



G R E A T E R   S A L T   L A K E

## **Municipal Services District**

### **MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT**

Held Wednesday, December, 13 2023, at 6:00 p.m.  
At 2001 South State Street  
Room N2-800  
Salt Lake City, UT 84190

#### **Trustees Present:**

Joe Smolka, Chair  
Keith Zuspan, Vice-Chair  
Kelly Bush (via Webex)  
Sean Clayton (via Webex)  
Paulina Flint  
Dan Peay  
Laurie Stringham (via Webex)

#### **Staff Present:**

Brian Hartsell, Associate General Manager  
Stewart Okobia, Director of Finance  
Tabitha Mecham, Executive Assistant  
Trent Sorensen, Director of Planning and Development Services  
Izabela Miller, Director of Information Technology (via Webex)  
Mark Anderson, Legal Counsel  
Kirk Boyington, Chief Building Official (via WebEx)  
Maridene Alexander, Communications Manager

#### **Others Present:**

Shane Ellis, Salt Lake County Public Works Engineering  
Jared Steffy, Salt Lake County Fiscal Manager  
Judge Shauna Graves-Robertson, Salt Lake County Justic Court (via Webex)  
Ryan Anderson, Salt Lake County Program Manager Municipal Services and Planning (via Webex)  
Lilibeth Iba, Salt Lake County Justice Court (via Webex)  
Scott Little, photographer  
Al Peterson, Kearns Metro Township Council Member (via WebEx)  
David Brickey, Magna Metro Township Administrator

#### **1. Call to Order**

Chair Smolka called the meeting to order at 6:00 p.m.

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#### **Trustees**

**Joe Smolka**   **Keith Zuspan**   **Kelly Bush**   **Sean Clayton**   **Paulina Flint**   **Dan Peay**   **Laurie Stringham**  
**Chair**   **Vice Chair**

## **2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

## **3. Public Comments**

There were no public comments.

## **11. Approve refund request with a follow-up letter to the Salt Lake County Justice Court**

Agenda item 11 was considered out of order.

Stewart Okobia and Jared Steffy presented the dollar amount that should be requested to be refunded by the Justice Court due to overpayments. During the discussion, Judge Shauna Graves-Robertson stated that, according to her interpretation of the contract, the Justice Court was properly billing the budgeted amount, and so the Justice Court doesn't owe a refund. Jared Steffy agreed to send the cited portion of the contract for Stewart and Mark Anderson to review, since another section of the contract states that billings are to be based on actual costs. Mark stated that a letter requesting a refund could be drafted, but that it would be prudent to review the contract.

**Trustee Flint moved that a letter be drafted to request a refund from the Justice Court as per Mark Anderson's review. Trustee Peay seconded the motion. Trustees Smolka, Flint, Peay, and Zuspan each voted "aye". Trustees Bush, Clayton, and Stringham voted "nay". Due to the statutory weighted voting formula that applies to the MSD Board, the motion failed.**

## **15. Recognition of council election results**

Agenda item 15 was considered out of order.

The Trustees reviewed the 2023 election results for the Copperton Metro Township, the Emigration Canyon Metro Township, the Kearns Metro Township, the Magna Metro Township, the White City Metro Township, and the Town of Brighton. Trustee Peay chose not to run for re-election to the Magna Metro Township Council, where he has served as Mayor. Consequently, Magna's new Mayor will replace him on the MSD Board, starting in January.

**In recognition of Trustee Dan Peay's years of service, Chair Smolka moved to adopt Resolution 2023-12-02, which recognized and expressed the Trustees' heartfelt appreciation for Trustee Peay. Trustees Bush, Clayton, Flint, Stringham and Zuspan each seconded the motion. The motion carried with Trustees Smolka, Bush, Clayton, Flint, Peay, Stringham and Zuspan each voting "aye".**

## **4. Approve Board Meeting Minutes for August 9, 2023, August 23, 2023 and October 11, 2023**

**Trustee Peay moved to approve the August 9, 2023, August 23, 2023 and October 11, 2023 Board meeting minutes as presented. Trustee Flint**

**seconded the motion. The motion carried with Trustees Smolka, Bush, Clayton, Flint, Peay, Stringham and Zuspan each voting “aye”.**

**5. Discuss SB 174 amendments and services provided by State Grants through Smith Hartvigsen**

Brian Tucker presented an update on the impact of SB 174. Some aspects of the Bill are mandatory and have compliance deadline dates in 2024. Brian stated that he spoke with Jay Springer, an attorney at Smith Hartvigsen, and identified language that will need to be adjusted in the municipal Codes. The Board requested that a calendar be created so the municipal Council members will know how long they have to complete each requirement. Brian agreed to prepare and distribute a calendar.

**6. Approve the construction management contract with Consor North America, Inc., in the amount of \$180,179.51 for the Railroad portion of the 4700 South project in Kearns**

Shane Ellis presented the Contract. He stated that Mark Anderson has approved the contract as to form, and the cost falls within the budgeted amount.

**Trustee Flint moved to approve the Construction Management Contract with Consor North America, Inc. in the amount of \$180,179.51 for the railroad portion of the 4700 South project in Kearns. Trustee Peay seconded the motion. The motion carried with Trustees Smolka, Bush, Clayton, Flint, Peay, Stringham and Zuspan each voting “aye”.**

**7. Approve the contract modification with Consor North America, Inc. in the amount of \$120,337.09 for construction management services for the 4700 South project in Kearns**

Shane Ellis stated that this work also is for a project in Kearns. A Contract Modification is needed because, due to no fault of the contractor, the number of working days will be more than the allotted time period that is provided for in the Contract. This eventuality was not budgeted for, but falls within the budgeted contingency amount.

