

TIMPANOGOS SPECIAL SERVICE DISTRICT
ADMINISTRATIVE BOARD ELECTRONIC MEETING MINUTES

APPROVED

February 18, 2021 6:00 p.m. Conference Room (Electronic)

Board Members

Electronic: David Bunker Chandler Goodwin Brian Braithwaite
Mark Christensen Sullivan Love *Katie Koivisto
Craig White Dale Ihrke Blaine Thomas
Richard Nielson Jay Meacham Mack Straw
John Goodman

District Staff: Richard Mickelsen, District Manager Shannon Hansen, Administrative Manager
David Barlow, District Engineer Danette Smith, Board Secretary
Joe Martin, CPA

Others: Craig Carlile, Ray Quinney & Nebeker Brandon Wyatt, Bowen Collins & Associates
Pete Zemke, Brown and Caldwell Trevor Lindley, Brown and Caldwell
Kasey Chesnut, Horrocks Engineers Randy Zollinger, Carollo Engineering

Call to Order

David Bunker, Board Chair, called the meeting to order 6:01 p.m. David acknowledged the need to hold an electronic meeting.

“I, David Bunker, the Chair of TSSD Board, hereby determine that conducting the Board meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, the Governor of Utah, and the County Health Department have all recognized a global pandemic exists related to the new strain of the coronavirus, SARS-CoV-2 (COVID-19). Due to the State of emergency caused by the global pandemic, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location.”

Public Comment

Craig Carlile reminded the board that all board communication during the open meeting should be open to the public. The board should not be using electronic communication the public cannot see.

Approval of Minutes

1. Approval of the January 21, 2021 Administrative Board Meeting Minutes

Dale Ihrke made a motion to approve the minutes of the January 21, 2021 Administrative Board Meeting. Blaine Thomas seconded the motion. Those voting “Aye” – David Bunker, Dale Ihrke, Mark Christensen, Mack Straw, Brian Braithwaite, Blaine Thomas, John Goodman, Craig White, Jay Meacham, Richard Nielson, Sullivan Love and Chandler Goodwin. The motion passed unanimously.

*Katie Koivisto joined the meeting. 6:05 p.m.

Consent Calendar

1. Archer Western – Pay Request #6
2. Portable Pump
3. Power Quality Construction Contract
4. Archer Western - Change Order #2

1 David Bunker said Rich informed the board of these items. Brian Braithwaite said he appreciates getting the
2 information on these prior to board meeting.

3 **Brian Braithwaite made a motion to approve the items on the Consent Calendar. Richard Nielson seconded**
4 **the motion. Those voting “Aye” – David Bunker, Dale Ihrke, Mark Christensen, Mack Straw, Brian**
5 **Braithwaite, Blaine Thomas, John Goodman, Craig White, Katie Koivisto, Jay Meacham, Richard Nielson,**
6 **Sullivan Love and Chandler Goodwin. The motion passed unanimously.**

8 **Finance**

9 **1. Financial Report**

10 Joe said he and Shannon had been working on audit prep and there is still a lot of work left to do. Joe said all the
11 cities have submitted their 2020 impact fees. Each city should have received a letter from Squire and Company
12 confirming the impact fee amounts collected for 2020. Impact fee revenues were a little higher in 2020 than 2019 and
13 were just slightly higher on ERU’s.

15 **Action Items**

16 **1. TSSD April Board Meeting 4/15/2021**

17 Rich said the April board meeting was planned for the fourth Thursday in April due to the WEAU Conference held
18 on the third week. That conference has moved to a virtual meeting. It is recommended to move the TSSD Board
19 meeting to the third Thursday, April 15, 2021.

20 **Brian Braithwaite made a motion to have the April Board Meeting on April 15, 2021. Jay Meacham**
21 **seconded the motion. Those voting “Aye” – David Bunker, Dale Ihrke, Mark Christensen, Mack Straw, Brian**
22 **Braithwaite, Blaine Thomas, John Goodman, Craig White, Katie Koivisto, Jay Meacham, Richard Nielson,**
23 **Sullivan Love and Chandler Goodwin. The motion passed unanimously.**

25 **2. TSSD Board Elections**

26 David Bunker said the chair and the vice chair are elected by the board. The TSSD By-Laws specify the term of the
27 chair and vice chair shall be two years, no more than two consecutive terms and must be elected for each term. It has
28 been two years and is time to elect a chair and vice chair. In the past, after nominations, the board would vote by secret
29 paper ballot. David asked Craig Carlile how to handle the vote over Zoom electronic meeting. Craig said the vote can
30 be sent via chat and he felt comfortable having the vote sent to Danette but if the board prefer a double check, the vote
31 can be sent to Danette and Rich. The board said they felt comfortable sending their vote to Danette.

