

TIMPANOGOS SPECIAL SERVICE DISTRICT  
ADMINISTRATIVE BOARD MEETING MINUTES

**APPROVED**

October 21, 2021

6:00 p.m.

Conference Room

**Board Members:**

**Present:** David Bunker Chandler Goodwin Mark Christensen  
Sullivan Love Brian Braithwaite Blaine Thomas  
Jay Meacham John Goodman \*Chris Condie

**Excused:** Craig White Dale Ihrke Richard Nielson  
Mack Straw

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

**Others:** Brandon Wyatt, Bowen Collins and Assoc. Ryan Bench, Carollo Engineers  
Wade Stinson, Aqua Engineers

**Call to Order**

David Bunker, Board Chair, called the meeting to order 6:02 p.m.

**Public Comment**

There was no public comment.

**Approval of Minutes**

1. Approval of the August 19, 2021 Administrative Board Meeting Minutes
2. Approval of the September 16, 2021 Administrative Board Retreat Minutes

Brian Braithwaite made a motion to approve the minutes of the August 19, 2021 Administrative Board Meeting and the September 16, 2021 Administrative Board Retreat. Chandler Goodwin seconded the motion. Those voting "Aye" – David Bunker, Mark Christensen, Brian Braithwaite, John Goodman, Blaine Thomas, Jay Meacham, Sullivan Love and Chandler Goodwin. The motion passed unanimously.

**Consent Calendar**

1. Archer Western – Pay Request # 13
2. COP Construction – Pay Request # 4
3. Liability Insurance
4. CFP – Bowen & Collins
5. WFWQC Contract

Brian Braithwaite made a motion to approve items 1-5 on the Consent Calendar. Sullivan Love seconded the motion. Those voting "Aye" – David Bunker, Mark Christensen, Brian Braithwaite, John Goodman, Blaine Thomas, Jay Meacham, Sullivan Love and Chandler Goodwin. The motion passed unanimously.

\*Chris Condie arrived. 6:07 p.m.

**Action Items**

1. Rawson Development Inc. Hauling Change Order

Rich said this letter from David Rawson, Rawson Development Inc. (RDI) was sent October 11<sup>th</sup>. According to our contract, we need to reply within ten days, so the Board needs to take action tonight. Rich said the District signed a

1 hauling agreement with RDI in January 2020. They have been hauling for us since then. In July of this year, the Board  
2 approved an emergency hauling contract. There was a change in the state emergency procurement policy effective May  
3 2021. That policy says the contract term for emergency procurement may be no longer than 30 days. The emergency  
4 hauling contract we entered into was a 5-year term. We need to go back out for procurement for this additional hauling.  
5 We will put out an RFP within 30 days. Currently we haul to Intermountain Regional Landfill (IRL), Bayview Landfill,  
6 and Wasatch Regional Landfill (WRL). The contract with RDI is to haul up to 90 tons/day, Monday through Friday to  
7 WRL. Rich said RDI has been hauling to IRL and Bayview for us and that is not in the contract. They have done that  
8 for over a year and are now saying they want to hold to the contract as written. That causes a problem because we do  
9 not have anyone to haul to Bayview and IRL. IRL accepts biosolids on Saturday. Rich suggested to stay with the  
10 emergency hauler until we go through the procurement process to get someone to haul to any landfill.

11 Rich said David Rawson was invited to board meeting but is out of town and not able to attend. Mark asked if we  
12 could continue to haul up to 450 tons/week with RDI without incurring surcharges and change order fees. RDI is saying  
13 they cannot do more than 300 tons/week. Rich thinks we can manage to be within the 300 tons/week, but the contract is  
14 up to 450 tons/week. Rich said the board can give additional compensation for a change order if they wish. Rich  
15 recommends we send the extra tonnage to the emergency hauler until we go through the RFP process and get a contract.  
16 That will relieve pressure on RDI.

17 Rich said the RDI drivers have been exceptional to work with, but they have lost drivers and maintenance people.  
18 Rich said we are only sending two loads a day to WRL and sending the rest to Bayview and IRL. Brian asked if there  
19 will be stipulations in the new RFP so if RDI were to bid they would have sufficient staff to handle the additional  
20 hauling. Rich said we would put together the procurement to ensure that they have sufficient staff and a track record to  
21 do that work. Brian said we may want to put a clause in there that says if they are not able to perform, we can go to the  
22 next bidder or rescind the contract. Mark said he expected the next contract would include the different hauling  
23 locations, including unknown locations, cost per mile and lock them in from trying to back out. Rich said yes.  
24

25 **Blaine Thomas made a motion based on the finding of facts: that it was necessary for the District to use**  
26 **emergency procurement to hire additional hauling services; those conditions still exist and considering the**  
27 **requirement to remedy the emergency procurement within 30 days, the District now needs to go out to bid. Also**  
28 **finding that the current contractor does not want to haul outside the scope of the original contract. Sullivan Love**  
29 **seconded the motion. Those voting “Aye” – David Bunker, Mark Christensen, Brian Braithwaite, John**  
30 **Goodman, Chris Condie, Blaine Thomas, Jay Meacham, Sullivan Love and Chandler Goodwin. The motion**  
31 **passed unanimously.**  
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## 33 **2. Cell Tower Contract – Second Amendment to Site Lease**

