

MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES, MIDVALLEY IMPROVEMENT DISTRICT, HELD AT 160 EAST 7800 SOUTH, MIDVALE UTAH 84047 ON MARCH 16, 2017 AT THE TIME OF 12:00 Noon, PRUSUANT TO NOTICE.

BOARD OF TRUSTEES PRESENT

**QUINN SPERRY - CHAIRMAN
ROBERT HALE
SONDRA SMITH**

OTHERS PRESENT

**MARK F. BELL, DISTRICT ATTORNEY
BRAD M. POWELL, DISTRICT MANAGER
CATHY KINGSBURY, OFFICE CLERK
BRENT CHRISTENSEN, CHIEF FINANCIAL OFFICER
MARC JONES, OPERATION'S SUPERVISOR**

Meeting was called to order at 12:03 PM by Chairman Quinn Sperry.

1. PUBLIC COMMENTS

No one in attendance

2. MINUTES

Upon motion made by Ms. Smith, Seconded by Mr. Hale and passed unanimously, the Board approved the minutes of the Board Meeting held on February 8, 2017 as corrected.

3. ATTORNEY REPORT

- a. Mr. Bell discussed the Utah's 2017 Legislative session and bills that may affect the District. Mr. Bell handed out a summary of the House Bills (HP) and Senate Bills (SB). HB-20 states you cannot use government email or social media for political purposes. HP-89 covers the impact fee reporting and the end of year reporting. HP-115 original bill would have local districts paying much higher fees than private entities. The language has changed and fees are now paid more evenly. HP-268 Money Management Act; investment advisor may use its own list of brokers and dealers. Authorizes agencies to purchase theft insurance. HP-279 states how unspent impact fees are distributed: Original owner; claimant; etc. If not claimed, then retained by the agency and used for capital projects. HP-398 Procurement Code will require update of District's

procurement regulations. Effect: Public notice matters; small purchases (cannot intentionally divide larger purchases into smaller purchases); clarifications for invitations to bid and RFPs best and final offers. HP-431 Government Employees Reimbursements Personal purchases. Penalties for personal purchases made with public funds. For intentional misuse must reimburse agency full amount plus 50%.

SB-133 requires agencies to include workplace safety as a criteria in evaluating RFPs. SB-241 states "Cities" must review plans within a reasonable time: 1 or 2 family dwelling within 14 days; construction project for a residential structure within 21 days. If plans are not timely reviewed and plans are stamped by a licensed architect or engineer the plans would be considered approved. SB-143 Local District Boards clarifies when filling a vacancy the candidate must be a resident of the district. SB-242 GRAMA Revision deals with GRAMA requests made by prisoners.

- b. Mr. Bell presented an amendment to the District's current procurement policy with the resolution stating the following:

Mr. Bell stated the District's procurement regulations governing small purchases of design professional services should be amended to allow direct negotiation of contracts that do not exceed \$25,000, without the requirement that the District review the qualification of multiple firms.

Design professional services exceeding \$25,000 and up to a maximum of \$100,000 may be procured by direct negotiation after reviewing qualifications of a minimum of three design professional firms.

Upon Motion made by Mr. Hale, Seconded by Ms. Smith and passed unanimously, the Board approved Resolution No. 17-03-16, A Resolution to Amend the Small Purchase Thresholds for Design Professional Services and authorize the Chairman to sign.

- c. Mr. Bell went over the "Open and Public Meetings Act" with the Trustees. Mr. Bell stated the District conducts their meetings as an open meeting; every meeting is open unless it is authorized to go into a closed meeting. If authorized to close a meeting a record is kept of the closed meeting. The closed door meeting must be listed on the agenda. There cannot be any action taken in a closed meeting.

Mr. Bell discussed a few of the closed meeting purposes: Individual's character, professional competence, or physical or mental health. Strategy session; collective bargaining, real property including water rights, deployment security measures and procurement trade secrets.

Mr. Bell recommended that a notice on the December agenda should indicate that during the District's Christmas Luncheon there will be a quorum of Trustees but no business will be discussed.

Mr. Bell reminded the Trustees not to discuss District business through electric messaging.

- d. Mr. Bell stated there is nothing new on the Amaya issue; the hearing before the Labor Commission administrative law judge is scheduled for July 10, 2017.
- e. The Trustees would like the appointment of District's legal counsel moved to item 8, Closed Meeting.

