

MINUTES OF THE MEETING OF THE TRUSTEES
OF THE CENTRAL WEBER SEWER IMPROVEMENT DISTRICT (CWSID)
HELD MONDAY, JULY 15, 2024, AT 5:00 PM, AT THE DISTRICT OFFICE
LOCATED AT 2618 WEST PIONEER ROAD, MARRIOTT-SLATERVILLE, UTAH.

Trustees Present: Mark Allen, Neal Berube, Sheri Bingham, Bart Blair, Gage Froerer, Rich Hyer, Braden Mitchell, Ben Nadolski, Russ Porter, Scott VanLeeuwen, Rob Vanderwood, and Rod Westbroek.

Trustees Excused: Bob Blind, Leonard Call, and Michelle Tait.

Others Present: Kevin Hall, Camille Cook, James Dixon, Mark Anderson, Clay Marriott, Shawn Wilson, Brandon Cooper (Riverdale City), Dallin Curriden (BlackPine), and Ryan Bench (Carollo Engineers).

Call to Order

Chairman Allen called the meeting to order at 5:00 p.m.

The pledge of allegiance was led by Trustee Mitchell.

The invocation was offered by Trustee Berube.

Public Comment

Trustee Bingham arrived.

There were no public comments.

Minutes of June 10, 2024 Board Meeting Approval

It was moved by Trustee VanLeeuwen and seconded by Trustee Mitchell as follows:

That the June 10, 2024 Board meeting minutes be approved as presented.

The motion carried by the affirmative vote of Trustees Allen, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, VanLeeuwen, Vanderwood, and Westbroek. Trustee Berube abstained from voting, as he was not in attendance at the June 10, 2024 Board meeting.

Ratification of Vouchers

Camille Cook reminded the Trustees about vouchers that previously were approved by the Board prior to payment, and recommended ratification of the June 2024 Check Register, which is an itemized list of all payments made by the District during June, in the total amount of \$3,735,247.54.

It was moved by Trustee Porter and seconded by Trustee Hyer as follows:

That the June 2024 Check Register be ratified and approved as presented, in the total amount of \$3,735,247.54.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, VanLeeuwen, Vanderwood, and Westbroek.

Consideration of Purchases, Capital Projects, and Expenditures

James Dixon presented the Drying Bed Rehabilitation Project to the Board. Mr. Dixon explained that the sludge drying bed is an essential part of the District’s sewage treatment process. By drying sludge, the total volume and weight of material that must be hauled from the plant is greatly reduced. In 2021, an expansion was completed to add drying capacity, but the original portion of the drying bed is more than 20 years old and needs to be rehabilitated. District staff have worked with JUB Engineers to complete a design for rehabilitation that can be constructed over the next year.

JUB Engineers developed the design, and bids were opened for this Project on July 2, 2024. The bid tabulation results are shown below:

| Bidder | Bid |
|---------------------|---------------------|
| BHI Corporation | \$ 1,819,165 |
| Black Forest Paving | \$ 1,976,534 |
| Geneva Rock | \$ 2,010,437 |
| Post Asphalt | \$ 1,604,820 |
| Staker & Parson | \$ 2,456,420 |

Due to the possibility of currently unknown conditions related to the rehabilitation Project, and previous experience with earthwork projects in the area, JUB recommended that the Board consider approval of a 28% contingency fund related to potential additional earthwork. The Project was bid using unit pricing, so payments will be based on actual volumes. The contingency will be used to cover overages related to such things as poor soils that may be encountered below the existing asphalt. The contingency funds won’t be awarded to the contractor at this time, but would be available to expend via written change orders with the CWSID General Manager’s approval.

Mr. Dixon recommended approval of the award of a contract to the lowest cost bidder, Post Asphalt, for \$1,604,820 for the Drying Bed Rehabilitation Project. District staff also recommended that an additional \$447,000 be approved for anticipated possible change orders on this Project, pending approval by the District’s General Manager. The total amount recommended for approval for the Project was up to \$2,051,820.

Trustee Hyer asked if this is a simple resurfacing asphalt project and, if the contractor discovers unfavorable soil conditions, should it be the responsibility of the contractor to absorb the extra costs? Mr. Dixon responded that the subsurface is an unknown and could be considered a change in condition; hence the contingency request. Trustee Hyer stated that the District has learned from previous experiences, and this approach reflects prudent planning ahead. Trustee Berube asked if the contract amount would be decreased if the contractor doesn’t need to remove as much soil as anticipated. Mr. Dixon replied that the contractor will be paid based on the contractor demonstrating how much soil had to be removed. The contracted work is limited to the bid price and does not include contingency work, which could be the subject of change orders.