34 Rich said this is an addendum to the current cell tower contract. We have made progress on the request from Crown  
35 Castle to have Dish Network connect to the tower and also approved a pre-contract to go forward. Rich said he and  
36 legal have looked through this and he is not supporting this contract. They have not moved forward with what we were  
37 trying to do. Under section 3 we were supposed to split the revenue 50/50; they have put in 30% revenue and excluded  
38 any reimbursement of taxes, construction, installation costs and revenues. There are several other things they are trying  
39 to gain more control over. Mark asked if any of the capital projects we will be doing in the next several years will be  
40 restricted or limited because of this cell tower and leases. Rich said he does not know and probably will not know for  
41 two or three years until we go through the planning process. In the past we had to go around the tower. It is definitely  
42 possible that it could be in our way. Chandler asked the notification time for cancellation of our contract. Rich said we  
43 have to notify them one year in advance. Brian said the contract comes up for renewal in 2024 so we will be looking at  
44 it again. David Bunker said this is an amendment so we can reject this and still have the original contract in place.  
45

46 **Mark Christensen made a motion to reject the Second Amendment to Site Lease for the reasons mentioned by**  
47 **Rich and unknown circumstances we may be facing in the future. Chandler Goodwin seconded the motion.**  
48 **Those voting “Aye” – David Bunker, Mark Christensen, Brian Braithwaite, John Goodman, Chris Condie,**  
49 **Blaine Thomas, Jay Meacham, Sullivan Love and Chandler Goodwin. The motion passed unanimously.**  
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1     **3. Tentatively Adopt the 2021 Tentative Amended Operation and Maintenance & 2021 Tentative Amended**  
2           **Capital Budgets**

3     **4. Tentatively Adopt the 2022 Tentative Operation and Maintenance & 2022 Tentative Capital Budgets**

4     Rich said this budget has been simplified as directed to show the summary line items and the Capital Improvements  
5 projects by the total yearly budget. This is what will get posted to the state website. On the back, the capital projects are  
6 split out into each project budget. The only change on the 2020 amended budget is the solid waste disposal for the  
7 hauling costs. It is increased from \$2.139 million to \$2.4 million. Chandler asked if the repairs and maintenance budget  
8 would give enough money to do those repairs. Rich said yes, he spoke with some of the supervisors, and they felt it was  
9 sufficient money to do that work. Rich said for the 2022 proposed budget we did increase the cost in some areas and  
10 decrease the cost in others. Brian said with the cost of fuel continuing to go up, is that the primary reason for this solid  
11 waste disposal (hauling). Rich said he took into account the emergency haulers price and looked where we are currently  
12 and added a little cushion. Rich said he cannot go over this amount without coming back to the board, so he gave  
13 himself a little extra to be within the \$2.4 million at the end of the year. Rich said he does not know if the 2022  
14 proposed solid waste disposal is going to be sufficient; if fuel prices go significantly higher, he will come back to the  
15 board. Brian said this can be changed between now and when it is adopted next month so it may be worth Rich's time to  
16 make an adjustment, if needed, after looking more closely at the numbers. Brian said his concern is more to do with the  
17 price of fuel and how quickly it is going up. Mark said he is comfortable if Rich has to come back mid-year for an  
18 adjustment.

19  
20     **Chandler Goodwin made a motion to tentatively adopt the 2021 Tentative Amended Operation and**  
21 **Maintenance & 2021 Tentative Amended Capital Budgets and direct staff to set a Public Hearing for November**  
22 **18, 2021 for a Final Budget Hearing. Mark Christensen seconded the motion. Those voting "Aye" – David**  
23 **Bunker, Mark Christensen, Brian Braithwaite, John Goodman, Chris Condie, Blaine Thomas, Jay Meacham,**  
24 **Sullivan Love and Chandler Goodwin. The motion passed unanimously.**

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26     **Brian Braithwaite made a motion to tentatively adopt the 2022 Tentative Operation and Maintenance & 2022**  
27 **Tentative Capital Budgets and direct staff to set a Public Hearing for November 18, 2021 for a Final Budget**  
28 **Hearing. Chris Condie seconded the motion. Those voting "Aye" – David Bunker, Mark Christensen, Brian**  
29 **Braithwaite, John Goodman, Chris Condie, Blaine Thomas, Jay Meacham, Sullivan Love and Chandler**  
30 **Goodwin. The motion passed unanimously.**

31  
32     **Communication**

33     **1. Managers' Report**

34     Rich said the plant is running well. The blowers are installed and performing the way we wanted. Rich said the  
35 Total Inorganic Nitrogen number is below 10 mg/L, which is what we are looking for. Even though we do not have a  
36 permit parameter on the TIN, it shows how well the plant is running. The YTD average effluent phosphorus is 0.58  
37 mg/L. We need to be below 1 mg/L, and it looks like we are heading in the direction to stay well below that. Rich said  
38 he anticipates that the effluent ammonia numbers will continue to drop.

39     Brian said that Rich presented in front of the Senate to give an update. Brian said he did a great job. Rich said the  
40 Forestry Fire and State Lands signed a contract so we will get \$200,000.00 to continue that study for another year.

41  
42     **Closed Meeting**

43     **To discuss litigation, property acquisition and personnel**

44     There was no closed meeting.

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46     **Adjourn: Mark Christensen made a motion to adjourn. Jay Meacham seconded the motion. All present**  
47 **"Aye". Meeting adjourned 6:44 p.m.**