32 Blaine Thomas nominated David Bunker as Chair. Dale Ihrke seconded that nomination.

33 Dale Ihrke nominated Mark Christensen. Mark said he did not want to accept the nomination.

34 Brian Braithwaite moved to close nominations.

35 With no other nominations for Board Chair, David Bunker was elected Board Chair unanimously.

36 Brian Braithwaite nominated Ihrke as Vice Chair. Blaine Thomas seconded the nomination.

37 Mack Straw nominated Sullivan Love as Vice Chair. Katie Koivisto seconded the nomination.

38 Brian Braithwaite moved to close the nominations for Vice Chair.

39 Board members sent their vote to Danette to tally. Blaine Thomas was not able to send his vote. Dale Ihrke was
40 elected Vice Chair by a majority vote.

42 **3. Limno Corral Research Awarded**

43 Rich said two years ago, we did a project with Jacobs Engineering on Utah Lake solutions. There were a couple of
44 options to help improve the lake. One of those options was the Limno Corrals in the lake. The State of Utah
45 contributed money toward that project. We purchased the six Limno Corrals and put in one in the lake last November
46 for a month to see if it could withstand the environment, which it did. We will put six Limno Corrals in the lake for
47 this study. We put it out for an RFP. Three different research groups submitted proposals. Each proposal went
48 through the review process. The BYU/Oreohelix/UVU team was selected, for a contract price of \$166,500. There is
49 \$200,000 from State of Utah and \$100,00 from TSSD. The majority of the TSSD funding is going to the project
50 manager, Jacobs Engineering. Rich said those corrals will go in the lake the end of March and be in until fall. This is

1 the first phase of a three-year study. The board will get a report and will evaluate whether we want to continue with
2 this team. The \$200,000 coming from state is ongoing, but there is always the chance they could reel that back. We do
3 not want to get stuck with that \$200,000 so there are some caveats in the contract.

4 **Dale Ihrke made a motion that we enter into a contract with BYU/Oreohelix/UVU Team for a total contract**
5 **price of \$166,500. Brian Braithwaite seconded the motion. Those voting “Aye” – David Bunker, Dale Ihrke,**
6 **Mark Christensen, Mack Straw, Brian Braithwaite, Blaine Thomas, John Goodman, Craig White, Katie**
7 **Koivisto, Jay Meacham, Richard Nielson, Sullivan Love and Chandler Goodwin. The motion passed**
8 **unanimously.**

9 10 **4. Resolution 2021-02**

11 David Bunker said there is a draft resolution in the packet. This resolution is concerning the support for the
12 preservation and rehabilitation of Utah Lake. David said there is legislation that is proposed by Rep. Brammer for the
13 creation of a Utah Lake Authority (HB364). This legislation has the potential to greatly impact our sewer district.
14 David said there is language in the bill which identifies wastewater treatment plants as entities that could potentially be
15 assessed fees to clean up and develop Utah Lake.

16 Rich said he saw some things that were problematic with the way this bill is currently written. The main thing is
17 the Clean Water Act and the Utah Water Quality Act need to stay in place the way it currently is. Rich said there a line
18 in the bill that says, “use the best management practice to meet or exceed the applicable federal and state laws.” That
19 contradicts the Utah Water Quality Act which says you cannot be more than the federal laws. Also, there is line about
20 wastewater fees. It is unclear to him about whether it means the Lake Authority board would replace the TSSD Board
21 or they would develop the land and make their own wastewater plant. The bill states that it does not have any
22 appropriations for money. However, there was a request for appropriations in another session. The bill is heavy on
23 land and light on how to actually clean the lake.

24 Rich said the bill says the entity gets to determine the project area. It states that they will be able to have the
25 infrastructure of those project areas and be in charge of and monitor those discharge permits. One more thing was the
26 bonding. Rich said TSSD has spent the last two years going over the CFP, IFA and IFFP and the master plan. It is
27 well defined what we will have to do for the development of our plant, and what we need to do to comply. Rich said he
28 assumes when they do a project area, they would need to do a similar plan, but there is no need for wastewater in the
29 lake boundary where there is nothing yet developed.

