

MINUTES OF THE ELECTRONIC MEETING OF THE BOARD OF TRUSTEES, MIDVALLEY IMPROVEMENT DISTRICT, HELD AT 160 EAST 7800 SOUTH, MIDVALE UTAH 84047 ON DECEMBER 8, 2021 AT THE TIME OF 2:00 PM, PRUSUANT TO NOTICE.

BOARD OF TRUSTEES PRESENT

**SONDRA SMITH – CHAIR
BLAKE ROEMMICH – VICE-CHAIR
RONALD SPERRY - TRUSTEE**

OTHER PRESENT

**MARK BELL - ATTORNEY
BRAD M POWELL, DISTRICT MANAGER
CATHY KINGSBURY, TREASURER
BRENT E CHRISTENSEN, CHIEF FINANCIAL OFFICER, DISTRICT CLERK
RICK CECALA – OPERATIONS SUPERVISOR**

Meeting was called to order at 2:10 PM by Chair Ms. Smith.

1. PUBLIC COMMENTS/CERMONIES/PRESENTATION

- a. No one in attendance.

2. MINUTES – APPROVAL

- a. **Upon motion** made by Mr. Sperry, Seconded by Mr. Roemmich and passed unanimously, the Board accepted the November 10, 2021 minutes as corrected.

3. ATTORNEY REPORT

- a. Mr. Bell reported he had no new business to report on.

4. GENERAL MANAGER/ENGINEERING REPORT

- a. Mr. Powell updated the Board on the vehicle status stating the 2020 F150 truck sold for \$51,000 on November 22, 2021.
There are still three vehicles on order; one of the three trucks, an F150, has been shipped and should arrive the week of December 17, 2021.
The second truck, an F150, should arrive the first part of January 2022.
The third truck is the Super Duty that was ordered in August 2021 and is still tentatively scheduled to be built the fourth week of May 2022.
Mr. Powell said there is still a problem with the delivery schedule because Ford is having trouble getting chips for the trucks.

- b. Mr. Powell stated in June of 2021 Congress voted to declare Juneteenth (June 19th) a Federal Holiday. Midvalley Improvement District honors all other federal holidays and Mr. Powell would like to add Juneteenth to the District list of observed holidays.

After a discussion between the Trustees and staff, the Trustees agreed Juneteenth should be added to the District observed holidays.

Upon motion made by Mr. Roemmich, Seconded by Mr. Sperry and passed unanimously, the Board approved to add Juneteenth to the District's list of observed holidays.

- c. Mr. Powell updated the Board on his efforts to receive qualifications from engineering consultants to update the District's Master Plan Update, Impact Fees Facilities Plan, Impact Fee Analysis and Rate Analysis.

As discussed at the November Trustees' meeting, given the significant changes in construction costs and the rapid growth of high-density uses in the District, Mr. Powell believes it is critical that the District move forward with efforts to update its impact fees and rates.

For the reasons outlined below, Mr. Powell recommends that the District retain Bowen Collins & Associates to perform this work:

- In the District's Procurement Policy it is stated; generally, for small purchases of engineering work, the District's policies require that we obtain qualifications from at least two qualified firms and negotiate a fair and reasonable contract with the best qualified firm. Unfortunately, Mr. Powell has been unable to generate an interest in firms competing for the impact fee work. Mr. Powell believes this is due to market conditions that has qualified consultants very busy and uninterested in the District's smaller project to update its impact fees.
- The "General Provisions" of the District's Procurement Policy addresses situations where two bids, quotes, etc. cannot be obtained; in that circumstance, before accepting a quote from a single vendor, the District is required to consider whether the proposed pricing from a single vendor is fair and reasonable and whether the District should consider canceling the purchase.
- Given the urgency of the work, Mr. Powell does not believe that canceling or delaying the project would be in the best interest of the District; rather, a cancelation or delay would likely harm the District by increasing the actual costs of studies that need to be performed and precluding the District's ability to

capture, through impact fees, the actual increased costs of construction we have experienced in the last few years.

Mr. Powell stated he has worked in the past with Bowen and Collins on the District's Master Plan Update, Impact Fees Facilities Plan, Impact Fee Analysis and Rate Analysis and received a quote from Bowen and Collin not to exceed \$45,400.

Upon motion made by Mr. Roemmich, Seconded by Mr. Sperry and passed unanimously the Board accepted to retain Bowen and Collins to update the District's Impact Fee Facility Plan User Fee Studies for a fee not to exceed \$45,400.

5. REVIEW, APPROVE AND RATIFY CASH DISBURSEMENTS

- a. **Upon motion** made by Mr. Sperry, Seconded by Mr. Roemmich and passed unanimously, the Board ratified the November 2021 cash disbursements for \$302,552.88

6. OFFICE REPORT

- a. Ms. Kingsbury presented the 2022 Annual Meeting Schedule for the Board of Trustees and asked the Board to approve Resolution 2021-12-10. Ms. Kingsbury stated the 2022 Board meetings will be held the second Wednesday of the month at 12:00 noon.

Upon motion made by Mr. Roemmich, Seconded by Mr. Sperry and passed unanimously the Board past Resolution No. 2021-12-08 A Resolution of the Midvalley Improvement District for the Schedule of Monthly Trustee Meetings during the Calendar Year 2022.

7. CHIEF FINANCIAL OFFICER REPORT

- a. Mr. Christensen presented the Annual Ethics Pledge and the Ethics Disclosure Statement for the Trustees to read and sign.

The Ethic Pledge states you will be ethical and the Disclosure Statement states you will disclosure any conflicts either personal or through business dealings that will impact the District.

Mr. Christensen stated the District is required by the State Auditor's office to do a Fraud Risk Assessment. Mr. Christensen stated the District is rated "very low" on fraud risk.

- b. Mr. Christensen stated the District has an Audit committee which meets once a year and they decide if the District should go out to bid on Auditors. The District has had the

same auditor for approximately five years. Mr. Christensen suggested we look at this item again next year.

8. SUPERVISOR'S REPORT

- a. Mr. Cecala stated things are still slow in the District because contractors are unable to get the material they need.

Ms. Smith asked about the building on Center St (the old Safeway building) and if the District has heard what will be built. Mr. Cecala stated he has not heard anything concerning the project.

Mr. Cecala stated Hopper's Restaurant, located on SW corner of 900 E Ft Union, will be torn down and a new, different type, of restaurant will be built in its place.

9. TRUSTEES

- a. Ms. Smith would like to thank all of the District's employees for the great job this year. Mr. Smith appreciates the continued effort the employees have taken to keep all employees safe and healthy through the pandemic. Happy Holidays to everyone.

10. CLOSED MEETING

- a. No Closed Meeting

ADJOURN: Upon unanimous vote by the Board, the meeting was adjourned at 2:50 PM. The next Board meeting is January 12, 2022 at Noon.