

Timpanogos Special Service District
Administrative Board
Electronic Meeting Minutes
6400 North 5050 West Utah County, Utah

APPROVED

July 20, 2023

6:00 p.m.

Conference Room/Electronic Meeting

Board Members:

Present: Sullivan Love - Chair Jay Meacham – Vice Chair Neal Winterton
 Brian Braithwaite Lon Lott Blaine Thomas
 Richard Nielson Chandler Goodwin

Electronic: Mack Straw Chris Condie *Joel Thompson
 Mark Christensen

Excused: David Bunker Richard Mickelsen

District Staff: David Barlow, District Engineer
 Shannon Hansen, Administrative Manager
 Danette Smith, Board Secretary
 Alan Robinson, Treatment Manager
 Joe Martin, CPA

Others: Mark Bell, Hayes Godfrey Bell Brandon Wyatt, Bowen Collins Associates
 Wade Stinson, Aqua Engineering Japheth Mcgee, Zions Bank
 Jodi Hoffman, Hoffman Law Ryan Bjerke, Chapman and Cutler

Call to Order

Sullivan Love, Board Chair, called the meeting to order. 6:00 p.m.

Public Comment

There was no public comment.

Approval of Minutes

1. Approval of the June 15, 2023 Administrative Board Meeting Minutes

Richard Nielson made a motion to approve the minutes of the June 15, 2023 Administrative Board Meeting as presented. Lon Lott seconded the motion. Those voting “Aye” – Sullivan Love, Jay Meacham, Mark Christensen, Mack Straw, Blaine Thomas, Brian Braithwaite, Richard Nielson, Lon Lott, Chris Condie, Neal Winterton, Joel Thompson and Chandler Goodwin. The motion passed unanimously.

Consent Calendar

1. TSSD Check Register
2. CL-N1: Sundt Pay Request No. 9
3. EL-1 COP Pay Request No. 13

Mack Straw made a motion to approve all items on the Consent Calendar as presented. Brian Braithwaite seconded the motion. Those voting “Aye” – Sullivan Love, Jay Meacham, Mark Christensen, Mack Straw, Blaine Thomas, Chris Condie, Brian Braithwaite, Richard Nielson, Lon Lott, Neal Winterton, Joel Thompson and Chandler Goodwin. The motion passed unanimously.

1 **Finance**

2 **1. Financial Report**

3 The financials for May 2023 were in dropbox for the board to review.
4

5 **Action Items**

6 **1. CL-N1**

7 **1. Change Order # 2 (\$4,410.00) Unit Bid**

8 **2. Change Order # 3 (\$100,168.09)**

9 David Barlow said there are two change orders tonight on the CL-N1 project. Change Order No. 2 is due to
10 transposed numbers on the quantity of a unit price bid for pipe bedding. The unit price would stay the same, but the
11 correct quantity would result in an increase of \$4,410.00. For Change Order No. 3, it is required to move fiber optic line
12 by Lumen. We discovered this line was in the way of the pipeline, when we got out the field. The total cost to move it is
13 about \$157,000.00. The contractor is going to pay \$57,000.00. The District's portion would be \$100,168.09.

14 **Blaine Thomas made a motion to approve Project CL-N1 Change Order No. 2 for an increase of \$4,410.00 and**
15 **Change Order No. 3 for an increase of \$100,168.09. Chris Condie seconded the motion. Those voting "Aye" –**
16 **Sullivan Love, Jay Meacham, Mark Christensen, Mack Straw, Blaine Thomas, Brian Braithwaite, Richard**
17 **Nielson, Lon Lott, Chris Condie, Neal Winterton, Joel Thompson and Chandler Goodwin. The motion passed**
18 **unanimously.**

19
20 **2. TO 2023-04 Package A Thermal Dryers Final Design (\$2,459,188.00)**

21 David Barlow said the previous package was up to 30% to the basis of design report. This task order is for final
22 design through bidding. This package A is for thermal dryers and is \$2,459,188.00.

