

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

**Tuesday, August 5, 2014 at 6:30 p.m.**

Minutes of the Midway Sanitation District Board of Trustees regular meeting held August 5, 2014 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, The Store 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  | Kraig Powell | Becky Wood |

**Others Present:**

Dale James (Representing Berg Engineering)  
Willa Motley (Horrocks Engineers)

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

**Approve the Agenda for August 5, 2014:**

Trustee Gertsch made a motion to approve the agenda for August 5, 2014. Mayor Bonner seconded the motion that carried with all members voting aye.

There was a discussion regarding a weed control problem at the Deer Creek Estates Development. Trustee Gertsch recommended sending the owner a letter explaining that if the weeds are not cleaned up asap that the board could reject the prior approval that was given to the development. Trustee Gertsch asked Manager Wood to send a letter to the owner asap noting that the cleanup should be completed before August 25<sup>th</sup>.

**Approve the Minutes of the July 1, 2014 Meeting:**

Trustee Gertsch made a motion to approve the minutes of the July 1, 2014 board meeting. Mayor Bonner seconded the motion that carried with all members voting aye.

**Higginson Greenhouse Project:**

Dale James (Berg Engineering) presented the Higginson Greenhouse project plat for review. He noted that any requested changes from Paul Berg have been completed on the documents. Trustee Gertsch recommended that the board should approve the line, but complete an analysis of the aquaponics impact on the sewer before approval is given. Engineer Johnson noted that it is the responsibility of the developer/owner to demonstrate the impact that the aquaponics will have on the sewer line. Engineer Kettle recommended that the owner pay fees up front to avoid any outstanding charges should impact tests be unsuccessful. Chairman Gertsch made a motion

to approve the sanitary sewer components of the project but recommended that the owner return before the board to seek approval for the aquaponics connection after tests have been conducted. Mayor Bonner seconded the motion that carried with all members voting aye.

**Resolution 2014-05 Adopting a Prepaid Out-of-Pocket Bonding Expense for all Developments**

Attorney Powell explained the policy set by Midway City of having the developer pay a percentage of the projected costs of a project up front, before a project begins. When bills come in from the engineer and attorney the costs are reimbursed through billing and eventually through this out of pocket account and has been set aside to use as needed. Attorney Powell noted an example of the policy would be to mandate a developer having a balance below 50% of the original fund amount to replenish the full amount (at the discretion of MSD). Engineer Johnson asked if MSD has the authority to mandate a developer replenish the full amount at 75% of project completion. Attorney Powell noted that based on the current scale of the city the percentage of the retainer fee was based on approx. \$750 dollars or \$400.00/eru whatever is greater. There was a discussion regarding retainer amounts and administrative issues of holding money. Attorney Powell noted that the first expense of a development should be to fulfil the out of pocket expense. Mayor Bonner mad a motion to table the resolution at this time. Trustee Gertsch seconded the motion that carried with all members voting aye.

**Resolution 2014-06 (Public Hearing) Adopting an Updated Capital Facilities Plan & Impact Fee Study completed by Horrocks Engineers:**

The board discussed changes to the Impact Fee Study on page 1-5, paragraph 3 regarding the annual adjustment fee that may be made by the board. Attorney Powell noted that the impact fee can be changed by the board per the cpi index. The board recommended changes to page 2-3 involving needed easements to utilize a piece of property and allow a developer/land owner a connection fee exemption for the use of their property. The board also discussed pages 4-3, 4-10 and page 1-5: exceptions to [businesses] regarding “waiving” impact fees instead, taking fees from the general fund and put into the impact fee fund.

Chairman Cluff opened the public hearing regarding Resolution 2014-06, Adopting an Updated Capital Facilities Plan & Impact Fee Study completed by Horrocks Engineers. After no public comment was received, Chairman Cluff closed the public hearing. Trustee Gertsch made a motion to approve Resolution 2014-06 with the discussed changes to be made by Horrocks Engineers. Mayor Bonner seconded the motion that carried with all members voting aye. Trustee Gertsch asked Manager Wood to include the redline changes/comments of the MSD Impact Fee Study in next month’s board meeting packets.

**Resolution 2014-07 (Public Hearing) Adopting an Impact Fee Enactment to Set the Amounts to be Charged for the District’s Impact Fees:**

Chairman Cluff opened the public hearing regarding Resolution 2014-07 Adopting an Impact Fee Enactment to set the amounts to be charged for the District’s Impact Fees. After no public comment was received, Chairman Cluff closed the public hearing. Mayor Bonner made a motion to approve Resolution 2014-07 with the above discussed changes to be made by Horrocks Engineers. Trustee Gertsch seconded the motion that carried with all members voting aye.

### **Election & Board Term Changes:**

There was a discussion held in regards to a new bill passed by the State Legislature regarding the changing of a local district election from a municipal election to a county election in order to increase voter turnout and save election costs of the district as well as extending the terms of the current elected board members an additional year. Trustee Gertsch made a motion to not approve the elections change, keeping the elections at a municipal level. Chairman Cluff seconded the motion that carried with all members voting aye.

### **Engineer Reports:**

Engineer Kettle informed the board that flows were down ½ million gallons from last month. He noted that Val Kotter had finished videoing the lines and he would be reviewing them asap. He also informed the board that a sewer line in Interlaken has settled. Engineer Kettle noted that he had an appointment with contractor of the Interlaken project next week to see what he can do to fix the issue. A discussion was held in regards to warranty bonds of finished projects. Engineer Johnson proposed that MSD require a bond on the warranty period of finished projects. Engineer Kettle recommended requiring a contractor to tv lines after a finished project to check for settling at the cost of MSD to be sure that the project and video inspection are up to the correct standards. Engineer Johnson neted that in regards to the capital improvement projects upper pine canyon road is scheduled to pave this week but due to rain it has been postponed. Hopefully paving will begin next week. He noted that rock has been a major issue in this construction project and KW Robinson is doing an excellent job.

### **Manager Report:**

Manager Wood reported that the Tarahumara grease trap was still having issues and that Jason had been monitoring the amount of grease weekly. She noted that staff meeting was scheduled for August 13 at 1pm. She informed the board that the MSD workers comp policy had been cancelled by Workers Comp. She had discussed this issue with Moreton and Company and they had said that the cancelling of the policy was okay due to employees working under the City. It was determined that Manager Wood would talk to Georgia about workers comp issues and complications and see if an Interlocal insurance agreement would be necessary.

### **Trustee Reports:**

There were no Trustee Reports at this time.

### **Warrants & Financials:**

The warrant list for August 5, 2014 was presented for approval. (See copy in the warrant and supplemental files.) Trustee Gertsch made a motion to approve the warrants for August 5, 2014. Mayor Bonner seconded the motion that carried with all members voting aye. The financials of the District including the month of June were presented as part of the packet for the board to review.

### **Adjourn:**

Mayor Bonner made a motion to adjourn the meeting at 8:17 pm. Trustee Gertsch seconded the motion that carried with all members voting aye.

  
Alan Cluff, Chairman

  
Becky Wood, District Clerk