4. GENERAL MANAGER/ENGINEERING REPORT

- a. Mr. Powell stated that Mr. Hale, Mr. Jones and himself went to the WWETT show in Indianapolis to look at options for a new jet/vac truck. They spent most of the time at the Vactor and GapVax exhibits. One of the most important things they were looking at is what type of chassis is used most often on the trucks. There were several on the Peterbilt chassis but most of the trucks were on either the Western Star or Freightliner chassis.

By the end of the show it was decided that the best truck for the District's needs would be the Vactor on a Freightliner chassis. Legacy Equipment has the state contract and Legacy will get Mr. Powell a final cost to purchase the Vactor by March 24, 2017.

Upon Motion made by Mr. Hale, Seconded by Ms. Smith and passed unanimously, the Board approved the purchase of a new Vactor on a Freightliner chassis through the state contract from Legacy Equipment for a cost not to exceed \$450,000.

- b. Mr. Powell explained that Mr. Syme and Mr. Child have categorized the sewer lines from one to five, five being the lines in the worst condition. Mr. Powell's hand-out showed the streets that were rated with three and higher and recommended that all of these lines be included in the 2017 slip-lining project.

Mr. Powell handed out a contract from Horrocks Engineers to prepare a bid package for the 2017 Slip-Lining Project. The cost to the District for Horrocks to put the bid package together will be \$9,900.

Upon Motion made by Ms. Smith, Seconded by Mr. Hale and passed unanimously, the Board approved to hire Horrocks Engineers to prepare a

complete set bid documents for the 2017 Slip-Lining Project for the amount not to exceed \$9,900 and direct the General Manager to sign a contract with Horrocks Engineers.

- c. Mr. Powell updated the Trustees on the building remodel. Mr. Powell received a quote from Flooring Services for carpet in the amount of \$7,073.08 which is on the state contract. Mr. Powell also ordered the L-shaped desk for the reception area at a cost of \$1,542, also on the state contract.

Upon Motion made by Mr. Hale, Seconded by Ms. Smith and passed unanimously, the Board ratified the purchase of the carpet replacement for the building and the L-shaped desk for the front office as presented by Mr. Powell.

- d. Mr. Powell stated he advertised the Jeep on KSL for the amount of \$31,000 or best offer and he received a bid for the full amount of \$31,000.

Mr. Powell received bids from Car/Max and Larry H Miller for the Silver 2016 Ford F150. The highest bid was \$29,000 from Larry H Miller. Mr. Powell would like to advertise the Ford F150 on KSL.com for \$33,000 or best offer.

5. REVIEW, APPROVE AND RATIFY CASH DISBURSEMENTS

Upon Motion made by Ms. Smith, Seconded by Mr. Hale and passed unanimously, the Board ratified the February 2017 cash disbursement for \$179,903 and February 2017 employee earnings summary for \$62,223.

6. CHIEF FINANCIAL OFFICER REPORT

No report

7. OPERATION SUPERVISOR'S REPORT

- a. Mr. Jones stated the home on 933 East 8600 South was torn down and two houses will be built. Mr. Brindle tore down houses on 8000 South to continue to add to the White Pines twin homes development.

8. CLOSED MEETING – 1:34 PM

Upon Motion made by Mr. Hale, Seconded by Ms. Smith and passed unanimously, the Board moved to go into a closed session to discuss strategy for legal services to appoint legal counsel. Motion was made at 1:34 PM

Upon Motion made by Mr. Hale, Seconded by Ms. Smith to move out of the closed door meeting and back into the open meeting. Motion was made at 1:47 PM

Mr. Sperry stated during the closed door meeting the Trustees discussed appointing legal counsel, no decision was made. Ms. Smith asked what the time frame would be when signing a new contract with legal counsel. Mr. Sperry stated he did not read a time frame in the proposal Mr. Bell presented.

Upon Motion made by Mr. Hale, Seconded by Ms. Smith and passed unanimously, the Board moved to retain legal counsel with Hayes Godfrey Bell, P.C. for a period of one year with the option to renew yearly for 4 more years.

Adjourn Upon unanimous vote by the Board, the meeting was adjourned at 1:51 PM.