23 **Brian Braithwaite made a motion to approve TO 2023-04 Package A Thermal Dryers Final Design for**
24 **\$2,459,188.00. Richard Nielson seconded the motion. Those voting "Aye" – Sullivan Love, Jay Meacham, Mark**
25 **Christensen, Mack Straw, Blaine Thomas, Brian Braithwaite, Richard Nielson, Lon Lott, Chris Condie, Neal**
26 **Winterton, Joel Thompson and Chandler Goodwin. The motion passed unanimously.**

27
28 **3. TSSD Reimbursement Resolution 2023-03**

29 Ryan Bjerke, Chapman and Cutler, said this reimbursement resolution will satisfy certain IRS requirements, in order
30 to allow the District to reimburse themselves for costs that are being incurred now before you issue bonds. It is not
31 obligating the District to issue bonds, but it is allowing you to go back and capture some of the costs being incurred now,
32 once you do issue bonds. This requires you to specify the type of bonds you are going to issue and the maximum
33 principal amount. The maximum principal amount in the reimbursement resolution is \$251,000,000.00 for a couple
34 series of bonds the District will be doing. Ryan said they verified that they would have to come back to the board for
35 approval before issuing any of those bonds.

36 **Brian Braithwaite made a motion to approve the TSSD Reimbursement Resolution 2023-03 as presented.**
37 **Mack Straw seconded the motion. Those voting "Aye" – Sullivan Love, Jay Meacham, Mark Christensen, Mack**
38 **Straw, Blaine Thomas, Brian Braithwaite, Richard Nielson, Lon Lott, Chris Condie, Neal Winterton, Joel**
39 **Thompson and Chandler Goodwin. The motion passed unanimously.**

40
41 **4. CL-R1 Easement Acquisition Approval**

42 This action item will be voted on after closed session.
43

44 **5. Truck Purchase (+\$50k)**

45 Alan Robinson said the state contract price for this is \$50,595.000. We will surplus a 1994 truck.

46 **Blaine Thomas made a motion to approve the truck purchase. Chandler Goodwin seconded the motion.**
47 **Those voting "Aye" – Sullivan Love, Jay Meacham, Mark Christensen, Mack Straw, Blaine Thomas, Brian**
48 **Braithwaite, Richard Nielson, Lon Lott, Chris Condie, Neal Winterton, Joel Thompson and Chandler Goodwin.**
49 **The motion passed unanimously.**

1 **6. Bowen Collins and Associates Scope and Fee Proposal for Texas Instruments Additional Flow Study**

2 David Barlow said as the board is aware, Texas Instruments (TI) is planning on increasing flow. This proposal will
3 look at the potential impacts that increase will have on the District. This scope has a fee of \$39,500.00 that will be
4 reimbursed by Texas Instruments. David said we asked Bowen Collins to do four scenarios for the flow from TI 1) flow
5 to come down through Highland and American Fork which would require a new lift station 2) to go down through Lehi
6 3) to go over to North County Blvd and down 4) a separate sewer line just for TI. David said the additional flow would
7 be an average of 3.2 mgd with a peak of 4.6 mgd. Brian said we have discussed with them doing their own recycling.
8 David said because of water rights, they can only recycle a certain amount of water, which they are already doing. Mack
9 asked if they have given us indication of what will be in their discharge. David said he doesn't think we are really
10 worried about the quality of the water TI will send here, but more about quantity. Chandler asked about the likelihood of
11 the quantity of water changing over time with the facility expansions or operation changes. David said they would have
12 to come to us with a new agreement at that time. Neal said he assumes TI would look at the cost and then ask
13 themselves if building their own facility would make sense. David Barlow said this is the main reason we are doing this
14 study because they have no idea how much this is going to cost. Chandler confirmed that the costs for the study will be
15 reimbursed to the District by TI. David said yes, TI will reimburse these costs.

