that will assist in customer communication.

Clint informed the Board that there was a complaint to the SLCO health dept from a drive thru customer about front office employees not wearing masks. Visitors that come in wear masks, now employees have to wear masks outside of individual offices and to help customers at window. Front office employees asked to wear masks when servicing the drive-up window. Office employees asked to wear masks when vendors (cleaners, deliveries, etc.) are in the building as well (vendors required to wear masks to get in building already).

There have been a few complaints over changes to RV dump hours. There was a flyer regarding the RV Dump inserted in the billing. The billing form was revised to include the emergency information. Management has been able to respond to those complaints.

**Water Distribution/Production:**

**1. Water production report:** Raymond Mondragon reported the culinary water production for the month of July was 255 million gallons. This is a decrease for the month of July of approximately 8%. The total year-to-date production was 1,041 million gallons or 3,195.38-acre feet. This is a year-to-date increase of 17% from 2019. The secondary water production for the month of July was 58.54 million gallons an increase of 13.41%. The year-to-date production was a total of 171.62 million gallons, an increase of 42% from 2019. 471 acre-feet

**2. Call out report:** Raymond reported that there was a total of 10 call outs, with a total number of 30 total paid hours.

**Board Meeting Minutes  
August 13, 2020**

**WWTP Operation/Collection System:**

1. **Status of sewer system:** Steve Williams reported that the wastewater collections crew, had a hard week, COVID-19 issue and are short staffed. New hires are working on getting their CDL license and certification. Wastewater crew was shorthanded and working continuously working on the aeration system and totally going to the C-7 ditch.
2. **Call out report:** Steve indicated that there were no call outs.

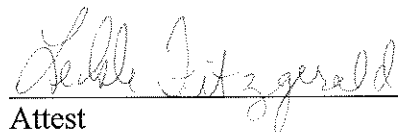
**Motion to meet immediately in closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, purchase/sale of real property:** Mick Sudbury made a motion to meet immediately in closed session to discuss the character, professional competence, or physical or mental health of an individual, possible litigation and property acquisition/sale. The motion was seconded by Dan Stewart, and approved as follows: Mick Sudbury, yea and Dan Stewart, yea. The open session of the Board meeting was closed at 11:49 a.m.

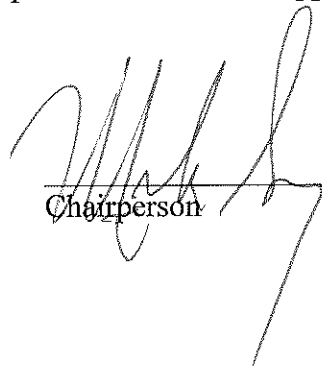
**Motion to close the closed session and to reopen the open session of the Board Meeting:** Mick Sudbury made a motion to close the closed session and reconvene the open session at 1:30 p.m. The motion was seconded by Dan Stewart, and approved as follows: Mick Sudbury, yea, and Dan Stewart, yea.

**Consider action on any noticed agenda item discussed in closed meeting:**  
A motion was made by Mick Sudbury, seconded by Dan Stewart to approve extending the temporary position for Mandy Whitmore for additional 6 week. The motion was approved as follows: Mick Sudbury, yea and Dan Stewart, yea.

**Other Business:** None

**Adjourn:** Having no further business to discuss, a motion was made by Mick Sudbury, seconded by Dan Stewart, to adjourn the meeting at 1:33 pm. The motion was approved as follows: Dan Stewart, yea, and Mick Sudbury, yea.

  
\_\_\_\_\_  
Attest

  
\_\_\_\_\_  
Chairperson