**Trustee Flint moved to approve the Contract Modification with Consor North America, Inc. in the amount of \$120,337.09 for construction management services for the 4700 South project in Kearns. Trustee Peay seconded the motion. The motion carried with Trustees Smolka, Bush, Clayton, Flint, Peay, Stringham and Zuspan each voting “aye”.**

**8. Approve the construction management contract with Wall Construction Group in the amount of \$166,363.52 for the 2820 South Sidewalk Project in Magna**

Shane Ellis stated the design work has been completed and the project is ready to go out to bid. Wall Construction Group did the design work and Shane recommended that it would be beneficial to Magna and the MSD to have the same firm also oversee construction management for the project.

**Trustee Peay moved to approve the Construction Management Contract with Wall Construction Group in the amount of \$166,363.52 for the 2820 South Sidewalk Project in Magna. Trustee Flint seconded the motion. The motion carried with Trustees Smolka, Bush, Clayton, Flint, Peay, Stringham and Zuspan each voting “aye”.**

**9. Adoption of Resolution 2023-12-01 approving an Interlocal Agreement between the MSD and Salt Lake County for contribution of grant funds and matching funds for restoration of restrooms in Emigration Canyon Metro Township**

Brian Hartsell stated that this Interlocal Agreement will provide funding to reimburse part of the cost of a restroom restoration project in Emigration Canyon that was recently completed. In 2018 or 2019, a Division of Water Quality (DWQ) grant was awarded to Salt Lake County in the amount of \$40,000. Salt Lake County also informally promised to match an additional \$40,000, for a total of \$80,000. This Agreement will formalize the County match and the transfer to the MSD of the DWQ grant money that was obtained by the County.

**Trustee Flint moved to adopt Resolution 2023-12-01, approving an Interlocal Agreement between the MSD and Salt Lake County for the contribution of grant funds and matching funds for the restoration of restrooms in the Emigration Canyon Metro Township. Trustee Peay seconded the motion. The motion carried with Trustees Smolka, Bush, Clayton, Flint, Peay, Stringham and Zuspan each voting “aye”.**

**10. Discuss updated information from the US Department of the Treasury on the obligation and expense of ARPA funds**

Brian Hartsell briefly explained the differences between how the ARPA guidelines define “obligated” and “expended”, as they each have different associated deadlines. His explanation was a follow-up to an email that included a clarification from the United States Department of the Treasury.

**12. Approve the contract extension with Smith Hartvigsen for Land Use Legal Services**

Brian Hartsell presented a draft letter agreement for a contract extension with Smith Hartvigsen. Mark Anderson has recommended a few redline edits, all of which have been accepted by Smith Hartvigsen. This contract covers legal services associated with land use. This item will appear on a future Board meeting agenda.

**13. Update on Information Technology**

Izabela Miller presented an update regarding Centricity. About 6 weeks ago, the new technology went live. There has been a lot of feedback, and it has been determined that the vendor will not be able to meet the MSD’s standards. Consequently, MSD management has decided to revert to the original portal with Cityworks.

#### **14. Discuss the status of the lease negotiations for 310 Bearcat Drive**

Brian Hartsell presented an update regarding lease negotiations for 310 Bearcat Drive. Brian stated that a good faith effort is being made to negotiate a letter of intent. A response has been received from the landlord. MSD staff members have met with the agent, and the agent will draft a response that should be available for Marla Howard to review when she returns.

#### **16. General Manager report**

Brian Hartsell presented the General Manager's Report in Marla Howard's absence:

- There will be a holiday breakfast on December 20<sup>th</sup> at 9:30 a.m., and everyone is invited.
- On December 6<sup>th</sup>, Brian sent an email regarding Jim Woodward's retirement. The email included contact information related to emergency management needs.
- RJ Mauldin is the new Grading Review Specialist.
- A Code Enforcement position is now open.
- The first round of interviews began on December 12 for the Economic Development Manager position.

#### **17. Other Metro Township, Town, Unincorporated County and Greater Salt Lake Municipal Services District business**

There was no other business to be considered by the Board.

#### **18. Discussion of future agenda items**

No future agenda items were suggested by anyone.

#### **19. Discussion of the character, professional competence, or physical or mental health of an individual (possible closed meeting pursuant to Utah Code Ann. § 52-4-205(1)(a))**

There was no need to discuss this agenda item.

#### **20. Discussion of pending or reasonably imminent litigation (possible closed meeting pursuant to Utah Code Ann. § 52-4-205(1)(c))**

There was no need to discuss this agenda item.

#### **21. Adjourn**

**Trustee Zuspan moved to adjourn the Board meeting. Trustee Peay seconded the motion. The motion carried with Trustees Smolka, Bush, Clayton, Flint, Peay, Stringham and Zuspan each voting "aye".**

Chair Smolka declared the meeting to be adjourned at 7:12 p.m.

**Approved by the Board of Trustees of the Greater Salt Lake Municipal Services District on the 14<sup>th</sup> day of February, 2024.**

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Joe Smolka, Chair

**ATTEST:**

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Stewart Okobia, Clerk