16 **Neal Winterton made a motion to approve the Scope and Fee Proposal from Bowen Collins and Associates for**
17 **the Texas Instruments Additional Flow Study. Chandler Goodwin seconded the motion.**

18
19 Mark Christensen said before deciding he would like to clarify that we are not committing to anything by doing this
20 study and we will still have the ability to say no if it is not in our best interest. Mark Bell said his understanding is that
21 this is a study only. Mark Christensen said he is fine with doing the study but wants to make sure we are not being left
22 short handed with the over consumption of resources by a specific user, and then force cities to assume greater fiscal
23 impacts. David Barlow said if they proceed, and the board approves, TI will pay the one-time cost to do those
24 improvements. David said he understands is they would pay an impact fee for treatment, and the impact for the
25 collections system would be the cost that they pay for those projects. Mark Christensen asked how much of our residual
26 capacity of the plant would be consumed by this. David said we have about 10 mgd capacity and when we do the PCAD
27 project we should gain another 10 mgd. David said if we move forward with this, it will take a good 2 years to design
28 and another 3+ years to build.

29 **Those voting "Aye" – Sullivan Love, Jay Meacham, Mark Christensen, Mack Straw, Blaine Thomas, Brian**
30 **Braithwaite, Richard Nielson, Lon Lott, Chris Condie, Neal Winterton, Joel Thompson and Chandler Goodwin.**
31 **The motion passed unanimously.**

32
33 **7. Utah County Special Service District to Local District**

34 Mark Bell said this is the document that will be sent to each city for approval to convert TSSD from a Special
35 Service District to a Local District. Mark said he can get this circulated out the city mayors and city administrators, but
36 first would like the board members to vote on a name for the District. The name he put in the documentation is
37 Timpanogos Improvement District, with alternatives: Timpanogos Service District, Timpanogos Water Reclamation
38 District. Brian felt that simplifying it from TSSD with TSD would be a simple thing to do, but it doesn't tell a lot of
39 people about what we do. Brian said Timpanogos Water Reclamation District says a lot more about who we are and
40 what we do in the name. Brian thinks either one of those has more reason to move forward than Timpanogos
41 Improvement District. Mark Bell said he proposed Timpanogos Improvement District because he is a lawyer and, under
42 the statute, the type of district will be an improvement district. Brian said personally he would like it to have the water
43 reclamation in there because it describes better who we are, but not a lot of people do not know what we do, so
44 Timpanogos Service District would work too, but he would go with Timpanogos Water Reclamation District. Chris
45 said he agreed with Brian. Lon asked if this name needs to be decided on before it goes out to the cities for approval.
46 Mark Bell said he will be sending out a draft resolution and it will identify the name of the district in that resolution.
47 Once the district officially becomes a service district and not a special service district, we can change the name by going
48 through the statutory process again. Mark strongly recommends the board pick a name tonight so it will be on the
49 document he presents to the cities.

1 **Brian Braithwaite made a motion to direct Attorney Mark Bell to send out this resolution to the cities and**
2 **include the name change of Timpanogos Water Reclamation District. Mack Straw seconded the motion.**

3
4 Richard Nielson said he in section 3page 4 there should be a change to “any such individual shall hold the position
5 designated in sections 1 and 2 above” from “1 and 1 above”. Mark Bell yes, he would fix that.

6 **Brian Braithwaite amended his motion to include that change of section 3 on page 4 “any such individual shall**
7 **hold the position designated in sections 1 and 2 above”.**

8
9 Neal asked if the employees have any thoughts on the name, since they wear the logo and have it on the vehicles they
10 drive. Lon said Timpanogos Water Reclamation District would be “TWRD”. Blaine said he didn’t know enough about
11 this change to make a decision, and he is opposed until he knows more about it. Sullivan said we have talked for several
12 years about taking the district from a special service district, which is highly regulated and governed by the county
13 commissioners to a local district where we have more say in how we are governed and how we are able to operate. It
14 also gives the district the potential to collect taxes to help fund projects. Blaine said the funding is normally through
15 bonding, impact fees. Sullivan said from his understanding none of that would change. Blaine said as local district you
16 have to be within the boundaries of the district to be a representative. Mark Bell said yes, that is a requirement of the
17 law. Blaine said it will change the composition of the board too. Mark said yes, there are thirteen members now, and it
18 will be reduced to nine members and two ex-officio members.