The need to utilize the contingency fund must be demonstrated to the General Manager's satisfaction before additional funds could be paid as provided in a change order. The contingency fund will be available to keep work moving forward if unsuitable material is encountered.

It was moved by Trustee Bingham and seconded by Trustee Hyer as follows:

That the Drying Bed Rehabilitation Project contract be awarded to Post Asphalt in the amount of \$1,604,820; and that an additional project contingency amount of \$447,000 be approved for anticipated change orders on this Project, subject to General Manager approval.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, VanLeeuwen, Vanderwood, and Westbroek.

Project Updates of Major Capital Projects

Mr. Dixon updated the Trustees regarding work by Gerber Construction on the Phase 2 Expansion and UV (ultraviolet light) Disinfection Project. This Project is now 53% complete, and the estimated completion date is still the spring of 2026. Gerber Construction plans to continue at a pace of approximately \$2,000,000 each month, and anticipates that work may be completed ahead of schedule.

Certification of Annexation/Withdrawal Petitions

There were no Petitions to be certified.

Review and Consideration of Resolution 2024-11: Interlocal Agreement with Promontory Commerce Center PID (Public Infrastructure District)

Kevin Hall introduced Dallin Curriden, representing the Promontory Commerce Center PID. Mr. Hall explained that, last year, the Board adopted Resolution 2023-09, which established terms pursuant to which CWSID would accept responsibility to own and operate sanitary sewer facilities built by a future PID in the West Weber area. The Resolution was adopted at the request of Weber County and representatives of the developer (Blackpine). Following the adoption of that Resolution, three Promontory Commerce Center PIDs were formed and approved by Weber County. The planned facilities that currently are being designed include a pump station, a force main, and gravity pipes that will connect to existing CWSID facilities. The Promontory Commerce Center PIDs requested that the CWSID Board approve an Interlocal Agreement with the PIDs pursuant to which CWSID will own and operate specified facilities once construction is complete. Mr. Hall and Mark Anderson have reviewed the Interlocal Agreement and verified that it is consistent with applicable state law and the terms set forth in Resolution 2023-09.

Trustee Froerer added that the Promontory Commerce Center project may partially be funded by ARPA money through Weber County. Trustee VanLeeuwen asked where the remainder of the funding will come from. Trustee Froerer responded that anyone who purchases land within the project will pay taxes to the PIDs.

It was moved by Trustee Froerer and seconded by Trustee Nadolski as follows:

That Resolution 2024-11 be adopted and approved, thereby approving an Interlocal Cooperation Agreement with the three Promontory Commerce Center PIDs.

The motion carried, by a roll call vote, with Trustees Allen, Berube, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, Vanderwood, and Westbroek each voting in the affirmative and Trustee VanLeeuwen voting nay.

Review and Consideration of Resolution 2024-12: Appointing Kevin A. Hall to Riverdale Taxing Entity Committee

Mr. Hall explained to the Trustees that the Riverdale West Bench RDA (the "Riverdale RDA") project area already exists. It was formed in 2005, including a taxing entity committee (TEC). Lance Wood, the former General Manager of CWSID, was on that committee. The Riverdale RDA is currently seeking an extension for that RDA project area that will require the TEC to meet and consent. Mr. Hall recommended that the Board appoint a new representative to the TEC and, as General Manager, he volunteered to be that representative.

Mr. Hall stated his intent to act in accordance with the TIF Guiding Principles Policy adopted by the Board in 2022, unless otherwise instructed by the Board. Mr. Hall anticipates that the RDA will request terms that conflict with the Guiding Principles Policy, and noted that the Board may wish to consider making an exception to that Policy for this already established RDA.

Trustee Hyer asked about the identity of the other members of the TEC. Brandon Cooper, from Riverdale City, responded that there is a representative from Weber School District, a Utah State School Board representative, two representatives from Weber County, and two representatives from Riverdale City, along with the CWSID representative who will also represent other taxing entities.

