

**MINUTES OF THE
MIDWAY SANITATION DISTRICT
BOARD OF TRUSTEES**

Tuesday, March 3, 2015 at 5:30 p.m.

Minutes of the Midway Sanitation District Board of Trustees regular meeting held March 3, 2015 at 6:30 p.m. in the Midway City Office Building, 75 North 100 West, Midway, Utah.

Notice of the meeting and agenda was posted in the Midway City Office Building, Radley's Express and 7-Eleven. A copy was sent to each of the Trustees and posted on the Utah Meeting Notice Web Site.

Roll Call:

Alan Cluff	Wes Johnson
Colleen Bonner	Scott Kettle
Laren Gertsch	Becky Wood

Others Present:

The Meeting was called to order at 6:30p.m.

Approve the Agenda for March 3, 2015:

Trustee Gertsch made a motion to approve the agenda for March 3, 2015. Mayor Bonner seconded the motion that carried with all members voting aye.

Approve the Minutes of the February 10, 2015 Meeting:

Mayor Bonner made a motion to approve the minutes of the February 10, 2015 board meeting. Trustee Gertsch seconded the motion that carried with all members voting aye.

Engineers Reports:

Engineer Kettle updated the board on the monthly flows as received from Heber Valley SSD. Engineer Johnson updated the board on the Acqua Recovery Center Grease Trap installation. He informed the board that Acqua Recovery Center will have a contract to clean the trap monthly for 5 years, but noted that if the trap was not performing properly by this summer that the outdoor trap as discussed previously with Acqua would need to be installed.

Engineer Kettle informed the board that the Tarahumara Grease trap was full but had been cleaned the previous day; and the larger grease trap, Jason's weekly inspection and a better cleaning schedule had improved the Tarahumara Grease trap and that Jason would continue to monitor.

Engineer Johnson informed the board about a meeting that was held with the Higginson's regarding the greenhouse property. He noted that plans had been changed once again and asked the board for their stance on the previous discussions held with the Higginson's back in September. The board noted that it would require the same requirements and submittals from the Higginson's as previously discussed.

Engineer Johnson gave the board an update on the Pine Canyon Road Construction project and noted that progress was great. The board discussed the refuse pile (large rock leftover from the construction excavation) on Ken Patey's property in regards to county debris ordinances.

Manager Report:

Manager Wood, Engineer Johnson and Engineer Kettle informed the board on the progress of the rate changes and updates. She noted that she will inform the board at a later meeting when decisions' have been made as to the changes of commercial billing and records updates as soon as all of the options have been addressed. Manager Wood also updated the board on the progress of the Policies, Procedures and Bylaws updates, noting more information to sift through. Manager Wood gave a presentation to the board regarding delinquent accounts, express bill pay, and informed the board that she will be doing a presentation on the emergency preparedness policy as soon as Shane Owens from Midway City Public Works had completed it and she had a chance to review the information.

Trustee Reports:

Mayor Bonner asked Trustee Gertsch about the Court proceedings from the previous day involving him and the current sewer project materials. She asked Trustee Gertsch how his actions depleted the integrity of MSD. Trustee Gertsch informed the board that he would sue KW Robinson back and have the company cited for trespassing on his property. Trustee Gertsch noted that he had asked KW Robinson to clean back his driveway and they did not. He contacted Engineer Johnson to inform him of this. Trustee Gertsch said that he then contacted Travis with Horrocks Engineering to inform him that he had taken 3 scoops of gravel. He then offered to pay for the gravel or bring them another load and KW Robinson refused to accept it and wanted to cite Trustee Gertsch for theft. He went to court, paid his fine and it is now resolved. Trustee Gertsch noted that he will cite KW Robinson and have them arrested for trespassing on his property as they have caused significant property damage. Chairman Cluff asked the board what the contract with KW Robinson mentioned about restoring property. Trustee Gertsch again noted that they [KW] has done significant property damage to his field and that they did not have permission to be on his property. Trustee Gertsch noted that even the Judge informed him that if someone came on his property without permission that it was trespassing. Mayor Bonner asked Trustee Gertsch if KW Robinson was running him a lateral. Trustee Gertsch noted that they were all around his property and this had nothing to do with running a lateral. He further noted that they [KW] have made ruts in his field. Mayor Bonner noted that it has been wet lately and ruts were inevitable. Trustee Gertsch noted that he was aware of that but KW Robinson needed to ask for permission before proceeding and that he had stopped them while they were there and they then met to figure out how to do the other laterals.