19 Blaine said he just doesn’t know enough about this and if asked to vote tonight he will vote no. Mark Bell said the
20 basic distinction is as a special service district we operate entirely at the will of Utah County. If you have a good county
21 commission you are in good shape, but you could have a county commission come in and literally change the entire
22 composition of the board. We haven’t had issues in the past, but this change will essentially give us a divorce from the
23 county and the district will operate entirely independent of the county. Blaine Thomas asked how it would take for this
24 change to take place. Mark said he anticipates it will be completed by the end of the year. Lon said he likes the idea of
25 getting input from the employees on the name. Mark said he understands the concern with the employees, and he thinks
26 it is important, but we are also under a timeline with the county. Perhaps the simplest solution is Timpanogos Service
27 District (TSD). It is not a big change and down the road if we want to solicit alternative names from the employees or
28 public, that could be done. The board also discussed the name of Timpanogos Sewer Service District (TSSD). Brian
29 said keeping the acronym is nice, and he thinks rebranding, to some degree to make it more who we are would be good.
30 Whatever we do in this situation, he does not think we should change any of our logos or anything for a period of time
31 until we are ready to make that change.

32 **Brian Braithwaite withdrew his previous motion.**

33 **Brian Braithwaite made a motion to direct Attorney Mark Bell to send this resolution to the cities and include**
34 **the name change to Timpanogos Service District as the name to move forward with at this time and suggest the**
35 **board look at that name and determine if we want to go with something else after further discussion. Chris**
36 **Condie seconded the motion. Those voting “Aye” – Sullivan Love, Jay Meacham, Mark Christensen, Mack**
37 **Straw, Brian Braithwaite, Richard Nielson, Lon Lott, Chris Condie, Neal Winterton, Joel Thompson and**
38 **Chandler Goodwin. Those voting “Nay” – Blaine Thomas. The motion passed with a majority vote.**

39
40 **Communication**

41 Sullivan read a note of thanks sent to the District from a Vineyard resident.

42
43 **Manager’s Report**

44 David Barlow said the plant is maintaining compliance. The manager’s report is in dropbox for review.

45
46 **Closed Session**

47 **Blaine Thomas made a motion to go into closed session to discuss the collection of Impact Fees, and the CL-R1**
48 **easements acquisitions in the Conference Room of Timpanogos Special Service District. Lon Lott seconded the**
49 **motion. Sullivan Love, Board Chair, took a roll call vote. Those voting “Aye” – Sullivan Love, Jay Meacham,**

1 **Mark Christensen, Mack Straw, Chris Condie, Brian Braithwaite, Blaine Thomas, Richard Nielson, Lon Lott,**
2 **Neal Winterton, Joel Thompson and Chandler Goodwin. The motion passed unanimously. 6:55 p.m.**

3

4 **Richard Nielson made a motion to go back into regular session. Blaine Thomas seconded the motion. Those**
5 **voting “Aye” – Sullivan Love, Jay Meacham, Mark Christensen, Mack Straw, Chris Condie, Brian Braithwaite,**
6 **Blaine Thomas, Richard Nielson, Lon Lott, Neal Winterton, Joel Thompson and Chandler Goodwin. The motion**
7 **passed unanimously. 7:33 p.m.**

8 ***Joel Thompson left. 7:33 p.m.**

9

10 **Action Items**

11 **4. CL-R1 Easement Acquisition Approval**

12 **Neal Winterton made a motion to approve up to \$551,200.00 to acquire the necessary temporary construction**
13 **easements, perpetual easements, and cost to cure for the CL-R1 Project less pending negotiations. Brian**
14 **Braithwaite seconded the motion. Those voting “Aye” – Sullivan Love, Jay Meacham, Mark Christensen, Mack**
15 **Straw, Chris Condie, Brian Braithwaite, Blaine Thomas, Richard Nielson, Lon Lott, Neal Winterton, and**
16 **Chandler Goodwin. The motion passed unanimously.**

17

18 **Adjourn: Chris Condie made a motion to adjourn. Lon Lott seconded the motion. All present “Aye.” Meeting**
19 **adjourned. 7:36 p.m.**

20