30 Mark Christensen said this bill is being created under the Military Institution Development Act (MIDA). The cities
31 he has worked for have always fought against these MIDA agencies. However, this is very different than other MIDAs
32 that have been proposed. An early draft bill had a half mile ring around Utah Lake that was designated as a project
33 area. It was going in the direction of taking the tax increment from that area. Saratoga Springs represented about half
34 of that taxable area. Mark said they pushed back on the draft bill added some proposed language and Rep. Brammer
35 has verbally told Mark he will accept it. Mark believes an amendment will be out soon and will deal with a lot of
36 Rich’s concerns. The proposed language says, “the lake authority shall serve as a recommending and advisory body to
37 the adjacent political subdivisions with no jurisdiction control or power over those entities.” TSSD would fall into that
38 category. Rep. Brammer went one step further and added an extra sentence, “except as set forth in any agreement
39 between the authority and any adjacent political subdivision.” Mark said Rep. Brammer has given the flexibility to
40 make these project areas completely voluntary. Mark said in the development of the north marina in Saratoga Springs;
41 25 acres Saratoga Springs would like to develop, could be entered into a project area and the lake authority would
42 participate in the development. Saratoga Springs could commit some of their tax increment and the Lake Authority
43 would match that with other state funds to fund a marina in their community.

44 Mark said the arches islands permit has already been submitted and is going through its regulatory channels. This
45 body would not be weighing in on those permits. If it gets approved, then there would be discussion and this Lake
46 Authority board would help coordinate that. Mark said Rep. Brammer understands and agrees that we should not be
47 taking local dollars, such as a sewer fee, and using it towards the creation of the islands. The creation of the islands
48 would be its own funding mechanism. Mark said Rep. Brammer feels strongly that the eight local government seats
49 being given on a board of thirteen would let us maintain local control. Mark believes the wastewater fees, the storm
50 water fees, and the taxing ability that exists will be proportionately distributed across all payors.

1 Chandler said it sounds like there is a lot of positive momentum in the changes we would like to see in this bill.
2 This resolution talks about the bill in its current form; given that there will probably be significant change on this bill,
3 that we do not take a stance on this bill tonight. Mark said to be fair to Rep. Brammer, he has been incredibly fair and
4 willing to put changes we have in that. To Rich's point regarding fees, he does not think Rep. Brammer will remove
5 the wastewater fees out. He is trying to leave the potential fees that can be charged on the table and go for a broad
6 funding base to clean the lake. Mark didn't think it would target us specifically. It could be a fee on every sewer
7 connection in each city but would not take from existing revenues; it would be an added potential fee. Mark said he
8 would not support an opposition; but say would support with amendments. He has to trust that Rep. Brammer is going
9 to deliver on the changes that he has potentially agreed to. Brian Braithwaite said it has to be conditional, either way.
10 Until he proposes it and makes it real, this is the bill we have in front of us, and it is not acceptable. Mark didn't
11 disagree, and at the same time, he is hopeful the changes will "remove the teeth" from what we would be fearing.

12 Katie Koivisto said Mark had mentioned about if this were to go through there is the possibility that the state would
13 be able to come in to help Saratoga Springs build out that marina and partially pay for that. Mark said he gave that as
14 an example of a project area. Mark said they are bringing money to the table to fund a lot of projects, such as trail
15 connections, and access to the lake. Rep. Brammer has represented that he really wants to clean up the lake and make
16 it a recreation amenity for our communities. There will be a project plan where cities will work with the Lake
17 Authority to create project areas and find funding sources to create more marinas and access to the lake. Mark said
18 there is a lot of funding tools available, and Rep. Brammer agrees that any monies generated for these types of fees
19 should be used cleaning the lake or providing access to the lake and not for the development of the arch's islands.
20 Katie said that would be a benefit for Saratoga Springs, but she doesn't know how it would benefit the rest of the cities.
21 Mark said that was used as an example, it could be a number of different projects in the different cities and didn't like
22 the jargon in there. The Lake Authority board would decide how to use those funding sources.

23 Katie said she feels like Utah Lake isn't meant to be cleaned up; it is a collection basin. She asked Rich are the pros
24 of "taking the teeth" out of this bill. Rich said he doesn't know, and that is why keeps going to the Clean Water Act.
25 Rich said DWQ has put together the Utah Lake Water Quality Study and he put out the video a few weeks ago out of
26 frustration. All of these different department representatives have been meeting on the steering committee and they do
27 not understand we are trying to clean the lake and have the science to back it up. Rich said this is just shifting the
28 funding mechanism. Right now, the Utah Lake Commission has a budget of about \$300,000. This bill looks like there
29 is going to be \$1.5 million ongoing state dollars going to the Lake Authority.

30 Rich thinks the Utah Lake Water Quality Study group is moving too slow. They have a 2023 deadline to tell us
31 what we need to conform to. Rich does not think the science will be in by then. Rich said the dirty snowstorm that
32 came through a couple of weeks ago left about 5 tons of phosphorus on Utah Lake. The District disposed about 20 tons
33 of phosphorus to the lake last year. Few people are paying attention to what is going on with the whole picture. That is
34 the reason he created the video. He wants all the entities paying attention on the state level and realizing all the work
35 DWQ is doing and what TSSD is doing. Rich said if it is good today, wait a year, and revisit it. He thinks more
36 departments will be on board with it.