Trustee Porter asked if Mr. Hall wanted to serve on the Committee. Mr. Hall responded that he is willing to serve as the representative of CWSID and of the other taxing entities, conditioned on all of the taxing entities joining in his appointment.

Trustee Mitchell asked Mr. Anderson if he should recuse himself on this agenda item due to his representation of Riverdale City. Mr. Anderson responded that Trustee conflicts may be declared as agenda items are considered that involve cities that are represented on the Board, but Trustee Mitchell may vote on the item after declaring his conflict.

It was moved by Trustee Hyer and seconded by Trustee Porter as follows:

That Resolution 2024-12, Appointing Kevin A. Hall to the Riverdale Taxing Entity Committee, be adopted and approved.

The motion carried, by a roll call vote, with Trustees Allen, Berube, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, VanLeeuwen, Vanderwood, and Westbroek each voting in the affirmative.

Review and Consideration of Riverdale West Bench RDA Project Area Extension Policy Exception

Mr. Hall recommended that this agenda item be tabled. Representatives of the Riverdale West Bench RDA plan to make a presentation to the Board; but the representatives weren't prepared to present information tonight and requested a later presentation date.

It was moved by Trustee Hyer and seconded by Trustee Mitchell as follows:

That the Riverdale West Bench RDA Project Area Extension Policy Exception be tabled to be discussed later.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, VanLeeuwen, Vanderwood, and Westbroek.

Consideration of Real Property Proposals

Mr. Hall recommended that the Board go into a closed meeting to discuss a real property proposal before considering this agenda item.

Possible Closed Meeting Concerning Pending & Threatened Litigation, Purchase of Real Property and/or Personnel Issues

It was moved by Trustee Hyer and seconded by Trustee Porter as follows:

That the Board go into a closed meeting to discuss real property proposals (the purchase, exchange and/or sale of real property).

The motion carried, by a roll call vote, with Trustees Allen, Berube, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, VanLeeuwen, Vanderwood, and Westbroek each voting in the affirmative.

Chairman Allen asked members of the public to step out of the Board room and invited District staff members Kevin Hall, Camille Cook, Paige Spencer, James Dixon, and Mark Anderson to remain in the closed meeting, along with Trustees Allen, Berube, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, VanLeeuwen, Vanderwood, and Westbroek.

Chairman Allen declared the Board meeting to be closed at 5:25 p.m.

Chairman Allen declared the meeting to again be open at 5:34 p.m., and the doors to the Board room were opened so members of the public could re-enter. No action was taken during the closed portion of the meeting, other than the approval of a motion to end the closed meeting and return to open session.

Consideration of Real Property Proposals

The Board returned to agenda item 9.

It was moved by Trustee Hyer and seconded by Trustee Porter as follows:

That the General Manager be authorized to negotiate and execute an exchange agreement on behalf of the District as discussed by the Board.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, VanLeeuwen, Vanderwood, and Westbroek.

General Manager

Mr. Hall reminded the Trustees that, next month, the Board will hold a Truth-in-Taxation public hearing starting at 6:00 p.m. Consequently, Mr. Hall suggested that the August 19, 2024 Board meeting begin at 5:30 p.m.

Mr. Hall also stated that each Trustee is required to report, as an agenda item during a public meeting of the municipal or county legislative body that appointed the Trustee, that the District Board of Trustees will consider a property tax increase and will hold a Truth-in-Taxation public hearing at 6:00 p.m. on August 19, 2024 at the District’s office. Any citizen who has questions should contact the District or attend the public hearing.

Trustee Hyer requested that additional information be provided to the Trustees to present during the discussion in their respective appointing legislative body public meetings. Ms. Cook responded that staff will provide additional information to the Trustees as requested.

Attorney

Mr. Anderson had nothing additional to report. Chairman Allen thanked Mr. Anderson for all of his work on the PID Agreement.

Other Business

None.

Adjournment

There being no further business to come before the Board, it was moved by Trustee Hyer and seconded by Trustee Van as follows:

That the Board meeting be adjourned.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Froerer, Hyer, Mitchell, Nadolski, Porter, VanLeeuwen, Vanderwood, and Westbroek.

Chairman Allen declared the meeting to be adjourned at 5:42 p.m.

Approved by the Board of Trustees of the Central Weber Sewer Improvement District on the 19th day of August, 2024.

Mark C. Allen, Chairman

ATTEST:

Camille Cook, Clerk