Chairman Cluff asked the board if there was a time frame as to when property needs to be restored. Engineer Johnson noted that a timeline has never been discussed. Chairman Cluff noted that weather was a defining factor of how quickly property could be restored. Engineer Johnson noted that he had asked KW Robinson when they would restore Trustee Gertsch's property. KW Robinson mentioned that they had postponed restoring the property until the weather was better due to making a bigger mess until the ground dried out. Trustee Gertsch noted that the other side of this issue was that he thought that he was helping KW Robinson. He had made them aware of the one part before they involved law enforcement and they refused to do anything about the problem because they wanted to prosecute him. He noted that they arrested him and he sat in jail for 3 hours and he had to post bail. Mayor Bonner mentioned that the board was already aware of

the happenings. Trustee Gertsch said that he was glad that they knew and that [KW Robinson] was going to sit in jail too. He noted that they had disrespected him and that he had asked Wes to work this out with them and KW refused. Mayor Bonner mentioned that she felt that they [KW] should have until the project was completed to restore the property due to the time of year. Trustee Gertsch said that that was fine but they will pay damages for crop and they did not have permission to go on the property, which the police confirmed. Trustee Gertsch said that he did not have permission to take 3 scoops of gravel but they were only talking about \$60 in gravel. Mayor Bonner noted that it did not matter how much it was but that it made the district look bad. Trustee Gertsch said whether it did or not that he apologized to them [KW] and that he apologizes to the board, and asked them what they wanted him to do. Mayor Bonner said that she thought that he should resign. Trustee Gertsch informed the board that he was not going to resign. Mayor Bonner also said that she thought that KW Robinson should have until the end of the project to fix the property. Trustee Gertsch said that it did not matter; they will be cited for trespassing because it's the law. He noted that charges would be filed against [KW] within a week because he waited to see if they could work something out and they refused. They [KW] blocked him from his cattle, he couldn't take them to the auction and the price has gone down; they sat there for a whole damn month after he asked them to clean back the driveway and they [KW] didn't. Trustee Gertsch noted that there were big rocks and boulders and he couldn't get in so he did it himself. He noted that this was not a one sided thing and if he had to he would also cite Heber Light & Power for their role in destroying his property.

Engineer Johnson drew the scenario on the whiteboard so that the board could have a visual of the damage done to the property to illustrate how out of bounds the trucks were while creating the damage. The board discussed Heber Light & Powers' role of holding the power line pole while the digging progressed. The Mayor asked how digging a lateral would not cause some damage. Trustee Gertsch noted that that was not the issue and that he had met with KW Robinson and HL&P to minimize damage of the upper part of the road which they did. But the lower half of Pine Canyon Road was damaged heavily due to the trucks being driven wherever they wanted. Trustee Gertsch noted that the issue was not that [KW] hadn't restored the property, but that they had broken the law and for that they would go to jail as well. Mayor Bonner noted that this would cause the prices of our future projects to go sky high because no one will want to work for the district. Trustee Gertsch noted that they [KW] should ask for permission to go on his property and that we were done discussing this.

Warrants & Financials:

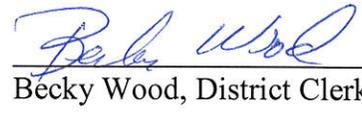
The warrant list for March 3, 2015 was presented for approval. (See copy in the warrant and supplemental files.) The financials of the district, including the month of January were presented as part of the packet for the board to review.

Mayor Bonner made a motion to approve the warrants for March 3, 2015. Trustee Gertsch seconded the motion that carried with all members voting aye.

Adjourn:

Mayor Bonner made a motion to adjourn the meeting at 8:19pm that carried with all members voting aye.


Alan Cluff, Chairman


Becky Wood, District Clerk