37 Dale Ihrke asked if this bill is watered down, what is the advantage of going to a lake authority versus staying with
38 the structure we have now. Mark said the lake commission doesn't have authority to pull in some of the state
39 resources. The Lake Authority, under this legislation, has the ability to assess fees and generate revenues that might
40 bring impactful change to the quality of Utah Lake. Mark said the lake has been neglected for 160 years. Katie said
41 she wouldn't say it is neglected; it is a reservoir that collects. It is never going to be like Bear Lake. Mark said for 160
42 years it has collected, whether it was Geneva Steel, the carp and all the reasons the lake is where it is now. Mark said
43 maybe if it sits a year, we may come up with some different conclusions. But also, maybe a year from now, we do not
44 have the control with the board appointments and may not have the seats at the table to be able to influence where this
45 goes. Mark said there is potential that this could happen to us or happen with us. Mark thinks there is a good chance
46 this could get passed this year. Sullivan said Vineyard was of the opinion they should oppose the bill as it was
47 currently drafted. They are cautiously optimistic those amendments are in the bill and they would be more supportive.

48 David Bunker said the only thing we have in front of us is the language presented in the bill. David said we talk
49 about "taking the teeth out" of the bill, but then in the same breath we say they would still have the ability to assess
50 fees, enact a tax or take tax increments. If they have that ability, then we haven't taken the teeth out of it. David said it

1 is an issue that the lake commission cannot bond, and he is not sure if there is a way to remedy that. The Utah Lake
2 Commission represents 15 cities in the valley, with 2 state legislators. David feels with the representation the Lake
3 Commission has there is a way to do lake cleanup, if that is the intent. The state legislature can appropriate money
4 through the Utah Lake Commission and through other entities including TSSD. The language in the bill is the most
5 important thing. Adding language such as proportionate and equitable; it might be proportionate and equitable to some
6 but not to others.

7 David said the fact that agreements can be made like the example of Saratoga Springs improving their marina and
8 through tax increments, they would get some of those dollars, some state dollars would come in. It would also affect
9 the county tax, school districts, and water districts. David said he is not sure if the bill language states that those
10 entities can opt out of tax increment. The issue is, if everyone opts out of tax increment or having fees assessed then
11 there is no money to do it. The bill is contradictory in a couple of places. The intent is to make it voluntary, but it
12 needs more work and some legal eyes on it. David said we would want Craig Carlile to look at the bill carefully and
13 see what effect it would have on TSSD. Mark said he would strongly encourage us to do that, but taking a no position,
14 does not solve the problem.

15 David said maybe we table this and look at the language that comes forth to see if it fits our needs. This resolution
16 is based on language we have today. David Bunker said we may need to have a special meeting. Chandler said if these
17 changes come to fruition in a future submission, then you can honestly say that Rep. Brammer came to the negotiating
18 table in good faith. Mark said we need to ask ourselves if a resolution on our behalf is going to change the outcome of
19 the bill. Mark would not be in favor of passing this resolution at this point, because he made the appeal at Rich's email
20 request to remove the "meet or exceed the applicable federal or state laws" language. Rep. Brammer told Mark he
21 would remove that. Brian said he felt we should say we are neutral on this only if amended and we should have a
22 position that we are against it if we see it is not working. Brian appreciates all the work that Mark has done and
23 believes Rep. Brammer is willing to work with people. Blaine said he is not in favor of the bill the way it is written,
24 and if necessary, we should call a special meeting to either support or reject it. David Bunker said this is a very
25 important bill and it means a lot to the district, the communities that surround the lake, and the state. David asked
26 Mark to let the board know when the new language is ready to review.

27 **Brian Braithwaite made a motion that we continue this action item until we meet again. Blaine Thomas**
28 **seconded the motion. Those voting "Aye" – David Bunker, Dale Ihrke, Mark Christensen, Mack Straw, Brian**
29 **Braithwaite, Blaine Thomas, John Goodman, Craig White, Katie Koivisto, Jay Meacham, Richard Nielson,**
30 **Sullivan Love and Chandler Goodwin. The motion passed unanimously.**

31 **Communication**

32 **1. Managers' Report**

33 Rich said the effluent phosphorus is at .63 mg/L so far this year. We are still having a little bit of struggle with the
34 transition from the blowers and our TSS is a little higher than usual. We are aware of that and are trying to stay on top
35 of things.
36

37 **Closed Meeting**

38 **1. To discuss litigation, property acquisition and personnel**

39 **There was no closed session.**
40

41
42 **Adjourn: Dale Ihrke made a motion to adjourn. Blaine Thomas seconded the motion. All present "Aye".**
43 **Meeting adjourned 7:29 p.m.**
44